



Facilities Committee Agenda Item #:	II.A.
Board Agenda Item #:	II.G.
Date:	January 17, 2019
To:	Magnolia Educational & Research Foundation dba Magnolia Public Schools (“ <b>MPS</b> ”) Board of Directors & Facilities Committee (the “ <b>Facilities Committee</b> ”)
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	Patrick Ontiveros, General Counsel & Director of Facilities
RE:	Approval of Potential Change Item (“ <b>PCI</b> ”) 17 for a New Wall Along the Southern Border of the MPS Property

## I. Proposed Committee Recommendation(s)

Staff moves that the Board of Directors of MPS (the “**MPS Board**”) approve Staff to authorize Oltmans Construction Company (“**Oltmans**”) to construct a new 8-foot high wall at a cost not to exceed \$57,500 along the southern border of the MPS property. The wall is included in the zone change application prepared for submission to the LA City Planning Department.

## II. Summary

- Master Plan schemes have been presented to both the Council Office and the Planning Department that show the construction of the wall. See Exhibit A. The wall is needed to address concerns that are consistently being voiced by the neighbors to the south—noise, storm water run-off from the school parking lot properties onto their properties, and general disruption from the school’s operations.
- The Facilities Committee has requested Staff to determine if there any alternatives to construction of a CMU wall along the southern property line—for example, a net to prevent balls from going over the common wall and some kind of berm or other less expensive barrier to prevent the stormwater runoff from migrating onto the neighbor’s properties. Staff reviewed with the construction and design team and there is no other alternative that addresses the concerns of the community. A net will not provide a noise barrier and will not provide a separation of the school’s operations from the residential uses.
- We must file the zone change application to make the violations of the zone variances go away. The wall is one of the mitigation measures offered in the zone change application. If the zone change application is not filed soon, all the reports prepared in



support of the application may expire and then we will have to prepare new reports at added cost. Moreover, as the City's approach to charter schools grows more contentious and hostile we may be faced with the prospect of our zone change application being delayed or undue conditions being placed upon us.

- While the ice rink project may be moving forward, we have been told that they are not in a position to talk to us about a potential partnership. Our understanding is that they are talking to the adjacent parcel owner, CIM, about acquiring their parcel.

### III. Background

#### A. Description of MSA-1 Projects

##### 1. Summary of MSA-1 Projects in Process

There are two projects currently underway at MSA-1: (i) a new construction project at 18220 W Sherman Way (“**18220**”) that will eventually house MSA-1’s high school population (the “**New Construction Project**”) and (ii) a rehabilitation investigation project of the existing building at 18238 W Sherman Way (“**18238**”) that will eventually house MSA-1’s middle school population once the New Construction Project is completed (the “**Rehab Investigation Project**”).

##### 2. Current State of Land Use at MSA-1

The MSA-1 campus consists of four separate parcels: (1) the existing building at 18238 Sherman Way; (2) the adjacent parking lot; (3) the new building site at 18220 Sherman Way; and (4) the adjacent parking lot.

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 (which is zone exclusively for parking) 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 housing the existing school including the recently acquired parcels 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. The zone change will cancel out these violations and will allow a fresh start for the school from a land use perspective.



### 3. Summary of Zone Change

Concurrent with the aforementioned projects, MPS is seeking a zone change of the parking lots to allow flexibility in future development. A zone change will benefit MPS in two ways.

- One, it will resolve multiple violations of the conditions of approval attached to the zone variance MPS received for MSA-1 in 2015. **The Planning Department has held off on taking any action against MSA-1 in anticipation of the zone change application being filed. If the zone change is not filed soon the Planning Department could enforce the noncompliance and ultimately shut down the use of the parking lot for anything other than parking. No recreation or lunch time would then be allowed on the site.**
- Two, it will allow maximum flexibility for the future development of the parking lots without having to return to the city time and time again to seek variances. MPS, with the Board's consent and direction, approved the hiring of an architect to develop different schemes for the master planning of the parking lots. All schemes reflect MSA-1's desire to revitalize the parking lot with open green space, space for outdoor dining, and maintaining space for the construction of an outdoor gym. For now, we will seek to construct a shade structure for both outdoor dining and recreation purposes. The master plan documents are attached as Exhibit A.

#### B. Why the Wall is Needed

In conjunction with the zone change application which will be submitted to the City of Los Angeles in either January or February, our land use consultant Veronica Becerra of Rabuild Commercial LLC recommended that MPS offer up the wall as a mitigation measure. Not offering up anything will leave MPS vulnerable to having conditions attached that could be difficult to meet or expensive. Offering to build a wall illustrates that MPS realizes it must take steps to mitigate its impact in the community and in particular to the residential neighbors to the south.

To summarize the Wall is needed for the following reasons:

- The wall will act as a buffer between MPS's property and the residential neighbors and in particular aid in preventing water from flowing from MPS's parking lots onto the residential properties.
- The wall will also act as a sound barrier, prevent balls from MPS going over the wall, and generally shield the residential properties from MSA-1's operations. It is clear that noise and a solid separation of the school from the immediately adjacent residential neighbors is an important element of any development approved by the City of LA Planning Department.



