



Board Agenda Item #	Agenda #II. C
Date:	October 5 <sup>th</sup> 2017
To:	Magnolia Board of Directors Facilities Committee
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Suat Acar, COO Mustafa Sahin, Principal
RE:	MSA 1 Zone Variance RFP Bid

Proposed Board Recommendation

I move that the MPS Facilities Committee recommends approval of the MSA-1 Zone Variance winning RFP bid to the vendor Rabuild Commercial LLC.

The evaluation committee consisting of Mr. Tim Buresh from Primesource Project Management, Mr. Suat Acar, Chief Operations Officer of MPS and Mr. Mustafa Sahin, Principal of MSA-1 will meet on September 29<sup>th</sup> 2017 to decide on the best bid for the project. The evaluation committee will inform the Finance Committee of the winning bid the day of the committee meeting.

Background

Please see attachment named “Zoning issues at MSA-1 Reseda”. This document is prepared by the Construction Management (CM) Company of MSA 1 Construction Project: Primesource Project Management.

Budget Implications

Funding Source: 2017 Bond  
Amount: TBD (over \$25,000,  
requires board approval)

How Does This Action Relate/Affect/Benefit All MSAs?

Upon completion of the MSA 1 Construction Project, the school will increase the number of enrolled students to 912 in 5 years. This will help strengthen MPS’s financial power.

Name of Staff Originator:

Suat Acar, COO  
Mustafa Sahin, principal.

 <p><b>PRIMESOURCE PROJECT MANAGEMENT</b> Project Leadership   Project Success</p>	<p><b>Board Informative: Zoning Issues at MSA-1</b></p>

**Board Informative: Zoning Issues at MSA-1 Reseda Campus**

**Date: September 26, 2017**

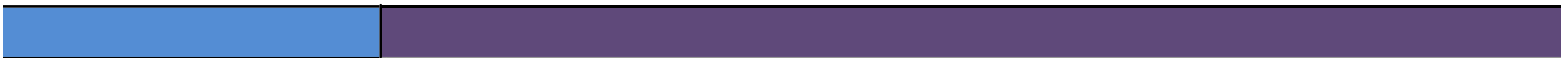
The MSA-1 campus has operated under a series of Zoning Variances issued by the City of Los Angeles. Zoning variances are legally binding documents that govern the use of the property as a school. MSA-1 is required to comply with the terms of a zoning variance or is subject to enforcement actions by the City, which can range up to ordering that the property not be used as a school. The main cause of a zoning variance for this site is the use of a portion of the parking lot as a food service area for the students. Zoning variances are temporary, not permanent solutions.

The most recent zoning variance, ZA 2014-0995(ZV) controls the use of the property including the recently acquired parcel planned for the high school. The zoning variance imposed a long list of operational restrictions and requirements such as requiring signage and locating the food service area away from residential neighbors. MSA-1 has substantially complied with these operational requirements.

However, the zoning variance also imposed several physical development requirements that have not been fulfilled:

- A requirement to re-stripe the parking lot to provide 91 parking slots to serve the school after the school created the food service area.
- A requirement to submit and obtain City approval of a traffic plan for the alley and parking lot and then make improvements defined by that plan.
- A requirement to “repair” the drainage issue at the rear of the site.
- A requirement to submit plans and get City approval to landscape the rear 16 foot wide strip of the property that serves as a drainage swale, and then to landscape and maintain that landscaping.

This has now become an urgent issue because the City of Los Angeles will not approve building permits for the new high school building until these outstanding issues are addressed. It may not be practical or even possible to comply. For example, the current zoning variance did not anticipate the parcel purchase and development of the new high school building and conversion of the existing building to a middle school. Development of the high school has actually reduced parking from 91 slots to less than 50 slots; it would be a waste to build more parking than is



necessary for the school. For example, the zoning variance anticipated that there was a drain line that could be restored to fix the drainage problem; no such line exists. Addressing drainage will require an engineered solution that requires City approval.

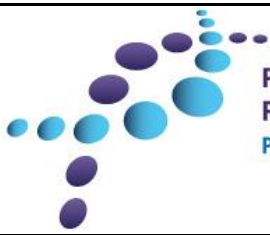
The current building design also did not address these issues. For example, the site plan has addressed parking for the high school alone and ignored the balance of the site or the impact of the high school on the existing building: by removing the existing gymnasium and converting the existing classroom building to a middle school, parking demand is reduced from 91 to approximately 20 parking slots. The current design has also ignored the landscaping issue and site drainage issue.

It is unlikely that final building permit approvals can be obtained without first securing another zoning variance that addresses both the current buildout of the site and future development such as a multipurpose building. Obtaining zoning variances requires special expertise. Staff has issued an RFP for zoning consulting services. Responses are due this week (9/29/17) and the contract will be awarded as quickly as possible. Although the zoning variances sought are actually relatively minor, the administrative process of the City of Los Angeles is notoriously slow. Any undue delay in resolving these issues risks the completion of the new building by Fall 2018.

It also makes no sense to proceed with a zoning variance that does not consider a future third building on campus. This building may not be built for some time, but zoning should be cleared for its future development now and so that the rest of the site can be designed now to accommodate that building and avoid tearing out and redoing development at a future date. Also, the only way to remove the primary cause of a perpetual zoning variance is to move food service indoors. Staff will meet with the Board for discussion and direction on a possible third building in the near future. If directed by the Board, staff will pursue a Conditional Use Permit to formally allow the development of the third building without further zoning issues.

In the meantime, staff will use the current architect to develop a comprehensive site plan that can be used to support the new variance process, revise the parking lot to accommodate entire campus parking needs, and to develop landscape and drainage plans for the entire site. This will require a change order to the current architect's contract.

Staff will also approach City Planning staff to attempt to find an interim solution that will allow the high school building to proceed.



## **Board Informative: Zoning Consultant Selection and Recommendation**

**Date: October 2, 2017**

### **Action Requested: Board approval to retain zoning consultant**

Background: The MSA-1 site has multiple zoning related issues to resolve. {Reference Board Informative: Zoning Issues at MSA-1, dated 9/26/17}  
A consultant specializing in zoning is required to resolve these issues.

Staff issued a Request for Proposals dated 9/14/2017 with a due date of 9/19/17. Staff called three zoning consulting firms to solicit their participation. Two requested additional time. The due date was then extended to 9/29/17. Three firms submitted proposals. Those proposals were evaluated according to the attached rubric. Staff ranked the proposals as follows:

1. Rabuild Commercial Services LLC
2. Figueroa Media Group (FMG)
3. Land Developers Corp.

There were several critical factors in differentiating the proposers.

- Land Developers did not send in a compliant proposal. Instead, they updated a previously submitted letter of agreement. Besides missing relevant information, like references and background, this non-compliant response raises concern over their ability to pay attention to detail and take direction.
- The nature of the firms differs. Rabuild is focused narrowly on zoning and land use entitlement practice, has done so for more than 15 years, proposed a Project Manager who has done over 100 zoning projects, has completed three other similar projects in Reseda, and offered references for owners who required similar services.
- FMG is more broadly focused stressing community outreach and the resolution of political issues in addition to zoning and land use entitlement, proposed a Senior Manager who is more political than technical, proposed a Project Manager whose background is in

aviation and is based in San Diego County, and offered references for an economic study related to a CRA redevelopment.

- MSA-1 requires two different phases of service – resolving the immediate zoning questions sufficient to allow an immediate building permit for the high school building and associated site development, and then obtaining necessary clearances for the third building on campus if and when the Board elects to proceed. Only Rabuild recognized sufficiently the two-step approach.
- There are significant cost differences. Rabuild’s Time and Material estimate of cost is \$50,000. FMG’s lump sum cost is \$27,000. However, Rabuild’s costs estimate was a worst case scenario, with the greatest effort and time involved and the cost estimate included the cost of resolving the initial and immediate zoning problems. Rabuild’s cost estimate assumed that they would prepare a greater share of the required documentation than FMG. Rabuild proposed a Time and Material fee structure; the other proposers proposed fix fee services with onerous termination fees. Given the early stage of planning related to the third building, which may or may not be built, it is unwise to be locked into a fixed fee based on a full scope of service.
- Rabuild requires a retainer of \$3,500. FMG requires a retainer of 5,000.
- The proposed agreements by both Rabuild and FMG are acceptable.

**Action requested:** Staff recommends that a contract to Rabuild Commercial LLC be authorized on a Time and Material basis with an initial Not to Exceed amount of \$25,000. If and when the Board elects to proceed with entitlement for a third building on campus, this amount will be increased accordingly.

