



# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801  
(213) 978-1300; [planning.lacity.org](http://planning.lacity.org)

## LETTER OF DETERMINATION

Mailing Date: **OCT 24 2016**

**CASE NO.:** CPC-2016-1256-CU  
**CEQA:** ENV-2016-1257-CE

**Location:** 7401 North Shoup Avenue  
**Council District:** 12 – Englander  
**Plan Area:** Canoga Park-Winnetka-Woodland Hills-West Hills  
**Request:** Conditional Use

**Applicant:** David Fehte, El Camino Real Alliance  
Representative: Jane Usher - Musick, Peeler and Garrett

At its meeting of September 22, 2016, the Los Angeles City Planning Commission took the following action:

1. **Approved a Conditional Use** to permit the continued use and maintenance of an existing school as a public charter school, pursuant to Los Angeles Municipal Code Section (LAMC) 12.24 U.24.
2. **Adopted** the attached modified **Conditions of Approval**.
3. **Adopted** the attached **Findings**.
4. **Found** that the **Categorical Exemption No. ENV-2016-1257-CE** is the appropriate environmental clearance pursuant to the California Environmental Quality Act and section 21082.1(c)(3) of the California Public Resources Code

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**This action was taken by the following vote:**

**Moved:** Dake-Wilson  
**Seconded:** Ahn  
**Ayes:** Ambroz, Mack, Padilla-Campos  
**Absent:** Choe, Katz, Millman, Perlman

**Vote:** 5 - 0

  
\_\_\_\_\_  
**James K. Williams, Commission Executive Assistant II**  
**Los Angeles City Planning Commission**

**Effective Date/Appeals:** The Los Angeles City Planning Commission's decision is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

**FINAL APPEAL DATE:** **NOV 08 2016**

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

Attachment: Modified Conditions of Approval, Findings

City Planner: Thomas Glick

City Planning Assistant: William Hughen

## CONDITIONS OF APPROVAL

### A. Conditional Use Conditions

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the attached plans labeled as Exhibit B, stamped, signed and dated by Department of City Planning Staff, attached to the subject case file, and except as modified by this action. The Conditional Use Permits approved in this Case No. CPC-2016-1256-CU shall supersede and replace all previous Conditional Use grants for the institution located at 7401 North Shoup Avenue: ZA 97-0003 (CUZ).
2. **Floor Area.** The building shall be limited to 12,000 square feet.
3. **Property Use.** The use of the subject property shall be limited to a school, grades Kindergarten through 12, with a maximum enrollment of 400 students and 50 students on-site at one time.
4. **Determination Letters.** All school administrators, faculty and school board members shall be provided a copy of the subject determination.
5. **Hours of Operation.** Hours of operation shall be limited to 8 a.m. until 5 p.m., except that to prepare for the students, faculty and staff shall be permitted to arrive at 7 a.m. and to depart at 6 p.m. Hours of instruction are limited to 8:30 a.m. until 3 p.m. Days of operation are limited to Monday through Friday.
6. **Special Events.** Not more than 12 Special Events per year are authorized. Special events are activities involving parents and/or other visitors where more than 50 vehicles are anticipated at one time. School administrative board meetings and parent/teacher meetings are excluded from the definition of Special Events.
7. **Graffiti.** All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
8. **Floor Area.** The maximum school floor area, including classrooms, libraries, administrative/office space, and multi-purpose room, shall be limited to 12,000 gross square feet of floor area as identified on the floor plans, Exhibit B. Any future expansion or increase in floor area to any school facilities shall be subject to a new entitlement application pursuant to Section 12.24 of the Municipal Code.
9. **Parking.** Automobile parking shall be provided per the provisions of Section 12.21 A of the Municipal Code; a minimum of 69 parking spaces shall be maintained for the project as shown on the site plan labeled Exhibit B.
10. **Parking Location.** No students, faculty, or other employees of the school shall be permitted to park off-site; they shall only be permitted to park on-site in the schools' parking lot. All students who drive to school, all faculty and all other employees shall be instructed by the management of the school to park on-site and not on the adjacent streets.
11. **Bicycle Parking.** At least eight (8) bicycle parking spaces shall be located in a prominent, accessible location, in accordance with the provisions of Section 12.21.A.16 of the Municipal Code.