- In the two zone variances that have been approved a consistent thread has been shielding residents from the noise and operations of the school. The only realistic way of addressing that concern is with a CMU wall – not netting, not a wood fence, not a metal slat fence.

As stated above the new wall is needed in part to maintain good relations with the neighbors to the south who could voice opposition to the zone change to the City of Los Angeles planning commission. All claim that their fences and property have been damaged by the water that flows from the MSA-1 parking lots onto their property. To quote our consultant:

*This was a self-imposed condition, to help obtain support from the neighbors. The neighbors are currently contacting the planning department and the council office angry that the drainage repair work was not completed, that the use is not in compliance of the variance and that the 16 foot wide landscape buffer has not been completed.*

*The wall was our calling card to the neighbors in order to obtain support. We need the abutting property owners support. Most likely if we do not off[er] it, the case will drag on and we will be formally conditioned by the APC [Area Planning Commissioner].*

The wall will be built on the 18238 and 18220 property two to three feet in from the property line since several neighbors do not wish their existing walls to be disturbed. See [Exhibit B-1](#) for an illustration of the current fences and [Exhibit B-2](#) for an illustration of the proposed wall location.

#### **IV. Alternatives to a CMU Wall**

The Facilities Committee has requested that Staff present alternatives to the Proto II Wall being proposed. For example, it has been suggested that netting and a berm be installed to keep water from running off into the neighbors' yards and balls from going into the neighbor's fence. However, this solution would not address the principal concern that has been raised by the public when MPS sought zone variances and that is noise. Many neighbors have indicated that their biggest concern is noise and the clear separation of the school's operations from the . A tall CMU wall, which staff is proposing, provides the best noise mitigation option at the best price. The product selected is less expensive than a traditional CMU wall.

#### **V. Community Outreach and Support**

The community and the council office has been kept apprised of the progress of the project—both the construction project and the zone change. The project enjoys support from Councilman Bob Blumenfield's office and the Reseda Neighborhood Council provided that the zone change application with the proposed mitigation measures (i.e., the wall) is filed. While I previously reported that we have not taken the project to the RNC that is partially incorrect.



Veronica Becerra visited an RNC meeting at which the school was mentioned. This is what she had to say about that meeting:

*The neighbors in attendance at the [R]NC meeting when I attended had comment[s] about the school when it was brought up in public comment. The comments were not favorable towards the school. The council office wants the violations to be corrected and the school to move forward, so the students will have a safe environment and a school with potential for growth. They will support the Zone Change and the mitigation that will be conditioned so the community will also be able to embrace the school. (EMPHASIS ADDED)*

Veronica also commented that she has met with and discussed the project with the Councilman's office several times and they are in support of the project and wish to see the zone change application, complete with a CMU wall, filed to cover future development.

The Facilities Committee requested that MPS Staff obtain the written consent of the abutting neighbors to the south for the construction of the wall. MPS Staff will comply with this request. Moreover, the Facilities Committee will consult with the Community-Police Advisory Board to confirm that they have no security concerns.

## **VI. The Ice Rink Project**

In October 2018, it was reported that the City and the Los Angeles Kings were moving forward with an ice rink project on the parcel east of the MSA-1 parking lots. At that time, MSA-1 reps reached out to the City to express our desire to create a partnership. However, we were told then and have been told multiple times since then that the City is not ready to discuss any type of partnership with MSA-1. We understand that the City is talking to the owner of the parcel to its east, CIM, about acquiring their parcel. In short, while there is still an opportunity in the future for collaboration and partnership, it is still uncertain and we have no sense of the overall timing. Consequently, work on the parking lot must commence so that we can get a certificate of occupancy for the school.

## **VII. Description of Work Scope Under PCI 17**

PCI 17 is Oltman's change order request to proceed with installation of the wall. As mentioned, the wall is being offered as a mitigation measure for the zone change to be processed with the City of Los Angeles.

Oltmans will be using a wall system called the Proto II Wall that can be plan checked quickly. It is also less expensive than installing a custom CMU wall. Upon approval, the civil engineer will prepare plans showing the location of the wall which, along with a drawing from the manufacturer of the wall system showing how the system is assembled and with a pre-approval



stamp from the Department of Building and Safety, the plans should be approved in short order and the work can proceed.

## VIII. Budget Impacts

PCI 17 and the costs thereof will eventually be incorporated into a change order. **The budget previously approved by the MPS Board incorporates an allowance for site work that will cover the cost of the wall. Therefore, the overall budget for the New Construction Budget remains unchanged.**

### Exhibits:

*Exhibit A – Master Planning Documents*

*Exhibit B-1 – Pictures of Existing Wall*

*Exhibit B-2 – Location of New Wall and Pictorial Representation of the Wall*

*Exhibit C – PCI 17*



Exhibit A  
Master Planning Documents





MSA-1 MS BUILDING



MSA-1 MS BUILDING



NEW MSA-1 HS BUILDING (FALL 2018)



NEW MSA-1 HS BUILDING (FALL 2018)

