

**Re: Council File No. 14-1430
Case Number CPC-2009-1085-CU-PA1**

*Robert L. Jacobsohn
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November 26, 2014

The Los Angeles City Council
Planning and Land Use (PLUM) Committee
City Clerk
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Re: Council File No. 14-1430
Case No. CPC-2009-1085-CU-PA1

Dear Planning and Land Use Committee:

We are the owners of the five-unit apartment building located at 5940 Lemp Avenue, North Hollywood, California 91601. This apartment building is directly adjacent to the lot where the expansion of a school is proposed in the above-referenced file and case numbers.

We have strong reservations about the proposal given that the school has neglected to abide by the original terms of its occupancy as authorized in the Conditional Use Permit. Specifically, the school has failed to provide the promised buffer zones to its residential neighbors (for noise abatement), has used loud megaphones to address its students, had loud alarms going off sporadically at all hours and provided no means of communication to address these issues. The result of all this on our property is the continual sound of children's loud voices while playing throughout the day, balls coming over into our property which school staff must come to collect and the piercing and disturbing sound of alarms and megaphones.

In the original hearing for the school construction in 2010 we were assured of many steps that were to be taken to avoid disruption to our residents. Based on those assurances we ultimately supported the project. In two meetings recently with the school leaders (precipitated by their desire to expand and the city giving us an opportunity to comment) we discussed actions that could be taken to resolve many of these issues. A final acceptable resolution has not yet been reached.

Areas of Breach

The original Planning Commission document approving the building of the school dated October 12, 2010 is enclosed. Several areas were breached since approval was given. Specifically:

Page C-1, A-5: "The outdoor play area shall be secured with fencing and a minimum distance of 25 feet from adjoining residential zoned properties. **No other outdoor play areas shall be permitted on site.**"

Page C-3, 14-d: "Employee parking shall occur on site and be clearly marked and located at the rear of the site." (Comment: That area has been used on occasion as a playground.)

Page C-4, A-29: A Community Relations 24-hour "hot-line" phone number is supposed to be maintained and provided to us for complaints. They are required to respond within 24 hours to our complaints. No such means of communication was provided.

Page C-5, B-2: "Parking spaces in the RD2 zone, west of the existing and proposed building, shall be used for employee parking only."

Page C-5, B-3: "No loitering, loud conversations, car alarms, or similar activities which could adversely impact the adjoining residential properties shall be allowed within the rear parking areas."

Page C-11, D-11: The commission maintains the right to force correction at any time if required conditions are not met.

Resolution Discussions

The school operators have proposed the installation of a sound wall barrier. We do not believe the material they presented so far to use will provide enough of a reduction in the sound levels – they acknowledged only a 10db reduction. We strongly urge the building of an 8 feet minimum sound barrier block wall be installed along all school borders to the residential properties. In the enclosed Planning Commission document on the first page under 4b) a variance was already given to build a fence as high as 12 feet along the residential borders. The current separation is composed of a low block wall with chain link on top of it, none of which provides meaningful sound protection.

Operators have also indicated that they will draw a line on their property demarking a 25 foot buffer zone across which no student may pass. This fulfills one of the obligations of the original approval and is applauded by us.

The operators have provided home and cellphone numbers for future means of communication. We would like to provide a contact phone number to all residents of our building in the event an alarm or other problem occurs. We do not know what number to provide.

We thank you for considering our comments and plan to attend the public hearing on December 2, 2014.

