ORDER OF BUSINESS - REGULAR MEETING

Wednesday, January 29, 2014
Public Session 2:30 p.m.
Closed Session
(Immediately Following Public Session)

Educational Services Center
Board Room – First Floor
770 Wilshire Blvd.
Los Angeles, CA 90017

I. Roll Call (2:30 p.m.)

II. Flag Salute

III. Reports from Representatives of Employee Organizations at the Resource Table

IV. Announcements from College Presidents

V. Public Agenda Requests
   A. Oral Presentations
   B. Proposed Actions

VI. Reports and Recommendations from the Board
   • Reports of Standing and Special Committees
     BT1. Trustee Authorizations
     BT2. Resolution – Reappointment of Personnel Commissioner

VII. Consent Calendar
   Matters Requiring a Majority Vote
   BF1. Adopt Non-Resident Tuition
   BSD1. Business Services Routine Report
   FPD1. Resolution Certifying the Subsequent Environmental Impact Report and Adopting the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Van de Kamp Innovation Center
   HRD1. Adopt the Los Angeles Community College District’s and the Los Angeles College Faculty Guild’s, AFT Local 1521, Joint Initial Proposal Regarding Negotiations of the July 1, 2014-June 30, 2017 Collective Bargaining Agreement

VIII. Recommendations from the Chancellor
   CH1. Reappointments to the District Citizen’s Oversight Committee for Propositions A/AA and Measure J Bond Programs
IX. Recess to Committee of the Whole
   A. Roll Call
   B. Public Speakers
   C. Presentations/Initiative Reviews
      • Presentation on Cover LACCD Week
      • Presentation on Promise Zones
   D. Other Business
   E. Adjournment of the Committee of the Whole

X. Reconvene Regular Meeting of the Board of Trustees

XI. Roll Call

XII. Notice Reports and Informatives – None

XIII. Announcements and Indications of Future Proposed Actions

XIV. Requests to Address the Board of Trustees – Closed Session Agenda Matters
     Location: Board Room

XV. Recess to Closed Session in accordance with The Ralph M. Brown Act, Government Code sections 54950 et seq., and the Education Code to discuss the matters on the posted Closed Session agenda pursuant to Government Code section 54954.5. Location: Hearing Room

XVI. Reconvene Regular Meeting (Immediately Following Closed Session)
     Location: Board Room

XVII. Roll Call

XVIII. Report of Actions Taken in Closed Session – January 29, 2014

XIX. Adjournment

************************************************************
Next Regularly Scheduled Board Meeting
Wednesday, February 12, 2014
(Public Session scheduled for 3:30 p.m.)
West Los Angeles College
9000 Overland Avenue
Culver City, CA 90230
************************************************************

In compliance with Government Code section 54957.5(b), documents made available to the Board after the posting of the agenda that relate to an upcoming public session item will be made available by posting on the District’s official bulletin board located in the lobby of the Educational Services Center located at 770 Wilshire Boulevard, Los Angeles, California 90017. Members of the public wishing to view the material will need to make their own parking arrangements at another location.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

To make such a request, please contact the Executive Secretary to the Board of Trustees at (213) 891-2044 no later than 12 p.m. (noon) on the Tuesday prior to the Board meeting.
CLOSED SESSION
Wednesday, January 29, 2014

Educational Services Center
Hearing Room – First Floor
770 Wilshire Boulevard
Los Angeles, CA 90017

I. Public Employee Employment
   (pursuant to Government Code section 54957)
   A. Position: President, Los Angeles Valley College
   B. Position: President, Los Angeles Harbor College
   C. Position: President, Los Angeles Southwest College
   D. Position: Chief Business Officer
   E. Position: Chancellor

II. Conference with Labor Negotiator
    (pursuant to Government Code section 54957.6)
   A. District Negotiators: Adriana D. Barrera
      Albert Román
      Employee Units:  All Units
      All Unrepresented Employees
   B. District Negotiators: Adriana D. Barrera
      Kathleen Burke
      Marvin Martinez
      Albert Román
      Employee Unit:  Faculty
III. Public Employee Discipline/Dismissal/Release/Charges/Complaints
(pursuant to Government Code section 54957)

IV. Conference with Legal Counsel - Existing Litigation
(pursuant to Government Code section 54956.9(a)

A. Nu Tran v. LACCD

B. LACCD v. Michael Miller; Miller v. LACCD, et al.

C. Sinanian Development, Inc. v. LACCD

D. The Board of Trustees of the Cement Masons Southern California v. Two Brothers Construction Corporation, LACCD, et al.

V. Conference with Legal Counsel - Anticipated Litigation
(pursuant to Government Code section 54956.9(b)

A. Potential litigation pursuant to Government Code section 54956.9(b)(4)
Subject: TRUSTEE AUTHORIZATIONS

I. Conference Attendance Authorizations

A. Authorize payment of necessary expenses for Mona Field, member of this Board of Trustees, to attend the Annual Accreditation Institute 2014 of the Academic Senate for California Community Colleges to be held February 7-8, 2014 in La Jolla, California.

**Background:** Trustee Field’s expenses will be reimbursed from her travel allocation and will not exceed $700.

B. Authorize payment of necessary expenses for Mona Field, member of this Board of Trustees, to attend the Advocacy & Policy Conference—Changing the Narrative on California Community Colleges of the Faculty Association of California Community Colleges (FACCC) to be held March 2-3, 2014 in Sacramento, California.

**Background:** Trustee Field’s expenses will be reimbursed from her travel allocation and will not exceed $800.

Chancellor and Secretary of the Board of Trustees

By __________________________ Date ______________

[Signatures]

Page 1 of 1 Pages Com. No. BT1 Div. Board of Trustees Date 1/29/14
Subject: RESOLUTION - REAPPOINTMENT OF PERSONNEL COMMISSIONER

The following resolution is presented by Trustees Moreno and Pearlman:

WHEREAS, The term of office for Commissioner Ann Young-Havens expired on November 30, 2013, and

WHEREAS, In keeping with the Board’s expressed goals to conduct business in an open and transparent manner, an open selection process was conducted which included the interview of four applicants by two interview panels, one composed of constituent group representatives and the second of an Ad Hoc Board Committee on Personnel Commission, and

WHEREAS, It is the recommendation of both the Ad Hoc Committee and interested parties that Ms. Young-Havens be reappointed to a third term, and

WHEREAS, Ms. Young-Havens is uniquely qualified for service as a Personnel Commissioner of the Los Angeles Community College District; Ms. Young-Havens is currently the Senior Human Resources Manager of the Countywide Examination Administration Division for the County of Los Angeles. In this capacity Ms. Young-Havens is responsible for conducting high-quality recruitment campaigns, constructing valid and reliable testing methods based on job-related criteria, and ensuring that all examination processes are in accordance with relevant professional standards and guidelines. Prior to joining the County, she was the Acting Personnel Director for the Personnel Commission of the Los Angeles Unified School District, a merit system that supports over 40,000 classified employees, and

WHEREAS, Ms. Young-Havens has served the Los Angeles Community College District as a Personnel Commissioner since February 12, 2009, and

WHEREAS, Ms. Young-Havens has been instrumental in implementing changes and improvements in Personnel Commission operations which incorporate merit principles, sound business practice, and the interests of the District and classified employees, and

WHEREAS, Ms. Young-Havens has gained the respect and support of District administration, employees, union leadership and staff in carrying out the role of Personnel Commissioner, Now, Therefore, Be It

RESOLVED That the Board of Trustees, Los Angeles Community College District does hereby announce its decision to recommend the reappointment of Ms. Ann Young-Havens to serve as Personnel Commissioner.

Chancellor and Secretary of the Board of Trustees

By ____________________________ Date ________
Subject: ADOPT NON-RESIDENT TUITION

Adopt non-resident tuition for the 2014-15 fiscal year of $193 per semester unit for students attending the District colleges who are non-residents of the State, and a capital outlay fee of $22 per semester unit for non-residents of the State.

Background: Education Code Section 76140 requires each district Board to establish a non-resident tuition fee no later than February 1 of each year for the succeeding fiscal year. District may use any of the following options for establishing the fee:

1. The statewide average cost per FTES calculated for FY2014-15, including projected increase in U.S. Consumer Price Index (USCPI), is $193 per semester unit; or
2. LACCD's cost per FTES calculated based on the above formula, is $192 per semester unit; or
3. Rate not higher than District's average cost with 10% or more non-credit FTES; or
4. Any one of a contiguous district's rate as permitted under SB 646, Chapter 317, Statutes of 1983; or
5. Rate not higher than District's cost, nor lower than the statewide average cost as provided by Chapter 985, Statutes of 1989 (SB 716).
6. Highest Years Statewide Average Tuition. Use the greater amount of statewide nonresident tuition from 2010-11 through 2014-15, which is from 2012-13 at $193 per semester unit; or
7. No more than 12 Comparable States Average Tuition. No greater than the 2012-13 average nonresident tuition fee of public community colleges in a minimum of 12 states comparable to California in cost of living. This average is calculated to be $388 per semester unit.

Additionally, the District, pursuant to ECS 76141 (enacted by AB 2055, Chapter 853, Statutes of 1991), has the capacity to charge non-resident students an amount not to exceed District's capital outlay per FTES for the preceding year. This additional fee cannot exceed fifty percent (50%) of non-resident fees.
established by the District and must be expended for capital outlay purposes. The District’s capital outlay cost per FTES is $98 per semester unit.

The current fiscal year 2013-14 non-resident tuition rate is $190 plus a $22 nonresident capital outlay fee for a total of $212. The District’s calculated cost for fiscal year 2014-15, using actual base year (FY2012-13) FTES, was $192.

Staff recommends that the District adopt the non-resident tuition fee of $193 per semester unit based on option 6 which is Highest Years Statewide Average Tuition. Staff also recommends that the District adopt the non-resident capital outlay fee of $22 per semester unit which is lower than the District’s cost per FTE’s.

Refer to Exhibit I for a comparison of non-resident tuition and capital outlay fees of LACCD’s contiguous districts.
## Exhibit I

**BFI as of: 17-Jan-14**

**Los Angeles Community College District**

**LACCD's Contiguous Districts Non-Resident Tuition and Capital Outlay Rates (Not Adopted by Board)**

<table>
<thead>
<tr>
<th>District</th>
<th>FY 2011-12</th>
<th>FY 2012-13</th>
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<td>Non-Resident Tuition</td>
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**Notes:**

(A) Excludes Bond funds for Capital Outlay Rate
(B) Includes Bond funds for Capital Outlay Rate

* District has not provided a proposed Tuition and Capital outlay rate as of 1/17/12
# Exhibit I

LOS ANGELES COMMUNITY COLLEGE DISTRICT
LACCD'S CONTIGUOUS DISTRICTS NON-RESIDENT TUITION AND CAPITAL OUTLAY RATES (NOT ADOPTED BY BOARD)

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Notes:
(A) Excludes Bond funds for Capital Outlay Rate
(B) Includes Bond funds for Capital Outlay Rate
(*) Information was not provided by contiguous district
Subject: BUSINESS SERVICES ROUTINE REPORT

I. A. AUTHORIZE SERVICE AGREEMENTS

Authorize agreements with the following law firms to provide legal services to the District for Class 1 matters on an as-needed basis as directed by the General Counsel or her designee from April 1, 2014 to March 31, 2017, inclusive, with two one-year renewal options, at an hourly rate not to exceed each firm’s respective rate.

