

DEPARTMENT OF
CITY PLANNING

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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MARTA SEGURA

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

ALAN BELL, AICP
DEPUTY DIRECTOR
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

July 24, 2014

Susan Kumar (A)
United Children's Learning Academy
5949 Lankershim Boulevard
North Hollywood, CA 91601

Dharma Holdings, LLC (O)
P.O. Box 7089
Burbank, CA 91510

Sheila Gershon (R)
Urban Concepts
3701 Wilshire Boulevard, Suite 414
Los Angeles, CA 90010

CASE NO. CPC-2009-1085-CU-PA1
PLAN APPROVAL

CEQA : ENV 2009-1084-MND-REC1
Address: 5927, 5949, and 5955 North
Lankershim Boulevard

Plan Area: North Hollywood-Valley
Village

Zone : [T][Q]C2-1VL and RD2-1

D. M. : 177B169

C. D. : 2

Legal Description: Lots FR 1, Pt. 1, ARB
4, Pt 127, ARB 2, Tracts 15791, 2123,
and Lankershim Ranch Land and
Water Co.

Pursuant to Los Angeles Municipal Code Sections 12.24-U,24 and 12.24-M, and on behalf of the City Planning Commission I hereby CONDITIONALLY APPROVE:

plans to modify Condition Nos. 1, 3, and 30 of the previously approved Case No. CPC-2009-1085-CU, in conjunction with the conversion of an existing private preschool and middle school, to allow for the operation of a private preschool and a charter elementary school serving kindergarten through eighth grade, and to allow the permitted 320 students to occupy the subject site from two shifts to a total of 320 students at any given time, during school hours.

The approval is subject to the following terms and conditions:

A. Conditional Use Conditions

1. **[MODIFIED] Use.** The use of the subject site shall allow the operation of a private charter elementary school serving children with learning disabilities (as defined per California Government Code No. 12926) from grades Kindergarten through eighth and the continued operation of a private-a nursery/preschool.

3. **[MODIFIED]** Occupancy. The total number of children allowed to occupy the subject site at any one time shall not exceed 420 320 children.

30. **[MODIFIED]** Plan Approval Review (Compliance Report). ~~At the beginning of the third year (i.e., 36 months) and sixth year (i.e., 72 months) after the issuance of the first Certificate of Occupancy for any aspect of the proposed Project,~~ After three (3) years of this grant, the Applicant shall be required to file a Compliance Report (using Plan Approval forms) with the Director of Planning and the applicable Council District Office for the purpose of evaluating the Project's compliance with the conditions of this approval including the traffic and noise impacts. The intent of this Report is to evaluate the effects of the Project upon the surrounding community. Upon review of this Report, the Director shall determine whether there will be need for additional conditions or measures, and state accordingly in his/her written determination. The Director may also require the Applicant to submit additional future Compliance Reports. If the Report provides evidence that corrective measures are necessary, the Director may require modifications to these conditions or additional conditions of approval pursuant to the purpose, authority, and procedures set forth in Section 12.24-M of the LAMC (Plan Approval). The Applicant shall submit as part of the Report to assist the Director in reviewing and evaluating permit compliance a record of any complaints received by the Applicant about Project traffic, parking issues, operations, noise, and measures undertaken to resolve legitimate community concerns. The Report must be accompanied by the payment of appropriate fees and be accepted as complete by the Department of City Planning. The Applicant's fee shall be determined on an actual cost basis for City staff review involved in this compliance review process. As a full cost recovery case, the fees will be charged under the work order number used for charging work to Case No. CPC-2009-1085. The Plan Approval shall require a public hearing if determined necessary by the Director of Planning. The Director of Planning reserves the right as part of this application to request additional materials including but not limited to noise studies, traffic and parking analysis, an appeal of the Plan Approval shall be to the City Planning Commission. Public notice shall be made to owners and occupants of property within a radius of 500 feet.

