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ORIGINAL VIA U.S. MAIL

VIA E-MAIL councilmember.reyes@lacity.org

The Honorable Ed P. Reyes, Chairman
Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street, Room 410
Los Angeles, CA 90012

**Re: Council File No. 12-0644
CPC-2011-1187-CU and ENV-2011-1188-MND
Support for New Community Jewish High School Project
PLUM Committee Hearing Date - June 5, 2012**

Dear Chairman Reyes and PLUM Committee Members:

This office represents the applicant, New Community Jewish High School (“NCJHS”), with regard to the above-referenced application. The subject project involves a request for a Conditional Use Permit (“CUP”) pursuant to Los Angeles Municipal Code Section 12.24.U.24(b) and 12.24.C to allow a private high school for up to 450 students with limited community center uses at 22622 - 22654 West Vanowen Street¹ and 6720 and 6726 Vicky Avenue in West Hills. The project is supported by the West Hills Neighborhood Council and Councilman Dennis Zine, and was unanimously approved on March 22, 2012 by the Los Angeles City Planning Commission (“CPC”) and thereafter appealed to City Council by one project opponent.

For the reasons described in this letter and at the upcoming public hearing, NCJHS respectfully requests that the Planning and Land Use Management (“PLUM”) Committee recommend that the City Council deny the pending appeal and uphold the CPC’s approval in its entirety.

¹ The former Bernard Milken Jewish Community Campus.

A.) PROJECT BACKGROUND.

The subject property is located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan area, is zoned A1-1 and RS-1, and is classified with a low residential land use designation. For decades, the Vanowen property has been the site of the Bernard Milken Jewish Community Campus which will be closing its doors this summer.² The NCJHS project will involve the addition of approximately 6,117 square feet of floor area to the existing building resulting in a grand total of 105,452 square feet of floor area. The project site is approximately 261,360 square feet in size.

NCJHS has a longstanding relationship with the project site and commitment to the West Hills community. The doors of NCJHS opened on September 3, 2002 in rented space at the project site pursuant to a CUP for a pilot high school program for a maximum of 54 students for a term of three years. After two years at the Bernard Milken Jewish Community Campus, also home to the Jewish Community Center and the Jewish Federation, NCJHS moved to its current campus on the grounds of Shomrei Torah Synagogue at 7351-7355 North Valley Circle Boulevard in West Hills. NCJHS has been leasing space from Shomrei Torah since that time for academic instruction, while continuing to use the project site for a variety of athletic and theater events pursuant to an agreement with the Federation and JCC. NCJHS students also utilize Shadow Ranch Park (across the street) for athletic practices and events and will continue to do so once the school relocates to the project site.³

In an historic move, the Jewish Federation of Greater Los Angeles has agreed to sell the Bernard Milken Jewish Community Campus to NCJHS. The parties are now in escrow and NCJHS plans to close on the purchase of the site in July 2012. It is this proposed relocation, back to the Vanowen site, that prompted NCJHS's pending CUP application to permit a private high school for up to 450 students. While the JCC will no longer be located at the site, NCJHS also proposes to continue limited community center uses in an attempt to maintain strong community connections and accommodate some of the users that may be affected by the loss of the JCC.

² The Vanowen Avenue project site has been operated since 1974 as a Jewish Community Center ("JCC") with an associated preschool. Those operations were expanded and modified by subsequent City approvals over the years. For decades, the Federation and JCC have used the site for an extensive variety of uses ranging from senior social events, to swimming lessons, to large community events.

³ NCJHS is currently and separately engaged in discussions with the Department of Recreation and Parks regarding continued school use of Shadow Ranch Park.

B.) THE CPC DID NOT ERR OR ABUSE ITS DISCRETION IN UNANIMOUSLY APPROVING THE CUP.

Pursuant to Los Angeles Municipal Code (“LAMC”) 12.24.I .3, when considering an appeal from the decision of an initial decision-maker, the appellate body shall make its decision, based on the record, as to whether the initial decision-maker erred or abused his or her discretion. Under California Code of Civil Procedure §1094.5, abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence. Here, the City of Los Angeles (the “City”) has proceeded in the manner required by law. Furthermore, the evidence in the record supports the findings for project approval and, therefore, the CPC did not abuse its discretion in unanimously approving the CUP.

1.) LAMC Section 12.24.U.24 Permits Schools in the A1 and RS Zones with a CUP.

LAMC Section 12.24.U.24 sets forth the applicable regulations for school use.

- **LAMC Section 12.24.U Conditional Use Permits - City Planning Commission With Appeals to City Council.** The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the City Planning Commission as the initial decision-maker or the City Council as the appellate body. The procedures for reviewing applications for these uses shall be those in Subsections B. through Q in addition to those set out below. **(First Para. Amended by Ord. No. 173,992, Eff. 7/6/01.)**
- **LAMC Section 12.24.U.24 Schools: (Amended by Ord. No. 173,492, Eff. 10/10/00.)⁴**
 - a) Public schools, elementary and high (kindergarten through 12th grade);
 - (b) Private schools, elementary and high (kindergarten through 12th grade) in the A, RE, RS, RI, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, or M Zones;
 - (c) Private schools [other than elementary or high (kindergarten through 12th grade) or nursery schools] in the A, R, CR, C1, or C1.5 Zones.