Maximum Hourly Rate

Aleshire & Wynder, LLP
Alvarado Smith
Alvarez Glasman & Colvin
Atkinson, Andelson, Loya, Ruud & Romo
Backus & Ernst, LLP
Best, Best & Krieger
Carlson & Messer, LLP
Corporate Counsel Partners
Dannis Wolliver Kelley
Law Office of Stephen S. Densmore
Fagen Friedman & Fulfrost LLP
Gonzalez Saggio & Harlan, LLP
Gresham Savage Nolan & Tilden
Haight Brown & Bonesteel, LLP
Hurrell Cantrall, LLP
Kohrs & Fiske
Lee Tran Liang & Wang, LLP
Liebert Cassidy Whitmore
Musick Peeler & Garrett, LLP
Orbach, Huff & Suarez, LLP
Parker & Covert, LLP
Reily & Jeffery, Inc.
Wasserman & Wasserman, LLP

$225.00
$300.00
$200.00
$290.00
$300.00
$285.00
$230.00
$250.00
$275.00
$325.00
$275.00
$300.00
$300.00
$350.00
$250.00
$250.00
$225.00
$230.00
$300.00
$225.00
$225.00
$190.00
$300.00

Recommended and Approved by:

Adriana D. Barrera, Interim Chancellor

Chancellor and Secretary of the Board of Trustees

By: __________________________ Date __________________________
Board of Trustees
Los Angeles Community College District

Wood, Smith, Henning & Berman, LLP
$275.00
Yasinski & Jones, LLP
$300.00

Background: In September and October 2013, staff advertised for attorney firms to represent the District in a wide variety of areas. The Notice Inviting Proposals was published for three weeks and posted on the District’s website. Notices were also emailed to the South Asian Bar Association, Irish American Bar Association, Armenian Bar Association, Asian Pacific American Bar Association of Los Angeles County, Afghan American Bar Association, Arab American Lawyers of Southern California, Asian Pacific American Women Lawyers, Black Women Lawyers of Los Angeles, Iranian American Bar Association of Los Angeles, Japanese American Bar Association of Southern California, John M. Langston Bar Association of Los Angeles, Mexican American Bar Association of Los Angeles, Native American Lawyers of San Diego, Nigerian American Lawyers Association, Philippine American Bar Association, Puerto Rican Bar Association, Southern California Chinese Lawyers Association, Thai American Bar Association, Vietnamese American Bar Association, Lesbian & Gay Lawyers Association and Italian American Lawyers Association. Thirty-seven (37) proposals were received in response to a competitive Request For Proposals. Firms will continue to be assigned particular matters in accordance with District procedures. Many of the firms specialize in certain areas of law, and some firms were selected to provide services in only a single area, such as in construction matters, bonds and litigation representation in labor and employment, defense of governmental tort claims, and education law. Class 1 matters are employment, collective bargaining, discrimination, personal injury and other matters traditionally arising from the District’s operations. The panel for Class 2 matters, which are matters related to the building program and real property development, will be brought forward at a later time. Funding is from the Districtwide Legal Expense Fund, or from Proposition A, AA or Measure J funds, as applicable.

B. Authorize agreement with Dr. Rose Marie Joyce to provide professional services to the District’s Human Resources and Chancellor’s offices during the period from February 3, 2014 to June 30, 2014 inclusive. Dr. Joyce’s work schedule will be limited to 100 hours per month. Total cost for this period not-to-exceed: $47,500.
Subject: RESOLUTION CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE VAN DE KAMP INNOVATION CENTER

Action

Adopt a resolution (Attachment 1) certifying the Subsequent Environmental Impact Report and adopting the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Van de Kamp Innovation Center.

Background

In 2001, the Los Angeles Community College District ("District") Board of Trustees certified an Environmental Impact Report ("EIR") for the construction of a Los Angeles City College satellite campus for the newly acquired Van de Kamp Bakery property. Subsequent to the certification of that EIR, two Addenda were prepared related to minor changes to the satellite campus project. Due to unforeseen budget constraints however, the District's plan to establish a satellite campus at the Van de Kamp Innovation Center ("Innovation Center") was temporarily scaled back, and in the interim, the Innovation Center has been used in part for District office space, and in part as leased space for tenants with an educational focus. Accordingly, a Subsequent EIR has been prepared to reevaluate the potential environmental impacts of the current and potential future uses of the Innovation Center's facilities.

Impacts Analysis

Under this Subsequent EIR, the four occupancy options considered for the future use of the Innovation Center include: (a) Option 1, College and High School Mix; (b) Option 2, High School and Adult Education/Workforce Training Mix; (c) Option 3, Current Mix (High School, Adult Education/Workforce Training, and Office); and (d) Option 4, Office and University Collaboration Mix. The Subsequent EIR assesses the potential significant impacts of these potential occupancy options, including unavoidable adverse impacts and cumulative impacts.

In performing this analysis, the Subsequent EIR found less-than-significant impacts with regard to the following: (1) Air Quality (Localized Emissions, Toxic Air Contaminants, Odors, and Applicable Plans, Policies or Regulations, Cumulative); (2) Greenhouse Gas Emissions (Greenhouse Gas Emissions and Applicable Plans, Policies or Regulations, Cumulative); (3) Land Use and Planning (Land Use Compatibility, Land Use Consistency and Habitat Conservation Plans, Cumulative); (4) Noise and Vibration (Noise and Ground-borne Vibration, Cumulative); and, (5) Transportation and Traffic (Congestion Management Plan,

Recommended and approved by: Adriana D. Barrera, Interim Chancellor

Chancellor and Secretary of the Board of Trustees

By: ________________________ Date ________________________
Vehicle and Pedestrian Site Access, Public Transit, Bicycle, or Pedestrian Facilities, Cumulative). While potentially significant impacts were identified in relation to the Transportation and Traffic’s circulation analysis, those impacts would be reduced to less-than-significant levels under all Options with the implementation of the recommended mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”).

Finally, the Subsequent EIR also found significant and unavoidable Air Quality impacts under Options 1 and 2 relating to regional nitrogen oxide (“NOX”) emissions. Specifically, the Subsequent EIR found that these impacts would exceed the Southern California Air Quality Management District (SCAQMD) threshold under existing conditions until sufficient turnover occurs to the existing motor-vehicle fleet, resulting in increased engine efficiency and decreased emissions. Because the Los Angeles Community College District cannot regulate vehicle emissions, the Subsequent EIR found that there are no feasible mitigation measures available to reduce this significant impact to a less-than-significant level.

Notwithstanding this finding, the Subsequent EIR concluded that by 2014 [i.e., two years from the time the Notice of Preparation (“NOP”) was released], sufficient motor-vehicle fleet turnover would occur that would reduce regional NOX emission impacts to a less-than-significant level. Therefore, the Subsequent EIR indicates that Air Quality impacts under Options 1 and 2 are no longer significant and unavoidable today in 2014.

At the time of its preparation, however, the Subsequent EIR found that Options 1 and 2 would have significant and unavoidable Air Quality Impacts. In order to approve a project with significant and unavoidable impacts, the lead agency must adopt a Statement of Overriding Considerations (in accordance with Section 15093 of the State CEQA Guidelines) indicating that the benefits of approving the proposed project outweigh the negative environmental consequences. Although technically unnecessary given the passage of time and the conclusion that Air Quality impacts for Options 1 and 2 would be less-than-significant now, in 2014, the Board will nevertheless adopt a Statement of Overriding Considerations.

**Procedure**

A NOP of the Subsequent Draft EIR was released on September 12, 2012 for a 30-day review period. The Subsequent Draft EIR was prepared and circulated for a 45-day public review and comment period beginning on May 9, 2013 and ending on June 24, 2013. On May 9, 2013, a Notice of Completion, 15 copies of the Executive Summary and 15 electronic copies of the Subsequent Draft EIR were received by the State Clearinghouse for distribution to responsible agencies. A Notice of Availability of the Subsequent Draft EIR including an invitation to attend a public meeting, was published in local newspapers and mailed to property owners within 1,000 feet of the site and all interested parties requesting notification of the availability of the document. A scoping meeting was conducted during the 45-day public review period on May 30, 2013 during which public comment was taken. Additionally, pursuant to Administrative Regulation B-24, the District distributed and presented the Subsequent Final EIR at another public hearing on September 25, 2013.

Based on the foregoing, the Board may certify the Final Subsequent EIR and approve the Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.
RESOLUTION CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE VAN DE KAMP INNOVATION CENTER

WHEREAS, the Los Angeles Community College District ("District"), as lead agency, has caused to be prepared pursuant to the provisions of the California Environmental Quality Act (Public Resources Code, § 21000 et seq., "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., §15000 et seq., "CEQA Guidelines") a Subsequent Draft and Final Environmental Impact Report ("Subsequent EIR") to assess the environmental impacts of certain potential uses at the Van de Kamp Innovation Center ("Innovation Center"); and

WHEREAS, in 2001, the District Board of Trustees ("Board") certified an EIR for the construction of a Los Angeles City College satellite campus upon the newly acquired Van de Kamp's Bakery property, and, soon after, the Board certified two Addenda prepared to address minor changes to the satellite campus project; and

WHEREAS, due to unforeseen budget constraints, the District's plan to establish a satellite campus at the Innovation Center was temporarily scaled back and in the interim, the Innovation Center has been used in part for District office space and in part as leased space for tenants with an educational focus; and

WHEREAS, as the current and potential future types and mix of uses at the Innovation Center could not have been foreseen at the time the 2001 EIR or subsequent Addenda were certified as complete, the Subsequent EIR was prepared to reevaluate such potential environmental impacts pursuant to Section 15162 of the State CEQA Guidelines; and

WHEREAS, under the Subsequent EIR, the four occupancy options and uses considered included: (a) Option 1, College and High School Mix; (b) Option 2, High School and Adult Education/Workforce Training Mix; (c) Option 3, Current Mix (High School, Adult Education/Workforce Training, and Office); (d) Option 4, Office and University Collaboration Mix; and

WHEREAS, based on these potential occupancy options, the Subsequent EIR assessed the potential significant impacts relating to: Air Quality; Greenhouse Gas Emissions, Land Use & Planning; Noise & Vibration; and Transportation & Traffic; and found all impacts to be less-than-significant or avoidable with mitigation, except for Air Quality impacts associated with nitrogen-oxide emissions ("NOX") caused by regional motor-vehicle emissions; and

WHEREAS, a Notice of Preparation ("NOP") of the Subsequent Draft EIR was prepared and circulated on September 12, 2012 for a 30-day review period, and

WHEREAS, a Subsequent Draft EIR was prepared and circulated for a 45-day public review and comment period beginning on May 9, 2013 and ending on June 22, 2013; and

WHEREAS, a Notice of Completion ("NOC"), 15 copies of the Executive Summary and 15 electronic copies of the Subsequent Draft EIR were received by the State Clearinghouse for distribution to responsible agencies on May 9, 2013; and
WHEREAS, a Notice of Availability ("NOA") of the Subsequent Draft EIR, including an invitation to attend a public meeting, was published in local newspapers and mailed to property owners within 1,000 feet of the site and all interested parties requesting notification of the availability of the document; and

WHEREAS, a scoping meeting was conducted during the 45-day public review period on May 30, 2013, during which public comment was taken; and

WHEREAS, the Subsequent Final EIR, which incorporates the Subsequent Draft EIR by reference and contains written responses to all comments received on the Subsequent Draft EIR and additions and corrections to the information included in the Subsequent Draft EIR, was made available to the public on August 26, 2013; and

WHEREAS, the District, pursuant to Administrative Regulation B-24, distributed and presented the Subsequent Final EIR at a public hearing on September 25, 2013; and

WHEREAS, the Board has reviewed and considered the Subsequent Final EIR; and

WHEREAS, the Board has reviewed and considered the Findings of Fact and Statement of Overriding Considerations regarding the environmental effects from the project; and

WHEREAS, the Board has reviewed and considered the Mitigation Monitoring and Reporting Program ("MMRP") for the project.

