



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### City Planning Commission

**Date:** November 17, 2016

**Time:** After 8:30 a.m.\*

**Place:** Van Nuys City Hall  
City Council Chambers—2<sup>nd</sup> Floor  
14410 Sylvan Street  
Van Nuys CA. 91401

**Public Hearing:** Friday, September 30, 2016

**Appeal Status:** Plan Approval appealable to City Council

**Expiration Date:** November 21, 2016

**Multiple Approval:** No

**Case No.:** CPC-2011-1187-CU-PA1

**CEQA No.:** ENV-2016-2006-CE

**Related Cases:** CF 12-0644, CPC-2011-1187-CU-A1, ENV-2011-1188-MND

**Council No.:** 12 – Mitchell Englander

**Plan Area:** Canoga Park-Winnetka-Woodland Hills-West Hills

**Certified NC:** West Hills

**GPLU:** Low Residential

**Zone:** A1-1

**Applicant:** De Toledo High School  
Attn.: Ms. Deborah Shapiro

**Representative:** Gaines and Stacey, LLP  
Attn.: Mr. Fred Gaines

**PROJECT LOCATION:** 22622-22654 West Vanowen Street (West Hills) legally described as a Lot: Portion 994; Tract: TR 1000

**PROPOSED PROJECT:** A Plan Approval to an existing Conditional Use Permit, approved by City Council on appeal on June 22, 2012 (Council File No. 12-0644), for review of compliance with operational conditions of De Toledo High School (formerly New Jewish Community High School), as required by Condition A.5, and to allow for modification, deletion, or addition of conditions as warranted. The Applicant requests some operational changes; however, no physical modifications or enrollment changes are proposed.

**REQUESTED ACTION:** 1. Pursuant to Section 12.24.M, and Condition No. A.5 of case CPC-2011-1187-CU, a **Plan Approval** for the purpose of reviewing compliance with the conditions, and for the following applicant-requested modifications to some operational conditions:

- a. Modify Condition A.1.d to allow up to two “special event” outdoor activities per year to occur after 9 p.m. but not past 11 p.m.;
- b. Modify Condition A.8 to permit sound amplification during a limited number of outdoor school functions; and
- c. Modify Condition A.10 to allow for greater weekend hours of operation for the facility.

2. **Determine** that based on the whole of the administrative record, the project is Categorically Exempt from environmental review pursuant California Environmental Quality Act (CEQA) Guideline 15301 City CEQA Guidelines, Article III, Section I, Class 1, Category 22, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

#### RECOMMENDED ACTIONS:

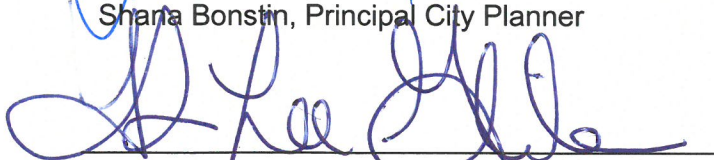
1. **Modify** Conditions No. A.1.a-e, A.10, A.14 and A.21 of case CPC-2011-1187-CU, to ensure the subject use, a private High School located in an A1-1 zone, does not adversely impact adjacent properties.

- a. Conditions A.1.a – c (Total Number of People On-Site): Clarify the maximum number of people allowed on-site, as the original approval did not provide a maximum for weekday afternoons or weekends.
  - b. Condition A.1.d (Use - Outdoor Activities): Preserve the 9:00pm closing time for outdoor activities but allow for an hour of staff/organizer clean-up time.
  - c. Condition A.1.e (Community Center Services): Clarify the wording of 'Community Center Services' to indicate the preservation of uses which preceded the private High School.
  - d. Condition A.10 (Hours of Operation): Preserve separate hours for School uses and Community Center uses, preserve weekend hours of operation and allow for extra morning and evening time for staff/organizer set-up and clean-up time.
  - e. Condition A.14 (Bureau of Engineering Deductions and Improvements): Remove references to the Vicky Avenue houses, as the project scope has changed.
  - f. Condition A.21 (Vicky Avenue Homes): Remove the Condition regarding the delayed demolition of the Vicky Avenue houses, as the project scope has changed.
2. **Deny modifications** to Condition A.8 of CPC-2011-1187-CU, preserving the prohibition on outdoor amplified sound in effect.
  3. **Determine** that a Categorical Exemption, ENV-2016-2006-CE, is adequate environmental clearance, pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (City CEQA Guidelines, Art. III, Class 1, Category 22 – renewal or nonsignificant change in conditional use of existing facility)

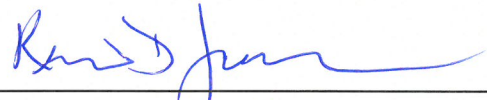
VINCENT P. BERTONI, AICP  
Director of Planning



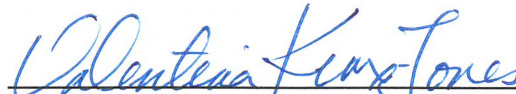
Shana Bonstin, Principal City Planner



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Valentina Knox-Jones, Hearing Officer

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**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent out the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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## PROJECT ANALYSIS

### PROJECT SUMMARY

The Applicant, De Toledo High School (previously known as the New Community Jewish High School), has filed for a Plan Approval pursuant to Section 12.24.M, and Condition of Approval No. A.5 of the Conditional Use Permit (CUP) granted on appeal through case CPC-2011-1187-CU-A1.

The school began its operations on the subject site in 2002 and secured a Conditional Use Permit to operate as an accessory use to the West Valley Jewish Community Center with a three year term and a maximum enrollment of 54 students. Due to the limitation on the number of students that could be enrolled at the site, the school decided to relocate to another area within the West Hills community. However, the school continued to use the site for athletic activities and special events. At that time, the Community Center uses on site consisted of the Bernard Milken preschool, the Jewish Community Center, and the Jewish Federation. Other uses on-site consisted of senior citizen services, special events associated with the High School, athletic events, a private swim school, and community services and programs.

In 2012, the City Planning Commission approved another Conditional Use Permit which would allow the school to return to the subject site (with a maximum enrollment of 450 students) and would allow the Community Center to continue to exist on the site. In this iteration, the school did not seek to reinstate the preschool. As part of that approval, the applicant proposed the remodel of the existing facilities and the potential demolition of two structures along Vicky Avenue to provide future space for outdoor uses and overflow parking. This Conditional Use Permit approval included a condition that would delay demolition of the Vicky Avenue structures until three years had passed from the issuance of the Certificate of Occupancy.

This approval was appealed by one person and the reasons cited were as follows: concern about traffic impacts, concern about the hours of operation, concern about the number of students, opposition to the number of people allowed on-site, concern about the potential impacts to the aesthetic/noise barrier on Faust Avenue if the right-of-way is improved, concern about the parking provided, an objection to any community center uses being permitted on-site citing student safety, concern about the appropriate number of bicycle racks to include on-site, concern about potential impacts to stormwater runoff, concerns about whether landscaping will grow quickly enough to mitigate perceived aesthetic or noise impacts, concerns about security citing concerns about perceived potential for anti-Semitic attacks, and concerns about demolition on Vicky Avenue.

The applicant, New Community Jewish High School, addressed the points of the appeal and noted that the City Planning Commission did not err or abuse in making its decision, and therefore, the appeal was not valid. The City Council's Planning and Land Use Management (PLUM) Committee denied the appeal and the Mayor concurred.

However, the Conditions of Approval were modified by PLUM during the review of the appeal; these included a variety of other conditions related to the maximum number of people which could be on-site during school hours and evenings, the site plan, construction mitigation measures, traffic impact mitigation measures, and requirements for a community liaison. As a note, between the time of the approval of the original CUP and the time of this Plan Approval application, the applicant sold the Vicky Avenue properties and the applicant is no longer pursuing development along Vicky Avenue. The structures are currently being utilized as single-family residences.

Condition No. A.5 of the original CUP required the applicant to return with a Plan Approval filing within 24 months of the issuance of a Certificate of Occupancy in order to review the school's compliance with the conditions, and to modify, delete and/or add conditions as warranted. The Certificate of Occupancy was issued June 19, 2014 and the applicant filed a Plan Approval case on June 8, 2016.