# MAGNOLIA SCIENCE ACADEMY 1 MASTERPLANNING

SEPTEMBER 28, 2018

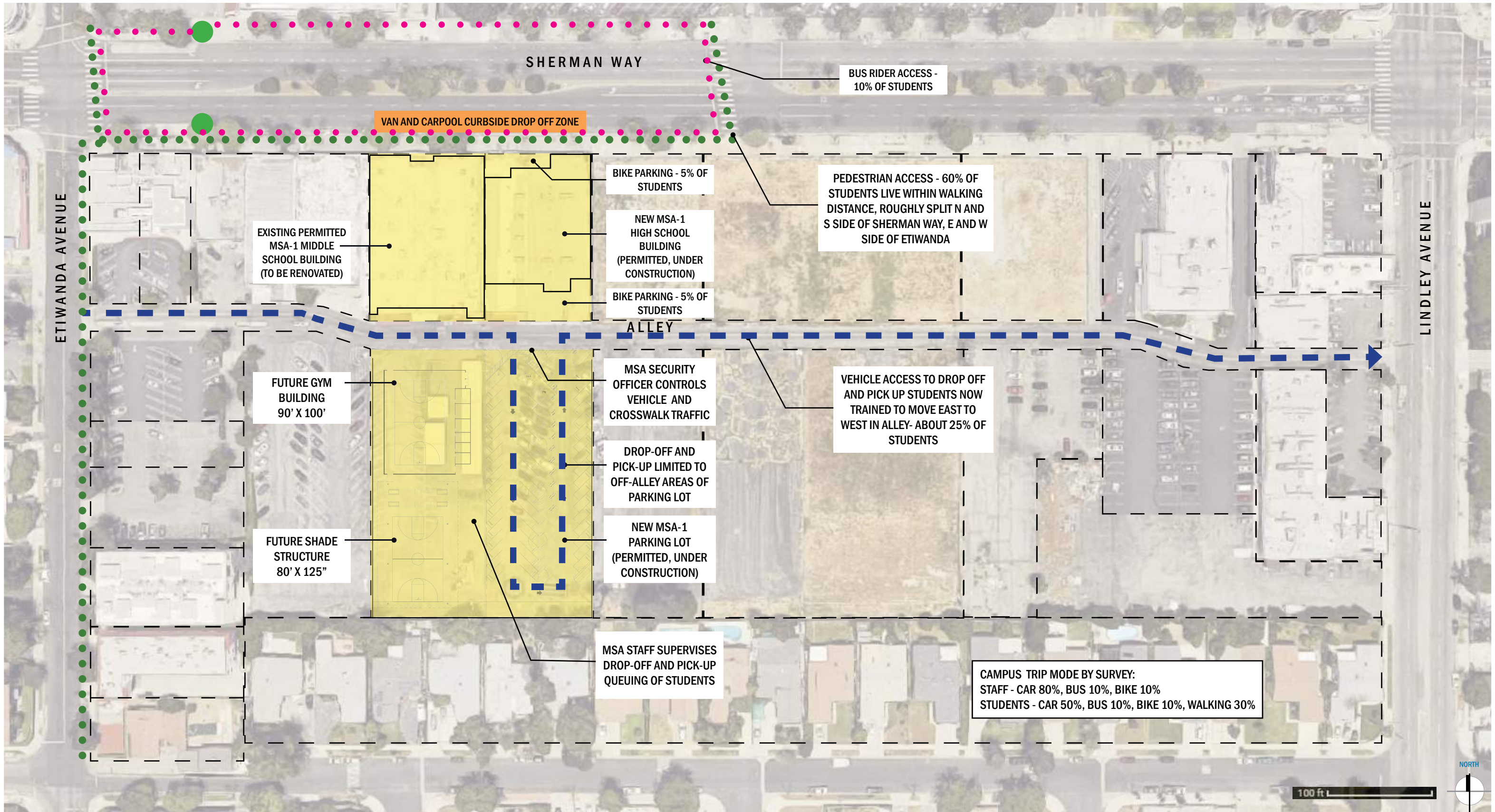