NOW, THEREFORE, BE IT RESOLVED,

by the Board of Trustees of the Los Angeles Community College District, at the meeting held on January 29, 2014, the following:

RESOLVED, that the Board of Trustees hereby determines that the above recitals are true and correct; and be it further

RESOLVED, that the Board of Trustees hereby determines that the Subsequent Final EIR has been completed in compliance with CEQA and the CEQA Guidelines; and be it further

RESOLVED, that the Board of Trustees hereby determines that the Subsequent Final EIR was presented to the Board of Trustees and the Board of Trustees has reviewed and considered the Subsequent Final EIR and the information contained therein prior to making a decision on whether to certify the Subsequent Final EIR; and be it further

RESOLVED, that the Board of Trustees hereby determines that the Subsequent Final EIR, its reference documents, the Findings of Fact and Statement of Overriding Considerations, the MMRP, the staff report, the whole of the record of proceedings, and this resolution reflect the Board of Trustee's independent judgment and analysis, and be it further

RESOLVED, that the Board of Trustees hereby determines that the Subsequent Final EIR, its reference documents, the Findings of Fact and Statement of Overriding Considerations, the MMRP, the staff report, and the whole of the record of proceedings, are herein incorporated into this resolution by reference; and be it further
RESOLVED, that the Board of Trustees hereby certifies the Subsequent Final EIR; and be it further

RESOLVED, that the Board of Trustees hereby adopts the Findings of Fact and Statement of Overriding Considerations (Exhibit A) regarding the environmental effects from the project; and be it further

RESOLVED, that the Board of Trustees for the Los Angeles Community College District hereby adopts the MMRP (also a part of Exhibit A) for the proposed project; and be it further

RESOLVED, that the Subsequent Final EIR and record of this proceeding are on file and available at the District Educational Services Center, 770 Wilshire Boulevard, Los Angeles, CA 90017.

IN WITNESS of the unanimous passage of the foregoing resolution, as prescribed by law, we the members of said Board of Trustees, present and voting thereon, have hereunto set out hands this 29th day of January, 2014.

Member, Board of Trustees

Member, Board of Trustees

Member, Board of Trustees

Member, Board of Trustees

Member, Board of Trustees

President, Board of Trustees
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

I. INTRODUCTION

The Subsequent Environmental Impact Report (Subsequent EIR), which consists of the Subsequent Draft EIR published in May 2013 and the Subsequent Final EIR published in August 2013, identified significant environmental impacts that will result from the interim uses proposed for the Van de Kamp Innovation Center (proposed project). The Los Angeles Community College District (LACCD) finds that the inclusion of certain mitigation measures as part of project approval will reduce most of the potential significant effects to less-than-significant levels; however, one impact will remain that cannot be reduced to a less-than-significant level. The LACCD finds that the benefits of the proposed project are substantial, and overrides this single significant and unavoidable impact related to regional air quality emissions, as outlined in Section XI of these Findings.

As required by the California Environmental Quality Act (CEQA), the LACCD, in adopting these Findings of Fact and Statement of Overriding Considerations (Findings), also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The LACCD finds that the MMRP, which is incorporated by reference and made a part of these Findings as Attachment A, meets the requirements of California Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate the potentially significant effects of the proposed project. In accordance with CEQA and the CEQA Guidelines, the LACCD adopts these Findings as part of the certification of the Subsequent EIR for the proposed project. Pursuant to PRC Section 21082.1(e)(3), the LACCD also finds that the Subsequent EIR reflects the LACCD’s independent judgment as the lead agency for the proposed project.

II. FINDINGS REQUIRED UNDER CEQA

PRC Section 21081 and CEQA Guidelines Section 15091 require a public agency, prior to approving a proposed project, to identify significant impacts of the proposed project and make one or more of three allowable findings for each of the significant impacts.

- The first allowable finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines Section 15091, subd. (a)(1)).

- The second allowable finding is that “such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines Section 15091, subd. (a)(2)).

- The third allowable finding is that “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report.” (CEQA Guidelines Section 15091, subd. (a)(3)).

These Findings incorporate the facts and discussion of the environmental impacts that are found to be significant in the Subsequent EIR for the proposed project. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant," these findings will, nevertheless, fully account for all such effects identified in
the Subsequent EIR. For each of the significant impacts associated with the proposed project, the following sections are provided:

Description of Significant Effects – A specific description of the environmental effects identified in the Subsequent EIR, including a conclusion regarding the significance of the impact.

Mitigation Measures – Identified mitigation measures or actions that are required as part of the proposed project.

Finding – One or more of three specific findings as required under CEQA Guidelines Section 15091.

Reference – A citation to the specific section in the Subsequent EIR which includes the evidence and discussion of the identified impact.

For the environmental impacts identified in the Subsequent EIR as less than significant, a statement explaining why the impacts are less than significant is provided.

III. PROJECT BACKGROUND

In 1999, a new home improvement store development was proposed on the project site. Prior to this, the former Van de Kamp Bakery building had been vacant for over 13 years. The project proposed in 1999 consisted of a new home improvement warehouse (HomeBase) and a fast food restaurant (Burger King). The City of Los Angeles acted as the CEQA Lead Agency for the environmental review process and prepared an EIR for this project. Originally, the warehouse proposal required the demolition of the vacant bakery building. When the Draft EIR for this project was completed, significant and unavoidable impacts related to air quality, traffic, and historic resources were identified. A significant number of comments opposing this project were received during the 45-day Draft EIR public review period. After the publication of the Final EIR in April 2000, the City of Los Angeles held a public hearing to consider the certification of the Final EIR and the approval of this project. The lack of public support for this project led the City to deny the certification of the Final EIR and disapprove this project. After the rejection of this project, a new alternative for the Van de Kamp Bakery site was identified. This alternative was the adaptive reuse of the bakery building by the LACCD for a satellite campus for Los Angeles City College. The LACCD was responsible for acquiring the land and building the campus, and served as the CEQA Lead Agency for the environmental review of the proposed satellite campus. The LACCD Board of Trustees subsequently certified the environmental review for the proposed satellite campus in the form of a Final EIR Update, which incorporated the October 1999 Draft EIR and the April 2000 Final EIR previously prepared by the City of Los Angeles for the HomeBase project.

Following the certification of this Final EIR Update, LACCD prepared two Addendums to this EIR to address minor changes to the satellite campus project. Each of the Addendums determined that the vehicle trip generation and the parking demand created by a satellite campus would be less than the commercial uses that were analyzed in the Final EIR Update. The reduction in trips was important for the Los Angeles Department of Transportation (LADOT) in accepting a substitute mitigation measure for the creation of an exclusive northbound right turn lane at Fletcher Drive and San Fernando Road. The substitute mitigation measure revolves around the assertion that LACCD controls the academic program and class schedule, and can therefore control peak hour trips entering and exiting the campus. Towards this end, a 137-vehicle trip limit was established during a given hour within the weekday PM peak hour as a mitigation measure.

Due to severe budget strains, LACCD’s plans to establish a satellite community college campus on the project site have been temporarily scaled back. In the interim, LACCD maintains offices at the project
site and leases out underutilized facilities to tenants with an educational focus. The current tenants include a charter high school (Alliance for Charter Ready Public Schools – Environmental Science and Technology High School), and various worker training programs. As part of the lease agreements with these tenants, LACCD has created a set of mitigation measures to achieve a 137 vehicle trip limit during the PM peak hour. Nonetheless, the interim uses could result in new unforeseen physical impacts to the environment. These potential environmental impacts can reasonably be foreseen to take place over the term of the lease agreements with the educational tenants (possibly five to ten years). The purpose of this EIR is to analyze the potential environmental impacts that may be generated by several possible interim use options.

IV. PROJECT OBJECTIVES

In accordance with Section 15124 of the State CEQA Guidelines, EIRs shall include a statement of objectives of the proposed project. A description of the project’s objectives defines the project’s intent and facilitates the formation of project alternatives. The applicant’s statement of project objectives is as follows:

- Foster a culture of academic excellence by strengthening the educational programs and quality of teaching that will lead directly to greater student success;
- Create community-oriented development that successfully serves students and the community alike;
- Provide greater capacity to serve the existing and future demand for educational facilities in northeast Los Angeles; and
- Develop and implement plans and procedures to enhance LACCD’s visibility and reputation for quality education.

V. DESCRIPTION OF THE PROPOSED PROJECT

The Van de Kamp Innovation Center is envisioned to accommodate multiple uses that could include a High School, College, Office, and Adult Education/Workforce Training. No single use would occupy all of the buildings on the project site (i.e., New Educational Building, Old Bakery Building, and Childcare Building). The four occupancy options under consideration for the future interim use of the Van de Kamp Innovation Center include:

Option 1 - College and High School Mix
Option 2 - High School and Adult Education/Workforce Training Mix
Option 3 - Current Mix (High School, Adult Education/Workforce Training, and Office)
Option 4 - Office and University Collaboration Mix

Each of the occupancy options has different operating characteristics; therefore, the number of persons on-site would vary in the morning, afternoon and evening. To calculate the practical capacity of persons on-site for the four occupancy options, the following assumptions have been made:

- Old Bakery Building: 12 classrooms/16,187 square feet usable space
- New Educational Building: 24 classrooms/18,900 square feet usable space
- Childcare Building: 4 classrooms/3,839 square feet usable space
- 550 high school students
- 300 square feet per office
- 700 square feet per classroom
- 15 persons per Adult Education/Workforce Training class and College classroom
Option 1 - College and High School Mix. Under Option 1, the predominant daytime use of the New Educational Building would be a high school, while the predominant evening use would be a college. In the morning (6:00 a.m. to 12:00 p.m.) and afternoon (12:00 p.m. to 4:00 p.m.), the New Educational Building would be occupied by a high school (24 classrooms). In the evening (4:00 p.m. to 10:00 p.m.), the New Educational Building would switch to a college (20 classrooms) with some use by the high school (four classrooms). The peak use period would occur in the morning and afternoon when the New Educational Building is occupied by a high school. The intensity of use would lessen in the evening when more classrooms are allocated for College courses. In the morning and afternoon, 550 persons would be in the New Educational Building. In the evening, the number of persons would decrease to 380. The predominant daytime and evening use of the Old Bakery Building would be shared by a college (12 classrooms) and office uses (1,600 square feet). The period of use would remain consistent throughout the day, with no peak period of use. From morning until evening, 185 persons would occupy the Old Bakery Building.

The predominant daytime use of the Childcare Building would be shared by a high school (two classrooms) and a college (two classrooms). The predominant evening use would be a college. The peak period of use would occur in the morning and afternoon with all four classrooms occupied. The intensity of use would decrease in the evening when the entire space is used for a college. In the morning and afternoon, 70 persons would be in the Childcare Building. In the evening, the number of persons would decrease to 60.

In sum, the capacity of persons on-site for the three buildings under Option 1 would be 805 in the morning and afternoon, and would decrease to 665 in the evening.

Option 2 - High School and Adult Education/Workforce Training Mix. Under Option 2, the predominant daytime use of the New Educational Building would be a high school. The predominant evening use would be adult education/workforce training. The peak use period of the New Educational Building would occur during the morning and afternoon with all 24 classrooms occupied. In the evening, the intensity of use within the New Educational Building would lessen when the 24 classrooms would switch from a high school to adult education/workforce training. In the morning and afternoon, 550 persons would be in the New Educational Building. In the evening, the number of persons would decrease to 360.