As part of this filing, the applicant submitted documentation of compliance with the conditions and also requested three changes to the original Conditions of Approval –

- To modify the condition which limits outdoor activities after 9:00pm (Condition A.1.d) to allow two events annually to end at 11:00pm.
- To modify the condition which prohibits the use of outdoor sound amplification (Condition A.8) to allow for outdoor amplification twice a week for one-hour periods for school purposes; and to allow outdoor amplification four times a year for up to four-hour periods for special events.
- To modify the condition which limits hours of operation for the school facility compared to the community center uses (Condition A.10) to: 1) allow the community center uses and school uses to utilize the same hours of operation, 2) allow the High School to be open one hour later on Sunday evenings, and 3) allow the community center uses to begin earlier on the weekends for 10 days of the year.

## BACKGROUND

**Site attributes:** The site has not changed significantly since the approval of the original Conditional Use Permit, and is a relatively flat parcel of land containing approximately 254,378 square feet of land. The site is improved with a two-story, 99,335 square-foot private High School comprised of three structures: the main building, a sports facility, and a parking structure. In addition to classrooms – an auditorium, gymnasium, swimming pool, office, fitness center, and other miscellaneous rooms and uses are located within the facility. The on-site structures have a maximum height of 41 feet (below the 45 foot maximum allowed in Height District 1 of an A Zone). The site is abundantly landscaped with mature trees and other vegetation.

The existing facility provides yard setbacks as provided in the following table:

| Yard Area       | Setback         |
|-----------------|-----------------|
| Front Yard East | 24 feet         |
| Front Yard West | 42 feet         |
| East Side Yard  | 28.6 to 34 feet |
| West Side Yard  | 42 feet         |
| Rear Yard       | 50 feet         |

The north elevation includes the front entrance of the High School (Vanowen Street), a circular driveway and a parking structure. The site is accessed with improved sidewalks and walkways leading from the parking structure to the front doors of the High School.

The east elevation includes the High School, Gymnasium, and the Fire Access driveway. A six-foot tall masonry wall, with an eight-foot privacy screen, and tall mature trees line the easterly lot line of the subject property. The applicant's contractor installed the privacy screen with funding the school had received from a security grant. Upon further research, the applicant discovered the privacy screen had been constructed without appropriate approvals, and the applicant has since filed for a Zoning Administrator's Adjustment to allow for an over-height security fence to a height of 14 feet (Case No. ZA-2016-3763-ZAA), subsequent to the Public Hearing for this case.

The Fire Department access driveway is 35 feet wide (18 feet at entrance) and abuts the landscaped property line, High School, and gymnasium. Faust Avenue abuts the easterly portion of the property.

The south elevation is the rear portion of the site including the gymnasium/swim school, set back approximately 50 feet from the rear property line. The setback area is landscaped with mature trees lining the entire rear lot line from the east elevation to the west elevation.

The west elevation includes the parking structure, open space areas and rear structure. Vicky Avenue abuts the westerly portion of the property. The perimeter is landscaped with mature trees, vines and shrubs.

**Uses On-site:** The school is permitted to have a maximum of 450 High School students from grades 9-12, with no limit on the number of teaching or administrative staff. According to the Certificate of Occupancy, the A3 maximum occupancy (gathering spaces) on the site is 595 persons and the E occupancy (educational purposes) is 929 persons. 248 vehicular parking spaces are provided in the parking structure and 40 bicycle parking spaces are provided at the front of the property.

Based on documentation provided by the applicant, a typical school week would have 387 students and 90 staff people on-site during school hours, with approximately 125 – 180 people on-site after school hours in the auditorium, multi-purpose room, or sports facilities; and an additional 130-145 people utilizing the private swim school. During busy weeks, the number of people on-site in the afternoon and evening increases and there approximately 500-550 people on-site at one time. For more information refer to Exhibit D, 'Typical Number of People On-site'.

**Access/Parking and Circulation:** Access to the property is taken from Vanowen Street including a circular driveway/drop-off area and parking structure. The site is accessed by improved sidewalks which are connected to an internal pedestrian path. Similarly, pedestrian access is provided from the parking structure via a stairwell to the front of the High School. As part of the previous approval, the applicant constructed 40 bicycle parking spaces in bike racks along the front façade.

The student drop-off/pick-up area is located in the same area as the circular driveway. The school actively provides copies of the Conditional Use Permit conditions, regarding parking and traffic rules, to students, parents and employees to ensure compliance with the conditions; and also provides copies to visiting athletic teams and organizations that rent the facility.

Parking, pick-up, and drop-off is only allowed on-site, thereby minimizing impacts to traffic along Vanowen Street. Additionally, there are no U-turns allowed on any of the neighboring streets (Sale Avenue, Vicky Avenue, Fallbrook Avenue, or Shoup Avenue). Traffic monitors are utilized on the site to monitor drop-offs and pick-ups, and to ensure the smooth flow of traffic on-site.

**Landscape:** During the initial Conditional Use Permit process, neighbors along Faust Avenue requested a more thorough landscape barrier between the school and Faust Avenue. A Landscape Architect was obtained by the applicant to collaborate with neighbors, resulting in a



landscape plan which included 14 new, 36-inch box Podocarpus trees. After the trees were planted, neighbors asked for additional shrubbery to hide the masonry wall. These shrubs have been planted, and both trees and shrubs are part of regular landscape maintenance.

As previously mentioned, the school received a security grant to construct a privacy screen, however, upon further research, the applicant discovered the privacy screen had been constructed without appropriate approvals. The applicant has filed for a Zoning Administrator's Adjustment to allow for an over-height security fence to a height of 14 feet (Case No. ZA-2016-3763-ZAA).

**General Plan Land Use Designation:** The Canoga Park-Winnetka-Woodland Hills-West Hills designates the subject property for Low Residential land uses with corresponding zone of RE9, RS, R1, RU, RD6, and RD5. For each plan category, the Plan permits all identified corresponding zones, and those zones that are more restrictive, as referenced in Section 12.23 of the Los Angeles Municipal Code (LAMC). The subject property is zoned A1-1, and as the A1 zone is more restrictive, it is consistent with the Land Use category.

**Zoning:** The A1-1 Zone allows for a number land uses associated with agriculture, single-family uses, public parks, golf courses, community centers, miniature golf courses, aviaries, truck gardening and home occupations (Section 12.05 LAMC) which are permitted through and administrative permit process (non-discretionary). Schools are permitted by Conditional Use Permit (Sections 12.05-A(10) and 12.24 LAMC) which is a discretionary action. Height District 1 allows a maximum height of 45 feet (Section 12.21.1 LAMC).

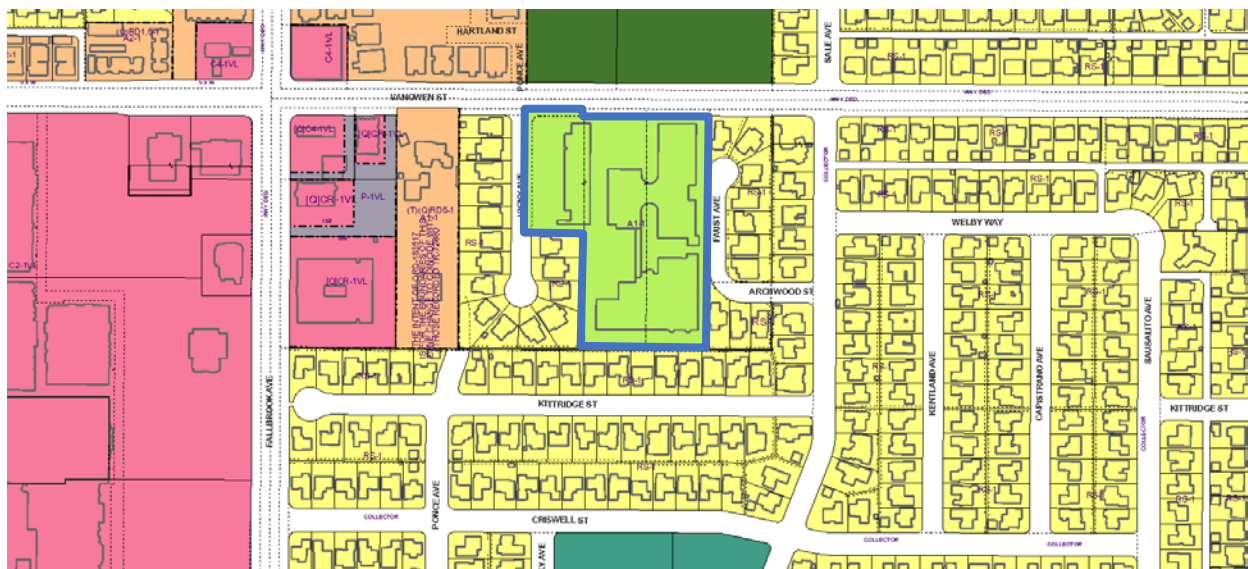
### ***Surrounding Properties:***

East of the subject site are single-family residences; zoned RS-1.