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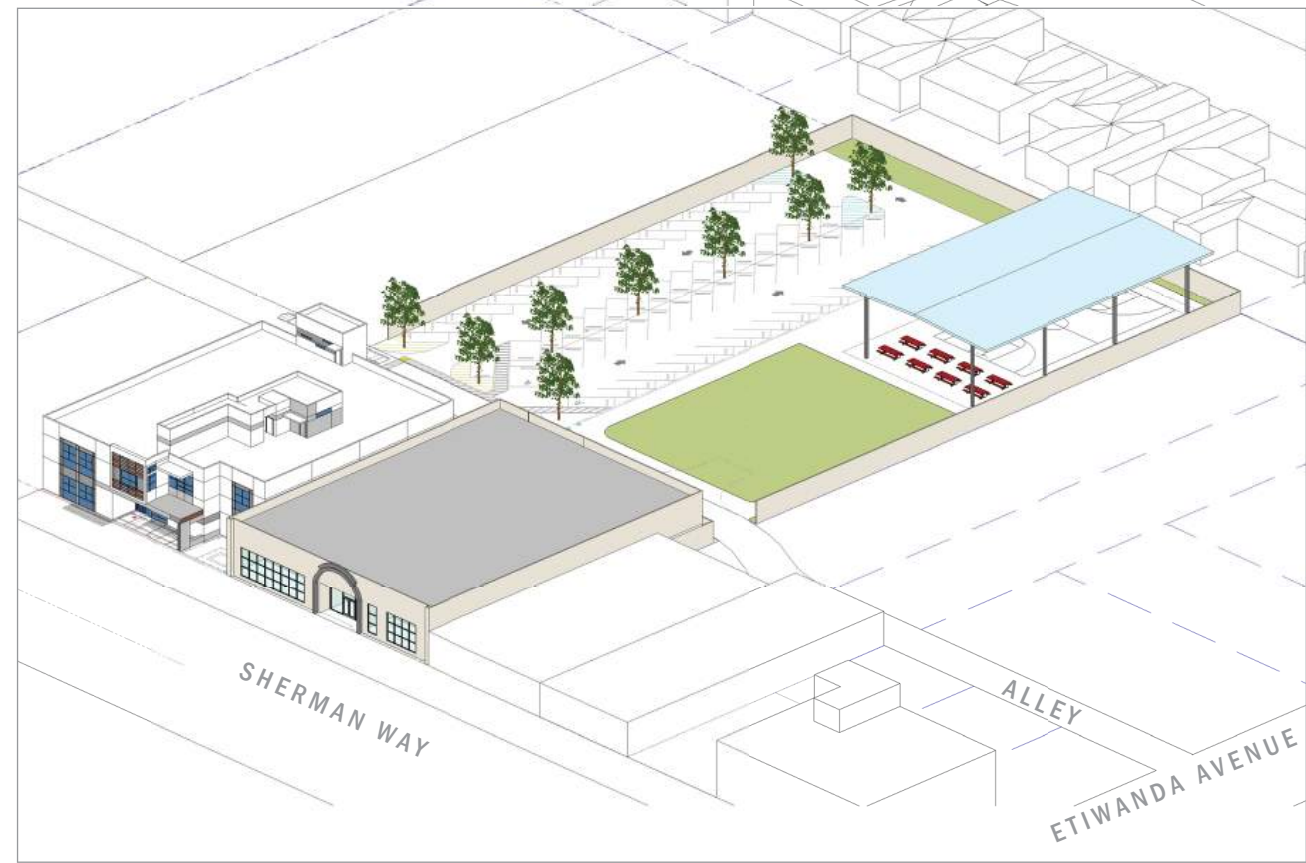
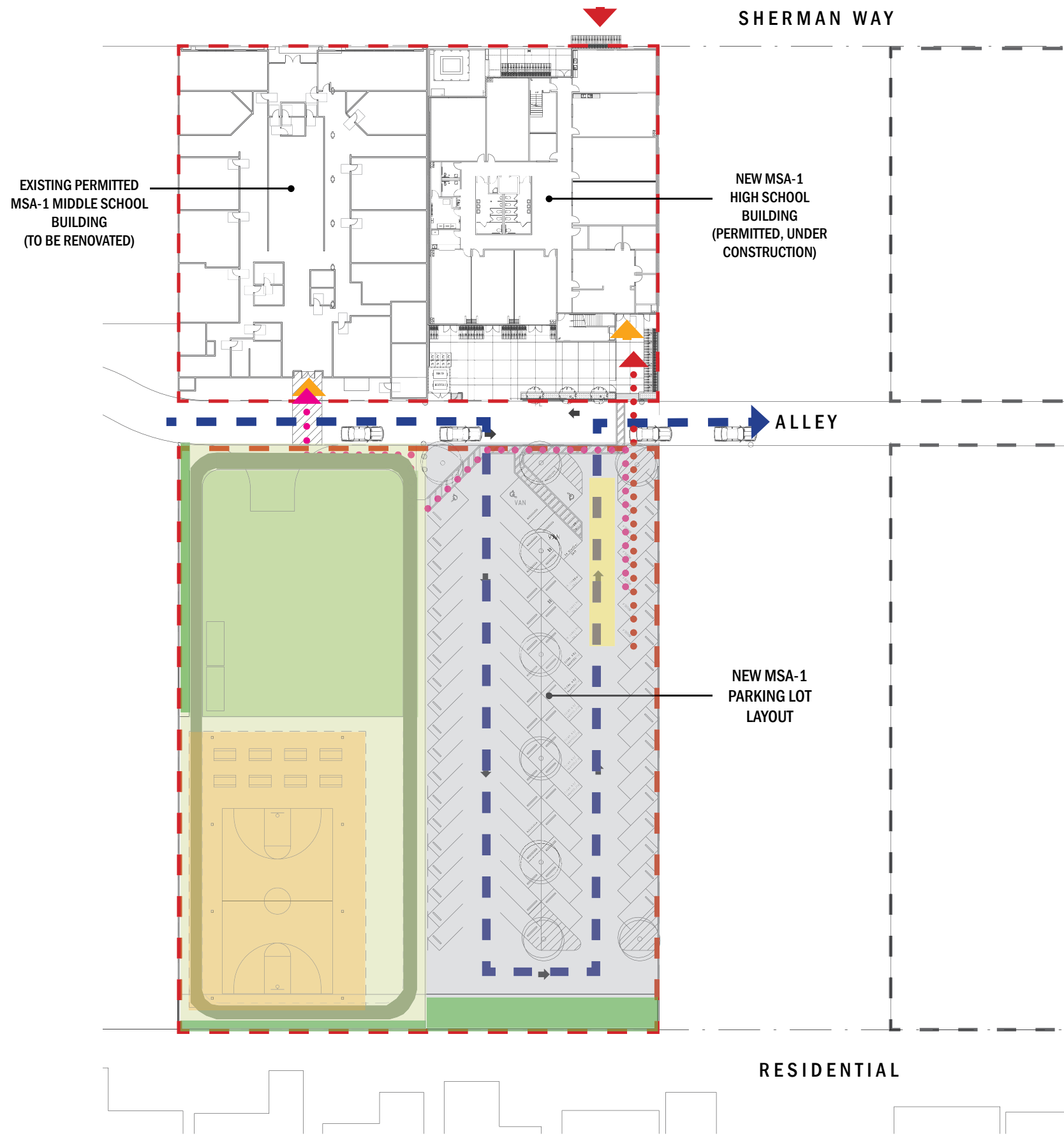