The predominant daytime and evening use of the Old Bakery Building would be for adult education/workforce training. The peak use period of the Old Bakery Building would occur in the evening when all 12 classrooms are occupied. The intensity of use would decrease in the morning with seven classrooms occupied, and in the afternoon with three classrooms occupied. In the morning, 105 persons would be in the Old Bakery Building. In the afternoon, the number of persons would decrease to 45, and later increase to 180 persons in the evening.

The predominant daytime use of the Childcare Building would be a high school (two classrooms) while the predominant evening use would be adult education/workforce training (two classrooms). The peak use period of the Childcare Building would occur in the morning and afternoon when occupied by the high school. In the evening, the intensity of use would lessen when the building switches to adult education/workforce training. In the morning and afternoon, 40 persons would be in the Childcare Building. In the evening, the number of persons would decrease to 30.

In sum, the capacity of persons on-site for the three buildings under Option 2 would be 695 in the morning, would decrease to 635 in the afternoon, and decrease further to 570 in the evening.
Option 3 - Current Mix. Option 3 is comparable to current uses operating on-site and includes high school, adult education/workforce training, and office uses. The predominant daytime and evening use would be a high school. The peak use period of the New Educational Building would occur during the morning and the afternoon. In the evening, the intensity of use within the New Educational Building would lessen, and only 10 of the 24 classrooms would be occupied by a high school. In the morning and afternoon, 550 persons would be in the New Educational Building. In the evening, the number of persons would decrease to 200.

The Old Bakery Building would be occupied by LACCD offices (1,600 square feet) and six adult education/workforce training classrooms. The peak use period of the Old Bakery Building would occur during the morning and afternoon. In the evening, the intensity of use would lessen, with only two of the 12 classrooms in the Old Bakery Building used for adult education/workforce training. In the morning and afternoon, 95 persons would be in the Old Bakery Building. In the evening, the number of persons would decrease to 35.

The Childcare Building would be occupied by a high school (two classrooms) and adult education/workforce training (two classrooms). The peak use period of the Childcare Building would occur in the morning and afternoon when all four classrooms are occupied. In the evening, the intensity of use would lessen when adult education/workforce training would occupy two classrooms. In the morning and afternoon, 70 persons would be in the Childcare Building. In the evening, the number of persons would decrease to 30.

In sum, the capacity of persons on-site for the three buildings under Option 3 would be 715 in the morning and afternoon, and would decrease to 265 in the evening.

Option 4 - Office and University Collaboration Mix. Under Option 4, the predominant daytime and evening use of the New Educational Building would be a college. The peak use period would occur in the morning when all 24 classrooms are occupied. The off-peak period would occur in the afternoon and evening with only ten and 20 classrooms occupied, respectively. In the morning, 367 persons would be in the New Educational Building. The number of persons would decrease to 157 in the afternoon and increase to 307 in the evening.

The predominant daytime and evening use of the Old Bakery Building would be office uses. The period of use would remain consistent throughout the day, with no peak period of use. From morning until evening, 54 persons would be in the Old Bakery Building.

The predominant daytime and evening use of the Childcare Building would be office uses. The period of use would remain consistent throughout the day with no peak period of use. From morning until evening, 13 persons would be in the Childcare Building.

In sum, the capacity of persons on-site for the three buildings under Option 4 would be 434 in the morning, would decrease to 224 in the afternoon, and increase to 374 in the evening.

VI. ENVIRONMENTAL EFFECTS FOUND TO BE LESS-THAN-SIGNIFICANT

LACCD determined that the proposed project would have less-than-significant impacts in the following environmental topic areas:

A. AIR QUALITY
1. Localized Emissions, (Subsequent Draft EIR p. 4.1-14 and p. 4.1-15)

LACCD finds that the proposed project would have less-than-significant impacts related to localized emissions of Volatile Organic Compounds (VOC), Nitrogen Oxides (NOx), Carbon Monoxide (CO), Sulfur Oxides (SOx), Fine Particulates (PM$_{2.5}$) and Particulates (PM$_{10}$). Although traffic volumes would be higher in the future both without and with the implementation of Options 1 through 4 as a result of ambient growth and related projects, CO emissions from mobile sources are expected to be much lower due to technological advances in vehicle emissions systems, as well as from normal turnover in the vehicle fleet. Accordingly, increases in traffic volumes are expected to be offset by increases in cleaner-running cars as a percentage of the entire vehicle fleet on the road. Additionally, the State one- and eight-hour standards of 20 and 9.0 ppm, respectively, would not be exceeded under Options 1 through 4, and no CO “hotspots” would occur with the proposed project.

2. Toxic Air Contaminants, (Subsequent Draft EIR p. 4.1-16, Subsequent Final EIR p. 2-4, Subsequent Final EIR Appendix B - Health Risk Assessment and Revised Health Risk Assessment dated December 2, 2013)

LACCD finds that the proposed project would have less-than-significant impacts related to toxic air contaminants. The South Coast Air Quality Management District (SCAQMD) recommends that health risk assessments be conducted for substantial sources of diesel particulates (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions. CARB also recommends against locating educational facilities within 500 feet of roadways with volumes greater than 100,000 average daily vehicles and high diesel truck volumes. The health risk assessment (HRA) prepared for Options 1 through 4 as part of the Subsequent Final EIR analyzed mobile source exhaust from the Glendale Freeway mainline and access ramps located within 500 feet of the project site. This included the four Glendale Freeway ramps associated with San Fernando Road. The results of the analysis indicated that exposure would not exceed the risk thresholds established by the SCAQMD. Upon review of the HRA, the SCAQMD requested that the HRA also discuss and quantify emissions from the active rail line owned by the Southern California Regional Rail Authority located to the west of the project site and all potential sources of Toxic Air Contaminants (TACs) from commercial uses within a ¼ mile of the project site. A revised HRA was prepared and submitted to SCAQMD on December 2, 2013. The results of the revised HRA analysis indicate that exposure would not exceed the risk thresholds established by the SCAQMD.

3. Odors (Subsequent Draft EIR p. 4.1-16)

LACCD finds that the proposed project would have less-than-significant impacts related to odors. According to the SCAQMD CEQA Air Quality Handbook, land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies and fiberglass molding. Options 1 through 4 consist of classroom and office uses. These land uses are not typically associated with odor complaints. Although on-site trash receptacles would have the potential to create adverse odors, such receptacles would be located and maintained in a manner that promotes odor control, and no adverse odor impacts are anticipated from these types of land uses.

4. Applicable Plans, Policies or Regulations (Subsequent Draft EIR p. 4.1-16)

LACCD finds that the proposed project would have less-than-significant impacts related to applicable air quality plans, policies or regulations. The SCAQMD regional significance thresholds were designed to
assist the SCAQMD in determining if a project would worsen air quality conditions in the Basin. Emissions were estimated using California Emissions Estimator Model (CalEEMod). CalEEMod is a Statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutants emissions for a variety of land use projects. Regional nitrogen oxide (NOx) emissions for Options 1 and 2 would exceed the SCAQMD threshold under existing plus project (2012) conditions. The emissions would not be significant two years later in 2014 as fleet turnover would result in increased engine efficiency and decreased emissions. The proposed project would not become operational until 2014 or beyond. Therefore, the proposed project would not result in significant long-term nitrogen oxide (NOx) emissions, and would not interfere with the attainment of air quality standards. Project operations would not conflict with or obstruct implementation of the SCAQMD’s air quality management plan (AQMP).

B. GREENHOUSE GAS EMISSIONS

1. GHG Emissions (Subsequent Draft EIR p. 4.2-8 and p. 4.2-9)

LACCD finds that the proposed project would have less-than-significant impacts related to greenhouse gas emissions. CARB and SCAQMD have not adopted a significance threshold for analyzing GHG emissions associated with land use development projects. The significance threshold is based on the methodologies recommended by the CAPCOA CEQA and Climate Change White Paper (January 2008). CAPCOA conducted an analysis of various approaches and significance thresholds, ranging from a zero threshold (all projects are cumulatively considerable) to a high of 40,000 to 50,000 metric tons of carbon dioxide equivalent (CO2e) per year. CEQA Guidelines also recognize that there may be a point where a project’s contribution, although above zero, would not be a considerable contribution to the cumulative impact (CEQA Guidelines, Section 15130[a]). Therefore, a threshold of greater than zero is considered more appropriate for the analysis of GHG emissions under CEQA. The Market Advisory Committee uses a threshold of 10,000 metric tons standard for inclusion in a GHG Cap and Trade System in California. This threshold is used as a quantitative benchmark for significance. GHG emissions would be less than the 10,000 metric tons of CO2e per year quantitative significance threshold for all four occupancy options.

2. Applicable Plans, Policies or Regulations (Subsequent Draft EIR p. 4.1-10 and p. 4.1-11)

LACCD finds that the proposed project would have less-than-significant impacts related to greenhouse gas emissions. The LACCD Board of Trustees mandates the use of sustainable building practices for its campuses, and all new buildings that are funded with Measure J Bond monies are required to be “green” buildings and built to LEED certification standards. As part of achieving LEED certification, the existing building includes design strategies related to water efficiency, energy, innovation, indoor air quality, materials and resources, and site design. Design strategies included low flow water efficiency plumbing fixtures, high performance building envelope, the usage of low volatile organic compounds in building materials, the usage of recycled building content (e.g., building materials and fly-ash concrete mixture), sustainable wood, and maximizing infiltration on-site.

Consistency with the California Attorney General’s Greenhouse Gas Reduction Measures and the California Air Pollution Control Officers Association’s (CAPCOA’s) measures is described Tables 4.2-4 and 4.2-5 in the Subsequent Draft EIR. Options 1 through 4 would meet the objectives and overall intent of reducing GHGs consistent with direction/measures of CAPCOA and the Attorney General’s Greenhouse Gas Reduction Measures.

C. LAND USE AND PLANNING
1. Land Use Compatibility (Subsequent Draft EIR p. 4.3-6 and p. 4.3-7)

LACCD finds that the proposed project would have less-than-significant impacts related to land use compatibility. The operational characteristics and educational focus of Options 1 through 4 would be similar to one another, and would be compatible with the surrounding commercial land uses. The occupancy options would function in a manner such that the surrounding commercial land uses would not be disrupted, divided, or isolated.
Land Use Consistency (Subsequent Draft EIR p. 4.3-7)

LACCD finds that the proposed project would have less-than-significant impacts related to land use compatibility. The General Plan land use designation of the project site is Limited Manufacturing, and the site is zoned MR1-1. The MR1-1 zoning designation is primarily intended for industrial and commercial uses. However, under State law, the LACCD Board of Trustees can exempt LACCD facilities from the local zoning regulations imposed by the City of Los Angeles by two-thirds vote. In 2000, when the Board of Trustees certified the Final EIR Update prepared for the development of a satellite college campus on the project site, the Board of Trustees exempted the facilities from the local zoning regulations. Nonetheless, Options 1 through 4 provide for expanded and improved educational facilities consistent with the applicable City of Los Angeles General Plan policies and objectives listed in Table 4.3-1 in the Subsequent Draft EIR. Specifically, the educational focus of the occupancy options is consistent with the City’s policy to locate vocational schools in commercial or industrial areas where training opportunities are enhanced by the surrounding uses. Likewise, the Adult Education/Workforce Training programs associated with Options 1 through 4 are consistent with the City’s policy to encourage school boards to develop programs in consultation with local businesses to prepare students for the job market.