South of the subject site are single-family residences and a public elementary school; zoned RS-1 and [Q]PF-1XL.

West of the subject site are single-family residences, multi-family residences, commercial properties and associated parking lots; zoned RS-1, (T)(Q)RD5-1, [Q]CR-1VL, and P-1VL.

North of the subject site are multi-family residences, a public park, and single-family residences; zoned (Q)RD6-1, OS-1XL, and RS-1.



## RELATED CASES

CPC-2011-1187-CU-A1 (Council File No. 12-0644): On June 22, 2012, the City Council on appeal, approved a Conditional Use Permit for a private High School for a maximum of 450 students.

CPC-2001-5433-CU: On June 27, 2001, the City Planning Commission approved a Conditional Use Permit for a private High School for a maximum of 54 children for a life of 3 years.

Violations/Orders of Compliance: Research of Building and Safety records indicate no open cases regarding violations and/or orders of compliance.

No other cases of note on the subject property.

## PUBLIC HEARING SUMMARY

The public hearing was conducted by the Department of City Planning on Friday, September 30, 2016 at 3:00 pm at the Marvin Braude Constituent Service Center. The public hearing was attended by approximately 10 individuals, including the applicant's representatives. Five people spoke in regards to the project and did not oppose the project but requested that the Conditions of Approval be modified to clarify a variety of issues. Some neighbors opposed the change of hours of operation for Sunday nights, whereas others were neutral. Some neighbors opposed the use of amplified outdoor sound. Several of the neighbors discussed the private swim school use and the congregation on site and questioned whether either are allowed per the A1-1 zone or per the Conditional Use Permit.

Ms. Hannah Lee from the Council District representing the area (Council District 12 – Honorable Mitch Englander) attended the meeting. Several residents from the surrounding residential properties attended the hearing. The hearing lasted approximately 1 hour. Written correspondence was received from 11 interested persons. For further details, see Public Hearing and Communications, Page P-1 of this staff report.

## ANALYSIS

The following section will discuss the applicant's request and the modifications to existing conditions proposed by the Project Planner.

***Outdoor Activities (Applicant Request)***: The applicant requested modifications to the Condition which limits outdoor activities after 9:00pm (Condition A.1.d) to allow two annual events to end at 11:00pm. The applicant indicated that this request was to allow events such as fundraisers, or parent activities, to occur outside in the courtyard or in the open spaces at the rear of the property. These spaces are approximately 100-125 feet from the residences along Vicky Avenue. While there is mature landscaping along these property lines, the necessity for this use is unclear and there is a likely potential that this request would increase noise in the neighborhood.

The current limitation which requires outdoor activities to end at 9:00pm is a reasonable request due to the project's adjacency to residences. Additionally, there are interior spaces such as the Multipurpose Room and the Gymnasium which could be utilized for these purposes, without creating a noise impact.



However, a reasonable compromise would be to require events to end at 9:00pm but to allow an extra hour for staff/organizers to clean-up or tear down the equipment (chairs/tables) associated with an event. This would require the event to end at 9:00pm, with a significant number of people leaving by that time, while still providing additional time for clean up of the site. Staff have recommended an additional one-hour buffer to allow tear-down/clean-up of outdoor activities.

***Hours of Operation (Applicant Request):*** The applicant requested modifications to the condition limiting hours of operation (Condition A.10) to a) allow the Community Center uses and school uses to utilize identical hours of operation, b) allow the High School to be open one hour later on Sunday evenings, and to c) allow the Community Center uses to begin earlier on the weekends for 10 days of the year.

Coterminous Facility Hours: The applicant indicated that the request to have the school hours and Community Center hours co-terminate was to simplify the hours of operation for the facility. However, these hours were stipulated in order to avoid traffic impacts resulting from trips to the site. School hours begin at 7:00am and Community Center uses begin at 10:00am in order to avoid excessive parking and traffic issues during peak hours. Attempting to minimize traffic impacts by staggering the arrival of people to the site seems like a reasonable request. Moreover, modifying the hours to allow Community Center uses to begin at the same time as school hours could potentially affect parking and queuing. Staff recommends allowing for Community Center hours to begin at 9:00am instead of 10:00am, but continuing to preserve staggered hours of operation for school uses and Community Center uses.

Extended Sunday Night Hours: The applicant requested hours of operation on Sunday nights to be extended until 11:00pm, to be consistent with closing hours during the rest of the week. Some residents expressed a concern regarding noise and traffic impacts resulting from extended hours on Sunday night. During the public hearing, the representative indicated that these extended hours would be utilized for events which might end at 10:00pm and need additional time for tear-down/clean-up. Similar to the outdoor activity modification above, Staff is recommending that events continue to end at 10:00pm but allow for an extra hour for staff/organizers to tear-down/clean-up the equipment associated with the event.

Earlier Weekend Morning Hours: The applicant requested an exception for hours of operation on Weekend mornings to allow ten days annually in which the facility could be opened at 7:00am instead of 9:00am. The applicant indicated that these earlier hours would allow for organizers to set up the site in advance of sports events, such as basketball tournaments. However, given the site's adjacency to residences, and the noise impacts which could result from an earlier starting time, Staff is recommending that events continue to begin at 9:00am but allow for a set-up time beginning at 7:00am. Again, this preserves the current start time of events at 9:00am but would allow for the staff/organizers to use the site prior to the event.

Following is a chart to clarify the recommended modifications to the hours of operation for School and Community Center uses, as well as the proposed 'buffer' times for event preparation/disassembly:

**Previous Approval – Hours of Operation**

|            | Mon.                                                                                                                                                                | Tues.                                                                                                                                                               | Wed.                                                                                                                                                                | Thurs.                                                                                                                                                              | Fri.                                                                                                                                                                    | Sat.                                                                                                                                                                    | Sun.                                                                                                                                                                    |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 pm-6 am | Facility Closed                                                                                                                                                     |                                                                                                                                                                     |                                                                                                                                                                     |                                                                                                                                                                     |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |
| 6 am       |                                                                                    |                                                                                    |                                                                                    |                                                                                    |                                                                                      |                                                                                                                                                                         |                                                                                                                                                                         |
| 7 am       |                                                                                    |                                                                                    |                                                                                    |                                                                                    |                                                                                      |                                                                                                                                                                         |                                                                                                                                                                         |
| 8 am       |                                                                                    |                                                                                    |                                                                                    |                                                                                    |                                                                                      |                                                                                                                                                                         |                                                                                                                                                                         |
| 9 am       |                                                                                    |                                                                                    |                                                                                    |                                                                                    |                                                                                      |                                                                                                                                                                         |                                                                                                                                                                         |
| 10 am      |   |   |   |   |   |   |   |
| 11 am      |   |   |   |   |   |   |   |
| 12 pm      |   |   |   |   |   |   |   |
| 1 pm       |   |   |   |   |   |   |   |
| 2 pm       |   |   |   |   |   |   |   |
| 3 pm       |   |   |   |   |   |   |   |
| 4 pm       |   |   |   |   |   |   |   |
| 5 pm       |   |   |   |   |   |   |   |
| 6 pm       |   |   |   |   |   |   |   |
| 7 pm       |   |   |   |   |   |   |   |
| 8 pm       |   |   |   |   |   |   |   |
| 9 pm       |   |   |   |   |   |   |   |
| 10 pm      |   |   |   |   |   |   |                                                                                                                                                                         |