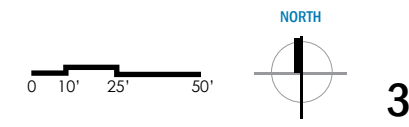
**CAMPUS ACCESS PATHWAYS**

**MAGNOLIA SCIENCE ACADEMY 1 - MASTERPLANNING**



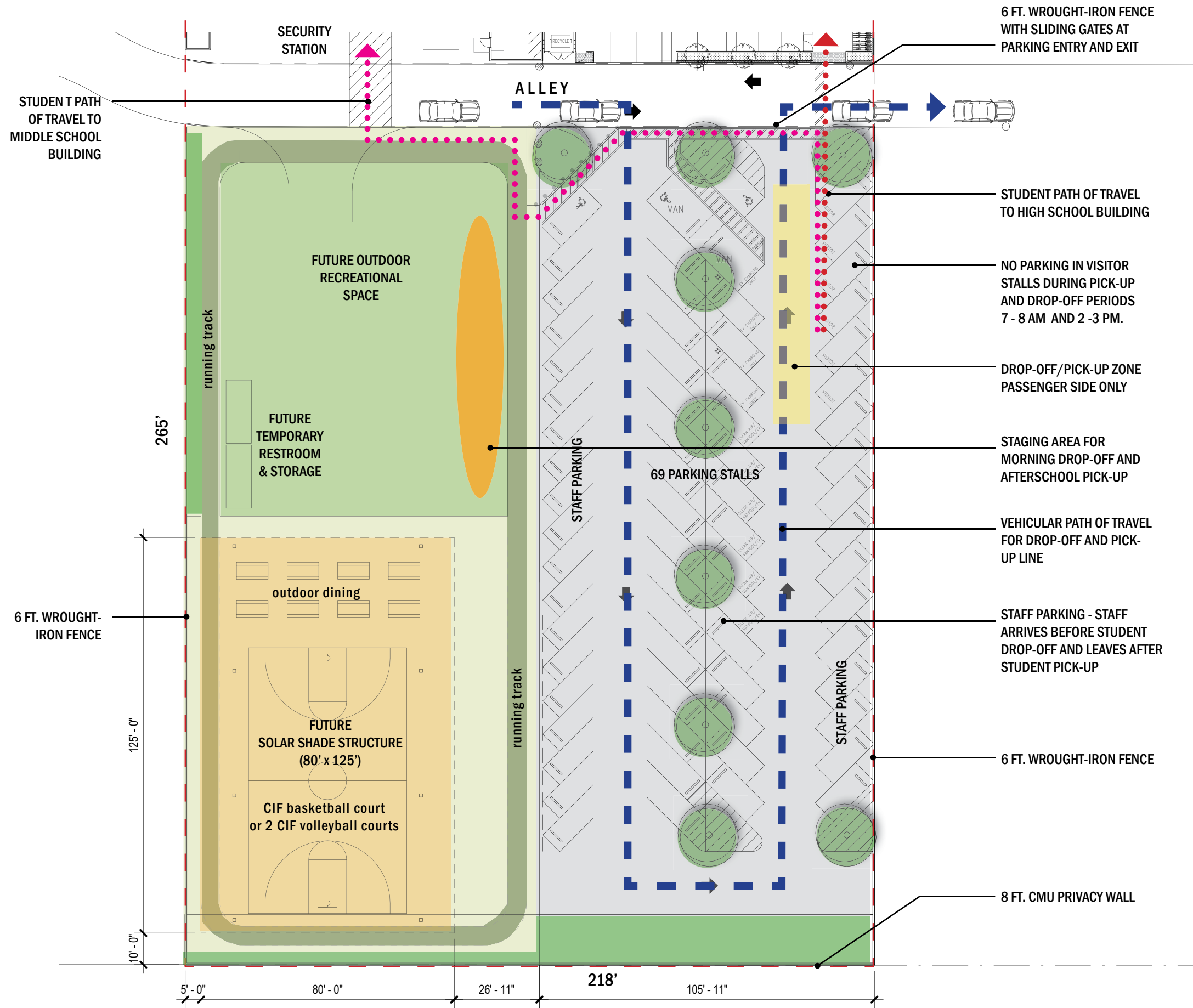


-  MSA-1 SITE
-  MAIN CAMPUS ENTRY
-  STUDENT ENTRY
-  DROP-OFF / PICK-UP LOOP



**ENTIRE CAMPUS VIEW**

**MAGNOLIA SCIENCE ACADEMY 1 - MASTERPLANNING**



6 FT. WROUGHT-IRON FENCE WITH SLIDING GATES AT PARKING ENTRY AND EXIT

STUDENT PATH OF TRAVEL TO MIDDLE SCHOOL BUILDING

ALLEY

SECURITY STATION

FUTURE OUTDOOR RECREATIONAL SPACE

FUTURE TEMPORARY RESTROOM & STORAGE

outdoor dining

FUTURE SOLAR SHADE STRUCTURE (80' x 125')