Sincerely,



Steven H. Jacobsohn
Robert L. Jacobsohn



Los Angeles CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 900124801

(213) 978-1300

www.lacity.org/PLN/index.htm

Determination Mailing Date: OCT 12 2010

CASE NO.: CPC-2009-1085-CU-ZV-ZAA

Applicant: United Children's Learning Academy
Representative: Monica Navarro

Location: 5927, 5949 & 5955 Lankershim Blvd.
Council District: 4 – LaBonge
Plan Area: North Hollywood-Valley Village
Request(s): Conditional Use, Zone Variance,
Zoning Administrator's Adjustment

At its meeting on September 23, 2010, the following action was taken by the City Planning Commission:

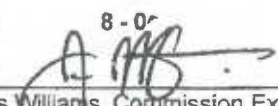
1. **Approved, a Conditional Use** to permit a private elementary school serving Kindergarten through 8th grade located in the RD2-1 and [T][Q]C2-1VL Zones, subject to the attached conditions of approval.
2. **Approved, a Conditional Use** to permit a private childcare facility and nursery/preschool located in the RD2-1 Zone, subject to the attached conditions of approval.
3. **Disapproved, a Variance** to permit an access from a least restrictive commercial zone to a more restrictive residential zone, pursuant to LAMC Section 12.21.C.5(h) as the request to allow accessory uses such as parking in the RD2 zone is covered under the entitlement approvals for the Conditional Use Permits.
4. **Approved, a Zoning Administrator's Adjustment**, subject to the attached conditions of approval, for the following:
 - a. To permit a 3-foot rear yard in lieu of the required 15-foot pursuant to Section 12.09.1.B.3.
 - b. To permit a 12-foot fence on the side and rear of the portion of the lot zoned RD2-1 in lieu of the 6-foot height permitted pursuant to Section 12.09.1.B.2.(a).
5. **Disapproved, a Zoning Administrator's Adjustment** to permit a 3-foot northerly side yard in lieu of the required 5-foot pursuant to Section 12.09.1B.2.(a) as the request is no longer necessary based on the revised site plan.
6. **Approved Mitigated Negative Declaration No. ENV-2009-1084-MND** as an adequate environmental clearance for the project as recommended by City staff.
7. **Adopted the attached Findings.**
8. **Adopted the attached Modified Conditions of Approval.**
9. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

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

This action was taken by the following vote:

Moved: Kezios
Seconded: Burton
Ayes: Cardoso, Epstein, Freer, Orozco, Romero, Roschen
Absent: Woo

Vote: 8 - 0


James Williams, Commission Executive Assistant I
City Planning Commission

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

Final Appeal Date: OCT 27 2010

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.

Attachments: Modified Conditions of Approval, Findings
City Planning Associate: Tom Glick

CONDITIONS OF APPROVAL

(As Modified by City Planning Commission on September 23, 2010)

A. Conditional Use Conditions

1. **Use.** The use of the subject site shall allow the operation of a private school serving children with learning disabilities (as defined per California Education Government Code No. 12926) from grades Kindergarten through 8 and a nursery/preschool.
2. **Enrollment.** The maximum enrollment of the private school shall be 320 students per school semester.
3. **Occupancy.** The total number of children allowed to occupy the subject site at any one time shall not exceed 120 children.
4. **Site Plan.** The property shall be developed in substantial conformance with the site plan dated November 2, 2009 and elevation plans dated September 1, 2009, labeled Exhibit "B." Minor adjustments shall be allowed in order to comply with provisions of this approval. Any modifications shall be reviewed and approved by the City Planning Department, prior to the issuance of a building permit.
5. **Outdoor Play Area.** The outdoor play area shall be secured with fencing and a minimum distance of 25 feet from adjoining residential zoned properties. No other outdoor play areas shall be permitted on site.
6. **Height.** The height of all buildings and structures (not including parking lot pole lights) on the subject property shall not exceed 30 feet, however rooftop projections such as stairwells or elevator shafts may exceed the 30 foot height limit as allowed per Section 12.21.1-B.3.a. of the LAMC.
7. **Lighting .** All lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting. (ENV)
8. **Parking Lot Lighting.** The height of any light standards in the exterior areas including the parking lot shall be limited to 15 feet and shall be shielded and directed on-site with no spill-over lighting into the residential properties to the west.
9. **Floodlights.** Floodlights mounted on building rooftop(s) shall be prohibited and if existing, shall be removed.
- ~~10. **Parking Lot Pole Lights.** The parking lot pole lights shall not exceed 15 feet in height.~~
10. **Roofs and Roof-Mounted Structures.** All new roofs shall be surfaced with non-glare material. With the exception of solar energy devices, all roof-mounted structures and equipment shall be completely screened from view from the ROW of the adjacent streets. Screening materials shall be of a finish quality and shall be compatible with the materials and color of the building; chain link fencing shall not be used for screening purposes.
11. **Underground Utilities.** Any new utilities required of the Project shall be placed underground.