2. Habitat Conservation Plans (Subsequent Draft EIR p. 4.3-7)

LACCD finds that the proposed project would have less-than-significant impacts related to habitat conservation plans. There are no habitat conservation plans or natural community conservation plans (NCCPs) applicable to the project site or surrounding area. Since no habitat conservation plans or NCCPs apply to the project site or the surrounding area, Options 1 through 4 would not conflict with such plans.

D. NOISE AND VIBRATION

1. Noise (Subsequent Draft EIR p. 4.4-10 through p. 4.4-12)

LACCD finds that the proposed project would have less-than-significant impacts related to noise. A significant mobile noise impact would occur if noise levels measured at the property line of the affected uses would increase by 3 decibels CNEL to or within the “normally unacceptable” or “clearly unacceptable” categories, or any 5-dBA or greater increase in noise level. The roadway noise increase attributed to Options 1 through 4 would be less than 3-dBA CNEL at all analyzed segments.

A 249-space parking lot that provides parking for the charter high school and the other tenants is located south of the New Educational Building. Noise sources associated with the parking lot include car alarms, car horns, slamming of car doors, engine revs, and tire squeals. Automobile movements would generate a noise level of approximately 58.1 dBA Leq at a distance of 50 feet.\(^1\) The nearest residential land uses located approximately 335 feet to the east of the existing surface parking lot would result in an incremental noise level increase of 0.2 dBA Leq due to parking surface lot operations. The existing surface parking lot-related noise increase attributed to the proposed project would be less than 5 dBA Leq at all sensitive receptors within close proximity to the existing surface parking lot.

The nearest residences would experience a mechanical equipment-related (e.g., HVAC equipment) noise level of 55.3 dBA Leq, which is an increase of 0.3 dBA Leq from the ambient noise level. This

\(^1\)The reference parking noise level is based on a series of noise measurements completed 50 feet from a parking lot.
incremental noise level increase would not be audible at the nearest residential land uses, and would be less than the 5-dBA significance threshold.

In relation to interior noise levels, it is important that new school land uses are located in noise compatible environments and comply with LACCD’s requirement of a 35 dBA \( L_{eq} \) interior noise level for classrooms. It is LACCD policy that classrooms are constructed such that interior noise levels do not exceed a Noise Criteria rating of 25 (equivalent to 35 dBA \( L_{eq} \)). Construction techniques implemented by LACCD typically include double-paned windows and other noise reducing features. These features would ensure that automobile and train noise would not disrupt school activities. Implementation of LACCD policy ensures that classroom noise levels will not exceed 35 dBA \( L_{eq} \) and that all classrooms are noise compatible learning environments.

2. **Ground-borne Vibration (Subsequent Draft EIR p. 4.4-12)**

LACCD finds that the proposed project would have less-than-significant impacts related to ground borne vibration. The primary sources of operational vibration would include passenger vehicle circulation at the four ingress/egress driveways and surface parking lot, on-site delivery truck activity, and off-site traffic traveling on roadways in the vicinity of the proposed project site. Vehicular movements would generate similar vibration levels as those that occur now under the existing traffic condition. The proposed project would not include significant stationary sources of ground-borne vibration, such as heavy equipment operations. As a result, the proposed project operations would not increase the existing vibration levels at nearby sensitive receptors. The three main buildings on the project site may experience vibration generated by heavy-duty truck activity at nearby land uses. However, rubber-tired on-road vehicles rarely generate perceptible vibration at any distance.

E. **TRANSPORTATION AND TRAFFIC**

1. **Congestion Management Plan (Subsequent Draft EIR p. 4.5-47)**

LACCD finds that the proposed project would have less-than-significant impacts related to the Congestion Management Plan (CMP). The CMP guidelines for determining the analysis study area for CMP arterial monitoring intersections and for freeway monitoring locations are as follows:

- All CMP arterial monitoring intersections where the proposed project will add 50 or more trips during either the AM or PM weekday peak hours of adjacent street traffic.
- All CMP mainline freeway monitoring locations where the proposed project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.

The nearest CMP arterial monitoring location to the project site is the Alvarado Street/Sunset Boulevard intersection. Based on the incremental project trip generation, the proposed project will not add 50 or more new trips per hour to this location. The nearest mainline freeway monitoring locations to the project site include SR-2 at Round Top Road and I-5 at Stadium Way. Based on the incremental project trip generation estimates, the proposed project will not add 150 or more new trips per hour to these locations in either direction.

2. **Vehicle and Pedestrian Site Access (Subsequent Draft EIR p. 4.5-47)**

LACCD finds that the proposed project would have less-than-significant impacts related to vehicle and pedestrian site access. There are four ingress/egress driveways to the project site. Two of the driveways are located on Fletcher Drive (Fletcher Drive North and Fletcher Drive South), and two driveways are
located on San Fernando Road (San Fernando Road North and San Fernando Road South). Under all project options, vehicles would continue to access the project site as they do now.
3. Public Transit, Bicycle, or Pedestrian Facilities (Subsequent Draft EIR p. 4.5-47)

LACCD finds that the proposed project would have less-than-significant impacts related to public transit, bicycle and pedestrian facilities. The project site is served by eight bus lines, which would continue to operate upon implementation of the proposed project.

F. CUMULATIVE IMPACTS.

1. Air Quality (Subsequent Draft EIR p. 4.6-3)

LACCD finds that impacts related to air quality would not be cumulatively considerable. The Southern California Air Quality Management District’s (SCAQMD) approach for assessing cumulative air quality impacts is based on the Air Quality Management Plans forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and State Clean Air Acts. The SCQAMD has set forth significance thresholds designed to assist in the attainment of ambient air quality standards. Cumulative (2014) Plus Project conditions for Options 1 through 4 would not result in significant regional operational air quality impacts, and none of these options would involve construction emissions, as no new structures are proposed.

2. Greenhouse Gas Emissions (Subsequent Draft EIR p. 4.6-3)

LACCD finds that impacts related to greenhouse gas emissions would not be cumulatively considerable. The CEQA Guidelines emphasize that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA’s existing cumulative impacts analysis. The GHG analysis, presented in Section 4.2 Greenhouse Gas Emissions, is based on the impact statements contained in the CEQA Guidelines. Consequently, the analysis also represents the cumulative GHG analysis. Options 1 through 4 would not result in significant impacts, and would be consistent with applicable GHG plans, policies, and regulations.

3. Land Use and Planning (Subsequent Draft EIR p. 4.6-3)

LACCD finds that impacts related to land use and planning would not be cumulatively considerable. There are nine related projects in the vicinity of the proposed project site. These related projects are anticipated to result in the provision of 959 housing units and 341,781 square feet of commercial/institutional development. This cumulative growth in housing and development would alter the composition of existing land uses in the area. However, each of the related projects is required to evaluate their respective land use and planning impact on a project-by-project basis to ensure any change in land use is consistent with the City’s goals and policies for future development of the area. Based on information available regarding the related projects, it is reasonable to assume that development of the related projects would implement and support local and regional planning goals and policies. It is expected that the related projects would be compatible with the zoning and land use designations for each of the related project sites and their surrounding properties.

4. Noise and Vibration (Subsequent Draft EIR p. 4.6-3)

LACCD finds that impacts related to noise and vibration would not be cumulatively considerable. When calculating future traffic impacts, the traffic consultant took all related projects into consideration. Thus, the future traffic results without and with the proposed project already account for the cumulative impacts from these other projects. Since the noise impacts are generated directly from the traffic analysis results, the future without project and future with project noise impacts described in this report already reflect cumulative impacts.
5. Transportation and Traffic (Subsequent Draft EIR p. 4.6-5)

LACCD finds that impacts related to transportation and traffic would not be cumulatively considerable. The traffic analysis prepared for the proposed project includes regional growth and the nine related projects in the base conditions. Therefore, no further cumulative traffic impact analysis is required. Tables 4.5-8 through 4.5-11 in Section 4.5 Transportation and Traffic, identifies the impacts during both AM and PM peak hours at each of the analysis locations for each option and are summarized below:

- **Cumulative (2014) plus Project - Options 1 and 2.** Under Option 1, a significant impact would occur at one of the 15 analyzed intersections, and under Option 2, a significant impact would occur at two of the 15 analyzed intersections. Under Option 1, the San Fernando Road/Fletcher Drive intersection is impacted during the evening peak hour. Under Option 2, the San Fernando Road/Fletcher Drive intersection is impacted during both the morning and evening peak hours, and the San Fernando Road/SR-2 Southbound Ramps intersection is impacted during the evening peak hour. Therefore, without mitigation, Options 1 and 2 would result in a significant impact related to the circulation system.

- **Cumulative (2014) Plus Project - Option 3.** Under Options 3, a significant impact occurs at one of the 15 analyzed intersections. The San Fernando Road/Fletcher Drive intersection is impacted during the morning peak hour. Therefore, without mitigation, Option 3 would result in a significant impact related to the circulation system.

- **Cumulative (2014) Plus Project - Option 4.** Under Option 4, a significant impact occurs at one of the 15 analyzed intersections. The San Fernando Road/Fletcher Drive intersection is impacted during both the morning and evening peak hours. Therefore, without mitigation, Options 4 would result in a significant impact related to the circulation system.

The transportation improvement and mitigation program identified for the proposed project includes the implementation of a Travel Demand Management (TDM) Program to promote fewer automobiles on the street network during peak commute hours, as well as specific intersection improvements, including the provision of Adaptive Traffic Control System (ATCS) and closed-circuit television (CCTV) signal system improvements. The cumulative traffic analysis concluded that the implementation of Mitigation Measures TT1 through TT3 would reduce the impacts to less than significant under all options.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS-THAN-SIGNIFICANT AFTER MITIGATION

The following impact areas were determined to have potentially significant environmental effects, which could all be mitigated to below a level of significance:

A. TRANSPORTATION AND TRAFFIC

1. Circulation System (Subsequent Draft EIR p. 4.5-16 through p. 4.5-47)

   a) **Significant Environmental Effects**

Under Options 1 and 2, a significant impact would occur at two of the 15 analyzed intersections. The San Fernando Road/Fletcher Drive intersection would be impacted during both the morning and evening peak hours while the San Fernando Road/SR-2 Southbound Ramps intersection would be impacted during the evening peak hour under Options 1 and 2. Under Option 3, a significant impact would occur at one of the
Exhibit A (part 1 of 2) for Attachment 1 to Com. No. FPD1

Van De Kamp Innovation Center

Findings of Fact &
Statement of Overriding Considerations

15 analyzed intersections (San Fernando Road/Fletcher Drive) during the morning peak hour. Under Option 4, a significant impact would occur at one of the 15 analyzed intersections (San Fernando Road/Fletcher Drive) during both the morning and evening peak hours.

b) Mitigation Measures

Intersection at San Fernando Road/Fletcher Drive

**TT1** The Options 1 and 2 potential impact under existing baseline and cumulative conditions would be fully mitigated by implementing a TDM program to reduce auto travel during peak commute hours, in conjunction with contribution towards the design and implementation of the Eagle Rock Adaptive Traffic Control System (ATCS) and installation of a CCTV camera at this location. LACCD will make a fair-share contribution to these improvements in an amount to be determined by LADOT.

As part of the TDM program for these options, the college/adult education component would need to be limited to four classrooms during the morning peak hour. During the evening peak hour, a maximum of 12 classrooms would begin during the evening peak hour, and only 4 classes would end during the evening peak hour. The 550-student high school component of these options can operate as it currently does during the day.