**Recommended Modifications – Hours of Operation**

|            | Mon.                                                                                                                                                                    | Tues.                                                                                                                                                                   | Wed.                                                                                                                                                                    | Thurs.                                                                                                                                                                  | Fri.                                                                                                                                                                        | Sat.                                                                                                                                                                        | Sun.                                                                                                                                                                        |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 pm-6 am | Facility Closed                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                         |                                                                                                                                                                             |                                                                                                                                                                             |                                                                                                                                                                             |
| 6 am       |                                                                                      |                                                                                      |                                                                                      |                                                                                      |                                                                                        | Set-up                                                                                                                                                                      |                                                                                                                                                                             |
| 7 am       |                                                                                      |                                                                                      |                                                                                      |                                                                                      |                                                                                        |                                                                                                                                                                             |                                                                                                                                                                             |
| 8 am       |                                                                                      |                                                                                      |                                                                                      |                                                                                      |                                                                                        | Set-up                                                                                                                                                                      | Set-up                                                                                                                                                                      |
| 9 am       |   |   |   |   |   |   |   |
| 10 am      |   |   |   |   |   |   |   |
| 11 am      |   |   |   |   |   |   |   |
| 12 pm      |   |   |   |   |   |   |   |
| 1 pm       |   |   |   |   |   |   |   |
| 2 pm       |   |   |   |   |   |   |   |
| 3 pm       |   |   |   |   |   |   |   |
| 4 pm       |   |   |   |   |   |   |   |
| 5 pm       |   |   |   |   |   |   |   |
| 6 pm       |   |   |   |   |   |   |   |
| 7 pm       |   |   |   |   |   |   |   |
| 8 pm       |   |   |   |   |   |   |   |
| 9 pm       |   |   |   |   |   |   |   |
| 10 pm      |   |   |   |   |   |   | Tear-down                                                                                                                                                                   |

**Outdoor Sound Amplification (Applicant Request):** The applicant requested modifications to the Condition which prohibits the use of outdoor sound amplification (Condition A.8) to allow for outdoor amplification twice a week for one-hour periods for school purposes; and to allow outdoor amplification for special events up to four times a year for four-hour periods.

Neighbors voiced concern about the potential increase of noise from the current prohibition to twice a week during school hours. Staff is particularly concerned about the request for four-hour periods of outdoor amplification up to four times a year. Given the site's adjacency to residences, and the availability of other spaces such as the Multipurpose Room and the gymnasium, there is no clear necessity for this request and staff is suggesting denial.

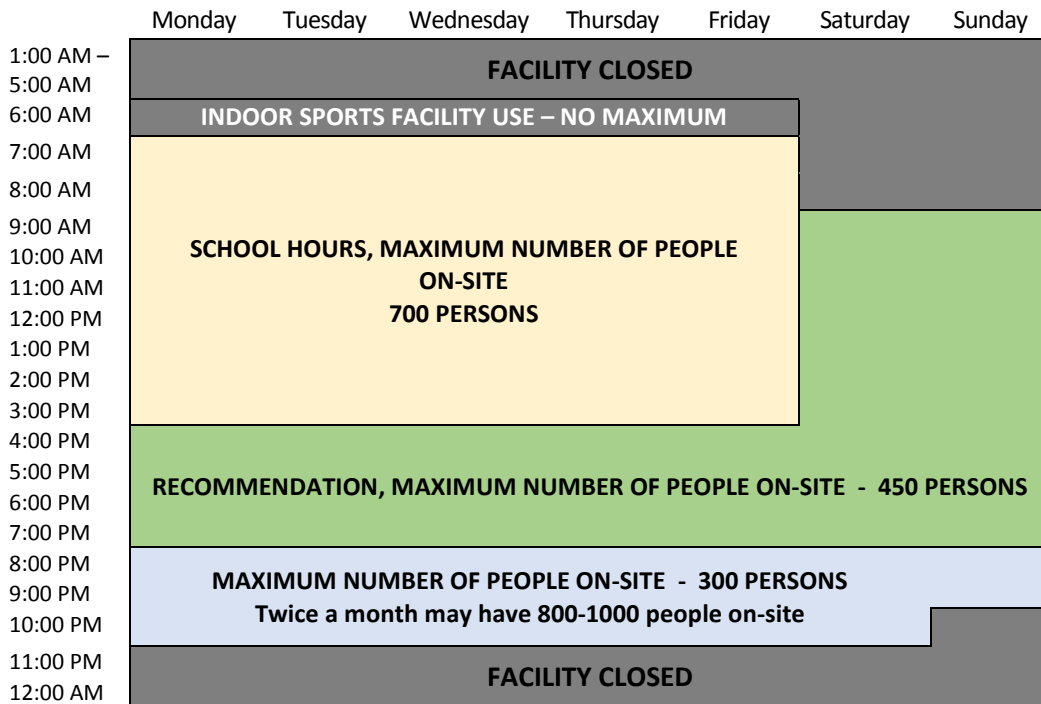
**Maximum Number of People Allowed On-Site (Staff Modification):** Although not requested by the applicant, upon further research of the original approval, staff discovered that there are no limitations on the number of people who could be on-site during afternoon hours and during the weekends. Condition A.1.a indicates that up to 700 people can be on-site during school hours and Condition A.1.b indicates that up to 300 people may be on-site in the evenings, with a twice a month exception to allow up to 1,000 persons. However, there are no stated maximums for the afternoon or for the weekend.

Staff believes it would be useful to clarify the maximum number of people allowed on-site in the afternoon and during the weekend daytime, with a recommended limit of 450 persons. Following is a chart to clarify the recommended modifications to the condition limiting the maximum number of people allowed on-site:

**Previous Approval – Maximum Number of People Allowed on Site**

|           | Monday                                                                                           | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |  |  |
|-----------|--------------------------------------------------------------------------------------------------|---------|-----------|----------|--------|----------|--------|--|--|
| 1:00 AM – | FACILITY CLOSED                                                                                  |         |           |          |        |          |        |  |  |
| 5:00 AM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 6:00 AM   | INDOOR SPORTS FACILITY USE – NO MAXIMUM                                                          |         |           |          |        |          |        |  |  |
| 7:00 AM   | SCHOOL HOURS, MAXIMUM NUMBER OF PEOPLE<br>ON-SITE<br>700 PERSONS                                 |         |           |          |        |          |        |  |  |
| 8:00 AM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 9:00 AM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 10:00 AM  |                                                                                                  |         |           |          |        |          |        |  |  |
| 11:00 AM  |                                                                                                  |         |           |          |        |          |        |  |  |
| 12:00 PM  |                                                                                                  |         |           |          |        |          |        |  |  |
| 1:00 PM   | NO LIMITATION                                                                                    |         |           |          |        |          |        |  |  |
| 2:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 3:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 4:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 5:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 6:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 7:00 PM   | MAXIMUM NUMBER OF PEOPLE ON-SITE - 300 PERSONS<br>Twice a month may have 800-1000 people on-site |         |           |          |        |          |        |  |  |
| 8:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 9:00 PM   |                                                                                                  |         |           |          |        |          |        |  |  |
| 10:00 PM  | FACILITY CLOSED                                                                                  |         |           |          |        |          |        |  |  |
| 11:00 PM  |                                                                                                  |         |           |          |        |          |        |  |  |
| 12:00 AM  |                                                                                                  |         |           |          |        |          |        |  |  |

\* Four events a year may exceed 1,000 people

**Recommendation – Maximum Number of People Allowed on Site**

\* Four events a year may exceed 1,000 people for High School related events

**Community Center Service uses (Staff Modification):** Although not requested by the applicant, based on neighbor comments during the public hearing and staff research reviewing the previous approval, Staff's recommendation is to clarify which Community Center uses were intended as an accessory use.

Condition A.1.e indicates that in addition to the main use of the site as a High School, "Limited Community Center services shall be permitted." In the public hearing, neighbors attested that there is a congregation and a swim school on-site and they were unsure whether either of those uses were considered 'Limited Community Center Service' uses. As previously mentioned, the history of the site was that of a Community Center with an ancillary High School use. Prior to the private High School, Community Center uses on site consisted of the Bernard Milken preschool, the Jewish Community Center, and the Jewish Federation. A number of services were provided, such as senior citizen services and special events associated with the High School, the preschool, athletic events, and community services and programs.