12. **Parking.** Parking shall be provided for the proposed use of the subject property consistent with the provisions of Section 12.21 A of the LAMC.

13. **Landscape Plan.** Prior to the issuance of any building permit, the applicant shall submit revised landscape plans, including an automatic irrigation plan, prepared by a licensed landscape architect to the Director of Planning for review and approval consistent with the following requirements: The site shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker. In addition, the applicant shall comply with the following conditions:

- a. Interior Parking Areas: A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four (4) new surface parking spaces. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by a minimum 6-inch high curb, and landscape.
- b. Parking Spaces Along Lankershim Boulevard: A minimum of one 36-inch box tree shall be planted between every three (3) new surface parking spaces located within 10 feet of Lankershim Boulevard.
- c. Palm trees shall not be considered in meeting this requirement.
- d. All existing Italian Cypress trees (or existing trees) along the west, north, and south property line shall remain in place as a landscape buffer and shall be clearly shown on the site plan and landscape plan to be preserved.
- e. A minimum of one 24-inch box shade tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted every 10 feet on center within the 5-foot wide landscape planter area around the rear outdoor play area.
- f. A landscape planter area shall be included along the Lankershim Boulevard frontage. The planter area shall provide a sufficient greening effect in front on the newly built wrought iron fence with solid columns and to sufficiently screen the front parking lot area as viewed from Lankershim Boulevard, to a height of 3 feet.
- g. All landscape areas shall be maintained in accordance with the final approved landscape and irrigation plans.

In reviewing the final landscape and automatic irrigation plans, the Director should consult Council District 4 for incorporation of their ideas into the final approved plans.

14. **Transportation and Circulation -** Prior to the issuance of any Building and Safety permit, the applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval. The project shall comply with the following mitigation measures:

- a. Drop-off and pick-up: All drop-off and pick-up of students, as well as goods shall occur on site designated by pavement marking. A designated staff member shall be clearly present during the drop-off and pick-up of students to ensure such activity is conducted on site and done so in an orderly and safe manner.

5927, 5949, and 5955 Lankershim Boulevard, North Hollywood, CA.

- b. All two-way driveways shall be 30 feet wide and one-way driveways shall be 16 feet wide. Striping for driveways with more than one lane in each direction shall be designated on the site plan. One-way driveways shall be marked with appropriate pavement markings and signage. Prior to the issuance of any permit, the applicant shall submit a revised site plan reflecting the above requirement.
 - c. To avoid vehicles encroaching onto public right-of-way, a minimum 40-foot reservoir (distance between new property line and first parking stall and/or gate) shall be provided at each driveway.
 - d. Employee parking shall occur on site and be clearly marked and located at the rear of the site.
 - e. The school shall use commuter size buses or vans for drop-off and pick-up of the students. Vehicles queuing for drop-off or pick-up shall minimize idle time.
 - f. Final DOT approval shall be obtained prior to the issuance of the Building and Safety permit. This should be accomplished by submitting detailed site and driveway plans with a minimum scale of 1 inch = 40 feet to DOT's Valley Development Review Section at 6262 Van Nuys Boulevard, Room 320, Van-Nuys California, 91401. Phone: 818-374-4690.
15. **Dedication.** The project shall dedicate a variable strip of land to complete the-52 foot half right of way on Lankershim Boulevard, per DOT letter dated March 22, 2010.
16. **Hours of Operation.** Hours of operation shall be between 7:30 a.m. to 6:30 p.m., Monday through Friday.
17. **Delivery and Trash Collection Vehicles.** Deliveries and trash collection shall be limited to the following hours:

Use	Days of the Week	Hours
Deliveries/Trash Collection	Monday – Friday	7:00 a.m. – 6:00 p.m.
	Saturday	8:00 a.m. – 4:00 p.m.
	Sunday	9:00 a.m. – 4:00 p.m.