**Attachments:**

- Evaluation Rubric
- RFP
- Time Extension
- Proposed Rabuild letter agreement





## Request for Proposals – Zoning Variance Consulting Services - Evaluation Rubric

Minimum Evaluation Criteria			
Proposer Name	Rebuild Commercial Services	Figueroa Media Group (FMG)	Land Use Developers Corp.
Proposal on time?	Yes - 9/28	Yes - 9/29	Yes-9/26
Proposal responsive?			
1. Cover Letter	Yes	Yes	
2. General Information	Yes	Yes	Yes
3. Zoning experience	Yes	Yes	No
4. References	Yes	Yes	No
5. Project approach	Yes	Yes	No
6. Resumes	Yes	Yes	No
7. Insurance	Yes	Yes	No
8. Budget	Yes	Yes	Yes
9. Proposed contract	Yes	Yes	Yes
Responsive?	Yes	Yes	No

Evaluation			
1. Cover Letter	OK	OK	
2. General Information	OK	OK	0
3. Zoning experience	Firm specialises in zoning related issues and land use - multiple projects completed in Reseda	Firm specialty primarily in community outreach, regulatory approvals of all sorts, in addition to zoning and land use permits.	NIC
4. References	Received 3 references, all developers seeking permits	Received 3 references, all related to economic development study work, not development approval - work was doen for CRS so somewhat dated	NIC
5. Project approach	Approach is worst case - if project requires Variance, Conditional Use Change, Genral Plan Ammedment zone Change (not required), MND/CEQA	Firm read the current zoning documents and has a plan to reconcile.	None



**Request for Proposals – Zoning Variance Consulting Services - Evaluation Rubric**

6. Resumes	Veronica Becerra - Principal will do most of the work, more than 100 zoning variances in City LA, +15 years doing this	Nathan Freeman - Project Manager - former Nate Holden Council deputy, more of a City of LA generalist than a zoning specialist.	None
7.a Insurance - General	OK	OK	NIC
7.b Insurance - Auto	OL	NIC	NIC
8.a Budget - proposed fee structure, reimbursable expense estimate, rate schedule	Fee based on worst case scenarior T&M - \$25,000 research and prep for third building and to resolve current zoning issues; \$25-30,000 filing applications; \$3,500 retainer; no minimum cost	Lump Sum - \$27,000, paid in full even if terminated early; expenses included (NIC City fees) - all for third building; NIC fees to resolve current zoning issues	Lump sum fee \$18,000, \$6,000 non-refundable fee plus \$2,000 deposit - plus permit expediting at \$175/hour - all for third building; NIC fee to resolve current zoning variance issues
	Expenses - reimbursable list included	Expenses included	Resimbursables called out but not specified
	Rates OK - Principal Becerra \$220; Planning Asst - \$165; Support - \$65-90/hour	Rates OK - Princiapl Charlston \$150; PM Freeman \$125/hr; Support \$90-125	Rates seem very high - Senior staff \$350-385/hr; expediter fees \$175/hr also higher
9. Proposed contract	Straightforward simple consulting agreement	Complicated contract; termination adverse to MSA; all materials prepared by MSA archit et or others	Contract very thorough, but inappropriately favors consultant numerous areas.

<b>Proposal ranking</b>	<b>1st</b>	<b>2nd</b>
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**REQUEST FOR PROPOSALS  
ZONING VARIANCE CONSULTING  
SERVICES**

**MAGNOLIA SCIENCE ACADEMY 1  
RESEDA CAMPUS**

**18238 Sherman Way  
Reseda, CA 91335**

**Posted**

Date Posted: 9/14/2017

**Submit Responses To:**

**Timothy Buresh**

tim.buresh@primesourcepm.com

**RFP Due Date:**

**9/25/2017 No Later  
Than 5:00 P.M.**





## **SCOPE OF WORK**

Magnolia Science Academy 1 (“Charter”) is requesting Proposals for Zoning Variance Consulting Services for work associated with Charter campus in Reseda.

The Magnolia Science Academy 1 campus is located on multiple parcels in the City of Reseda that were obtained at different times from multiple owners. Reference attached ALTA survey file. The campus site has recently been expanded by the addition of a new parcel which is being redeveloped to construct a new campus building. A third building is anticipated. Although Magnolia Science Academy is a California public school, this campus is not being built under the California Field Act, and is therefore subject to City of Los Angeles zoning and building code requirements.

The Charter middle school is currently housed in a formerly commercial structure on a parcel (APN 2125-036-095 and APN 2125-036-100) that contains a building and surface parking area. A zoning variance was obtained for this parcel (ZA 2014-0995(ZV) - attached) that allowed Campus food service to be provided under temporary structures on a portion of the parking lot, plus required provision of a certain number of parking slots and correction of a longstanding drainage issue.

Charter recently acquired an adjacent parcel (APN 2125-036-021 and APN 2125-036-105) that includes a commercial structure and parking lot. The existing building will be demolished and a new high school classroom building will be constructed on the parcel. The new high school building is currently in plan check by LADBS (Plan check #B17LA10287). The parking area requires reconstruction and addressing a long standing drainage issue. Future development plans include construction of a third school building in the existing parking lot that will replace the current outdoor food service area, and conversion of paved areas to landscape and recreation space for use by Charter students.

The Charter requires professional services to alter current temporary and permanent zoning provisions to reflect the anticipated buildout of the campus, and to obtain approval for the construction of the third building on campus.

## **PROPOSAL SUBMISSION REQUIREMENTS**

### **A) GENERAL INSTRUCTIONS**

The purpose of this Request for Proposals ("RFP") is to obtain information that will enable Charter to select a consultant to provide services needed to change existing zoning restrictions and requirements. The Charter is requesting proposals from qualified firms to provide these services.



Proposals must be submitted electronically in PDF format to **Timothy Buresh, Project Manager** at [tim.buresh@primesourcepm.com](mailto:tim.buresh@primesourcepm.com) no later than 5:00 p.m. on September 25, 2017. Late proposals will not be considered. Each proposal shall be treated as confidential until this deadline, after which time each proposal shall become a matter of public record.

All proposals are to be submitted in compliance with the format set forth below. Proposals must be typewritten, concise, straightforward, and must address each requirement and question. Brevity is encouraged and unnecessary or duplicative information should be avoided.

Clarifications or questions regarding submittals must be submitted via email to Timothy Buresh at [tim.buresh@primesourcepm.com](mailto:tim.buresh@primesourcepm.com). Please include the name of your firm and telephone number when making inquiries.

All proposals will become the property of the Charter. Information in Proposals will become public property and subject to disclosure laws. The Charter reserves the right to make use of any information or ideas in the proposals. All proposals will be maintained as confidential working papers until officially placed on the School Board meeting agenda.

The Charter reserves the right to reject any and all proposals and to waive any informality in any proposal received. No obligation, either expressed or implied, exists on the part of the Charter to make an award or to pay any costs incurred in the preparations or submission of a proposal. All costs associated with the preparation or submission of proposals for this RFP is solely the responsibility of the candidates.

#### **B) Evaluation of Proposals and Recommendation**

All RFP responses will be read and evaluated by a committee selected by the Charter CEO. The Charter will select a firm that has the highest suitability for the work with Charter and the overall most desirable approach. The Charter reserves the right to negotiate modifications with any firm as may be required to serve the best interests of the Charter and to negotiate the final contracts with the most qualified candidates. Staff will make a recommendation to the Charter Board of Directors to award a contract to the selected Vendor. The Charter Board of Directors will vote to award the contract at its ad hoc committee or regularly scheduled meeting.

#### **C) FORMAT REQUIREMENTS:**

All proposals shall include the following information:

##### **1. Cover Letter**

- a. Name of Firm



Request for Proposals – Zoning Variance Consulting Services  
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- b. Project Title – Proposal for Zoning Variance Consulting Services, Magnolia Science Academy 1
- c. Date Submitted
- d. A brief cover letter

**2. General Information**

- a. Name, address, telephone, and e-mail address of firm, name and email for contact persons.
  - b. Provide a short resume of your firm’s history and areas of expertise.
3. **Zoning variance experience** - Describe in detail your experience in obtaining modifications to zoning variance requirements and project development approvals within the City of Los Angeles.
4. **References** - Provide at least three (3) references, including names, addresses, telephone and email addresses of persons with respect to zoning variance projects which your firm or its senior personnel has worked on within the last five years. Please be advised that references may be contacted.
5. **Project Approach** - Briefly describe a work plan and how your firm would plan to work with the Charter and their other consultants, representatives and/or agents in order to obtain the needed zoning variance changes and project approval of the new third building. Include a timeline of activities.
6. **Resumes** – Include short resume of key personnel to be assigned to this project. Includes specific examples of similar work. Describe their specific role and responsibility.
7. **Insurance Coverage** - Each submittal must include a copy of the respondent’s Certificate of Insurance. This may be marked confidential and included with the “original” (wet signature) proposal. The firm or organization shall be required to carry the following insurance:
- a. Comprehensive General Liability and Property Liability Insurance, with a minimum limit two million dollars (\$2,000,000), with the Charter named as Additional Insured;
  - b. Comprehensive Automobile Liability Insurance, including owned, non-owned, and hired vehicles with minimum limit of one million dollars (\$1,000,000);
  - c. Workers’ Compensation and Employer Liability, statutory limit;



Request for Proposals – Zoning Variance Consulting Services  
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8. **Budget and Cost of Services** - Provide a proposed fee structure for all proposed services for the project. Provide an estimate and breakdown of reimbursable expenses. Also, include an hourly rate schedule for personnel to be assigned to the project. Clarify what costs considered reimbursable and what costs are included in hourly fees.
  