12. **Enrollment.** Enrollment shall not exceed 25 students per day in grades 9-12 in year one and a maximum of 80 students per day in grades K-12. Morning and afternoon student arrival and departure times shall be staggered. At no time shall more than 50 ISP students be scheduled for attendance on-site at the same time. A maximum of 400 students may be registered to the ISP program at one time. The maximum number of teachers and staff shall not exceed 20.
13. **Signs.** All exterior signs shall be of an identification type and shall be affixed to the façade of the building. Directional type signs shall be indicated on plans submitted to and approved by the Department of Building and Safety and the Department of Transportation.
14. **Solid Waste.** Trash Containers, if maintained outside, shall be indicated on the plot plan, enclosed on three sides by masonry walls, and gated to prevent unauthorized access. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
15. **Pick-up/Drop-off.** Passenger Loading and unloading are permitted only within the property.
16. **Public Address System.** No Outdoor Public Address System is permitted.
17. **Community Liaison.** The applicant shall post a sign at an entrance to the site informing the public of a 24-hour "hot line" telephone number to notify the school administration of any problems associated with the operation of the school property. During normal school hours, the phone assigned that number shall be attended by a live attendee in the school administration office.
18. **Multi-sport Facilities.** The school shall take appropriate preventative measures to preclude unauthorized use of the multi-sport facilities, particularly when the school is closed.
19. **Fire Department Review.** The applicant shall submit a plot plan for approval by the Fire Department prior to the approval of any building permit.
20. **Property Access.** When the property is not in use, the owner shall preclude vehicle entry by closing all driveway gates, except for such entry as needed to accommodate weeknight meetings of the West Hills Neighborhood Council or its committees.
21. **Building Plans.** Page 1 of the grant and all conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
22. **Transportation Assessment.** All new school projects must contact LADOT for an assessment of the school's proposed drop-off/pick-up process and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed. To allow appropriate time for review, contact LADOT at least 6 months prior to school opening.
23. **Right Turn Only.** All cars exiting from the school on to Shoup Avenue shall turn right only (no left turns). The school shall post signs on the school property directing cars to make a right turn only on to Shoup Avenue. The school shall also provide written instructions to its students, faculty, and staff to turn right only on to Shoup Avenue from the school property.

24. **Traffic.** Should any traffic concerns arise regarding the operation of the school, the applicant shall communicate and work with the West Hills Neighborhood Council and community to alleviate concerns.
25. **Community Meetings.** The applicant shall meet with the West Hills Neighborhood Council during the first year of the school operation on a quarterly basis and on an as needed basis thereafter.
26. **Landscaping.** Pursuant to Los Angeles Municipal Code (LAMC) Section 12.42 B.2 and Guidelines K of the Landscape Ordinance, the applicant shall provide site landscaping in accordance with the submitted landscape plan, titled Preliminary Landscape Plan, dated September 21, 2016.

#### **Administrative Conditions of Approval**

27. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to DCP for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to DCP for attachment to the subject file.
28. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
29. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
30. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
31. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
32. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
33. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered



null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

**34. Indemnification and Reimbursement of Litigation Costs** The Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (a).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.



## FINDINGS

### A. General Plan/Charter

#### 1. General Plan Land Use Designation

The subject property is located within the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan, which designates the site for the Low Residential General Plan Land Use. The corresponding zones for these land uses are: RE9, RS, R1, RU, RD6, and RD5. The current zone on the site is A1-1. These zones permit multi-family development and single-family developments by right. School uses are permitted by *Conditional Use* in any zone, pursuant to Sections 12.24 T.3(b) and 12.24 U.24 of the Municipal Code. A Conditional Use Permit is required in order for the proposed project to be in conformance with the land use designation of the City's General Plan.

Existing Uses. The continued use of the school by Conditional Use Permit, with the imposed conditions of approval, is consistent with the General Plan, having been found so by the Zoning Administrator through Case No. ZA 97-0003(CUZ), and those findings are incorporated herewith. The existing school has been providing a beneficial educational and social service to the City for more than 15 years, and those beneficial services should be continued through approval of a renewed Conditional Use Permit.

Proposed Public Charter School. The addition of 275 new Kindergarten through 12<sup>th</sup> grade school students to the existing and authorized school will further provide a beneficial educational and social service to the City, and will result in a more efficient utilization of the existing facilities. Unlike a traditional school, the proposed Charter School provides an Independent Study Program (ISP) to students. Students registered in an ISP school program attend the school facility to meet with their teachers one day per week, generally for a period of 1-3 hours. The rest of a students' school week is spent at home, engaged in independent learning and study. As such, the proposed Charter School is limited by the Conditions of Approval to only provide educational instruction to 50 on-site students at a given time. The proposed Conditions of Approval also limit the maximum number of registered students to 400.