According to applicant testimony, the swim school preceded the High School and was considered part of the Community Center. However, based on the testimony it does not appear that a congregation existed on the site prior to the High School. Therefore it can be inferred that congregational uses are not among the Community Center uses which were sustained and allowed for as an accessory use to the private High School.

While the congregation is small, approximately 40 people according to the testimony, the previous approval did not contemplate use of the site as a religious institution, such as a church or temple, and an attempt to address it in this Plan Approval would be an inappropriate expansion of this Conditional Use Permit under Los Angeles Municipal Code Section 12.24.U.24 for a school and limited Community Center uses. A religious institution use would require a Conditional Use Permit of its own under Los Angeles Municipal Code Section

12.24.W.9, and is best addressed in a separate entitlement in order to analyze the potential impacts posed by the use and to define what appropriate conditions would be placed on the use.

Staff recommends that Condition A.1.e be reworded to clarify that the intent of the original approval was to preserve the community center uses which predated the High School such as the sports facilities and senior citizen-oriented classes.

***Vicky Avenue Residence Demolition Clarification (Staff Modification):*** Although not requested by the applicant, based on neighbor comments during the public hearing, Staff is recommending that references to the demolition of the Vicky Avenue homes be removed since the project scope has changed due to the sale of the Vicky Avenue houses.

## CONCLUSION

During the Public Hearing, multiple neighbors noted that De Toledo has been an exemplary neighbor with negligible noise or traffic impacts. However, residents also noted their concern about the applicant-requested modifications. Based on the previous analysis which included information submitted to the record, the surrounding uses, input from the public hearing, and good planning and zoning practices, staff recommends that the City Planning Commission take the following actions related to the applicant's request:

- **Approve a modification to the applicant's request** to continue requiring outdoor activities to cease at 9:00pm but to allow for one additional hour for staff/organizers to disassemble equipment associated with the outdoor events. (Condition A.1.d)
- **Deny the applicant's request** to allow limited outdoor sound amplification. (Condition 8)
- **Approve a modification to the applicant's request** to have the same hours of operation for the School and the Community Center service uses but instead allow the Community Center uses to start at 9:00am instead of the current 10:00am start time. (Condition A.10)
- **Approve a modification to the applicant's request** for expanded hours on Weekend mornings and Sunday evenings to allow earlier set-up and later tear-down times for staff/organizers, and require events to operate within the current hours of operation. (Condition A.10)

As the High School obtained a Certificate of Occupancy only two years ago, the above-mentioned original requests may be made again at a later date, once the school has fully established itself. Additionally, staff requests the following modifications to clarify the existing conditions based on testimony from the Public Hearing:

- **Modify a condition of the original approval to clarify** the maximum number of people allowed on-site, as the original approval did not provide a maximum for weekday afternoons or weekends. (Conditions A.1.a – c)
- **Modify a condition of the original approval to clarify** the definition of 'Community Center service uses' to identify the uses which preceded the approval of the private High School in 2012, and were intended to be retained. (Condition A.1.e)
- **Modify a condition of the original approval to clarify** that the project scope has changed with the sale of the Vicky Avenue houses, and to remove references to

conditions related to the demolition of the Vicky Avenue homes. (Conditions A.14 and A.21)



## CONDITIONS OF APPROVAL

### A. Entitlement Conditions: Conditional Use Plan Approval:

1. **Prior Case:** The conditions of approval as set forth in Case No. CPC-2011-1187-CU, approved by City Council on appeal on June 22, 2012 (Council File No. 12-0644), shall remain in effect except as modified by this action.
2. **Grant.** Conditional Use Plan Approval, pursuant to Section 12.24 M of the LAMC for the continued operation and maintenance of a private school in an A1-1 zone. The subject grant permits modifications to the existing operations of the site and removes references to physical improvements along Vicky Avenue, as the applicant is no longer pursuing those improvements. The following conditions of approval (CPC-2011-1187) are modified in response to the applicant's request and due to community concerns voiced at the public hearing.

Modifications to the original Conditional Use Permit are identified as follows: ~~strikeouts~~ are for text to be removed and underlined text is for text to be added.

- A. CPC-2011-1187-CU, Condition No. A.1, this Condition is modified to clarify the maximum allowed number of people on the site allowed after school and on the weekends; and also to clarify 'Limited Community Center Services':

1. Use (Modified by Commission). The use of the property shall be limited to a private High School serving grades 9 through 12 with a maximum enrollment of 450 students with no limitation on the number of students per grade and no limit on the number of staff (including part-time). Additionally, the following conditions shall apply:

- a. School Hours (Monday-Friday, 7:00am – 4:00pm): During school hours, the ~~The~~ total number of people allowed on the subject site ~~during classroom hours~~ shall not exceed a maximum of 700 persons.

- b. Weekday Afternoons (Monday-Friday, 4:00pm – 8:00pm): During weekday afternoons, the total number of people allowed on the site shall not exceed a maximum of 450 persons.

Weekday Evenings (Monday-Friday, 8:00pm – 11:00pm): The total number of people allowed on the subject site after 8:00 p.m. shall not exceed a maximum of 300 persons with the exception of twice a month when the total number of people allowed on site shall not exceed a maximum of 1,000 persons.

Weekend Hours (Saturday-Sunday, 7:00am-11:00pm): During weekend hours, the total number of people allowed on the subject site shall not exceed a maximum of 450 persons.

- c. Up to four (4) events per year may exceed 1,000 persons, unless otherwise prohibited by the occupancy requirements of the Los Angeles Municipal Code.
- d. No outdoor activities shall occur after 9:00 p.m., however staff/organizers may be on-site till 10:00pm for the purposes of event 'tear-down'.

- e. Limited community center services shall be permitted, as listed below. The subject site shall not be rented as a banquet hall facility for wedding parties, bar or bat-mitzvah parties or similar events.

The following uses are considered Community Center Services:

- i. Classes for the community-at-large (i.e. Academic, Career, Cultural, Health/Sports, Life Skills, Financial Literacy)
- ii. Community Entertainment (i.e. Card Games, Bingo, Chess, Theater, Art)

Note: Houses of Worship / Churches are uses which require a Conditional Use Permit approval under Los Angeles Municipal Code 12.24.W.9, or other successor regulation, separate from this approval.

- B. **CPC-2011-1187-CU, Condition No. A.10**, this Condition is modified to allow facility hours to be consistent between the High School and the Community Center Service uses; and to allow for operational use of the site on Sunday evenings beyond the current hours of operation:

10. Hours of Operation.

- a. School Hours of Operation shall be 7:00am to 4:00pm, Monday through Friday with an exception that Indoor Sports training may begin at 6:00am.
- b. Facility Hours of Operation
  - i. Weekdays: School uses shall be 7:00am to 11:00pm; Community Center Service uses shall be 9:00am to 11:00pm.
  - ii. Weekends: Facility hours of operation shall be 9:00am to 11:00pm on Saturdays and 9:00am to 10:00pm on Sundays. However, ten weekend days a year, the facility may open at 7:00am for the purposes of 'setting-up' for events with events to begin at 9:00am. Additionally, the closing hour shall continue to be 10:00pm on Sunday evenings, however the applicant may use from 10:00pm till 11:00pm for the purposes of event 'tear-down/clean-up'.

~~Facility hours shall be between 7:00 a.m. and 11:00 p.m., Monday through Friday, between 9:00 a.m. and 11:00 p.m. on Saturday, and between 9:00 a.m. and 10:00 p.m. on Sunday, with the exception of indoor sports training which may begin at 6:00 a.m. Monday through Friday. School classroom hours shall be between 7:00 a.m. and 4:00 p.m., Monday through Friday. Community center uses and/or other non-school related uses shall be conducted between 10:00 a.m. and 11:00 p.m., Monday through Friday, between 9:00 a.m. and 11:00 p.m. on Saturday, and between 9:00 a.m. and 10:00 p.m. on Sunday. (also see Condition No. 1).~~

- C. **CPC-2011-1187-CU, Condition No. A.14**, this Condition is modified to remove dedication and improvement requirements along Vicky Avenue since the applicant is no longer pursuing construction along Vicky Avenue:

14. Bureau of Engineering. Pursuant to Bureau of Engineering's letter dated August 11, 2011, the applicant shall be required to:

A. Dedication Required:

1. Vanowen Street (Secondary Highway) - Accept the 18-foot future street and dedicate an additional 2-foot strip of land along the property frontage to complete a 45-foot half right-of-way in accordance with Secondary Highway Street Standards.
- ~~2. Vicky Avenue (Local Street) - Accept the southerly 1-foot and easterly 18-foot future street to complete a 27-foot half right-of-way in accordance with Local Street Standards.~~
23. Faust Avenue (Local Street) - None.