The potential impact to the San Fernando Road/SR-2 Southbound On-Off Ramps under Option 2 would be fully mitigated by implementing a TDM program to reduce auto travel during the evening peak hour.

**TT2** The Option 3 potential impact under existing baseline and cumulative conditions would be fully mitigated by implementing a TDM program to reduce auto travel during the peak morning commute hour, in conjunction with contribution towards the design and implementation of the Eagle Rock Adaptive Traffic Control System (ATCS) and installation of a CCTV camera at this location. LACCD will make a fair-share contribution to these improvements in an amount to be determined by LADOT.

As part of the TDM program, the adult education component would be limited to a maximum of four classrooms during the morning peak hour. The 550-student high school component of these options can operate as it currently does during the day. No TDM program would be needed during the evening peak hour under this option.

**TT3** Potential impacts related to Option 4 would be fully mitigated by implementing a TDM program to reduce auto travel during peak commute hours, in conjunction with contribution towards the design and implementation of the Eagle Rock ATCS and installation of a CCTV camera at this location. LACCD will make a fair-share contribution to these improvements in an amount to be determined by LADOT.

As part of the TDM program, the adult education component would need to be limited to 12 classrooms during the morning peak hour. The TDM program is not required during the evening peak hour.

c) Finding

Implementation of Mitigation Measures **TT1**, **TT2**, and **TT3** would reduce the potential impacts related to transportation and traffic to a less-than-significant level. These mitigation measures will be enforced.
by LACCD and the LADOT as described in the MMRP. Based on the foregoing, the LACCD finds that impacts related to transportation and traffic would be mitigated to a less-than-significant level.

d) Reference

For a complete discussion of impacts related to transportation and traffic, see Section 4.5 Transportation and Traffic, pp. 4.5-16 to 4.5-47 of the Subsequent Draft EIR.

VIII. ENVIRONMENTAL EFFECTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

LACCD determined that the proposed project would have significant and unavoidable impacts in the following environmental topic area:

A. AIR QUALITY

1. Regional Emissions (Subsequent Draft EIR p. 4.1-13)

a) Significant Environmental Effects

LACCD finds that the proposed project under Options 1 and 2 would have significant and unavoidable impacts related to air quality. Regional nitrogen oxide (NO\textsubscript{x}) emissions would exceed the SCAQMD threshold under existing plus project conditions.

b) Finding

Nitrogen oxide (NO\textsubscript{x}) emissions would exceed the SCAQMD threshold under existing conditions until sufficient turnover occurs to the existing motor-vehicle fleet, resulting in increased engine efficiency and decreased emissions. Because LACCD cannot regulate vehicle emissions, the Subsequent EIR found that there are no feasible mitigation measures available to reduce this significant impact to a less-than-significant level.

Notwithstanding this finding, the Subsequent EIR concluded that by 2014 (i.e., two years from the time the NOP was released) sufficient motor-vehicle fleet turnover would occur that would reduce regional NO\textsubscript{x} emission impacts to a less-than-significant level. Therefore, the Subsequent EIR indicates that Air Quality impacts under Options 1 and 2 are no longer significant and unavoidable today in 2014.

At the time of its preparation, however, the Subsequent EIR found that Options 1 and 2 would have significant and unavoidable Air Quality Impacts. In order to approve a project with significant and unavoidable impacts, the lead agency must adopt a Statement of Overriding Considerations (in accordance with Section 15093 of the State CEQA Guidelines) indicating that the benefits of approving the proposed project outweigh the negative environmental consequences. Although technically unnecessary given the passage of time and the conclusion that Air Quality impacts for Options 1 and 2 would be less-than-significant now, in 2014, the Board will nevertheless adopt a Statement of Overriding Considerations.

c) Reference

For a complete discussion of impacts associated with the proposed project's operational regional emissions, see Section 4.1 Air Quality, pp. 4.1-13 to 4.1-15 of the Subsequent Draft EIR.

IX. ALTERNATIVES TO THE PROJECT
A CEQA lead agency need not consider every conceivable alternative to a proposed project. However, an EIR shall discuss the rationale for selection and elimination of alternatives. Among the factors that may eliminate alternatives from meriting a detailed discussion are “failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts (CEQA Section 15126.6 [c]”).

Four options with different operating characteristics (i.e., number of persons on-site would vary in the morning, afternoon and evening) were evaluated in this Subsequent Draft EIR to provide LACCD and the public with a comparative assessment of Options 1 through 4. Descriptions of Options 1 through 4 are provided in Subsequent Draft EIR Chapter 3.0, Project Description, and the impacts associated with these options are discussed in Chapter 4.0, Environmental Impacts. The following two additional alternatives were evaluated in Section 5.2 of the Subsequent Draft EIR:

A. No Project Alternative

1. Description of Alternative

The No Project Alternative is required by Section 15126.6 (e)(2) of the CEQA Guidelines, and assumes that the proposed project would not be implemented. The No Project Alternative allows decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. However, “no project” does not necessarily mean that all development on the project site will be prohibited. The No Project Alternative includes “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (CEQA Section 15126.6 [c][2]). In this case, the No Project Alternative is comparable to Option 4 - Office and University Collaboration Mix of the proposed project. Similar to Option 4, the No Project Alternative assumes the existing charter high school operating on the project site would relocate to a new location, and the buildings on-site would eventually be re-occupied with a satellite community college campus for Los Angeles City College. This is because an EIR and two addendums have already been prepared to analyze potential impacts from a satellite community college campus.

Although similar to Option 4, the No Project Alternative would have some differences. Specifically, under the No Project Alternative, the Old Bakery Building would be used for college classrooms, resulting in more persons on-site than would occur under Option 4, which assumes that the Old Bakery Building would be used solely for office uses. However, during the peak hours, office uses result in more vehicle trips than college uses, since class scheduling dictates when students would be on-site. Therefore, the No Project Alternative is comparable to Option 4 with regard to peak hour vehicle trips.

2. Impact Summary for No Project Alternative

In relation to air quality, the No Project Alternative would generate fewer emissions than Options 1 and 2, but would generate greater emissions than Option 3. (Subsequent Draft EIR at 5-5). However, emissions under the No Project Alternative would still be less than significant, despite the increased emissions as compared to Option 3. Therefore, impacts related to air quality under the No Project Alternative would be similar to those under Options 1 through 4. The No Project Alternative would generate fewer greenhouse gas (GHG) emissions than Options 1 and 2, but would generate greater emissions than Option

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2 The office uses under Option 4 would result in 54 persons on-site.
3 Assuming 12 classrooms in the Old Bakery Building, 180 students could be on-site under the No Project Alternative.
3. However, emissions under the No Project Alternative would still be less than significant, despite the increased emissions as compared to Option 3. Therefore, impacts related to GHG emissions under the No Project Alternative would be similar to those under Options 1 through 4. (Subsequent Draft EIR at 5-6).
With regard to land use and planning, the No Project Alternative would be compatible with the surrounding commercial land uses in the vicinity of the project site similar to Option 1 through 4. In addition, the educational focus of the No Project Alternative is consistent with the City’s policy to locate vocational schools in commercial or industrial areas where training opportunities are enhanced by the surrounding uses. Likewise, community college uses are also consistent with the City’s policy to encourage school boards to develop programs in consultation with local businesses to prepare students for the job market. (Subsequent Draft EIR at 5-6).

With regard to noise and vibration, vehicular movements would generate similar vibration levels as existing traffic conditions and would not be perceptible at nearby sensitive receptors. The increase in 24-hour mobile source noise levels would be approximately the same for all four options and the No Project Alternative. Impacts related to noise and vibration under the No Project Alternative would be similar to those under Options 1 through 4. (Subsequent Draft EIR at 5-7).

In relation to transportation and traffic, the operational characteristics of the No Project Alternative would be comparable to Option 4 - Office and University Collaboration Mix, which includes office and college uses. The traffic analysis determined that potential transportation and traffic impacts related to Option 4 would be fully mitigated by implementing a Travel Demand Management (TDM) program to reduce auto travel during peak commute hours, in conjunction with contribution towards the design and implementation of the Eagle Rock ATCS and installation of a CCTV camera at the San Fernando Road/Fletcher Drive intersection. Therefore, impacts related to transportation and traffic under the No Project Alternative would be similar to those under Options 1 through 4. (Subsequent Draft EIR at 5-7 to 5-8).

3. Finding/Rationale

The No Project Alternative has impacts that are very similar to Options 1 through 4 in relation to air quality, GHG emissions, land use and planning, noise and vibration, and transportation and traffic. Despite the similar impacts to Options 1 through 4, the No Project Alternative is not a feasible or sustainable option due to the lack of funding to operate a satellite community college campus, and would thus not meet the project objectives identified in Section IV of these Findings.

LACCD finds, pursuant to PRC Section 21081 (a)(3), that specific economic, legal, social and technological, or other considerations, including considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Subsequent Draft EIR. Therefore, LACCD finds that this alternative is infeasible and less desirable than the proposed project, and rejects this alternative.

B. Reduced Options Alternative

1. Description of Alternative

The Reduced Options Alternative would include the same uses as the proposed project (Options 1 through 4). However, under the Reduced Options Alternative, the academic programs and class schedules would be structured to control peak hour vehicle trips entering and exiting the project site such that the potential transportation and traffic impacts related to the circulation system would not occur. Under the Reduced Options Alternative, the Travel Demand Management Program (TDM), Adaptive Traffic Control System (ATCS), and Closed-Circuit Television Signal System (CCTV) would not be required to reduce traffic impacts to a less-than-significant level. To reduce traffic impacts to a less-than-significant level without any mitigation measures, the AM peak hour trips would need to be limited to 211 trips, and the PM peak
hour trips would be limited to 164 trips. Since Option 4 does not have a high school component, the AM
peak hour trips under Option 4 would need to be limited to 59 trips, and the PM peak hour trips would be
limited to 148 trips to reduce traffic impacts to a less-than-significant level without mitigation.

2. Impact Summary for Reduced Options Alternative

Average daily trips associated with the Reduced Options Alternative would not be different than the trips
presented in the project analysis, and the regional emissions would be identical to the project analysis for
Options 1 through 4. As discussed in Section 4.1 Air Quality, Options 3 and 4 would not result in
regional air quality impacts, but Options 1 and 2 would result in a near-term regional nitrogen oxide
emissions impact under existing plus project conditions. However, the emissions would not be significant
in 2014, as fleet turnover would result in increased engine efficiency and decreased emissions.
Notwithstanding, because LACCD cannot regulate vehicle emissions, there is no feasible mitigation to
reduce this near-term impact to less than significant, and regional air quality impacts under Options 1 and
2 would be significant and unavoidable. Therefore, impacts related to regional air quality under the
Reduced Options Alternative would be similar to those under Options 1 through 4. (Subsequent Draft EIR
at 5-8).

Because of fewer peak hour trips under the Reduced Options Alternative, carbon monoxide
concentrations would be less than any of the project scenarios under Options 1 through 4. Since the
localized peak hour carbon monoxide hotspot analysis for the proposed project did not result in any
significant impacts, the Reduced Options Alternative would also not result in a carbon monoxide hotspot.
Therefore, impacts related to carbon monoxide concentrations under the Reduced Options Alternative
would be similar to those under Options 1 through 4. (Subsequent Draft EIR at 5-8).