9. **Proposed Contract for Consulting Services** – Include a proposed contract for these services.

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
LOURDES GREEN  
THEODORE L. IRVING  
CHARLES J. RAUSCH, JR.  
JIM TOKUNAGA  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318

FAX: (213) 978-1334

www.planning.lacity.org

July 6, 2015

Dr. Mehmet Argin (A)(O)  
Magnolia Science Academy  
13950 Milton Avenue, Suite 200 B  
Westminster, CA 92683

Robert B Lamishaw (R)  
JPL Zoning Services  
6257 Van Nuys Boulevard  
Van Nuys, CA 91401

CASE NO. ZA 2014-0995(ZV)  
ZONE VARIANCE  
18238 West Sherman Way  
Reseda-West Van Nuys Planning Area  
Zone : [Q]C2-1L-CDO, [Q]P-1L-CDO  
D. M. : 183B125  
C. D. : 3  
CEQA : ENV 2005-3788-MND-REC2  
Legal Description: Lots 1 and 2 Arb 2,  
Lot 5 Arb 2, Tract 17598 and Lots 1 and  
10, Tract 21799

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a variance from Section 12.12.1-A of the Code to permit the continued use and maintenance of a portion of a [Q]P1-1L-CDO zoned parking area to be used for student lunch, recreation and drop-off/pick-up area incidental to a LAUSD Charter School,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or 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.
7. No parking variance has been requested nor granted for a reduction in the required number of parking (91 spaces) established for the school use and associated gym facility.
8. Use of this school area in the P Zone is prohibited during Saturday or Sunday by the applicant or by any other party. The area shall be fenced and locked when not in use.
9. The enclosed lunch area shall be located closer to the alley than to the abutting residential uses.
10. Morning drop-off activities shall be generally limited to the hours between 7 a.m. and 8:15 a.m. During this period, children may have breakfast in the designated eating area and passive activities shall be encouraged. Lunch, social and playing activities within the parking area shall be generally conducted between 11:30 a.m. and 1:30 p.m. Pick-up activities shall extend from generally 2:15 p.m. to 5 p.m.
11. At all times that children are present in the parking lot area, in addition to school staff, there shall be a security guard present to escort children to the school and back and to insure their safety when crossing the alley.
12. Parking signs shall be posted along the perimeter of the school-required parking area noting that parking is reserved for the school and that there are school children in this area.
13. The applicant shall post signs within the lunch area reminding students and parents to be respectful of noise impacts on neighbor's peace and quiet.
14. Signage shall be conspicuously posted in the student drop-off and pick-up area outdoor notifying students, parents and guardians to be mindful of the peace and

quiet of the adjacent residential neighborhood, with a message to the following effect:

QUIET ZONE

At all times please respect our surrounding neighbors! Refrain from any loud conversation or shouting, playing any loud music, using car horns or any other disruptive behavior.

Vehicles must exit this area immediately in an orderly and quiet manner upon drop-off or pick-up of students.

15. 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. No amplified music or loud non-amplified music is permitted outside.
16. All student outdoor activities shall take place within the approved fence area.
17. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
18. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be buffered and/or enclosed by a solid masonry wall so as not to result in noise, odor or debris impacts on any adjacent residential uses.

The School operator shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.

19. The life of this grant shall be 10 years from the approval date, or earlier if the school relocates to another site before such date. At such time, the fencing shall be removed and the parking lot restored to its original use.
20. If at any time should documented evidence be submitted showing continued violation(s) of any Condition(s) of this grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the applicant/owner to file immediately for a plan approval application together with the associated fees to hold a public hearing to review compliance with and the efficacy of the Conditions of the grant. The applicant shall prepare a radius map and cause a notification to be mailed to: all owners and occupants of properties within a 500-foot radius of the property; the applicable Council District Office and corresponding representative Neighborhood Council(s); and the corresponding Division of the Los Angeles Police Department. The applicant shall also submit a summary and supporting documentation of how compliance with each Condition of the grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete Conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

21. The school administration shall participate in holding semi-annual meetings, possibly coordinated or facilitated by the local Neighborhood Council, to discuss any major issues of concern to the surrounding neighborhood related to the school's use of the parking lot.
  - a. The school administration shall either provide a minimum 10-day advance written notification of such meetings to residents within 100 feet of the property, or provide an annual calendar of scheduled meeting dates, time and location to the same residents.
  - b. The school administration shall investigate and respond promptly to any complaints, and maintain an annual summary report of the meetings along with a log of any calls and responses in the event that the Office of Zoning Administration, the Department of Building and Safety or other law enforcement agency requests such annual report or log for review.
22. The school is allowed to hold five special events per calendar year. Special events may take place outside on the parking lot, but events shall not include carnival types of activities with mechanical rides. The school administrator shall provide a minimum 2-week advance written notification of any special events to abutting residents.
23. The school administrator shall set up a complaint hot line phone number to address any site maintenance and operational nuisance issues. The number shall be posted at the school entries, and be provided to the immediate neighbors, and local neighborhood council groups.
24. Loitering on or around the premises under the control of the school is prohibited. School administrators shall contact Los Angeles Police Department of any suspicious activities taking place in the parking lot during school operational hours.
25. The school management shall commence the drainage repair work within a year from the approval date of this grant and complete the repair within two years from the approval date. Council Office may be contacted to facilitate communication and coordination with abutting parking lot owners to address the drainage repair.
26. A landscape plan prepared by licensed landscape professional shall be submitted to the Planning Department prior to any permit issuance showing a 16-foot wide landscape buffer at the most southerly portion of the parking lot abutting to the single family properties. Landscape shall have routine maintenance including any brush clearance.
27. No overnight parking or camping allowed in the parking lot except vehicles owned by the school personnel or affiliated with school events.
28. All conditions enumerated in Environmental Clearance Case No. ENV 2005-3788-MND (listed below) shall be considered conditions of this grant.



a. Safety Hazards

The applicant shall submit a parking and driveway plan that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

b. Utilities (Solid Waste)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

30. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD – EFFECTIVE DATE**

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JULY 21, 2015, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

### **NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### **FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on June 12, 2015, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a

variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

### **BACKGROUND**

The property, comprised of three lots and bifurcated by an east-west through alley, is a level, rectangular-shaped, interior, 47,297 square-foot parcel of land with a frontage of 113 feet on the south side of Sherman Way. The property has an even width of 113 feet and an even depth (exclusive of the alley right-of-way) of 426 feet. The alley right-of-way separates the [Q]C2-1L-CDO zoned portion of the property to the north from the [Q]P-1L-CDO zoned portion of the property to the south.

The property is developed with a two-story commercial building fronting on Sherman Way used as a school (Magnolia Science Academy) and an adjoining one-story commercial building used as a gymnasium with a large surface parking lot at the rear. Vehicle ingress and egress is via the alley, which accesses Etiwanda Avenue to the west and Lindley Avenue to the east.

The property is located within the Reseda-West Van Nuys Community Plan Area, the Reseda Central Business District Community Design Overlay Zone, the Reseda Central business District Streetscape Plan, the Reseda Village Merchant Business Improvement District, an Airport Hazard Horizontal Surface Area, and is within 10 kilometers of the nearest known fault (Northridge Fault).

The north, east and west adjoining properties are zoned [Q]C2-1L-CDO and [Q]P-1L-CDO and developed with one- and two-story commercial buildings. The adjoining property to the east is developed with the subject school's gymnasium and a vacant commercial building. The western adjoining property is developed with JAM – the Joining All Movement Center. The north abutting properties, across Sherman Way, consist of a shopping center with a CVS and Jon's Grocery Store. The southern adjoining properties are zoned R1-1 and are developed with single-family dwellings.

Sherman Way is a Scenic Major Highway Class II improved to a width of 100 feet with asphalt roadway, landscaped median, concrete curb, gutter, and sidewalk.