B. Improvements Required:

1. Vanowen Street - Construct additional 2-foot concrete sidewalk to complete a 12-foot full width sidewalk and repair an broken, off-grade or bad order concrete curb, gutter and sidewalk. Reconstruct all driveways to comply with ADA requirements. Close an unused driveways.
- ~~2. Vicky Avenue - Construct an access ramp at the southeast corner intersection with Vanowen Street and reconstruct all driveways to comply with ADA requirements. Close any unused driveway.~~
23. Faust Avenue - Remove and reconstruct bad order asphalt pavement adjacent to the curb gutter and any broken, off-grade sidewalks, curb and gutter adjacent to the property. Reconstruct all driveways to comply with ADA requirements and close any unused driveways.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street services. The applicant should contact the Urban Forestry Division for further information (213) 847-1551.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

- ~~34.~~ No major drainage problems are involved.

- ~~45.~~ Sewer lines exist in Vanowen Street and Vicki Avenue. Extension of the 6-inch house connection laterals to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

Any questions regarding these conditions may be directed to Quyen M. Phan (213) 202-3488.

- D. **CPC-2011-1187-CU, Condition No. A.21**, this Condition is removed since the applicant is no longer pursuing construction along Vicky Avenue:

21. Condition is removed as part of Plan Approval CPC-2011-1187-CU-PA1.

~~Vicky Avenue Homes. The two (2) homes located at 6720 Vicky Avenue and 6726 Vicky Avenue, which are included in the conditional use permit project site, shall not be demolished for a minimum of three (3) years following the issuance of a Certificate of Occupancy for this application. In the event the school decides to demolish the homes, the school shall apply for the appropriate entitlement application for submittal to the City to amend, modify or revise the terms of this grant. The school shall provide the neighboring community with reasonable notice before filing that application with the City of Los Angeles. (Volunteered by the applicant)~~

- E. **LAMC Section 12.27.1**. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Director of Planning, pursuant to LAMC Section 12.27.1 (Administrative Nuisance Abatement Proceedings), modification of this grant by imposing additional corrective conditions, if, in the Director's opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property. Additionally, the Director may require discontinuance or revocation of this grant. Pursuant to the Director's authority established in LAMC Section 12.27.1-B, he or she shall authorize the modification, discontinuance or revocation of the use if it is found that the applicant as operated or maintained:
- a. Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area; or
  - b. Constitutes a public nuisance; or
  - c. Has resulted in repeated nuisance activities, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests; or
  - d. Adversely impacts nearby uses; or
  - e. Violates any provision of this chapter; or any other city, state, or federal regulation, ordinance, or statute; or
  - f. Violates any condition imposed by a prior discretionary land use approval including approvals granted pursuant to Sections 12.24, 12.27, 12.28, 12.32 or 14.00 of this Code; or an approval initiated by application of a property owner or owner's representative related to the use of land including, but not limited to, parcel map, tentative tract map, coastal development permit, development agreement, density transfer plan, exception from a specific plan, and project permit pursuant to a moratorium or an interim control ordinance.

**B. Administrative Conditions**

3. **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.
4. **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.
5. **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.
6. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
7. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
8. **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.
9. **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 the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
10. **Indemnification and Reimbursement of Litigation Costs.**

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.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

### A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan, updated and adopted by the City Council on August 17, 1999. The Plan designates the subject property for Low Residential uses corresponding to the RE9, RS, R1, RU, RD6, RD5 and A1 Zones. The existing zoning is consistent with the land use designation of the General Plan as reflected in the adopted community plan. The use relative to the zoning is consistent with those uses allowed under the provisions of a Conditional Use Permit which are codified under Section 12.24 of the Los Angeles Municipal Code.
2. **General Plan Text.** The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan text does not specifically address private schools. However, the Plan does address public schools relative to special needs, providing educational quality for all of the City's children serving all neighborhoods in manner consistent with good siting of school facilities, including the following relevant goals, objectives and policies:

**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.

**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:** 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.

Relative to the context of the General Plan Text, the project meets the policies and programs of the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan by providing opportunities for developing school sites as needed in conjunction with those of the Los Angeles Unified School District. LAUSD has historically indicated that private schools help relieve overcrowding at local public schools. The site also provides an efficient use of land by providing space for both school services and community center facilities.

The subject school serves grades 9 through 12. The continuation of the existing private school provides an alternative academic program for students, and relieves demand on other public schools in the area. The private High School use is located adjacent to residential uses. Across the street to the south, east and west are single family zones and uses. These uses have been thoroughly considered and the design and layout of

the campus provides properly sited buildings (as already exists) and provides for the proper placement of vehicular access, drop-off areas and landscape treatment. The project has been conditioned to protect the neighboring single-family neighborhood.

3. **Framework Element.** The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goal relevant to the instant request:

**Goal 9N:** 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 so that students have an opportunity to attend school in their neighborhoods.

**Objective 9.31:** Work constructively with the Los Angeles Unified School district to monitor and forecast school service demand based upon actual and predicted growth.

**Objective 9.32:** Work constructively with LAUSD to promote the siting and construction of adequate school facilities phased with growth.

**Policy 9.33.1:** Encourage a program of decision-making at the local school level to provide access to school facilities by neighborhood organizations.

**Policy 9.32.2:** Explore creative alternatives for providing new school sites in the City, where appropriate.

**Objective 9.33:** Maximize the use of local schools for community use and local open space and parks for school use.

**Policy 9.33.1:** Encourage a program of decision-making at the local school level to provide access to school facilities by neighborhood organizations.

**Policy 9.33.2:** Develop a strategy to site community facilities (libraries, parks, schools, and auditoriums) together.

As previously mentioned, relative to the context of the Framework Element, the project meets the policies and programs by providing opportunities for developing school sites as needed in conjunction with those of the Los Angeles Unified School District, relieving overcrowding at local public schools through the development of private school. The site also provides an efficient use of land by providing space for both school services and community center facilities.

4. **Charter Findings.** Pursuant to Section 556 of the City Charter, the subject Conditional Use is in substantial conformance with the purposes, intent and provisions of the General Plan. The Los Angeles Municipal Code permits the filing, review, and determination of conditional use applications as enumerated in Section 12.24. Provided



findings of fact are made herein for the subject case action, the decision-maker may act appropriately.

**B. Conditional Use Findings Plan Approval**

- 1. That 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.**

The benefit provided by the ongoing private High School, is desirable to the public convenience and welfare by providing additional education resources to the community. Since the High School is utilizing existing structures on the site, it does not detract from the built environment of the surrounding neighborhood. Additionally, hours of operation and uses on the site are carefully thought out in order to avoid noise or traffic impacts to the surrounding neighborhood. Given such structure and school policies, the public welfare and neighboring community will not be negatively affected. Lastly, security provisions which were adopted during the first approval (security lighting and cameras) were implemented to ensure the health, safety, and well-being of students and the community. For the reasons discussed above, the continued private High School use and the recommended operational changes are desirable to the public convenience and welfare.

- 2. That the project's location, size, height, operations 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.**

The Property is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan area (the "Community Plan") and is classified with a Low Residential land use designation. The site is currently being utilized for a private High School for up to 450 students and Community Center Service uses.

The High School and Community Center uses are proper in relation to adjacent uses and the development of the community. The West Valley Jewish Community Center was established in 1974, along with nursery and child care facilities (Case No. BZA-2252). Those operations were expanded and modified by subsequent City approvals over the years. In 2002, the City approved a CUP for the use and maintenance of a pilot high school program accommodating a maximum of 54 students for a term of 3 years (Case No. 2001- 5433-CU). Afterwards, the High School continued to use the site for athletic practices and events, and as such, the Property has been used for educational and community center purposes for over 40 years.