#### 2. General Plan Text

##### Land Use Element – Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan

The Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan sets forth planning goals, objectives, policies, and programs for the community area that are intended to promote an arrangement of land uses, streets and services that will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community. The proposed addition of a public charter school would be in conformance with the following goal, objectives, and policies of the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan:

**GOAL 6.** *Public Schools that provide a quality education for all of the city's children, including those with special needs, and adequate school facilities to serve every neighborhood in the city.*



**Objective 6-1:** *Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.*

**Policy 6-1.1:** Explore creative alternatives for providing new school sites in the City, where appropriate.

**Program:** Develop plans to address issues of siting and joint use of facilities including strategies for expansion in transit-rich locations.

**Program:** Use the City's "Annual Growth Report" to monitor locations for growth and potential new school sites.

**Objective 6-2:** *Maximize the use of local schools for community use and local open space and parks for school use.*

**Policy 6-2.1:** Encourage the siting of community facilities (libraries, parks, schools and auditoriums) together.

**Program:** Formulate/update plans to address issues relating to siting and the joint use of facilities. Identify strategies for the expansion of school facilities including:

1. Siting of schools and other community facilities (libraries, parks, and auditoriums) within a transit station, center, or mixed-use area so they can complement each other and make the most efficient use of the land provided for these services.
2. Locating middle schools and high schools where possible, close to transit stations and key centers and mixed-use districts, so students can use the transit system to get to and from school.
3. Encouraging private redevelopment of existing school sites in the immediate vicinity of transit stations and centers so that the existing site (a low intensity use) would be replaced by a high intensity mixed-use development that would incorporate school facilities.

**Public Charter School.** The proposed school will meet the above policies and programs by being sited where a school already exists, and will share the existing classrooms and outdoor and indoor play areas, with no proposed new construction on the site. The project does not propose a more intensive use of the site in comparison to the existing level of use. The school facility has been a part of the community for a number of years. The applicant will allow the joint-use of the facility, allowing the West Hills Neighborhood Council to utilize the facility for weeknight meetings.

3. **Charter.** Pursuant to Section 556 of the City Charter, the subject Conditional Use grants approved herein are in substantial conformance with the purposes, intent and provisions of the General Plan. The LAMC permits the filing, review, and determination of conditional use applications as outlined in Section 12.24. Provided findings of fact are made herein for the subject case action, the decision maker may act appropriately.

## **B. Entitlement**

1. **Conditional Use.** Pursuant to LAMC Section 12.24 U.24, a **Conditional Use** to permit the continued use and maintenance of an approved school as a public charter school.

The conditions imposed on the project by this Conditional Use grant are necessary to ensure harmonious relations with neighboring properties, and to mitigate the traffic and parking impacts of the public charter school on the surrounding community.

- a. *The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.*

Existing Uses. The existing school has been providing a beneficial educational and social service to the City for approximately 20 years. The educational program of study provided by the school allows a greater number of students to pursue Kindergarten – 12<sup>th</sup> grade study and graduate from primary and secondary school. The school provides services to both the local community and greater region. These beneficial services should be continued through approval of a renewed Conditional Use Permit.

Public Charter School. Regarding the built environment, the existing school facility was first constructed in 1950 and was expanded in 1964 to its present size. It no longer contains a fixed seat sanctuary and five classrooms. Since the grant of the conditional use in 1997, the school has instead housed nine classrooms and a multipurpose room with no fixed seating. The applicant does not propose to change or expand the built environment as it exists today, with the sole exception of customary repairs and maintenance.

The property is located at 7401 Shoup Avenue, and is legally described as Lot 1, Tract 29454. The site is zoned A1-1. The surrounding properties are zoned RS-1 and are fully developed with one-story single-family homes. The site is a level, rectangular-shaped, corner/through, record lot, consisting of approximately 1.84 acres, having frontage of approximately 267 feet on the north side of Valerio Street and an approximate depth of 300 feet. The property's one-story building is approximately 15,025 square feet. The site includes parking on a flat, striped surface lot marked for 69 parking spaces, as required by the existing CUP. The surface lot has unstriped room for 10-15 overflow cars and provides vehicle ingress and egress to the facility, including a drop-off and pickup area. The school at its current student enrollment is an appropriate use for the site.

The property is designated Low Residential in the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan. The applicant will continue to provide a service that is beneficial to the community and region. The property has served more than 50 years as an institutional and educational facility. From 1964 until 1997, the facility served as a synagogue, school, and day care. From 1997 until 2015, the facility served as a private school, with 40 staff and 125 students onsite in Kindergarten through 12<sup>th</sup> grade, pursuant to the conditional use permit (ZA 97-0003 (CUZ)) issued in 1997 by the Zoning Administrator. The Parkhill School and its successor, which vacated the site in 2015, provided an educational program and service for special needs students. Under a State of California certification program for Special Education schools, these operators provided education to Los Angeles Unified School District children ages 7 to 19 with emotional, behavior, or learning problems.