Alley, bisecting the property, is an alleyway improved to a width of 20 feet, with asphalt roadway and concrete centerline gutter.

Previous zoning related actions on the site include:

Case No. ZA 2008-0748(ZV) – On September 10, 2008, the Zoning Administrator approved a variance to permit the continued use and maintenance of a portion of a [Q]P1-1L zoned parking area to be used for student lunch, recreation, and drop-off/pick-up incidental to a LAUSD Charter School. The grant expired July 31, 2012.

Case No. ZA 2005-3787(ZV) – On December 1, 2005, the Zoning Administrator approved a variance to allow the continued use and maintenance of a student drop-off and pick-up, lunch and playground area located in the P-1L Zone in conjunction

with an existing charter school located in the [Q]C2 Zone with 15 conditions and a expiration date of January 1, 2008.

Order to Comply Case No. 181746 – On October 13, 2006, the Department of Building and Safety issued an Order to Comply for the following violations of Zoning Administrator Case No. ZA 2005-3787(ZV): failure to provide the required 91 parking spaces for school use and gym facility; failure to provide a security guard at all times when children are present; failure to provide required signs; failure to post required signs within the play area; failure to submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation. Case was closed on August 19, 2009 because the school was now operating under a new zone variance and since the orders were for an expired ZV, order was closed.

Ordinance Nos. 176,557 and 176,558 – Effective on May 2, 2005, establishing the Reseda Central Business District Community Design Overlay District, repealing the Reseda Central Business District Specific Plan, and resulting in zone changes imposing the addition of the "CDO" Zone suffix and "Q" conditions. The "Q" conditions regulate auto-related uses, ground-level residential uses, development of store frontages, parking buildings, and signage and prohibit new auto-related uses, open storage, and shelters for the homeless. The conditions also limit commercial development to a maximum height of 45 feet. (CPC 2002-1263-CDO-ZC-MS)

## **PUBLIC HEARING**

On May 19, 2015, notices for public hearing were mailed to owners/occupants within a 500-foot radius of the site. The public notice was posted at the subject site on May 28, 2015. A public hearing was conducted by Associate Zoning Administrator, Jack Chiang, on June 12, 2015 in the Marvin Braude San Fernando Valley Constituent Services Center.

The applicant and the applicant's representative were able to testify that the project is a request for a variance to allow a student lunch, recreation, and drop-off/pick-up area for Magnolia Charter School in a [Q]P1-1L zoned parking area. The applicant's representative, Mr. Robert Lamishaw, stated that the Charter School was established in 2002 and is a highly rated school in the State. The School itself is a by-right use located in the C2 Zone, but the parking area is in an antiquated P (Parking) Zone which City does not employ in current land use and zoning designations. The School has an enrollment of 520 students from sixth to twelfth grade with operating hours from 7:30 a.m. to 3:00 p.m. Monday to Friday. There is no public paging system or loud outdoor music playing during the activity time, and the school is closed during in the weekends. The requested student lunch and recreation area in the parking lot will be used for two 15-minute breaks, one in the morning and one in the afternoon in addition to one hour lunch at noon. After school pick up is between 3:00 p.m. to 6:00 p.m. The applicant is also requesting a longer term grant as the fund to renew subsequent variances can be best applied to books and educational equipment.

There were three interested parties aside from the applicant who attended the public hearing, all of whom spoke.

David Reames, an abutting property owner.

- Not against the School.
- Concerned with the noise, trash, pollution, fire hazard, security at night, and loud speaker of special events.
- A storm drainage problem in the parking lot which damaged his property and landscape. The problem cause a deep pool of water accumulates across several properties in the parking lot after each rain. The water also remains undrained over a long period of time which becomes mosquito breeding pool and may cause serious health issues.

Billie Jean Krumrey, a local resident.

- Concerned about the parking drainage problem.
- Concerned about the safety of students as the parking lot is not best suitable for recreation and lunch use.

Dr. John Foroutan, a local business person.

- There should be a better location for the school to operate.
- Concerned about the increasing gang activities and students' well-being.
- Concerned about the traffic safety during the drop-off and pick-up.

Frank Gonzales, a Magnolia School administrator.

- Mangolia School is in an urban setting for kids who live in the area. It is the best choice for kids and families that do not have many resources.
- The school has on-site adult supervisors at all time during the operational hours.
- The school will coordinate with the Council Office about the drainage repair and its construction.

Andrew Pennington of Council District No. 3 stated that the Council Office acknowledged neighbors' concerns, and requesting mitigations of noise and trash impacts. Some of the issue may be resolved with dialog between the school and abutting neighbors and the Office encourages communication between the two. The Office has met with the Bureau of Engineering to address the drainage issue. However, the parking lot properties are not City owned properties therefore the School will need to privately repair the drainage line.

After the interested parties made their comments, the applicant's representative Mr. Robert Lamishaw responded that Magnolia School management was well aware of the drainage problem, but the school was only a lessee of the parking lot who did not have the ownership over the property to address the issue. The school will now repair the parking lot drainage system as it recently purchased the parking lot property. The school also has a full time custodian who maintains the school site during the operational hours. There are trashes traveled from other properties, but the School will do its best to clean up its own property. The school only held one special event in a year, and the school management will notify abutting owners in advance.

After the closing of the public comment period, the Zoning Administrator stated that he will amend a complaint hot-line condition for the neighbors to call in the event that nuisance occurs, a Plan Approval condition in case there are sufficient nuisance, a drainage repair condition, a landscape condition, a special event condition, and a trash removal condition. The applicant agreed to all amended conditions.

### **COMMUNICATION RECEIVED**

The Zoning Administrator has received a letter from Mr. David Reames, an abutting resident of the school. The letter reiterates what Mr. Reames said in the public hearing in regards to the concerns of noise, trash, pollution, fire hazard, lack of security at night, loud speaker of special events, and storm drain problems. The letter also provides suggestions to mitigate impacts.

### **MANDATED FINDINGS**

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant has requested a variance from LAMC Section 12.12.1-A to permit the continued use and maintenance of a portion of a [Q]P-1L zoned parking area to be used for student lunch, recreation, and drop off/pick up, incidental to an existing LAUSD Charter School (Magnolia Science Academy). The school has operated at the site since 2003. Zoning regulations restrict certain uses in various zones in order to provide compatibility and protect neighboring uses. These regulations are written on a citywide basis and cannot take into account individual unique characteristics which a specific parcel may have. The unique location of a school within a commercial development that was not designed for such use has limited the student population's access to outdoor recreation and lunch time activities. According to the applicant:

Given the availability of a generous sized parking lot, denial of the request would limit the ability of the school to provide a more optimum environment for students that is otherwise restricted by the split zoning pattern and limited on-site space."

Granting of the variance would allow the school to continue the use while maintaining conditions that minimize impacts to the surrounding community, including the condition to locate the facility closer to the alley than abutting residential uses and the requirement to have a security guard present at the site at all times that children are present in the parking area.

In consideration of all of the above, the code's desire to achieve compatibility between uses and to protect neighboring properties, and the applicant's desire to maintain the continued use of the student lunch, recreation, drop-off/pick-up area in the P Zone can be permitted to continue in a manner that is consistent with the purpose and intent of the zoning regulations. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity. The site has converted a commercial building into a charter school. According to the applicant, the requested variance is a result of a building designed for commercial purposes and not for school needs.

Surrounding properties are zoned [Q]C2-1L-CDO, [Q]P-1L-CDO and are developed with various commercial buildings and surface parking. There are single-family and multi-family residential uses to the south abutting the P zoned property. The special circumstance that is applicable to the subject property is that the use has been permitted since 2005. During staff's site visit on June 5, 2015, a condition compliance review revealed substantial compliance with the terms of the 2008 grant. The use of the P Zone for student lunch, recreation, drop-off/pick-up is limited to morning drop off (7 a.m. to 8:15 a.m.), lunch activities (11:30 a.m. to 1:30 p.m.), and pick-up activities (2:15 p.m. to 5 p.m.). The use is not permitted during the weekend. Signage is present to remind students and parents to respect the neighbors. Based on these factors, the request is reasonable as it would allow for the continuation of a use that provides a great utility for the existing LAUSD Charter School.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The proposed variance is to allow the continued operation and use of the outdoor student lunch, recreation, and drop-off/pick-up area in the P Zone is necessary for the preservation and enjoyment of a use that is possessed by other properties throughout the City. The applicant states that the variance is necessary for the following reason as submitted on the application and in the public hearing:

The variance will allow the school to operate with some of the amenities that are afforded and expected in other schools. Magnolia School was established in 2002 and it has been a top quality school. It provides top

quality education to kids resides in lesser affluent communities with few school options. The school is in an urban setting and both the school personnel and students make the best out of what they have.