CIF basketball court or 2 CIF volleyball courts

69 PARKING STALLS

STAFF PARKING

STAFF PARKING

STUDENT PATH OF TRAVEL TO HIGH SCHOOL BUILDING

NO PARKING IN VISITOR STALLS DURING PICK-UP AND DROP-OFF PERIODS 7 - 8 AM AND 2 - 3 PM.

DROP-OFF/PICK-UP ZONE PASSENGER SIDE ONLY

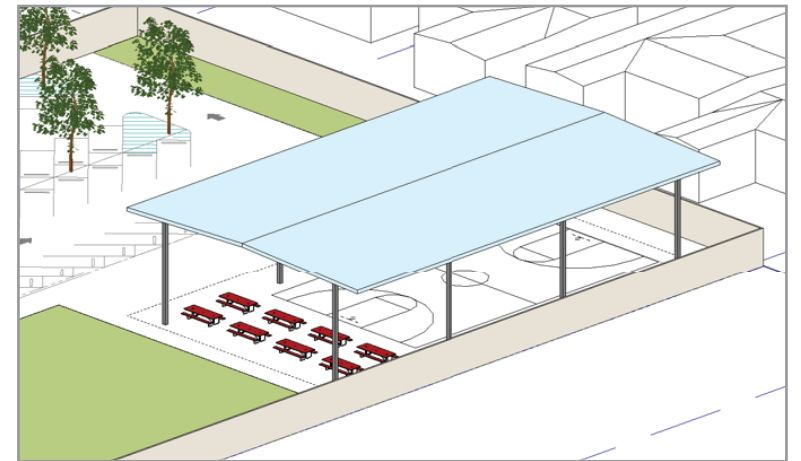
STAGING AREA FOR MORNING DROP-OFF AND AFTERSCHOOL PICK-UP

VEHICULAR PATH OF TRAVEL FOR DROP-OFF AND PICK-UP LINE

STAFF PARKING - STAFF ARRIVES BEFORE STUDENT DROP-OFF AND LEAVES AFTER STUDENT PICK-UP

6 FT. WROUGHT-IRON FENCE

8 FT. CMU PRIVACY WALL

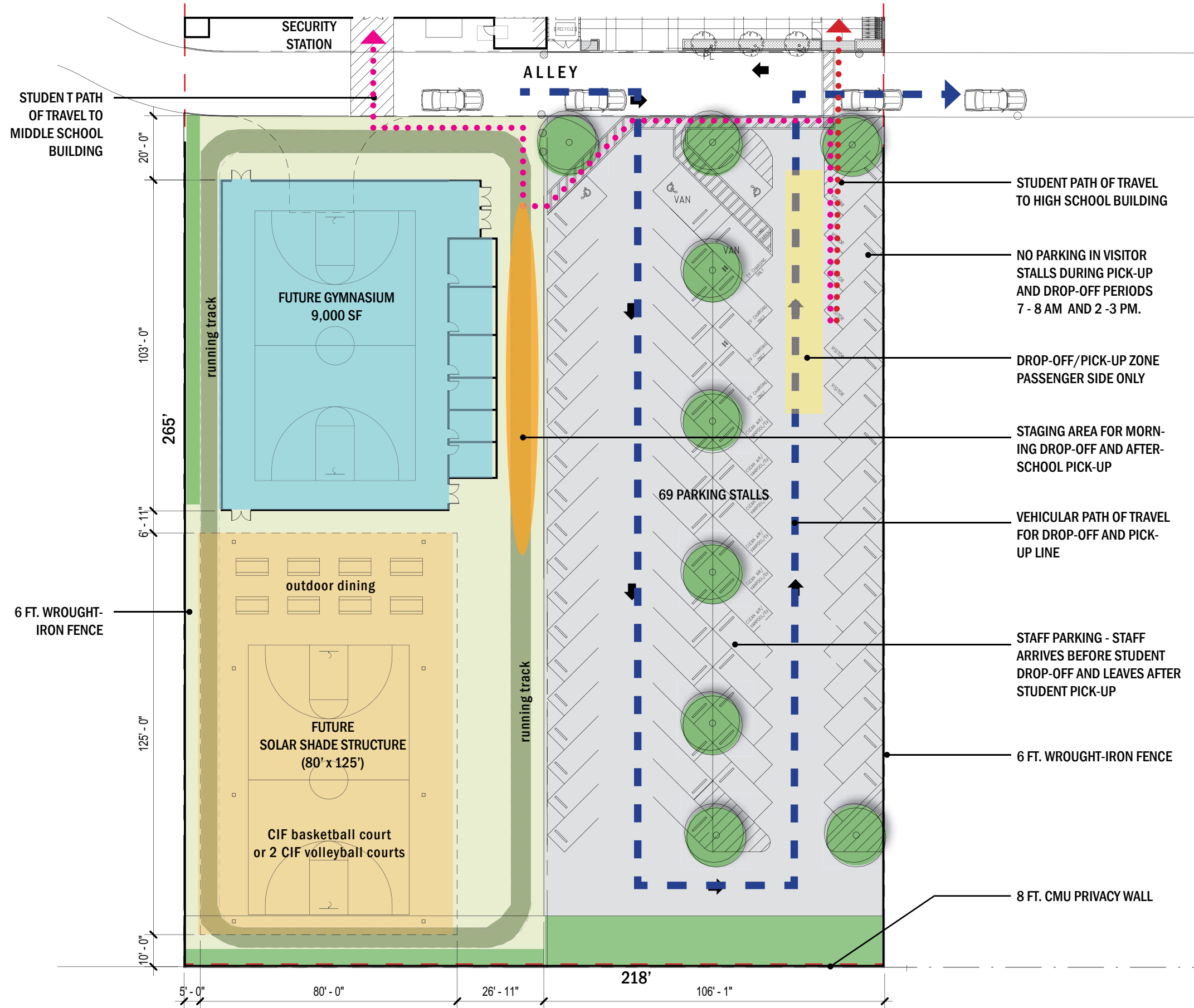


**NEAR-TERM PLAN WITH SOLAR SHADE STRUCTURE - ZONE CHANGE AREA**

**MAGNOLIA SCIENCE ACADEMY 1 - MASTERPLANNING**







STUDENT PATH OF TRAVEL TO HIGH SCHOOL BUILDING

NO PARKING IN VISITOR STALLS DURING PICK-UP AND DROP-OFF PERIODS 7 - 8 AM AND 2 - 3 PM.

DROP-OFF/PICK-UP ZONE PASSENGER SIDE ONLY

STAGING AREA FOR MORNING DROP-OFF AND AFTER-SCHOOL PICK-UP

VEHICULAR PATH OF TRAVEL FOR DROP-OFF AND PICK-UP LINE

STAFF PARKING - STAFF ARRIVES BEFORE STUDENT DROP-OFF AND LEAVES AFTER STUDENT PICK-UP

6 FT. WROUGHT-IRON FENCE

8 FT. CMU PRIVACY WALL



**LONG-TERM PLAN WITH GYMNASIUM**

**MAGNOLIA SCIENCE ACADEMY 1 - MASTERPLANNING**

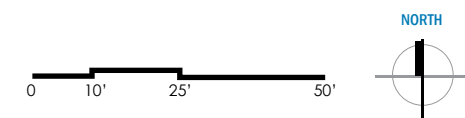


Exhibit B-1

Existing Southern Wall of MPS Property – a hodge podge of different fences





18238 Sherman Way  
Existing Building

Exhibit B-2

18220 Sherman Way  
New Construction



New Proto II Wall  
Shape



Exhibit C  
PCI 17 for Proto II Wall  
(see following pages)



**Estimate Summary  
Magnolia Science Academy**

***Parking Lot Proto II Wall***

*PCI No. 017*

Provide labor materials and equipment as required to perform the following changes:

See Oltmans COR cover sheet for description of scope of work