During the weekday permitted hours, the Applicant should schedule deliveries and trash pick-up outside the stated hours of student drop off and pick up.

18. **Parking Lot and Grounds Maintenance/Cleaning/Gardening, Etc. – Hours of Operation.** Maintenance of the parking lot and grounds shall be limited to the following hours of operation: Monday through Friday, 8 a.m. to 5 p.m.; Saturday, 10 a.m. to 5 p.m.; and Sunday hours are prohibited.
19. **Parking Lot and Grounds Maintenance/Cleaning/Gardening, Etc. – Equipment.** The Applicant shall be limited to the use of high-efficiency and low noise equipment for the maintenance of the parking structure, both internal and external.
20. **Articulation – Lankershim Boulevard Frontage.** Prior to the issuance of any building permit, the applicant shall submit to the Director of Planning revised plans and elevations that demonstrate to the satisfaction of the Director adequate articulation of any building frontages along Lankershim Boulevard. The applicant may articulate the building frontages using a variety of techniques including, but not limited to, signage,

plantings, awnings, trim, and recessed windows. The articulation shall be a minimum of twenty percent (20%) of the building's frontage. In reviewing the plans, the Director should consult Council District 4 for incorporation of their ideas into the final approved plans.

21. **Noise.** The use of outdoor school bells or public address system shall be prohibited.
22. **Special Events.** Up to five non-athletic, indoor, school sponsored special events shall be allowed including community awareness conferences, parent-teacher conferences and graduation ceremonies outside the specified hours/days of operation under Condition No. A-13 and outside the specified occupancy limitations under Condition No. A-3.
23. **Private Rent or Lease.** The applicant shall not be permitted to lease or rent all or any portion of the subject site to a private, for-profit business or enterprise, including summer camps, winter activity/programs, outdoor theater, and Christmas Tree/Halloween product sales.
24. **Overnights.** Overnight use of the subject site shall be prohibited.
25. **Signs.** Any sign erected or maintained on the premises shall be limited to those of any identifying or directional type, for which plans shall be submitted to and approved by the City Planning Department prior to installation. Temporary signs and banners shall be permitted consistent with the requirements under Section 14.4.16 of the LAMC.
26. **Security.** The school shall utilize one uniformed security personnel during school hours and special events to ensure child safety and drop-off and pick-up activity is conducted on site. During the hours in which the use of the site is prohibited, the site including the parking area shall be locked in order to prevent unauthorized use.
27. **Security Plan.** The Applicant shall develop a Security Plan in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide to the North Hollywood Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response. The Applicant shall submit evidence of compliance to the City Planning Department.
28. **Emergency Procedures Plan.** The Applicant shall establish an Emergency Procedures Plan identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.
29. **Community Relations.** A 24-hour "hot-line" phone number for the receipt of complaints from the community related to the construction, operation and maintenance of the school, and any administrative activities shall be provided to immediate neighbors and the local neighborhood association, if any. The Applicant shall be required to respond within 24 hours of any complaint received on this hotline.
30. **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, 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.

B. Zoning Administrator's Adjustment Conditions

1. The applicant shall maintain a 5-foot landscape setback buffer along the western property line. Within this new landscape setback area, the applicant shall provide one (1) new 36" box tree for every ten (10) linear feet of that western property line. The new trees shall be planted in addition to the existing Cyprus trees.
2. Parking spaces in the RD2 zone, west of the existing and proposed building, shall be used for employee parking only.
3. No loitering, loud conversations, car alarms, or similar activities which could adversely impact the adjoining residential properties shall be allowed within the rear parking areas.
4. Lighting used in the rear parking lot areas shall be shielded away from the residential properties and no higher than 15 feet.