In considering that Magnolia School has a satisfactory track record of maintaining a lunch area in the subject parking lot for the past ten years from 2005, and the school is a charter school without a facility designed for a school use. This constitutes a continual use in a property with a practical difficulties.

Therefore, for the reasons cited above, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possess by other property in the same zone and vicinity but which, because of the special circumstances, practical difficulties, and unnecessary hardships, is denied to the property in question.

4. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The applicant is seeking permission to continue an existing use at the same location. No evidence was submitted for the record that the operation of the use at the property has been detrimental to the public welfare. The granting of the variance with conditions allows the school to provide a space for students to be outside during designated hours and with appropriate supervision. As noted by the applicant, the building was not designed for school purposes. As such, there is no ability to provide open space for the students other than in the adjacent surface parking lot. The variance was conditioned to include a 10-year term, in acknowledgement that the use has operated in a compatible manner. A plan approval condition was added in the event there is evidence of continued violation of conditions, then the Office of Zoning Administration can require the applicant to file a plan approval to evaluate the effectiveness of the conditions. Based on the concerns raised in the public hearing, the Zoning Administrator amended several conditions to address water drainage, landscape, trash, special events and operational complaints in order to mitigate potential impacts. As conditioned, the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone and vicinity.

5. **The granting of the variance will not adversely affect any element of the General Plan.**

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Reseda-West Van Nuys Community Plan map

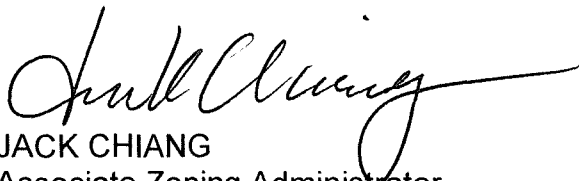


designates the property for Community Commercial land uses, with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB, and Height District No. 1L. The property is located within the Reseda Central Business District Community Design Overlay and the application is not affected.

The Reseda-West Van Nuys Community Plan encourages uses which provide necessary goods, services, and local job opportunities. The granting of the variance to allow the continued use and maintenance of a student lunch, recreation, and drop-off/pick-up area within the [Q]P-1L Zone is consistent with Policy 4-1.1 of the Reseda-West Van Nuys Community Plan, which states "explore creative alternatives for providing new school sites in the city, where appropriate." The school has repurposed underutilized commercial and parking space. In light of the above, the project substantially conforms to the purpose, intent and provisions of the General Plan and the Reseda-West Van Nuys Community Plan.

#### **ADDITIONAL MANDATORY FINDINGS**

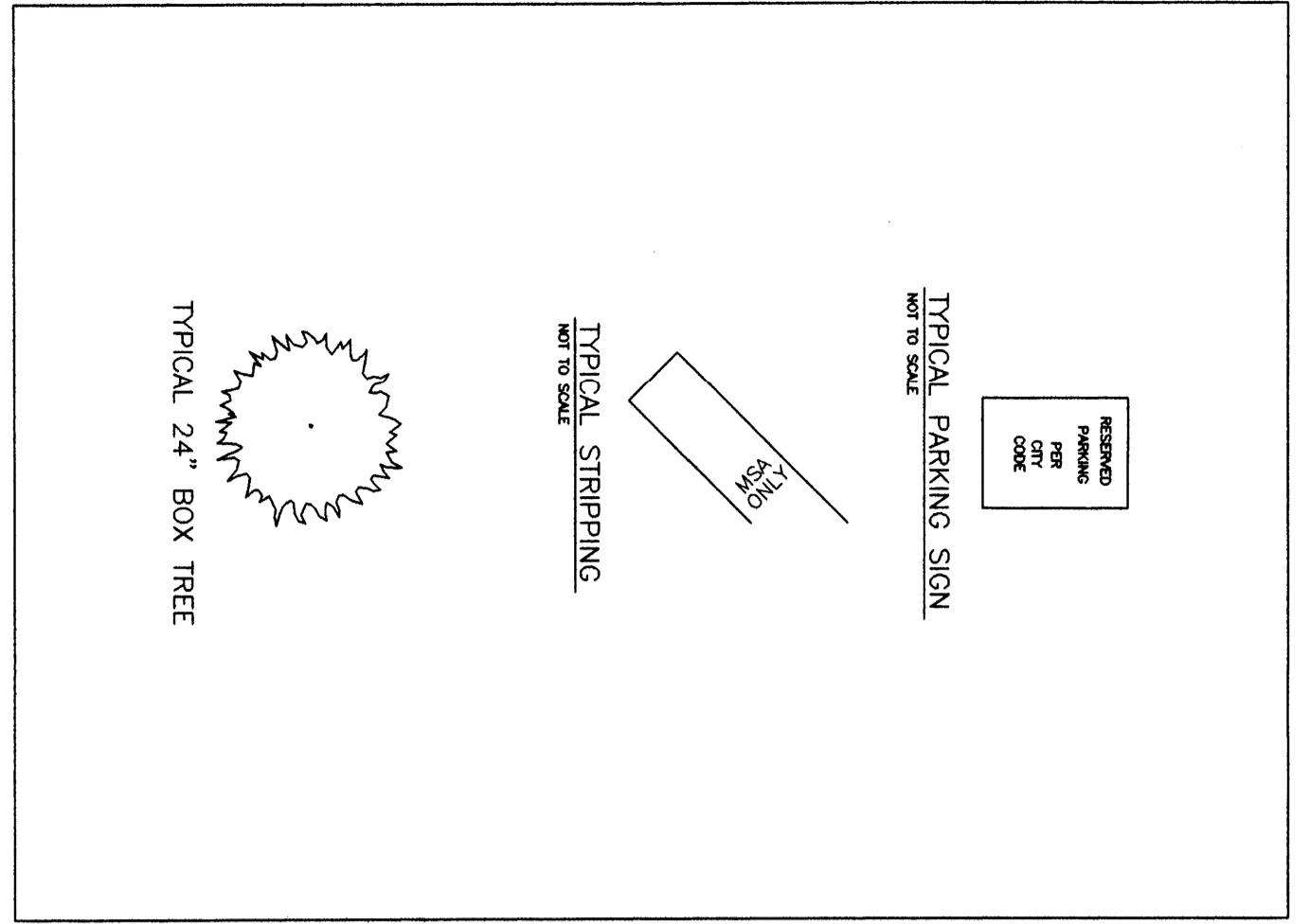
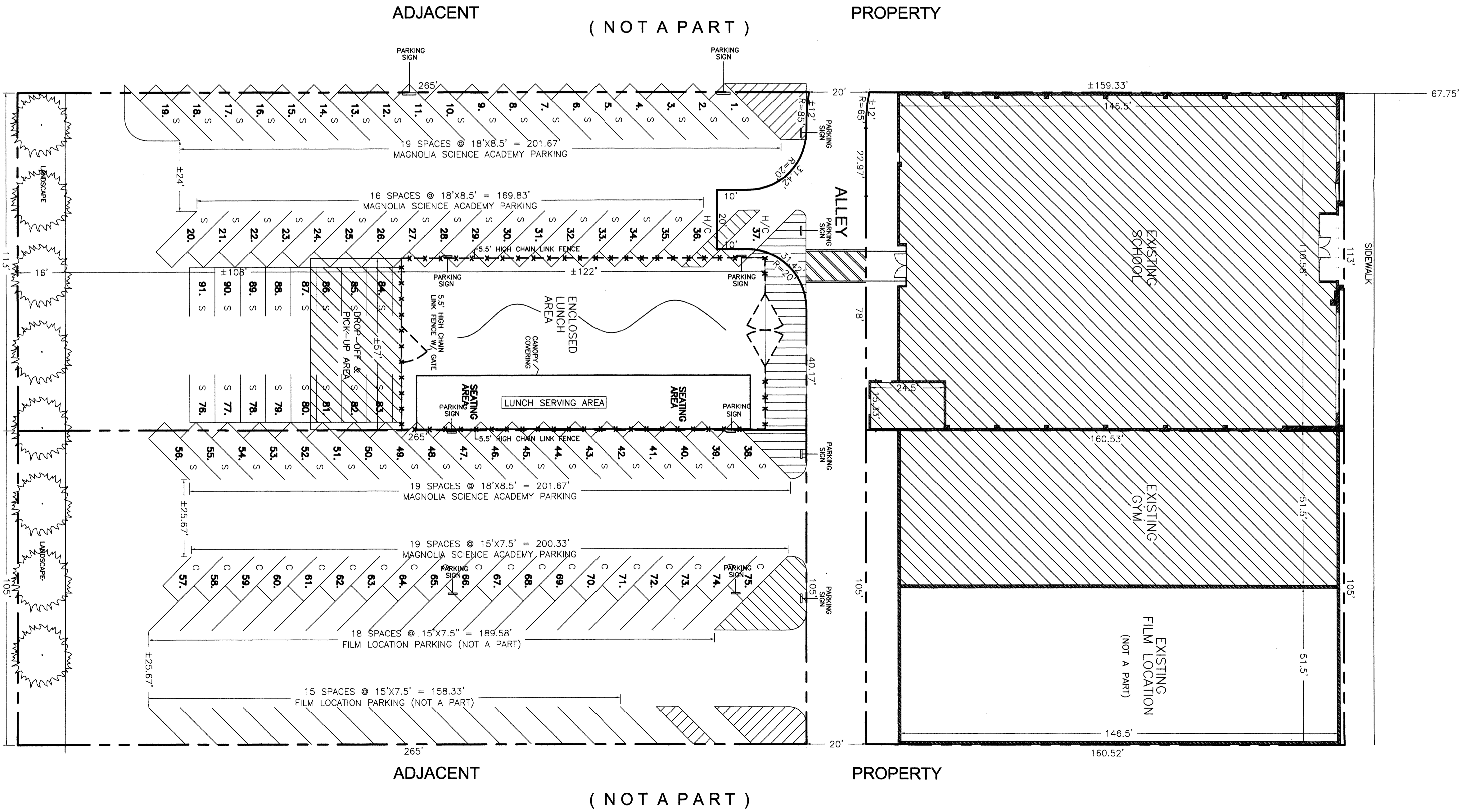
6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
7. On March 2, 2015, a Reconsideration (ENV 2005-3788-MND-REC2) for the previously issued Mitigated Negative Declaration (ENV 2005-3788-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 (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 351, 6262 Van Nuys Boulevard.