Private schools are permitted in the A1-1 zones by a CUP. The intent and purpose of a CUP is to apply a discretionary process for a particular use which is not allowed as a matter of right within a zone. A CUP can single out types of uses which are essentially desirable, but because of potential impacts they require specific restrictions tailored to them. Continued use of the private High School and Community Center uses at the Property will not affect any development in the community as all of the parcels within the vicinity of the project site are already developed with existing one and two-story single-family residential uses. The Community Center and educational uses have coexisted in this residential neighborhood for decades while operating under conditional use authority.

With the previous CUP approval, conditions were enacted to ensure continued compatibility between the existing neighborhood land uses and the school. Any potential impacts generated by the private High School were adequately regulated by the previous Conditions of Approval and the previous Transportation Demand Management ("TDM") program which identified mitigation measures.

Furthermore, based on requested modifications from the applicant and from the community, new conditions will ensure that the private High School and the Community Center operations and facilities will remain compatible with the residences in the vicinity of the campus. Specifically, the new conditions address issues such as the number of days and hours of operation, and limitations on site activities. The new conditions also clarify the Community Center uses contemplated as being retained on the site, and in particular explains that religious institution uses which require a conditional use permit under Los Angeles Municipal Code Section 12.24.W.9, are beyond the scope of the plan approval proceedings for a school authorized as a conditional use under a different provision at Los Angeles Municipal Code Section 12.24.U.24. In light of the above, continued use of the subject property as a private High School would be entirely proper in relation to adjacent uses and development of the community.

The site, as previously approved, has been designed to harmonize with existing uses and development in the surrounding area. Since the Plan Approval contemplates only minor operational changes, and no expansion of buildings, the project would not be detrimental to the character of development in the immediate neighborhood.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The Property is situated along the southerly side of Vanowen Street, between Fallbrook Avenue and Sale Avenue, directly across the street from Shadow Ranch Park. The Property is bounded to the south, east, and west by RS-1 zoning and single family residences. The Shadow Ranch Park property is zoned OS-IXL. Approximately two-thirds of the western Property boundary is buffered by Vicky Avenue and approximately fifty percent of the eastern Property boundary is buffered by Faust Avenue. Both Vicky Avenue and Faust Avenue terminate in cul-de-sacs on either side of the Property. Each of the adjoining uses have been long established and are accustomed to the Property's longstanding community center and educational uses.

The purpose of the various elements and objectives of the General Plan is to promote coherent development ensuring compatibility between land uses, development and the environment. With respect to this, the private High School use is consistent with the General Plan's land use designation of Low Residential and those uses permitted by the corresponding A1-1 Zone (as provided by the Conditional Use Provisions of the Code). Further, the instant case was previously analyzed with respect to environmental effects, land use policies, and compatibility between the use, adjacent development and the larger community. The location of the school in an area designated for Low Residential uses is consistent with the many goals the Plan. Given the numerous conditions of approval, the project's design and history of such uses occurring on the site and in the immediate vicinity, the continued private High School use and the recommended operational changes can be deemed to be in harmony with the General Plan.

**C. CEQA Findings**

The previously issued Mitigated Negative Declaration (MND), ENV-2011-1188-MND, adopted by the Los Angeles City Planning Commission on March 22, 2012, analyzed the subject project. The Plan Approval application is to modify various operational Conditions of Approval on an existing conditional use permit. Thus the lead agency determines that the requested action is exempt pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301(City CEQA Guidelines, Art. III, Class 1, Category 22 – renewal or nonsignificant change in conditional use of existing facility.)

## **PUBLIC HEARING AND COMMUNICATIONS**

### **PUBLIC HEARING**

The public hearing was conducted by the Department of City Planning on Friday, September 30, 2016 at 3:00 pm at the Marvin Braude Constituent Service Center. The public hearing was attended by approximately 10 individuals, including the applicant's representatives. Ms. Hannah Lee from the Council District representing the area (Council District 12 – Honorable Mitch Englander) attended the meeting. Several residents from the surrounding residential properties attended the hearing. The hearing lasted approximately one hour.

### **SUMMARY OF PUBLIC TESTIMONY**

At the public hearing, the applicant's representative, Mr. Fred Gaines of Gaines & Stacey, LLC, presented an overview of the original approval and the applicant initiated modifications which are being requested as part of the Plan Approval case filing.

Mr. Gaines stated the following points:

1) The applicant would like the conditions of approval modified to allow for two annual activities to occur outdoors until 11:00pm, in order to allow the school to hold fundraiser dinners or parent activities, outdoors beyond 9:00pm and until 11:00pm.

2) The applicant would like Condition A.8 which states that "There shall be no amplification of sound in any open areas of the project site, except in emergencies" to be modified to allow outdoor amplification for one hour, twice a week; and to allow outdoor, amplified sound four times a year for a maximum period of four hours between 9:00am to 10:00pm. He indicated that the weekly amplification would be utilized for student activities such as Israeli dancing or outdoor class lectures; and that the special event amplification would be utilized for events such as Health Fairs or other types of fairs. Mr. Gaines indicated that the proposed changes were discussed with neighbors and the Neighborhood Council, and that the Neighborhood Council endorsed the applicant-initiated modifications to the original approval. The Neighborhood Council also asked the applicant to do sound tests outdoors and the applicant indicated that they have not received any complaints about the level of the sound.

3) The applicant would like Condition A.10 modified which limits the hours of operation for the school and for the Community Center Uses. In the original approval, there were different hours for the school uses and the Community Center uses. Additionally, there were earlier closing hours on Sunday night (10:00pm) as compared to the rest of the week (11:00pm). The applicant has requested a change to this Condition to allow the Community Center uses and school uses to maintain the same hours, to allow for an 11:00pm closing time on all Sunday nights, and to allow indoor sports training hours to start at 7:00am ten times a year.

Mr. Gaines indicated that the applicant is requesting the later closing hours on Sunday nights to allow for events to take place in Multipurpose Room which might extend until after 10:00pm. He also indicated that since the High School is a Jewish High School, fundraisers are more likely to occur on Sunday evenings in order to observe the Sabbath. These events would not occur often but the school would like more flexible hours of operation.

The original approval required the differing hours of operations in order to avoid traffic impacts related to both uses during peak hours. The school indicated that the swim school preceded the high school use of the site and has operated during peak hours with no adverse impact. The

applicant would like to simplify the hours of operation and not have differing hours for the principal and ancillary uses.

Lastly, Mr. Gaines discussed the school's interest in opening earlier on the weekends for intermittent indoor sports events. He indicated that the school currently has sports tournaments on the weekends and would like to allow the users to set-up earlier than the 9:00am start time.

Although the applicant did provide a compliance report with the case file which demonstrated compliance with the original Conditions of Approval, the speaker did not address this report in the public hearing testimony as he was generally discussing the applicant-requested modifications.

Others from the public who spoke included:

Therese Li, a neighbor whose property is directly adjacent to the school on Vicky Avenue. She opposed outdoor amplification since she believes it would be audible from her property, she was especially concerned about noise on Saturdays and Sundays. She would also like references to the Vicky Avenue homes removed. Lastly, she voiced her concern about the extended Sunday night hours being requested, and would like to discourage the possibility of the site being rented for events as it could possibly effect traffic.

Bruce Rowe, a neighbor who resides on Faust Avenue adjacent to the school. He voiced his concern about the presentation the applicant made to the Neighborhood Council, notably that the item did not include a public comment component. He also voiced his concern regarding the current congregation which meets at the school twice a month. The congregation recently advertised for High Holiday services and the speaker has been told by an acquaintance that the previous service had approximately 100 people at the event. The speaker believes that a house of worship is not considered a Community Center serving use, and that the use is not allowed by right in the A1-1 zone. He is concerned that the school could begin having multiple congregations at the same time without limits from the Conditional Use Permit. He indicated that the neighbors are not opposed to the congregation but would like to have limitations on the number of people that can attend and to have clear hours of operation for the congregation.