C. Environmental Conditions

On May 19, 2010, the proposed project was issued a Proposed Mitigated Negative Declaration (MND) under Case No. ENV-2009-1084-MND. The mitigations measures are included as conditions of this approval as follows:

1. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker. **(Aesthetics)**
2. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces. The trees shall be dispersed within the parking area so as to shade the surface

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- parking area and shall be protected by a minimum 6-inch high curb, and landscape. An automatic irrigation plan shall be approved by the Department of City Planning. Palm trees shall not be considered in meeting this requirement. The genus or genera of the tree(s) shall provide a minimum crown of 30'- 50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No.170,978), Guidelines K - Vehicular Use Areas. **(Aesthetics)**
3. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104. **(Aesthetics)**
 4. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15. **(Aesthetics)**
 5. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat. **(Aesthetics)**
 6. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent. **(Air Quality – Construction)**
 7. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind. **(Air Quality – Construction)**
 8. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust. **(Air Quality – Construction)**
 9. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust. **(Air Quality – Construction)**
 10. All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust. **(Air Quality – Construction)**
 11. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust. **(Air Quality – Construction)**
 12. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. **(Air Quality – Construction)**
 13. Trucks having no current hauling activity shall not idle but be turned off. **(Air Quality – Construction)**
 14. An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety. **(Air Quality – Stationary)**

15. The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety. **(Seismic)**
16. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. **(Liquefaction Area)**
17. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified. **(Liquefaction Area)**
18. Install a demand (tankless or instantaneous) water heater system sufficient to serve the anticipated needs of the dwelling(s). **(Green House Gas Emissions)**
19. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project. **(Green House Gas Emissions)**
20. Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials (ACM) are present in the building. If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations. **(Existing Toxic/Hazardous Construction Materials - Asbestos)**
21. Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations. **(Existing Toxic/Hazardous Construction Materials - Lead Paint)**
22. Prior to issuance of a demolition permit, a polychlorinated biphenyl (PCB) abatement contractor shall conduct a survey of the project site to identify and assist with compliance with applicable state and federal rules and regulation governing PCB removal and disposal. **(Existing Toxic/Hazardous Construction Materials - Polychlorinated Biphenyl – Commercial and Industrial Buildings)**
23. Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains. **(Stormwater Pollution –Construction)**
24. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills. **(Stormwater Pollution –Construction)**

25. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible. **(Stormwater Pollution –Construction)**
26. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting. **(Stormwater Pollution – Construction)**
27. Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required. **(Standard Urban Stormwater Mitigation Plan - Commercial/Industrial Development Lot 43,560+ sf; Gas Station/Automobile Maintenance and Repair)**
28. Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion. **(Standard Urban Stormwater Mitigation Plan)**
29. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition. **(Standard Urban Stormwater Mitigation Plan)**
30. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants. **(Standard Urban Stormwater Mitigation Plan)**
31. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation. **(Standard Urban Stormwater Mitigation Plan)**
32. All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping. **(Standard Urban Stormwater Mitigation Plan)**
33. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. **(Standard Urban Stormwater Mitigation Plan)**
34. Legibility of stencils and signs must be maintained. **(Standard Urban Stormwater Mitigation Plan)**
35. Cover loading dock areas or design drainage to minimize run-on and run-off of stormwater. **(Standard Urban Stormwater Mitigation Plan)**
36. Direct connections to storm drains from depressed loading docks (truck wells) are prohibited. **(Standard Urban Stormwater Mitigation Plan)**
37. Repair/maintenance bays must be indoors or designed in such a way that doesn't allow stormwater run-on or contact with stormwater runoff. **(Standard Urban Stormwater Mitigation Plan)**
38. Design repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection

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of the repair/maintenance bays to the storm drain system is prohibited. If required, obtain an Industrial Waste Discharge Permit. **(Standard Urban Stormwater Mitigation Plan)**

39. Vehicle/equipment wash areas must be self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer. **(Standard Urban Stormwater Mitigation Plan)**
40. Cleaning of vehicles and equipment to be performed within designated covered or bermed wash area paved with Portland concrete, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to a properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis (at least twice a year) to remove any solids; and the oil absorbent pads must be replaced regularly, once in fall just before the wet season, and in accordance with manufacturer' specifications. **(Standard Urban Stormwater Mitigation Plan)**
41. Reduce the use of hazardous materials and waste by: using detergent-based or water-based cleaning systems, non-caustic detergents for parts cleaning, and/or non-chlorinated solvents; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde. **(Standard Urban Stormwater Mitigation Plan)**
42. Store above ground liquid storage tanks (drums and dumpsters) in designated areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, dikes, liners, vaults, and double-wall tanks. Use drip pans or absorbent materials whenever grease containers are emptied. Where used oil or dangerous waste is stored, a dead-end sump should be installed in the drain. For all other liquids including antifreeze and radiator flush, the drain should be properly connected to a sanitary sewer with a positive control such as a lock, valve, or plug to prevent release of contaminated liquids. **(Standard Urban Stormwater Mitigation Plan)**
43. The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions. **(Standard Urban Stormwater Mitigation Plan)**
44. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
45. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday. **(Noise – Construction)**
46. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. **(Noise – Construction)**
47. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. **(Noise – Construction)**
48. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program. **(Utilities –**

Solid Waste/Operational)

49. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes. **(Utilities –Solid Waste/Construction)**
50. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program. **(Utilities – Solid Waste/Construction)**

D. Administrative Conditions

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** All other provisions of the C2 and the RD2 zones not covered by this approval shall be complied with.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
4. **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.
5. **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.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
7. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
8. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or

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its agents, officers, or employees 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.

9. **Effectuation of Grant.** The effectuation of the Conditional Use shall be valid for a period of two (2) years from the effective date of this grant. Prior to the expiration of the time to utilize this grant, the applicant can file a written request to extend the term of this grant for a period of up to one additional year. Thereafter, this grant shall be deemed terminated. If a building permit is obtained during the initial term of the grant or during the extension period, but subsequently expires, this determination shall expire with the building permit.
10. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
11. **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.

FINDINGS

1. **General Plan Land Use Designation and Consistency.** The subject property is located within the area covered by the North Hollywood-Valley Village Community Plan, which was updated and adopted by the City Council on May 14, 1996. The Plan designates the subject property as Highway Oriented Commercial along the front of the site to a depth of 120 feet with corresponding zones of C1, C1.5, C2, C4, RAS3, RAS4, and P, and designates the remainder of the site as Low Medium II Residential with corresponding zones of RD2 and RD1.5. The existing zoning IS CONSISTENT with the land use designation of the General Plan as reflected in the adopted community plan.

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

Objective 5.c. of the Community Plan (a portion of the Land Use Element of the City's General Plan) is "To provide a basis for the location and programming of public facilities services and utilities and to coordinate the phasing of public facilities with private development by modernizing and enlarging school facilities and providing community education centers to help residents with special problems."

In this case, the proposed school is in fact fulfilling this objective by providing a supplemental specialize teaching to the LAUSD standard classroom that will be individually geared towards each students need, such as speech therapy, computer skills, music therapy, and social interaction, which will aim to fully integrate students with the existing public school system.

The Community Plan is also intended to promote an arrangement of land use, circulation, and services which will: "encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the people who live and work in the community. The plan is also intended to guide development in order to create a healthful and pleasant environment."