JACK CHIANG  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-0195

JC:lmc

cc: Councilmember Bob Blumenfield  
Third District  
Adjoining Property Owners

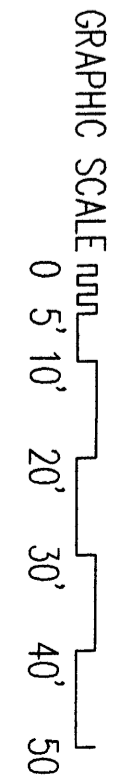


- NOTES**
1. Representative:  
Robert B. Lantieri  
JPL Zoning Services  
6257 Van Nuys Blvd #101  
Van Nuys, CA 91401  
Phone (818) 781-0016 Fax (818) 781-0828  
E-mail: lantieri@jplzoning.com
  2. 18228 Sherman Way LLC Etal  
Michael Malucco  
P O Box 250490  
Rancho Mirage, CA 92270  
Phone: (818) 781-0018
  - Michael W. Spvak  
Hank Dayton  
4751 Wilshire Blvd, Ste 203  
Los Angeles, CA 90010  
Phone: (818) 781-5018
  3. Applicant:  
Magnolia Science Academy  
Dr. Mehmet Argh  
18224-18228 Sherman Way  
Rancho Mirage, CA 92270  
Phone: (818) 781-0016
  4. Legal Description:  
Lots 1, 5, Apts 2, & For Lot 2, Apts 2, Tract 175988,  
M.B. 530-57981 & Lots 1, 10, Apts 1 & 2,  
Site 175988, M.B. 817-4214
  5. 18224-18228 Sherman Way  
Rancho Mirage, CA 91335
  6. Zone: [O]C-2-1L-CDO & [Q]P-1L-CDO
  7. Parking Required:  
Standard Spacing: 19 spaces  
TOTAL SPACES REQUIRED: 48 spaces
  8. Parking Provided:  
Standard Spacing = 70 spaces  
Compact Spacing = 19 spaces  
TOTAL SPACES PROVIDED: 91 spaces
  9. Total Site Area = ± 46,025 s.f.
  10. Total Floor Area = ± 23,900 s.f.
  11. Lot Coverage:  
Building = ± 50%
  12. Request: Renewal of ZA-2005-3787-ZV

**EXHIBIT "A"**  
Page No. ZA-2014-975 (8v)  
Case No. ZA-2014-975 (8v)

**EXISTING PLOT PLAN**

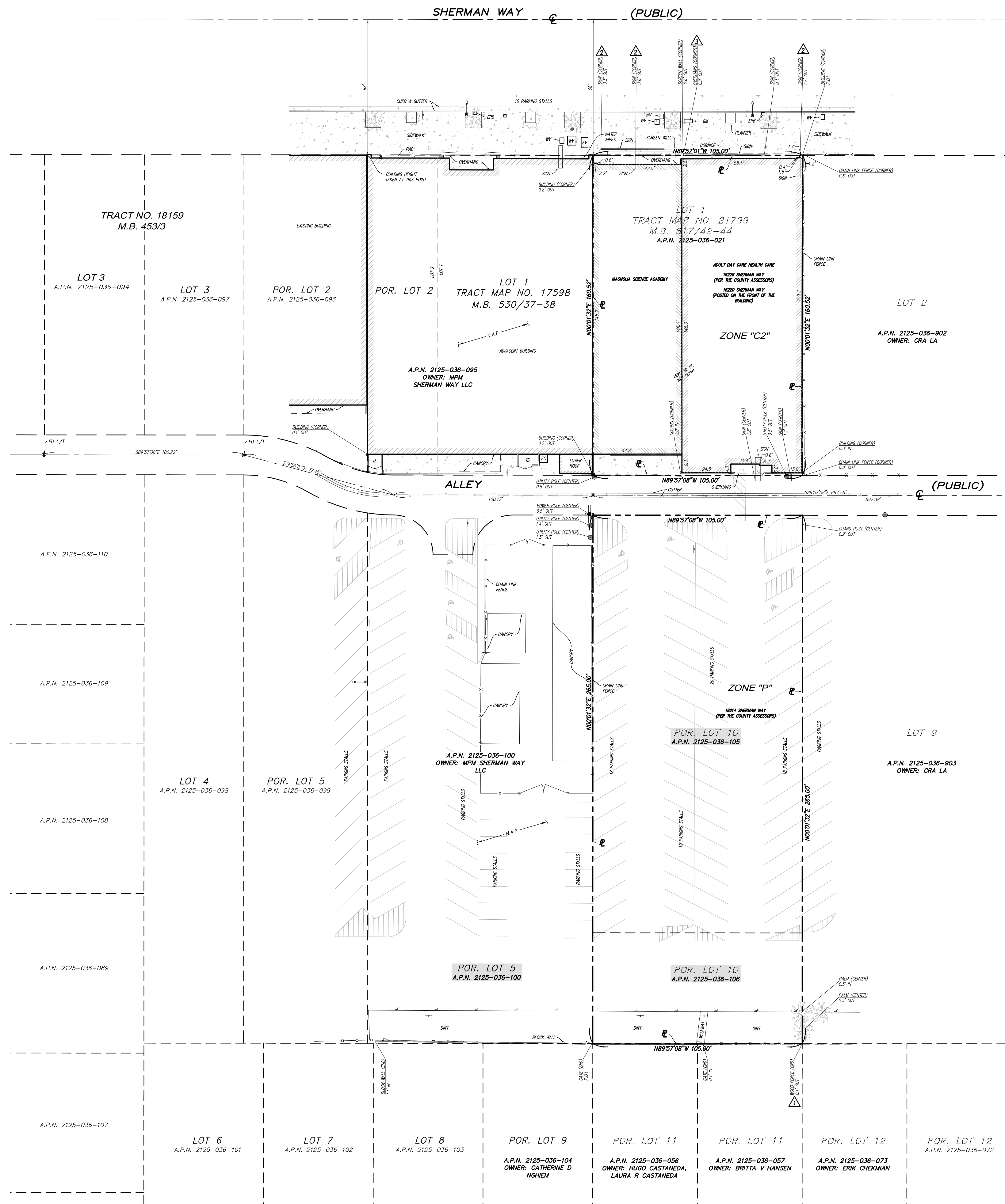
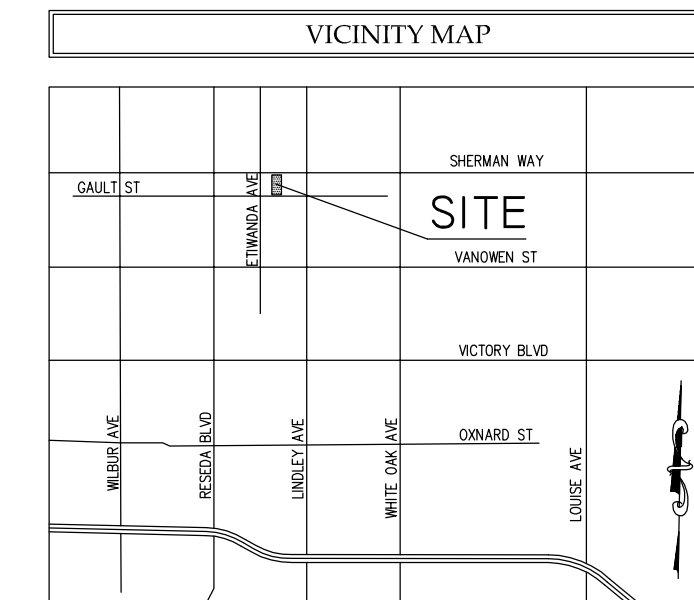
CAD GRAPHICS BY  
JPL Zoning Services  
6257 Van Nuys Blvd., #101  
Van Nuys, CA 91401  
(818) 781-0016