Sally Nelly, a neighbor along Vicky Avenue, was concerned about the potential for noise on the weekends. Although the school did conduct a noise test, the neighbors were unsure of the date and were unable to verify the impact of the noise. She was also concerned about the swim school on site and whether it is allowed according to the zone, and indicated that the swim school might need its own CUP.

Christine Rowe, a neighbor who resides on Faust Avenue adjacent to the school. She voiced her concern about the presentation the applicant made to the Neighborhood Council. At the meeting, the Neighborhood Council only discussed the applicant-requested proposed changes and did not discuss the all the conditions of the original permit. She has submitted a letter into the record to describe her responses to each of the conditions of original permit. Namely, she would like would like large meetings to be held indoors and for the hours to be further limited on Sundays, stating that she did not believe there was a good reason that the school could not be finished by 10:00pm. She acknowledged that the school has been a good neighbor and that the neighborhood only realized a congregation was meeting on the site when they recently looked at a Google Map and saw the congregation listed for that address. She is concerned that the school could hypothetically host 700-1000 people all day during special events, and while the neighbors don't oppose a small synagogue, they are concerned about the lack of limitations on the congregation size. She also indicated that she did not oppose the swim school but believed that they should operate after school hours. Lastly, she indicated that several neighbors are in support of her letter.

Lori Yalen, a neighbor who resides on Vicky Avenue adjacent to the school. She also voiced her concern about the presentation which occurred at the Neighborhood Council meeting and has submitted a letter indicating her position on the proposal. She would like the references to the Vicky Avenue homes to be removed from the Conditional Use Permit. She noted that the contacts from the school have been great to work with, but she is concerned that the original conditions are not clear enough to be reliable in the future. She did not object to the swim school or congregation, but believed that these uses were not allowed by-right in the zone. Namely she is concerned about the number of people that can attend, multiple times a day. She is comfortable with the increase hours of operation but believes that there needs to be an outdoor amplification decibel limit to avoid disagreement. In summary, she supports the applicant-requested proposed changes to the CUP.

Hannah Lee, the Chief Planning Deputy from Council District 12, indicated that the Council District office appreciates the school's effort in working with the community. She noted that the interaction has been excellent, keeping interested persons apprised of the school activities and requests. She also appreciated that the school voluntarily brought their request to the Neighborhood Council for consideration.

After public testimony, the applicant provided responses to the speaker's comments. Mr. Fred Gaines provided testimony on the history of the site that originally the applicant was seeking a Conditional Use Permit for a school, and neighbors insisted that they wanted the Community Center uses to continue to exist on site. The swim school existed prior to the school and it was implicit that the swim school would continue as a community center use. The Neighborhood Council also insisted that the sports facilities remain available to the community and so the applicant believes that the Conditional Use Permit and findings were for both the school and the Community Center.

Mr. Gaines indicated that the swim school has existed for approximately ten years, operating almost every day for years, and it is the most frequent Community Center use on site. The second most frequent Community Center use is the use of the basketball facilities which often utilized for basketball leagues and is use approximately twice a week. Other Community Center uses are less active and meet a few times a month, and Mr. Gaines believes that these uses were contemplated by reviewing the original hours of operation, as they are primarily after-school.

He provided testimony in regards to the synagogue, indicating that they meet two times a month for ten months of the year. They meet on Saturdays and do utilize High Holiday services on campus, but do so when the school is closed. They are a group of approximately 40 people which use a classroom for their meetings. He indicated that he did not believe this use would be considered a synagogue, but instead would be considered a Community Center use.

In regards to the number of people who utilize the site, he indicated that at graduation there are approximately 1,300 people on site and during basketball competitions there can be approximately 1,000. He discussed the Faust Avenue landscaping and fence which was funded by grants and indicated that several neighbors have asked for the fence perimeter to be expanded.

Lastly, he testified that the school has not received any specific complaints in regards to the swim school or synagogue, or traffic impacts, and that the lack of complaints is proof that the school has been a good neighbor.

## COMMUNICATIONS RECEIVED

Correspondence was received from seven members of the public, the applicant's representative also submitted two letters in regards to school safety on behalf of the Topanga Community Police Station and the school's security consultant.

Christine Rowe, a resident in the neighborhood submitted emails dated 7/29/2016, 9/3/2016, 9/15/2016, 9/17/2016, 9/29/2016, 9/30/2016, 10/5/2016, 10/6/2016, 10/12/2016, 10/13/2016, 10/17/2016 in regards to the site and the subject use. Concerns were generally regarding:

- the applicant's presentation to the Neighborhood Council,
- the appropriateness of the swim school and congregation on the site,
- the City process for code compliance,
- the level of environmental clearance used for the Plan Approval case,
- the processing of Plan Approval cases,
- the scheduling and timing of public hearings,
- the noticing requirements for Plan Approval cases,
- the upcoming High Holiday services being organized by the congregation, and the potential number of people coming to the site given their advertising in local newspapers
- the definition of a Community Center use,
- the number of people which can visit the site as part of special events,
- the effectiveness of the security fence, and the processing of the case associate with it,
- further limitations on the maximum number of people allowed on-site,
- further limitations on the hours of operation, and
- limitations on outdoor amplified noise.

Cynthia and Daniel Lui, residents in the neighborhood, submitted a letter dated 10/3/2016 in regards to the site and the subject use. They were concerned in regards to impacts from amplified noise outdoors, noise and traffic impacts from the school if it operates longer hours, and the appropriateness of the site being rented out for non-school uses.

John and Therese Li, residents in the neighborhood, submitted an email dated 9/30/2016 with a letter, drafted by their neighbor Christine Rowe, and seconded the issues brought up in Ms. Rowe's letter. They also submitted a separate email on 9/30/2016 to address their concern regarding outdoor amplification, the Vicky Avenue homes discussed in the original CUP, the impact from an extended hours of operation, and the effectiveness of the security fence.

Lori and Rick Yalem, residents in the neighborhood, submitted a letter dated 9/29/2016 in regards to the site and the subject use. Concerns were generally regarding:

- the two Vicky Avenue homes discussed in the original CUP,
- whether a synagogue is a by-right use in an A1 zone,
- the potential for increased parking and traffic impacts if the congregation were to increase in the future,
- a concern that 11:00pm is too late as a closing hour of operation,
- a concern that the current CUP does not provide enough limitations on the size of a congregation, and
- a concern about the filing of the CUP.

Cheryl Dollins, a member of the Shir Ami Congregation which meets on the subject site, submitted a letter dated 9/6/2016. She vocalized her support for the Plan Approval and the congregation's use of the site for community meeting space and High Holiday services.

Ellen Fremed, the Office Manager for the Shir Ami Congregation, submitted a letter dated 8/26/2016. She vocalized her support for the Plan Approval and provided specifics about the congregation's use of the site:

- primarily a senior congregation with an average age of 80,
- mailing address for the congregation is a P.O. box,
- all bookkeeping and recording keeping is performed by the Office Manager (who is the only paid position other than the Rabbi),
- Board Member meetings are held in the member's homes,
- Congregation meets two times a month for ten months,
- High Holy Day services and the annual membership meeting are held at the High School - totaling 5 days,
- all services are open to the public, and
- the congregation began using the site in 2015.

Debbie Kleoni, a resident in the neighborhood, had a letter submitted on her behalf by neighbor Christine Rowe, in which she voices her concern about any requested modifications to the original CUP and whether there would be negative impacts to the resident's quality of life.

Maureen Ryan, Commanding Officer of the Topanga Community Police Station, had a letter submitted on her behalf by the applicant in which she acknowledges that there have not been any security instances at the campus where police had to respond. She additionally notes that the school has done an outstanding job of securing their premises using a variety of resources to ensure the safety of the students, including training which was provided by Topanga Community Police station to the schools in the community. One of the courses De Toledo provided for their teachers and administrative personnel, was a three hour course entitled Run, Hide, Fight Active Shooter Training. In addition, they provided lock down drills for their students and had officers speak with the students about school safety.

Peter Crabbe, a representative from Chameleon Associates, had a letter submitted on his behalf by the applicant and it acknowledged that his firm has been contracted by the High School for years and has helped implement security upgrades at the school. He indicates that De Toledo High School is a benchmark in private school security.