D. Administrative Conditions

4. **[MODIFIED]** Mitigation Monitoring. The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein, as to area of responsibility, and phase of intervention (~~pre-construction, construction,~~ post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.

7. **[MODIFIED]** Building Plans. Page 1 of the grants and all the conditions of approval and/or any subsequent appeal of this grant and its resultant Conditions and/or Letters of Clarification shall be printed on the building

plans submitted to the ~~City Planning Department~~ Development Services Center and the Department of Building for purposes of having a building permit issued.

8. **[MODIFIED] Corrective Conditions.** ~~The authorized use shall be conducted at all times with due regard to the character of the surrounding district, and the right is reserved to the City Planning Commission, or if delegate to the Director of Planning, pursuant to LAMC Section 12.27.1 to impose additional corrective conditions, including the discontinuance of the use of the land if, in the Commission's or Director's opinion, such actions are proven necessary for the protection of persons in the surrounding neighborhood or occupants of the property directly adjacent to the subject site. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Commission, or their designee, will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.~~
9. **[ADDED] Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
10. **[ADDED] Expedited Processing Section Fees.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
11. **[ADDED]** All prior Conditions of Approval required under Case No. CPC-2009-1085-CU, approved by the City Planning Commission on April 23, 2002, shall remain unless otherwise clarified or modified by this approval.

FINDINGS

Pursuant to Los Angeles Municipal Code Section 12.24.M, this determination is based on the following findings:

- 1. The proposed location will be desirable to the public convenience or welfare.**

The applicant proposes to modify Conditions of Approval of the previously approved Case No. CPC-2009-1085-CU, in conjunction with the conversion of an existing private preschool and middle school, to allow for the operation of a private preschool and a charter elementary school serving kindergarten through eighth grade, and to allow the permitted 320 students from two shifts to a total of 320 students at any given time, during school hours. Hours of operation will remain Monday through Friday, 7:30 a.m. to 6:30 p.m. and no new construction is proposed.

The subject school is located on the west side of Lankershim Boulevard between Oxnard Street to the north and Tiara Street to the south, in the North Hollywood-Valley Village Community Plan area. The site is comprised of three adjoining lots totaling approximately 76,060 square feet (1.75 acres), which are bisected by two zone classifications - RD2-1 and [T][Q]C2-1VL. The site is developed with one- and two-story school buildings, a playground, and surface-level parking lots. The subject site is designated for Highway Oriented Commercial land uses along the easterly frontage to a depth of 120 feet, corresponding to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones, with the remaining rear portion of the site designated for Low Medium II Residential land uses corresponding to the RD2 and RD1.5 Zones.

Under the initial 2009 Conditional Use grant, a maximum of 120 children with learning disabilities were permitted to occupy the campus at any given time. According to the applicant, over time, this specialized educational model resulted in low enrollment and underutilization of the school. As such, the applicant is requesting to convert the existing private school to a public charter school that will serve the same grades, with the same operating hours, within the existing facilities while maintain the existing private preschool. According to the applicant, many of the students that live in the surrounding neighborhood walk to and from the school, thereby contributing to the development of a viable pedestrian environment within the community. The subject site is buffered from nearby residential uses by a surface parking lot to the west, Lankershim Boulevard and commercial uses to the east, a motel to the south, and commercial uses and Oxnard Boulevard to the north.

Based on the Condition Compliance report, the applicant is in substantial compliance with the previously approved conditional use grant. The subject school operates drop-off and pick-up areas that are demarcated with pavement markings. In addition, staff is present during student pick-up times, which ensures that such activity is conducted on-site and is done so in an orderly and safe manner. Due to the intimate nature of the school, no outdoor school bells or public address systems are needed or used as part of the operation of the school. The applicant has shown evidence of being a good operator by

submitting the instant Plan Approval request. The applicant has also provided attractive landscaping along the perimeter of the subject site that serves to enhance the site while buffering adjacent residences from school activities. In addition, the proposed modifications are consistent with the previously requested action and do not represent a significant increase in intensity of use.