DATE: 10-30-13  
SCALE: 1/20" = 1'

# A.L.T.A./N.S.P.S. LAND TITLE SURVEY

18228 & 18214 SHERMAN WAY, LOS ANGELES, CA 91335



### BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTER LINE OF ALLEY, BEING SUBSTATIONED PER MAP TRACT MAP NO. 21799 RECORDED IN BOOK 538 PAGES 37 AND 38 OF RECORDING RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY.

### FLOOD NOTE:

By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, panel No. 96037C1205F, Flood dated September 26, 2008. This property is located in an area where Flood Records exist as determined by FEMA. By telephone call to the National Flood Insurance Program (800-638-6620) we have learned this community does not currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

### POSSIBLE ENCROACHMENT NOTES

THIS IS A LISTING OF OBSERVED ENCROACHMENTS THAT CROSS PROPERTY LINES, STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING.

- ▲ SON OVERLAPS THE PROPERTY IN THE SOUTH AS SHOWN.
- ▲ OVERHANG OVERLAPS THE PROPERTY IN THE NORTH AS SHOWN.

### NOTES

- NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
- THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
- THIS SURVEY HAS BEEN PREPARED FOR TITLE INSURANCE PURPOSES ONLY. THIS SURVEY DOES NOT CONTAIN SUFFICIENT DETAIL FOR DESIGN PURPOSES. THE BOUNDARY DATA AND TITLE MATTERS AS SHOWN HEREON HAVE BEEN DEVELOPED FROM THE REFERENCED TITLE RECORDS.
- UNLESS THIS PLAN HAS THE SEAL AND SIGNATURE OF THE SURVEYOR OR A PROFESSIONAL ENGINEER RESPONSIBLE FOR ITS PREPARATION, THIS IS NOT AN AUTHENTIC COPY OF THE ORIGINAL SURVEY AND SHALL NOT BE DEEMED RELIABLE.
- THE UTILITIES SHOWN HEREON ARE BASED ON OBSERVED EVIDENCE ONLY. THE SURVEY WOULD NOT SHOW UTILITIES COVERED BY CARS/BRICKS OR RECENTLY PAVED ASPHALT/CONCRETE OR OVERGROWN BRUSH, TREES AND SHRUBS.

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

### NOTES CORRESPONDING TO SCHEDULE B ITEMS

BASED UPON TITLE REPORT NO. 997-2308799-1M6, DATED SEPTEMBER 21, 2016 AND PREPARED BY FIDELITY NATIONAL TITLE COMPANY.

- 1- WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS.
- 2- RECORDS AS SHOWN ON THAT CERTAIN MAP RECORDED NO. BOOK 617 PAGE 42 OF MAPS WHICH ARE NOT THESE RECORDS AND ARE HEREBY CERTIFICATE FOR PUBLIC USE FOR STREET PURPOSES THAT CERTAIN STRIP OF LAND (HEREINAFTER AS "THE STRIP") ON SHERMAN WAY, WITH SAID SUBDIVISION REFERRED TO OURSELVES FOR THE USE OF OURSELVES AND SUCCESSORS OWNED BY STRIP STRIP LAND AND ALL UNLAWFUL USES OF SAID STRIP OF LAND, EXCEPT FOR THE ERECTION OR CONSTRUCTION OF BUILDINGS HEREON AND EXCEPT FOR ACCESS PURPOSES, BELONGS TO THE LAND OF PAGES CONDICITS AND OTHER INTERESTING STRUCTURES THEREIN OVER THAT STRIP OF LAND UNTIL SUCH TIME AS THE LEGISLATURE SHALL ACCEPT THE SAME FOR STREET PURPOSES.
- 3- EASEMENT FOR PUBLIC UTILITIES RECORDED NO. BOOK 6028 PAGE 236 OF DEEDS (BLANKET IN NATURE).
- 4- COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 17, 1933 AS INSTRUMENT NO. 500 IN BOOK 4098 PAGE 311 OF OFFICIAL RECORDS (BLANKET IN NATURE).
- 5- MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED AGREEMENT AND GRANT OF EASEMENTS RECORDED JULY 11, 1967, RECORDED NO. 1967-3673 OF OFFICIAL RECORDS (DOES NOT AFFECT THE PROPERTY).
- 6- THE LAND DESCRIBED HEREIN IS INCLUDED WITHIN A PROJECT AREA OF THE REDEVELOPMENT RECORDED DECEMBER 28, 1994 RECORDED NO. 1994-2278777 OF OFFICIAL RECORDS.
- 7- AN INSTRUMENT ENTITLED COVENANT AND AGREEMENT EXECUTED BY SHERMAN WAY COLLECTION ASSOC. IN FAVOR OF CITY OF LOS ANGELES RECORDED JANUARY 13, 2003 RECORDED NO. 2003-106106 OF OFFICIAL RECORDS.
- 8- A DEED OF TRUST.
- 9- A LIEN FOR UNSECURED PROPERTY TAXES.
- 10- A LIEN FOR UNSECURED PROPERTY TAXES.
- 11- A LIEN FOR UNSECURED PROPERTY TAXES.
- 12- MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION AND/OR BY A CORRECT ALTA/NPS LAND TITLE SURVEY OF SAID LAND THAT IS SATISFACTORY TO THE COMPANY, AND/OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.
- 13- ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.
- 14- ANY RIGHT, INTEREST OR CLAIM THAT MAY EXIST, ARISE OR BE ASSERTED AGAINST THE TITLE UNDER OR PURSUANT TO THE FEASIBLE AGRICULTURAL COMMODITIES ACT OF 1930, AS AMENDED, 7 USC, AREA ET, SEC. 16, THE PACKERS AND STOCKMEN ACT OF 1923, AS AMENDED, 7 USC 181 ET SEQ., OR ANY SIMILAR STATE LAWS.

### ZONING RESTRICTIONS

NOTE: INDICATED ZONING INFORMATION ARE FROM THE CITY OF LOS ANGELES ZONING ORDINANCES IN EFFECT AS OF THE DATE OF THIS SURVEY.

ZONE	MINIMUM SETBACKS	HEIGHT RESTRICTIONS
"C2" (COMMERCIAL ZONE)	FRONT: NOT REQUIRED SIDE AND REAR: NOT REQUIRED FOR BUILDINGS ENERGETIC AND USED EXCLUSIVELY FOR COMMERCIAL PURPOSES.	HEIGHT RESTRICTIONS: NONE SPECIFIED
"P" (AUTOMOBILE PARKING ZONE)	FRONT: NONE SPECIFIED SIDE: NONE SPECIFIED REAR: NONE SPECIFIED	HEIGHT RESTRICTIONS: NONE SPECIFIED

### SITE INFORMATION

SITE ADDRESS: 18214-18228 SHERMAN WAY  
LOS ANGELES, CA 91335  
AREA: 1.026 ACRES  
44,680 SQ. FT.  
TOTAL GROUND FLOOR AREA OF BUILDINGS: 15,914 SQ. FT.  
PARKING: 75 REGULAR PARKING STALLS  
2 HANDICAP PARKING STALLS  
79 TOTAL PARKING STALLS  
ASSESSOR'S PARCEL NOS: 2125-036-021, 2125-036-105, 2125-036-106

### SURVEYOR'S CERTIFICATE

TO: MAGNOLIA PUBLIC SCHOOLS; MAGNOLIA EDUCATIONAL AND RESEARCH FOUNDATION; A CALIFORNIA NON-PROFIT ORGANIZATION AND FIDELITY NATIONAL TITLE COMPANY.