**PROTO II WALL WITH CMU WALL RETURNS**

Description	Totals	Notes
Proto II Wall Footing Excavation, Footing, Rebar, Wall, Cap, Wall Returns, Permit Fees	\$38,500	NO RETURNS. See attached Ross Masonry Email
CMU Wall Returns	\$3,000	See attached Ross Masonry Email
Survey	\$2,000	1 Mobilization
Export 30 CY Footing Spoils	\$2,550	Lump Sum 30CY at \$35/CY + Loading
<b>Subtotal</b>	<b>\$46,050</b>	
SDI	\$576	
Liability Insurance	\$447	
Bond	\$377	
OH & P	\$2,354	
Tax	\$60	
<b>TOTAL</b>	<b>\$49,864</b>	

**PROTO II WALL WITH FENCE PANEL RETURNS**

Description	Totals	Notes
Proto II Wall Footing Excavation, Footing, Rebar, Wall, Cap, Wall Returns, Permit Fees	\$38,500	NO RETURNS. See attached Ross Masonry Email
Wrought Iron Fence Returns (6)	\$2,400	See attached Built Rite Fence CO dated 11/9/18
Survey	\$2,000	1 Mobilization
Export 30 CY Footing Spoils	\$2,550	Lump Sum 30CY at \$35/CY + Loading
<b>Subtotal</b>	<b>\$45,450</b>	
SDI	\$569	
Liability Insurance	\$441	
Bond	\$372	
OH & P	\$2,323	
Tax	\$59	
<b>TOTAL</b>	<b>\$49,214</b>	

**QUALIFICATIONS:**

1)

## Trevor Lawton

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**From:** Kelly Ross <rosskr@aol.com>  
**Sent:** Monday, November 19, 2018 8:08 AM  
**To:** Trevor Lawton; Jeff Rich; erik@rossconcretemasonry.com  
**Cc:** Elizabeth Lara; rosskr@aol.com  
**Subject:** Re: Magnolia Science Academy Proto II Wall

Trevor,  
See below.  
Thanks, Kelly

In a message dated 11/16/2018 4:13:47 PM Pacific Standard Time, TrevorL@oltmans.com writes:

Hi Kelly,

I left you a VM a little bit ago. Can you please let me know what the cost is without the returns (including the permit) just in case the owner wants to do wrought iron fence panels instead of CMU. Also I count 6 returns total. Can you please adjust your price in the previous email to reflect that.

i.e.