The subject establishment will continue to function as a preschool and elementary school, serving as an educational resource to families living in the neighborhood, in addition to other families in the greater Los Angeles area. The subject use is currently functioning similarly to other schools in the neighborhood and will be in harmony with the surrounding community. As part of mitigating conditions to prevent the occurrence of any possibly negative impacts on adjacent uses, the applicant is required to file and request a plan approval within three years of this grant. The required plan approval will allow the city to evaluate the applicant's compliance to the conditions of approval. The plan approval process aims at providing the occupants of surrounding property with a means of review and control of any use of the property that results in any negative impacts upon the surrounding area, and conversely encouraging the applicant to conduct the business in compliance with the conditions of approval, and with due regard to the character of the surrounding area. The present request does not represent a substantial revision to the originally proposed project. Therefore, as conditioned, the requested modifications, in conjunction with the conversion of an existing private preschool and middle school to a private preschool and charter elementary school, will provide a service that is beneficial to the surrounding community and will be desirable to the public convenience or welfare.

2. The location is proper in relation to adjacent uses or the development of the community.

Adjacent land uses are characterized by a mixture of commercial, office, residential, and institutional uses, including other schools. The property abutting the subject property to the north is zoned [Q]C2-1VL and is developed with a CVS store and parking lot. Properties to the east, across Lankershim Boulevard are zoned [Q]C2-1VL, [T][Q]C2-1VL, [Q]R3-1, and PF-1VL and are developed with a commercial shopping center, multi-family dwellings, Tiara Street Park, and the Maurice Sendak Elementary School. Abutting properties to the south are zoned [T][Q]C2-1VL, RD2-1, and R1-1 and are developed with a motel, medical clinic, commercial uses, and single- and multi-family dwellings. Abutting properties to the west are zoned RD2-1 and are developed with single- and multi-family dwellings.

The subject school is located on the west side of Lankershim Boulevard between Oxnard Street to the north and Tiara Street to the south, and is comprised of approximately 1.75 acres, zoned RD2-1 and [T][Q]C2-1VL. The existing preschool and elementary school have been in operation at the site since 2013. Prior to functioning as a school, the site operated as an auto repair garage. The site is developed with one- and two-story classrooms, a playground, and surface-level parking lot, which is consistent with the character of the development along Lankershim Boulevard.

The proposed modifications to the existing private preschool and middle school to allow an increase from 320 students in two shifts, to 320 students at any given time, during school hours, in conjunction with the operation of a private preschool and charter elementary school serving kindergarten through eighth grade, is compatible in size and character of immediate area. The proposed modifications will not cause increased traffic, noise, or an increase in capacity as the school was previously approved to accommodate a maximum of 320 students. Therefore, the location remains proper in relation to adjacent uses and the development of the community.

3. **The location will not be materially detrimental to the character of the development in the immediate neighborhood.**

The applicant is requesting approval of plans and modifications of Conditions of Approval of previously approved Case No. CPC-2009-1085-CU to permit the conversion of an existing private preschool and middle school, to allow for the operation of a private preschool and a charter elementary school serving kindergarten through eighth grade, and to allow the permitted 320 students from two shifts to a total of 320 students at any given time, during school hours. Hours of operation will remain Monday through Friday, 7:30 a.m. to 6:30 p.m. No new construction is proposed as part of the project.

The proposed school conversion will take place within an established middle school. The subject property is located within an area developed with schools and public parks, and is an appropriate location for the proposed use. In addition, the proposed project is within the scope of the previously approved Case with regard to use, occupancy, and operation. The proposed project is intended to serve a larger student population while complying with the previous Conditions of Approval under Case No. CPC-2009-1085-CU.

As evidenced in the Condition Compliance report, the proposed project has operated in substantial compliance with the conditions of approval. Specifically, the subject school operates with established drop-off and pick-up areas that are demarcated with pavement markings. In addition, staff is present during student pick-up times, which ensures that such activity is conducted on-site and is done so in an orderly and safe manner. Due to the intimate nature of the school, no outdoor school bells or public address systems are needed or used on the site. Finally, the applicant has shown evidence of being a good operator by submitting the instant plan approval request.