The proposed project will accomplish this by allowing a private school and day care to further contribute, enhance, and broaden the social and educational needs and abilities of children with special needs. The site fronts a commercial boulevard and is sufficiently large enough to accommodate such use. The location will provide convenience to parents and students by having a facility close to their home or school. Proposed Community Awareness Events will allow those in the community to attend the school and learn more about the school, children, and staff, and the services it can provide. Additionally, this area of North Hollywood is directly north of the Community Redevelopment Area and the North Hollywood Orange Line Station. This immediate area has seen a tremendous transition away from a traditional commercial corridor to a Transit Oriented Development corridor. This use is reflective of the changing nature of uses designed to support those who work and live in the area.

2. **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 LAMC permits the filing, review, and determination of conditional use applications as outlined in Section 12.24. Provided findings of fact are made herein for the subject case action, the decision maker may act appropriately.

3. Conditional Use, L.A.M.C. Sec. 12.24:

- a. *The location of the project will be desirable to the public convenience or welfare.*

The project will provide supplemental specialized teaching for up to 320 children with learning disabilities on a daily basis who have individual educational needs not met by the public school system. The goal of the supplemental teaching is to enhance and support the child's ability to thrive and be successful within the existing public school system. The United Children's Learning Academy will be the first of its kind in the City of Los Angeles that will partner with East Valley schools within LAUSD. Existing similar services are noted to be in demand currently resulting in up to two year waiting lists. The elementary school children will arrive and depart by vans from local LAUSD schools. Preschool children are part of state and county programs and will arrive by van from local YMCA facilities. The project will address local needs, thus will result in shorter distances traveled and a coordinated pick-up and drop off that will provide convenience to parents by not having to make individual vehicle trips to the site. Additionally, the school will be easily accessed from Lankershim Boulevard which also has a middle turn lane in either direction, thereby avoiding potential adverse impacts such as unsafe access or creating traffic congestion in a residential neighborhood. For the reasons discussed above, the project would be desirable to the public convenience and welfare.

- b. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

The proposed educational use on the site will be proper in relation to adjacent uses or development of the community as the site will be improved aesthetically and it will utilize a now vacant site that was previously used for auto sales. At the same time, the use and development will be limited to ensure over intensification of the site does not occur. The footprint and shell of the existing building, built in 1948, will remain intact, with no height or bulk added. Additionally the reuse of the building will also preserve a potential historic reference point for the community. The proposed layout of the site will be similar to the layout before, such that the parking of automobiles will be located along the perimeters of the site, including the south and west property lines as before, access will be from the same driveway locations off of Lankershim Boulevard, and the existing over-in-height walls and tall cypress trees along the rear and sides of the site will remain.

Conditions will be imposed that will limit the hours of operation, maximum capacity on site at any one time, lighting, traffic, and noise, for example, to ensure that the use will be compatible with the adjoining residential properties. The proposed second building will be located on the C2 zoned portion of the lot, closer to Lankershim Boulevard and the north adjoining commercial property, thus further away from the west and south adjoining residential uses. The buildings will be two stories and maintain a similar height of approximately 26 to 30 feet. The rear outdoor play area will be approximately 28 feet from the rear property lines of west adjoining single family properties and will be conditioned to have an additional landscape buffer around the play area to mitigate for noise.

As stated earlier, the site's highest and best use is probably the development residential and commercial uses however the split zoning of the site may be more of a hindrance or challenge in achieving the maximum intended use due to the limited depth, irregular shaped lots and zone boundary, and land use requirements of each zone, such as setbacks and parking.