The Reduced Options Alternative would include the same uses as the proposed project (Options 1 through
4). As a result, the number of average daily trips generated under the Reduced Options Alternative would be comparable to Options 1 through 4. As discussed in Section 4.2 Greenhouse Gas Emissions,
greenhouse gas emissions under Options 1 through 4 would be less than the 10,000 metric tons of CO₂e
per year significance threshold, and greenhouse gas emissions under the Reduced Options Alternative
would also likewise be less than significant. Impacts related to greenhouse gases under the Reduced
Options Alternative would be similar to Option 1 through 4. (Subsequent Draft EIR at 5-8 to 5-9).

With regard to land use and planning, the operational characteristics of the Reduced Options Alternative
would be similar to Options 1 through 4, and would be compatible with the surrounding commercial land
uses. The educational focus of the Reduced Options Alternative would be consistent with the City’s
policy to locate vocational schools in commercial or industrial areas where training opportunities are
enhanced by the surrounding uses. Also, similar to Options 1 through 4, the Reduced Options Alternative
would be consistent with the City’s policy to encourage school boards to develop programs in
consultation with local businesses to prepare students for the job market. Therefore, impacts related to
land use and planning under the Reduced Options Alternative would be similar to Options 1 through 4.
(Subsequent Draft EIR at 5-9).

Regarding noise and vibration, the Reduced Options Alternative would include the same uses as the
proposed project (Options 1 through 4), with reduced vehicle trips generated during the peak hours. As
discussed in Section 4.4 Noise and Vibration, the proposed project would not result in a mobile noise
impact. Because of fewer peak hour trips under the Reduced Options Alternative, hourly traffic noise
levels would be slightly less than under Options 1 through 4, although these levels would be less than
significant. No other sources of significant noise were identified. Thus, impacts related to noise and
Vibration under the Reduced Options Alternative would be similar to those under Options 1 through 4. (Subsequent Draft EIR at 5-9).
Under the Reduced Options Alternative, the academic programs and class schedules would be structured to control peak hour vehicle trips entering and exiting the project site such that the traffic impacts related to the circulation system would not occur. Corresponding mitigation (i.e., TDM, ATCS, and CCTV) would be required to reduce traffic impacts to a less-than-significant level under the Reduced Options Alternative. Under the Reduced Options Alternative, the AM peak hour trips would be limited to 211 trips, and the PM peak hour trips would be limited to 182 trips to reduce traffic impacts to a less-than-significant level without mitigation for Options 1 through 3. Since Option 4 does not have a high school component, the AM peak hour trips would need to be limited to 59 trips and the PM peak hour trips would be limited to 148 trips to reduce traffic impacts to a less-than-significant level without mitigation for Option 4. Therefore, although all traffic impacts under Options 1 through 4 could be mitigated to a less-than-significant level, impacts related to transportation and traffic under the Reduced Options Alternative would be reduced as compared to Options 1 through 4.

3. Finding/Rationale

The Reduced Options Alternative has impacts that are very similar to Options 1 through 4 in relation to air quality, GHG emissions, land use and planning, noise and vibration, and transportation and traffic, and would not lessen or avoid any significant environmental impact that would occur under the proposed project. Despite the similar impacts to Options 1 through 4, the Reduced Options Alternative would not fully utilize the site to its maximum capacity, and would thus meet the project objectives described in Section IV to a lesser degree.

LACCD finds, pursuant to PRC Section 21081 (a)(3), that specific economic, legal, social and technological, or other considerations, including considerations identified in Section XI of these Findings (Statement of Overriding Considerations), make infeasible the Reduced Options Alternative, because it would not fully utilize the site to its maximum capacity, and would not fully meet the project objectives. Therefore, LACCD finds that this alternative is infeasible and less desirable than the proposed project, and rejects this alternative.

X. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

1. LACCD finds that the Subsequent EIR was prepared in compliance with CEQA and the CEQA Guidelines. LACCD finds that it has independently reviewed and analyzed the Subsequent EIR for the proposed project, that the Subsequent Draft EIR which was circulated for public review reflected its independent judgment, and that the Subsequent Final EIR reflects the independent judgment of the LACCD.

2. LACCD finds that the Subsequent EIR provides objective information to assist the Board of Trustees and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Subsequent Draft EIR. The Subsequent Final EIR was prepared after the review period, and responds to comments related to environmental impacts made during the public review period.

3. LACCD evaluated comments on environmental issues received from persons who reviewed the Subsequent Draft EIR. In accordance with CEQA, LACCD prepared written responses describing the disposition of significant environmental issues raised. The Subsequent Final EIR provides adequate, good faith and reasoned responses to the comments. LACCD reviewed the comments received and responses thereto, and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Subsequent Draft EIR.
EIR. LACCD has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Subsequent EIR.

4. The Subsequent EIR evaluated the following environmental potential project and cumulative impacts: Air Quality; Greenhouse Gas Emissions, Land Use & Planning; Noise & Vibration; and Transportation & Traffic. The significant environmental impacts of the project and the alternatives were identified in the text and summary of the Subsequent EIR.

5. While experts may disagree pursuant to CEQA Guidelines Section 15151, substantial evidence in the record supports the LACCD’s conclusions in the Subsequent EIR.

6. The recommended mitigation measures which have been identified for the proposed project were identified in the text and summary of the Subsequent EIR. The final mitigation measures are described in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment A). Each of the mitigation measures identified in the MMRP, and contained in the Subsequent EIR, will be incorporated into the proposed project, to the extent feasible. LACCD finds that the indirect impacts of the proposed project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP, and contained in the Subsequent EIR.

7. Textual refinements and errata were compiled and presented as part of the Subsequent Final EIR to LACCD for review and consideration. LACCD has made every effort to notify the LACCD Board of Trustees and the interested public/agencies of each textual change in the various documents associated with the project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.

8. The responses to the comments on the Subsequent Draft EIR, which are contained in the Subsequent Final EIR, clarify and amplify the analysis in the Subsequent Draft EIR.

9. Having reviewed the information contained in the Subsequent Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of EIRs, the LACCD finds that there is no significant new information in the Subsequent EIR such that recirculation of the Subsequent Draft EIR would be required pursuant to the requirements outlined in CEQA Guidelines Section 15088.5.

10. CEQA requires the lead agency approving a project to adopt an MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The mitigation measures included in the Subsequent EIR as certified by the LACCD Board of Trustees and included in the MMRP as adopted by the LACCD serves that function. The MMRP includes all of the recommended mitigation measures identified in the Subsequent EIR.

XI. STATEMENT OF OVERRIDDING CONSIDERATIONS

The Subsequent EIR has identified significant and unavoidable impacts that will result from implementation of the proposed project. Section 15093(b) of the CEQA Guidelines provides that when the decision of the public agency allows the occurrence of significant impacts that are identified in the EIR but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record.
No feasible mitigation measures are available to mitigate the following impacts to a less-than-significant level:

- **Air Quality (Regional Emissions).** Significant and unavoidable regional nitrogen oxide (NOx) emissions impacts have been identified as a result of the implementation of the proposed project. Because LACCD cannot regulate vehicle emissions, the Subsequent EIR found that there are no feasible mitigation measures available to reduce this significant impact to a less-than-significant level.

Notwithstanding this finding, the Subsequent EIR concluded that by 2014 (i.e., two years from the time the NOP was released) sufficient motor-vehicle fleet turnover would occur that would reduce regional NOx emission impacts to a less-than-significant level. Therefore, the Subsequent EIR indicates that Air Quality impacts under Options 1 and 2 are no longer significant and unavoidable today in 2014.

At the time of its preparation, however, the Subsequent EIR found that Options 1 and 2 would have significant and unavoidable Air Quality Impacts. In order to approve a project with significant and unavoidable impacts, the lead agency must adopt a Statement of Overriding Considerations (in accordance with Section 15093 of the State CEQA Guidelines) indicating that the benefits of approving the proposed project outweigh the negative environmental consequences. Although technically unnecessary given the passage of time and the conclusion that Air Quality impacts for Options 1 and 2 would be less-than-significant now, in 2014, the Board will nevertheless adopt a Statement of Overriding Considerations.

Furthermore, the project alternatives would not satisfy the project objectives as effectively as the proposed project, and neither of the alternatives would lessen or avoid any significant environmental impact that would occur under the proposed project. The No Project Alternative is not practical due to the lack of funding to operate a satellite community college campus, and the Reduced Options Alternative does not maximize the utility of the site. Accordingly, LACCD adopts the following Statement of Overriding Considerations:

LACCD recognizes that significant and unavoidable impacts will result from implementation of the proposed project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the proposed project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed project against the proposed project’s significant and unavoidable impacts, LACCD hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The reasons stated below summarize the benefits, goals, and objectives of the proposed project and provide the rationale for this Statement of Overriding Considerations. These overriding considerations describing the economic, social, aesthetic, and environmental benefits for the proposed project justify adoption of the proposed project and certification of the completed Subsequent Final EIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the proposed project.

- The proposed project will provide greater capacity to serve the existing and future demand for educational facilities in northeast Los Angeles, fostering a culture of academic excellence by strengthening the educational programs and quality of teaching that will lead directly to greater student success.

- The proposed project will create community-oriented development that successfully serves students and the community alike.
• Implementation of the proposed project will ensure that an economically disadvantaged area has an access to a full service educational facility that provides a viable path to personal and economic success.

• The expanded development and operation of the proposed project with a substantial increase in student enrollment over time will provide economic benefits to the City of Los Angeles as students would support surrounding local businesses and seek other nearby commercial services.

• The proposed project will provide school capacity needed to relieve overcrowding at nearby educational facilities, whether high school or workforce training.

XII. MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) was prepared for the proposed project, and was approved by the LACCD by the same resolution that has adopted these findings. (See PRC Section 21081.6, subd. (a)(1); CEQA Guidelines Section 15097.) The MMRP is located below in Attachment A.
INTRODUCTION

Section 21081.6 of the California Public Resources Code requires that public agencies approving a project with an Environmental Impact Report (EIR) adopt a Mitigation Monitoring and Reporting Program (MMRP) for that project. In its findings concerning the environmental effects of a project for which an EIR was prepared, a Lead Agency must also include a finding that a MMRP has been prepared and provides a satisfactory program that would ensure avoidance or sufficient reduction of the significant effects of the proposed project.

The purpose of the MMRP is to ensure that the mitigation measures identified in the EIR to mitigate the potentially significant environmental effects of the project are, in fact, properly carried out. The implementation of this MMRP shall be carried out by the Los Angeles Community College District (LACCD), and other agencies or entities (e.g., consultants) specified below or designated by LACCD.

RESPONSIBILITIES AND DUTIES

Monitoring of mitigation measures has been assigned to specific agencies and/or entities with regard to their particular areas of expertise. Many of these monitoring actions are included in existing policies, laws, and regulations, while others require additional oversight to ensure that mitigation measures are implemented by LACCD or other specified parties. Monitoring will consist of determining whether required measures were implemented during operation and/or after implementation of the proposed project.

MONITORING AND REPORTING PROCEDURES

Upon the request of the LACCD, a monthly report affirming compliance with these mitigation measures shall be provided. In addition, where needed, an independent consultant may be retained to ensure mitigation compliance, timely preparation of reports, and to assist LACCD. An annual mitigation monitoring report shall be prepared for this project by LACCD until compliance with the required mitigation measures is complete. The report shall be placed on file at both the LACCD office at the Facilities Planning and Development Department and at the Van de Kamp Innovation Center.