The proposed modifications are consistent with the previously requested action and do not represent a significant increase in intensity of use. In addition, the proposed conversion does not represent a substantial revision to the originally proposed project and since the revised project does not create any new environmental impacts, the previously issued mitigated negative declaration serves to mitigate the impacts of the project to less than significant levels as required by the California Environmental Quality Act (CEQA). In addition, the Department of Transportation submitted a letter stating that the proposed conversion will not have a significant impact on traffic in the surrounding area. Therefore, as conditioned, the requested approval of plans, in conjunction with

the proposed conversion of an existing private preschool and middle school serving a maximum of 320 students to a private preschool and charter middle school serving a maximum of 320 students, will not be materially detrimental to the character or development in the area.

4. The location will be in harmony with the various elements and objectives of the General Plan.

The North Hollywood-Valley Village Community Plan designates the property for Highway Oriented Commercial and Low Medium II Residential land uses corresponding to the RD2, RD5, RD4, RD3, C1, C1.5, C2, C4, RAS3, RAS4, and P Zones, which is consistent with its land use designation. The school has and will continue to conform with the purpose, intent, and provisions of the General Plan in that the the Municipal Code permits the requested use on the site, subject to conditional use approval.

The proposed location will be in harmony with the various applicable Policies and Programs of the North Hollywood-Valley Village Community Plan as follows:

CHAPTER III – Land Use Policies and Programs – Schools

“Elementary schools should be located on sites that are safe, conveniently accessible and free from heavy traffic, excessive noise and incompatible land uses. Wherever possible, schools and local recreational facilities should be located near each other.”

The subject school operates directly across from Tiara Street Park and the Maurice Sendak Elementary School. In addition, the subject site is attractively gated to ensure the security of the attending student body.

CHAPTER IV – Coordination Opportunities of Public Agencies – Schools

“Initiate site acquisition for the expansion of existing facilities at Oxnard Street, Victory Boulevard and Toluca Lake Elementary Schools.”

The school is approximately 140 feet south of Oxnard Street and is an established community school. As such, the subject school provides a facility that can easily accommodate additional students without the expenses and time associated with site acquisition, construction, and permitting.

The modifications to convert an existing private middle school and preschool to a charter school and private preschool with a maximum of 320 students, during school hours, is a reasonable and appropriate request for a community-serving institution, such as a local school. As such, the proposed project is not only consistent with General Plan, but it will adequately implement the goals and objectives of the adopted Community Plan.

5. Environmental.

On April 29, 2010, the Los Angeles Department of City Planning issued a Mitigated Negative Declaration (ENV-2009-1084-MND) pursuant to Section 21084 of the California Public Resources Code. Subsequently, a Reconsideration (ENV-2009-1084-MND-REC1) was issued on June 10, 2014. The Mitigated Negative Declaration and Reconsideration reflect the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

6. Flood Insurance.

On April 29, 2010, the Los Angeles Department of City Planning issued a Mitigated Negative Declaration (ENV-2009-1084-MND) pursuant to Section 21084 of the California Public Resources Code. Subsequently, an Addendum to the previously adopted Mitigated Negative Declaration, under Case No. ENV-2009-1084-MND-REC1 was issued on June 10, 2014. The Mitigated Negative Declaration and Reconsideration reflect the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the

authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

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

APPEAL PERIOD - EFFECTIVE DATE

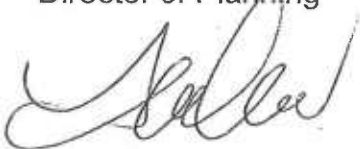
The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The City Planning Commission's, or their designee, determination in this matter will become effective after **August 8, 2014**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the City Planning Commission's , or their designee, action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

MICHAEL J. LOGRANDE
Director of Planning



Jae Kim
Senior City Planner

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