- c. *The proposed project will not be materially detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.*

Implementation of the Project would not be detrimental to the character of the development in the immediate neighborhood. The project will provide a fresh new look to an otherwise older building and site that is mostly covered with asphalt which was used for automobile sales and display. A coordinated exterior design of new natural paint colors, modern windows, additional landscaping and trees, and decorative fencing along the property frontage are part of the proposed renovation. The second proposed building will match the existing renovated building with respect to paint color and an overall modern appearance. The buildings along Lankershim Boulevard in this area are a mix of older buildings, mostly one story non-descript commercial buildings, and newer modern style buildings such as the north adjoining CVS Store and the Sendak Public Elementary School across Lankershim Boulevard from the site, which has a similar appearance. As stated above, the project as conditioned will not be materially detrimental to the character of the development in the immediate neighborhood.

Finally, in order to insure that the conditions of this approval are being followed by the applicant, the applicant is required to file for a Plan Approval Review after one-year of school operation. Such review could result in new, modified and/or corrective conditions to augment the original approval if needed.

4. Zoning Administrators Adjustment, L.A.M.C. Sec. 12.28:

That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.

The adjustment will allow the continued use of a 12 foot high fence on the sides and rear portion of the lot zoned RD2 in lieu of the permitted 6-foot height, as well as a 3-foot rear yard instead of a 15-foot rear yard to allow for parking. Both features, the over-in-height fence and parking within the rear yard setback, have long existed on the site with the prior automobile sales use, thus they can be viewed as compatible and consistent with the surrounding uses.

The fence will continue to provide greater protections to the adjoining residential properties, mitigating such impacts as noise, light, and privacy. The fence does not pose a significant adverse visual impact as it is significantly setback from the street and is predominately screened by an alignment of trees Italian Cypress trees which are conditioned to remain. Additional conditions have been imposed to allow the continued use of parking within the rear yard setback of the RD2 zone, such as only employees would be allowed to park in that location, which would result in less activity near the adjoining single family properties than if open to visitors, child pick up, etc.

Similar adjoining uses between commercial and residential zoned properties exist within the same block. For example, the north adjoining CVS property (which is zoned C2) is developed with a driveway area and rear delivery/loading area next to an RD2 zoned property. Likewise, commercial zoned lots further south of the property are developed with their rear parking and driveway access next to R1 zoned properties. Thus the adjustments will be compatible and consistent with surrounding uses.

That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.

Granting the adjustments will allow the continued reasonable use of a split zoned property. The uses in the RD2 zone will remain limited, thereby further protecting the adjoining residential properties with conditions as noted above that will mitigate potential impacts.

That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

Granting the adjustments is in conformance with the spirit and intent of the Planning and Zoning Code of the City as, in this instance, it allows for a better use of the property than may otherwise occur due to the nature of the split zoning and limited commercial area in which to accommodate associated requirements such as parking and on-site circulation.

That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

The granting of the adjustment will not result in adverse impacts. The property has been used in the same manner going back to 1948 and 1951 when the first variance was approved to allow surplus parking of vehicles in the residential zoned portion of the lot. The variance was approved with conditions which aimed to protect the adjoining residential properties as well as to accommodate the property owner's ability to maintain a commercial use on the front portion of the lot. The subject conditional use and zoning adjustment will effectively achieve the same protections by imposing conditions that will limit the uses next to the adjoining residential properties, akin to what was there before, such as parking, and ensuring potential noise, light, and privacy impacts are addressed as well.

That the site and/ or existing improvements make strict adherence to zoning regulations impractical or infeasible.

The applicant is requesting what has historically been allowed on the site. The historic split zoning and zone boundary lines on this property appear to have limiting features (i.e. no direct access to rear, irregular shaped zone boundary area) less conducive to accommodate separate commercial and residential uses. The adjustments and uses proposed in the RD2 zoned portion of the lot are a reasonable accommodation to utilize the site however with limited less intensive uses at the rear, such as parking.

5. CEQA Findings

Environmental. A Mitigated Negative Declaration (ENV-2009-1084-MND) was prepared for the proposed project. The Mitigated Negative Declaration No. ENV-2009-1084-MND is an adequate environmental clearance for the project as recommended by City staff. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. The subject environmental clearance has been corrected to eliminate redundant language.