Each mitigation measure is categorized by environmental topic and corresponding number, with identification of:

- The enforcement agency;
- The monitoring agency;
- The monitoring phase (i.e., the phase of the project during which the measure should be monitored);
- The monitoring frequency; and
- The action indicating compliance with the mitigation measure.
TRANSPORTATION & TRAFFIC

Option 1 - College and High School Mix and Option 2 - High School and Adult Education/Workforce Training Mix

TT1 San Fernando Road/Fletcher Drive. This potential traffic impact under both the existing baseline and cumulative conditions for Options 1 and 2 would be fully mitigated by implementing a Travel Demand Management (TDM) program to reduce auto travel during peak commute hours, in conjunction with contribution towards the design and implementation of the Eagle Rock Adaptive Traffic Control System (ATCS) and installation of a closed-circuit television (CCTV) camera at this location. LACCD will make a fair-share contribution to these improvements in an amount to be determined by LADOT.

As part of the TDM program for these options, the college/adult education component would need to be limited to four classrooms during the morning peak hour. During the evening peak hour, a maximum of 12 classrooms would begin during the evening peak hour, and only 4 classes would end during the evening peak hour. The 550-student high school component of these options can operate as it currently does during the day.

TDM Program

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<td>Monitoring Frequency</td>
<td>Throughout Operations</td>
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<td>Compliance Action</td>
<td>Field Inspection</td>
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ATCS/CCTV Installation

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<td>Monitoring Frequency</td>
<td>Once</td>
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<td>Compliance Action</td>
<td>Payment of fee to the City of Los Angeles Department of Transportation and implementation of the Eagle Rock ATCS and installation of a CCTV camera at this location.</td>
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Option 3 - Current Mix

TT2 San Fernando Road/Fletcher Drive. This potential traffic impact under both the existing baseline and cumulative conditions for Option 3 would be fully mitigated by implementing a TDM program to reduce auto travel during the peak morning commute hour, in conjunction with contribution towards the design and implementation of the Eagle Rock ATCS and installation of a CCTV camera at this location. LACCD will make a fair-share contribution to these improvements in an amount to be determined by LADOT.

As part of the TDM program, the adult education component would be limited to a maximum of four classrooms during the morning peak hour. The 550-student high school component of these options can operate as it currently does during the day. No TDM program would be needed during the evening peak hour under this option.

TDM Program

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Exhibit A (part 2 of 2) to Attachment 1 for Com. No. FPD1
Mitigation Monitoring and Reporting Program
Exhibit A (part 2 of 2) to Attachment 1 for Com. No. FPD1
Mitigation Monitoring and Reporting Program

Van De Kamp Innovation Center

Monitoring Phase: Operations
Monitoring Frequency: Throughout Operations
Compliance Action: Field Inspection

ATCS/CCTV Installation
Enforcement Agency: City of Los Angeles Department of Transportation
Monitoring Agency: City of Los Angeles Department of Transportation
Monitoring Phase: Operations
Monitoring Frequency: Once
Compliance Action: Payment of fee to the City of Los Angeles Department of Transportation and implementation of the Eagle Rock ATCS and installation of a CCTV camera at this location.

Option 4 - Office and University Collaboration Mix

TT3 San Fernando Road/Fletcher Drive. This potential traffic impact under both the existing baseline and cumulative conditions for Option 4 would be fully mitigated by implementing a TDM program to reduce auto travel during peak commute hours, in conjunction with contribution towards the design and implementation of the Eagle Rock ATCS and installation of a CCTV camera at this location. LACCD will make a fair-share contribution to these improvements in an amount to be determined by LADOT.

As part of the TDM program, the adult education component would need to be limited to 12 classrooms during the morning peak hour. The TDM program is not required during the evening peak hour.

TDM Program
Enforcement Agency: Los Angeles Community College District
Monitoring Agency: Los Angeles Community College District
Monitoring Phase: Operations
Monitoring Frequency: Throughout Operations
Compliance Action: Field Inspection

ATCS/CCTV Installation
Enforcement Agency: City of Los Angeles Department of Transportation
Monitoring Agency: City of Los Angeles Department of Transportation
Monitoring Phase: Operations
Monitoring Frequency: Once
Compliance Action: Payment of fee to the City of Los Angeles Department of Transportation and implementation of the Eagle Rock ATCS and installation of a CCTV camera at this location.

Adopt the District’s and the Los Angeles College Faculty Guild’s Initial Proposal as shown in Attachment 1.

Background: Pursuant to Government Code section 3547 and Board Rule 101400, the Los Angeles Community College District proposes that representatives of the District and the Los Angeles College Faculty Guild, AFT Local 1521 to commence negotiations using an Interest Based Bargaining Process for the July 1, 2014- June 30, 2017 collective bargaining agreement.

Government Code section 3547 and Board Rule 101400 require the District to inform the public of the issues to be negotiated with an employee organization by presenting all initial proposals that relate to matters within the scope of representation under the Educational Employment Relations Act at a public meeting of the Board. For that reason, the Board of Trustees is presenting this joint initial proposal to open negotiations on the issues listed in Attachment 1. The matter is on the Board’s agenda today so that the public may comment on the proposal before the Board considers its adoption.

Recommended by:

Albert J. Roman, Vice Chancellor
Human Resources

Recommended by:

Joanne Waddell, President
Los Angeles College Faculty Guild, AFT Local 1521

Recommended by and Approved by

Adriana D. Barrera, Interim Chancellor

Chancellor and Secretary of the Board of Trustees

By __________________________ Date ________________

Page 1 of 1 Pages Com. No. HRD1 Div. Human Resources Date 1-29-14

Noticed: 1-15-14
The Los Angeles Community College District and the Los Angeles College Faculty Guild, AFT Local 1521, jointly propose to bargain regarding the following matters specific to the Faculty Guild:

1. In the area of Collegiality in the Workplace.............................................Article 5
   - Promote and ensure professional behavior, collegiality and
     a non-hostile workplace.

2. In the area of Work Environment ..........................................................Article 9
   - Improve various work environment conditions.

3. In the area of Assignment.......................................................................Article 13
   - Explore ways to support efforts to comply with student success initiatives and
     state regulations.

4. In the area of Assignment, Summer and Winter Intersessions...............Article 15
   - Examine condition and priority of assignment, limited to sections A.1 & B.6.

5. In the area of Adjunct Assignment.........................................................Article 16
   - Address fairness issues in scheduling adjunct rate assignments.

6. In the area of Evaluations......................................................................Articles 19 & 42
   - Provide additional training and support to ensure that faculty
     evaluations (peer and self-evaluations) are formative and not just
     summative.

7. In the area of Salary..............................................................................Article 29
   - Explore ways to recruit and retain the most qualified faculty.

8. In the area of Distance Learning .............................................................Article 40
   - Explore best practices in an evolving distance learning
     environment.

9. In the area of Adjunct Faculty Pay Principles.................................Article 43
   - Explore incentives for adjunct faculty participation in the tasks
     needed to accomplish our institutional goals.

10. In the area of Clerical/Technical Support ...........................................Article 44
    - Ensure that faculty have adequate support to best promote
      student success.

11. Incorporate relevant MOU language into the collective bargaining agreement

12. Update all calendars
Subject: REAPPOINTMENTS TO THE DISTRICT CITIZENS' OVERSIGHT COMMITTEE FOR PROPOSITIONS A/AA AND MEASURE J BOND PROGRAMS

A. Reappoint the following individual for membership on the District Citizens' Oversight Committee (DCOC) to serve as the Senior Representative:

Richard Slawson

Mr. Slawson represented Craft Workers for more than 30 years and began his career as the Financial Secretary and then Business Manager of Pipefitters' Local 250. He came to the Building and Construction Trades Council in 1990 and continued to serve there through March of 2011. He has also been appointed to many civic positions over the years, including the Carson, Lomita, Torrance Workforce Investment Board, the Greater Long Beach Workforce Investment Board, the City of Los Angeles Mayor's Housing Taskforce, and the LAX21 Committee Research Committee. He has also served on the Los Angeles Unified School District's Bond Construction Oversight Committee since its inception in 1998.

Mr. Slawson has headed negotiations for the Pipe Trades, Civil Service Contracts for Craft Employees at the City of Los Angeles, the County of Los Angeles, the Los Angeles Unified School District, the Los Angeles Community College District, and the Housing Authority of the City of Los Angeles. He has also negotiated numerous Project Labor Agreements for projects totaling more than $50 billion. Many of these projects were Public Agency Bond funded.

Mr. Slawson continues to serve working people by serving as a Trustee on the Office Workers' Local 537 and 30 Retirement Trust Fund. During his years in service, he has completed many Certificate Programs at the Walton School of Economics, Purdue University with the Pipe Trades International Union and regular Training Conferences.

Mr. Slawson's term will begin on February 13, 2014 and will expire on February 13, 2016.

B. Reappoint the following individual for membership on the District Citizens' Oversight Committee (DCOC) to serve as the At-Large Representative:

Elliot Axelband

Dr. Axelband received his Bachelor of Science in Electrical Engineering from the Cooper Union in 1958, his Master of Science in Electrical Engineering from USC in 1960, and his Ph.D. in Engineering from UCLA in 1968. He is a Fellow of the Institute of Electronics and Electrical Engineers and International Council on Systems Engineering.

Recommended and approved by: Adriana D. Barrera, Interim Chancellor
Dr. Axelband worked for the Hughes Aircraft Company beginning in 1958 and retired in 1994 as a Vice President and General Manager. His responsibilities included the managing of Engineering and Business Organizations with several hundred direct employees and several thousand indirect employees responsible for the conception, research, design, and manufacture of complex electronic and electromechanical equipment for the Department of Defense and NASA via the execution competitive negotiated contracts with annual budgets in the hundreds of millions of dollars. His responsibilities included the legal, contractual, financial, marketing, and administrative aspects of those businesses.

In 1994, Dr. Axelband joined the USC School of Engineering where he was a Professor of Electrical Engineering, the Associate Dean for Research and Development, and the Director of the Graduate Program in System Architecting and Engineering. While at USC, he developed a consulting practice. He retired from USC to join the RAND Corporation, where he serves as a senior engineer. He is also a part owner and member of the advisory council of Legacy Engineering, a consulting firm that provides engineering and management services, primarily to Southern California industry.

Dr. Axelband represented the Raintree Townhome Association to West Los Angeles College beginning with the Proposition A Bond Program and was appointed to the West Los Angeles College Citizens' Bond Oversight Committee. He was elected Chair of this Committee at its meeting of August 11, 2011. He was appointed to the District Citizens' Oversight Committee (DCOC) in September 2009 and was reappointed to a second term in September 2011. He served as Vice Chair of the DCOC commencing on February 25, 2011 and as Chair of the DCOC from August 24, 2012 until the end of his second term on September 22, 2013.

Dr. Axelband’s term will begin on February 13, 2014 and will expire on February 13, 2016.

C. Reappoint the following individual for membership on the District Citizens' Oversight Committee (DCOC) to serve as the Labor Representative:

David Gomez

Professional Experience
- Mr. Gomez served as the City of Palmdale Planning Commissioner in 2004.
- He also served for four years as the City of Palmdale Water District Director.
- Mr. Gomez is currently a Business Development Associate for IBEW/NECA (International Brotherhood of Electrical Workers/National Electrical Contractors Association), Electrical Training Institute – ETI.
- He also has experience as an IBEW Business Development Representative and Journeyman Electrician IBEW 11.

Mr. Gomez’s term will begin on February 13, 2014 and will expire on February 13, 2016.

Background: The three aforementioned reappointments are being recommended by Interim Chancellor Barrera.

In accordance with Administrative Regulation C-7, the Board shall appoint the DCOC members. Members of the DCOC shall serve a term of two years and can serve no more than two consecutive terms.