Straight wall with NO returns: **\$38,500**

Wall with 6 returns: **\$41,500**

Thank you!

**Trevor Lawton, CESSWI, QSP**

Project Manager

**Oltmans Construction Co.**

T 562.948.4242, Ext. 3459

C 916.276.7666

## Trevor Lawton

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**From:** Kelly Ross <rosskr@aol.com>  
**Sent:** Wednesday, November 14, 2018 10:30 AM  
**To:** Trevor Lawton; Jeff Rich; erik@rossconcretemasonry.com  
**Cc:** Elizabeth Lara; rosskr@aol.com  
**Subject:** Re: Magnolia Science Academy Proto II Wall

Trevor,

Yes that number includes all. The only demo I have is removing the walk way in the wall line. I really wouldn't know what to charge for hauling of footing spoils & concrete. There will be aprox 30 yards of dirt.

Thanks, Kelly



### Ross Concrete & Masonry, Inc.

Kelly R. Ross- President

27915 Smyth Drive

Valencia, CA 91355

Ph.#661-257-7759 Fax#661-257-0109

Cell#661-510-4056

Email: rosskr@aol.com

Website: <http://www.rossconcretemasonry.com/>

In a message dated 11/14/2018 9:08:48 AM Pacific Standard Time, TrevorL@oltmans.com writes:

Thanks Kelly. Just to confirm, your number includes all footing excavation, demo of the misc. items in the way that we walked (small concrete pathway), all reinforcing, footing, wall, concrete and gout? Pretty much a turnkey system except for the spoil haul off and staking. Can we get an add alternate for the spoils haul off?

Thanks,

**Trevor Lawton, CESSWI, QSP**

Project Manager

**OCCO NOTE:**

Per conversation with Paul: This quote includes the required post on the neighbor side (included in the proposal: either plating/anchoring or footing, attachment to be field verified). This is an all inclusive cost for the panels, Builtrite will be design to match the project fence on the project drawings.

<b>PROPOSAL AND CONTRACT</b>	9110 Rose Street Bellflower, CA 90706 Phone (562) 804-4828 (800) 990-1933 FAX (562) 920-3929  State License #341514
DATE <u>11/9/18</u>	
PAGE	
NO. <u>3</u> OF <u>3</u>	

PROPOSAL SUBMITTED TO: Oltmans Construction		JOB NAME: Magnolia School - Wing Panel	
STREET:		LOCATION: Los Angeles, CA	
CITY, STATE and ZIP CODE: Whittier, CA			
PHONE	FAX	CONTACT PERSON:	PHONE:

**Wing Panels: \$405.00 Ea.**  
 Install (1) 3' x 8' wing panel between  
 Material: 2" rail, 1" pickets at 5" o.c.

~~5 panels at \$400 ea. = \$2,000~~  
6 panels @ 400.00 ea. = 2,400.00

6 panels. Per TL

**EXCLUSIONS:** PREVAILING WAGE, BONDING, DRAWINGS, PERMITS, DEMO, CORE DRILLING, SAW CUTTING, CONCRETE FLATWORK, CONCRETE BASE FOR GATE OPERATORS, MOW STRIPS, CLEARING, REMOVAL OF SPOILS, GRUBBING, GRADING, ENGINEERING, ELECTRICAL, HIGH/LOW VOLTAGE LINES, CONDUIT LINES, GROUNDING, ACCESS CONTROLS, GATE OPERATORS, KNOX BOX, PANIC HARDWARE, SURVEYING, FABRIC ON FENCE, GROUND TRACK, AND ANY UNKNOWN UNDERGROUND, **UNLESS NOTED OTHERWISE**

\_\_\_\_\_ dollars **\$405.00 per panel**

Payment to be made as follows: ON COMPLETION

All work to be completed in a workmanlike manner according to standard industry practices. Last minute cancellations, delays, alterations or deviations will result in additional charges to customer at Built Rite Fence Company's standard time and material rates. Customer assumes responsibility for property lines, fence location, obstructions in fence line, grade of fence line, underground lines and clearing of old fence and/or debris unless otherwise noted in this proposal. In the event it becomes necessary to take legal measures to collect payment, customer will be responsible for all costs in the effort to do so.

Authorized Signature \_\_\_\_\_ *PAUL GOMEZ*

Contractors are required by law to be licensed and regulated by the Contractor's State Board. Any questions concerning a contractor may be referred to the register of the Board, Contractors State License Board, P.O. Box 26000, Sacramento, CA 95826.

**Acceptance of Proposal** - The above price, specifications and conditions are satisfactory and are hereby accepted. You authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_  
 Date \_\_\_\_\_