### LEGEND

APN	ASSESSOR'S PARCEL NUMBER	ASPHALT PAVEMENT
EC	ELECTRIC CABLE	CORNER LINE
EPB	ELECTRIC PULL BOX	CONCRETE PAVEMENT
EV	ELECTRIC VALVE	ELECTRIC CABLE
FS	FINISH SURFACE	ELECTRIC PULL BOX
NG	NATURAL GRASS	ELECTRIC INLET
PL	POINT-OF-LINE	FOARD ADJUMENT
PL	POINT-OF-LINE	GAS METER
IC	TOP OF CURB	GATE
TE	TRASH ENCLOSURE	GUARD POST
ROP	TOP OF STRUCTURE	HANDICAP
WB	WATER WALL	LIGHT
WV	WATER VALVE	POWER POLE W/TRANSFORMER
ED	EDGE OF PAVEMENT	PROPERTY LINE
WF	WOOD FENCE	STREET LIGHT
CL	CHAIN LINK FENCE	SON
PL	PROPERTY LINE	STREET
IL	INTERIOR LOT LINES	TRAIL
RM	RIGHT-OF-WAY	PAVING MAT
EL	EASEMENT LINE	UTILITY POLE
RM	RETAINING WALL/BRICK WALL	WATER METER
		WATER VALVE
		WATER WALL

PREPARED FOR:  
Magnolia Public Schools  
250 E. FIRST STREET, SUITE 1500  
LOS ANGELES, CA 90012  
PHONE: (323) 429-129

**CALVADA SURVEYING, INC.**  
411 Jenks Cir., Suite 205, Corona, CA 92690  
Phone: 951-260-9960 Fax: 951-260-9746  
Toll Free: 800-CALVADA www.calvada.com  
JOB NO. 16690



**TIME EXTENSION  
REQUEST FOR PROPOSALS  
ZONING VARIANCE CONSULTING  
SERVICES**

**MAGNOLIA SCIENCE ACADEMY 1  
RESEDA CAMPUS**

**18238 Sherman Way  
Reseda, CA 91335**

**Posted**

Date Posted: 9/19/2017

**Submit Responses To:**

**Timothy Buresh**

tim.buresh@primesourcepm.com

**RFP Due Date:**

9/29/2017 No Later

Than 5:00 P.M.



**TIME EXTENSION**

The Request for Proposal due date is now extended to 5:00 PM, Friday September 29, 2017. All other requirements remain unchanged.

**Rabuild Commercial Services LLC**  
**449 West Foothill Blvd. Suite 157**  
**Glendora, CA 91741**  
**213 272-4784**  
vbcommercial@outlook.com

September 28, 2017

Timothy Buresh  
[Tim.buresh@primesourcepm.com](mailto:Tim.buresh@primesourcepm.com)  
18238 Sherman Way  
Reseda, CA 91335

Re: Engagement Agreement to obtain Discretionary City and County Approvals  
for Real Estate Entitlements related to the property APN# 2125-036-021 and  
APN# 2125-036-105, known as,

18216-18220 W. Sherman Way, Los Angeles, CA 91336

Dear Mr.Buresh,

Thank you for your interest in using Rabuild Commercial Services LLC, to serve you.

This letter is to set forth and confirms that [Magnolia Science Academy 1 Reseda Campus](#), have engaged Rabuild Commercial Services LLC to provide consulting services to you for the administration of Governmental Relations, and Entitlement/Land Use process related to the above mentioned property.

This work will be performed at our regular hourly rates, which vary between \$65.00 per hour to \$220.00 per hour, depending upon the individual doing the work and the type of work required, see attached Rate Exhibit for breakdown. Our time is calculated in increments of 15 minutes. All telephone calls have a minimum time allocation of 15 minutes. In addition to the charges for time, you will be billed for all costs as they are incurred, including photocopying, parking, messenger service, postage and similar cost items. These items will be billed at cost. Permits will be billed back to the client at cost. We try to use professionals within the company that can do an assigned part of the project for the most effective overall lowest cost to you. Therefore, usually more than one person is involved in a project such as yours. Time is charged when more than one person may be present at any time, such as in a conference. However, I will have primary responsibility for this matter and the others will, in effect, be assisting me.

Because of the nature of your project, we cannot estimate the total charges for fees. If there is any work done for you, which is not covered by this Fee Agreement and not covered by another Fee Agreement, we will contact you and request permission to continue the necessary work, that work will be billed at our customary hourly rates then in effect plus reimbursable costs.

### ***Improper Performance of Contractors and Suppliers***

Rabuild Commercial Services LLC shall not have control or charge, and shall not be responsible for, the design, means, methods, techniques, sequences or procedures of construction, fabrication, shipment, delivery or installation, or for the safety precautions or programs in connection with the work to be performed for any aspect of this Project, or any aspects of work done in association with the Owner's development on the Property, including the acts or omissions of any designers, architects, contractors, subcontractor suppliers, or any other persons performing any of the work, or for the failure of any of them to carry out the work in a proper manner. Rabuild Commercial Services LLC, only duties pursuant to this agreement are to facilitate Owner as described.

This fee agreement will not take effect, and Rabuild Commercial Services, LLC will have no obligation to provide consulting services, until this agreement is executed and the initial fee or retainer is paid.

### ***Indemnification***

[Magnolia Science Academy 1 Reseda Campus](#), agrees to indemnify and defend against, and to hold Rabuild harmless from, any and all liability, loss or damage that Rabuild Commercial Services LLC may incur as a result of any claims associated with the Project.

We cannot represent the result of our efforts will be successful in whole or in part. While we agree to use our best efforts in your representation, nothing in this Fee Agreement and nothing in our statement(s) to you will be construed as a promise or guarantee about the outcome of your matter, and we make no such promise or guarantees. Our comments about the outcome of your matter are the expression of opinion only.

Primarily, time spent and hourly rates are used in the preparation of the bills. There are times however, when other factors need to be considered, such as the difficulty of the work, the expertise required, the time constraints, etc.

We will render billings to you on a monthly basis. You will have an obligation to pay the bills rendered by this office within thirty (30) days from billing. All fees not paid within thirty (30) days of billing will bear interest at the rate of 10% per annum. In the event of arbitration over a fee dispute, such arbitration shall be heard in Los Angeles, California. In the event any arbitration or court action may be brought under

this Fee Agreement, it is agrees that any such action may be brought in any court in the State of California and any award or judgment shall include attorneys' fees and courts.

If there is any unresolved disagreement over our fees, you will have the option of arbitrating such agreement. The arbitration can be binding or non-binding. We are willing to agree in advance that any such arbitration will be binding on either party.

Any additional services we perform for you and your various entities, unless separately agreed to, will be performed under all the terms and conditions set forth above.

Our agency/consulting client relationship is one of mutual trust and confidence. We do our best to see that our clients are satisfied not only with our services but also with the fees charged for those services. Whenever you have any questions or comments regarding our services, or the status of your files, or whenever any new facts or considerations come to your attention, you should contact me or any other consultant or agent with whom you are working. We encourage you to inquire about any matter relating to our fee arrangements or monthly statements that are in any way unclear.

It is important to our agency/consultant relationship that any questions you have about our billings to you be resolved while the matter is fresh on all our minds. Therefore, you agree that you will have thirty (30) days after the delivery of a bill to you to make objections or questions any of the items on the bill. Absent any such objection or question, you will be deemed to have accepted the items on the bill and to have admitted to their accuracy and to your obligation to pay the total shown on such bill.

Please indicate your agreement to the above by signing and returning the attached copy of this letter. We are requesting a retainer, payable now, in the amount of \$3,500.00 to be applied against fees and costs.

Sincerely,

**Rabuild Commercial Services LLC**

Veronica Bœrra

California State License 00826816

Acknowledged: \_\_\_\_\_ Dated: \_\_\_\_\_  
Timothy Buresh



**Rate Exhibit**

Principal	\$220.00 per hour
Assistant Planners	\$200.00 per hour
Expediting Assistants	\$165.00 per hour
Planning Assistants	\$165.00 per hour
Project Managers	\$ 95.00 per hour
Assistants	\$ 65.00 per hour

## Scope of Work

### A. Zoning, Land Use and Entitlement Analysis

- Review, research and consult on all documents and plans related to the project.
- Consult with all members of the development team as needed.
- Determine use and verify zoning. Meet with City of Los Angeles Planning and Building and Safety, BOE and Land Development Staff for a preliminary review of proposed project.
- Review and summarize key zoning restrictions.

### B. Governmental Relations

- Meet with City Officials, Councilmembers and Agencies to determine feasibility of project.
- Meet with community groups, property owners and other parties, including City Agencies to present project and generate support.

### C. Entitlements

- Coordinate all documents needed for the submittal of all planning applications, including coordination with all members of the development team.
- File all planning applications, including but not limited to Variances, Conditional Use and or Zone Changes.
- Attend all hearings associated with the various applications.
- Clear all conditions required for final approval of discretionary requests.