The public charter school use proposed by the applicant will instruct a lesser number of maximum students on campus per day compared to the previous school, reduced from the currently approved CUP of 125 to 80 maximum students on-site daily. Like the previous special education students, the applicant's Independent Study Program (ISP) students also constitute an underserved student population. Unlike a traditional school, students registered in an ISP school attend the school facility to meet with their teachers one day per week, generally for a period of 1-3 hours. The rest of the students' school week is spent at home, engaged in independent learning and study.

For the past four years, the applicant has provided an ISP program at its traditional public charter school facility located at 5440 Valley Circle Boulevard in Woodland Hills. With grant of this conditional use permit, these ISP students, who currently number 100, will be moved to the Shoup facility. The applicant's specialized ISP services are not provided by other schools. The proposed public charter school will provide an education service to the community at a facility that has been a school for many years.

- b. *The project's location, size, height, operation, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.*

Existing Uses / Public Charter School. The school's facilities will not change. The school will continue to have limited hours of operation, from 8 am until 5 pm Monday through Friday, save for the following requests: (1) teachers and staff be authorized to arrive at 7 am and to leave at 6 pm to prepare for their school day; and (2) the West Hills Neighborhood Council be authorized to use the facility for its meetings during weeknights. The applicant does not propose events except for those occasional events, such as parent-teacher conferences and graduation, as permitted for the prior school. The applicant proposes to reduce the number of students to a maximum of 80 on-site per day and the number of teachers and staff to a maximum of 20 per day.

The operations of the applicant are designed to be identical or less intensive than those of the previously approved school. The site will continue to have the same limited hours of operation. The applicant will not rely upon private buses to transport its students and will not require its students to attend the facility for 6 hours per day, 5 days per week. Instead, the students will attend the site only one time per week for 1-3 hours. The arrival and departure times of the students will be staggered throughout the school day. No parking, drop-off or pickup on neighborhood streets will be allowed or tolerated.

The applicant will register a maximum of 400 ISP students, each of whom will be scheduled to attend the facility one day weekly. The average daily on campus student population will be 50 and the maximum permitted students daily on campus will be 80. The student attendance on-site will never exceed 80 students per day.

Because school uses have operated at the site since 1964, and because the subject request does not propose new construction or any increase in the existing buildable floor area, height, parking, or operations, this request will neither alter nor be detrimental to the character of development in the immediate neighborhood. Therefore, the continued use, but as a public charter school, will be compatible with and will not further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

- c. *The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable Community Plan, and any applicable Specific Plan.*

Existing Uses / Public Charter School. As an existing facility and use that will not be altered by the requested application (except that the private school nomenclature will be changed to public charter school), the school continues to conform with the purpose, intent, and provisions of the General Plan and the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan. There are no additional specific plans or historic preservation or other overlay zones that govern the site.

The subject conditional use permit does not propose to deviate from any of the requirements of the Los Angeles Municipal Code that are directly tied to any of the elements of the General Plan. The Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan Map designates the property for Low Residential land uses with corresponding single family residential zoning. The parcel that houses the school is the only agriculturally zoned property within a primarily contiguous RS-1 single family zoning area that stretches approximately 1,000 feet in all directions from the site. Schools are authorized within the A-1 and the RS-1 zones with a conditional use permit.

The Community Plan includes a goal to achieve a quality education for all of the City's children, including those with special needs, and to offer adequate facilities to serve every neighborhood. The ongoing use of the school, subject to the conditions of the existing conditional use permit, will protect and preserve the integrity of an existing single family neighborhood. The proposed school will also meet the Community Plan goal of providing a quality education to all, including those with specialized needs. The application conforms to the purpose, intent and provisions of the General Plan and the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan.

### C. CEQA

A Notice of Exemption was filed as ENV-2016-1257-CE on May 9, 2016. The subject proposal has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1 of the City CEQA Guidelines under Class 1, Category 22 for the granting or renewal of a variance or conditional use for a non-significant change of use in an existing facility.





# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801  
(213) 978-1300; [planning.lacity.org](http://planning.lacity.org)

## LETTER OF DETERMINATION CORRECT-TO-FILE (Condition #2\*\*)

Date: **NOV 14 2016**

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**Location:** 7401 North Shoup Avenue  
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**Applicant:** David Fehte, El Camino Real Alliance  
Representative: Jane Usher - Musick, Peeler and Garrett

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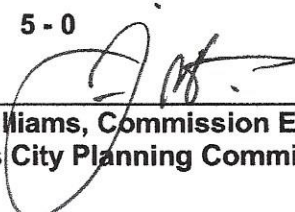
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**This action was taken by the following vote:**

**Moved:** Dake-Wilson  
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**Ayes:** Ambroz, Mack, Padilla-Campos  
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