⁴ The adoption of Ordinance No. 173,492 in 2002 updated the Zoning Code to establish that schools be permitted in any zone pursuant to a CUP.

NCJHS is a private school and, therefore, falls under LAMC Section 12.24.U.24(b). Schools permitted under subsection (b) are allowed pursuant to a CUP in the A and the RS zones. The City's application of this regulation is evidenced by countless other CUP approvals for schools located in A and RS zones throughout the City.

2.) The Appeal Should be Denied in its Entirety.

The pending appeal completely fails to demonstrate how the CPC erred or abused its discretion in approving the CUP and, therefore, should be denied in its entirety. While the findings for project approval describe in great detail the justification for project approval, NCJHS provides specific responses to the appeal issues as follows:

a.) NCJHS's Application is for a Entirely New Conditional Use Permit and New Conditions of Approval are Appropriate.

NCJHS filed a CUP application, now pending before the City, to permit a private high school for up to 450 students and community center uses. The appeal raises points related to the alleged "transfer" of the CUP from the Shomrei Torah site to the new site, including hours of operation and number of students and persons permitted on site, and seems to request that the City utilize some of the conditions of approval that apply to the Shomrei Torah site.

It is well established that CUPs run with the land and, as such, are not transferable from one property to another. Here, NCJHS is required to apply for a new CUP to permit its relocation and operations on the subject site, which will ultimately differ from the current operations at Shomrei Torah. Despite both sites being located in the West Hills community, the current vs. proposed school site and operations are not the same. Each project site and CUP request is evaluated separately and involves different conditions of approval.

i.) Hours of Operation.

The subject site has been a prominent community gathering place for several decades and NCJHS has generously proposed to continue community uses in a limited fashion to accommodate groups, activities, or meetings that may be displaced by the closing of the JCC. The appeal states that there is no reason to increase the hours of operation beyond the hours permitted at the Shomrei Torah site (7:30am to 5:00pm, M - F). However, since the CUP application requests limited community center uses, NCJHS is justified in requesting extended hours of operation. Extended hours of operation will also allow NCJHS's after school activities that have otherwise been constrained at Shomrei Torah. In fact, the proposed hours of operation requested were specifically reviewed and approved by the West Hills Neighborhood Council and CPC and conditioned accordingly in the City's determination.

(See Condition of Approval Nos. 1 and 10.) Finally, it is important to note that the proposed weekday hours of operation do not differ greatly from the existing community center hours.

ii.) Maximum Occupancy.

With respect to the maximum number of people allowed on site, the appeal states that the maximum number of students should be limited to 360 for the first two years “since this was a not to exceed limit in those previous approvals.” The “previous approval” appellant refers to is a prior CUP for the site allowing a preschool for up to 360 students. NCJHS’s pending CUP application will supersede the preschool CUP. It is important to note that the preschool use was secondary and accessory to the community center uses and conditioned accordingly at the time of approval. In this case, the private high school will be the primary use with accessory community center uses.

The appeal goes on to state that the maximum number of people on site should be limited to 550 during school hours, but does not provide detailed justification for that number. In fact, the City has approved CUPs for other schools with considerably less square feet per student than this project. The maximum number of people allowed on site is reasonable considering the square footage of the existing and proposed facilities and far less than the maximum occupancy as defined by the Los Angeles Fire Department. Furthermore, the approval has been conditioned to limit the frequency of larger or “special” events, including outdoor events, so as to mitigate potential impacts on the community and residential neighbors. (See Condition of Approval No. 1.) Finally, it is important to note that the number of NCJHS users are expected to be commensurate with the historic number of JCC users.

b.) Provided Parking Exceeds What is Required.

The appeal alleges an opinion that there may not be enough parking to accommodate students, staff, and community center users, but does not provide any facts or documentation in support of that claim. In fact, NCJHS is providing (275 parking spaces), more than twice the amount of parking spaces than are required (123 parking spaces) by Code. Not only is there adequate parking, but there is also a requirement for buses to continue to be offered (see Condition of Approval No. 23) and a Transportation Demand Management Plan that will be reviewed by the Department of Transportation and implemented in an effort to reduce traffic related impacts (see Condition of Approval No. 15). Finally, the school worked tirelessly with the community to develop site specific voluntary traffic rules to minimize parking and traffic related impacts on the neighboring residents. (See Condition of Approval No. 22.)

c.) NCJHS Will Have a Security Plan Reviewed by LAPD.

Nothing is more important to NCJHS than the security of its school community. NCJHS believes that security related concerns are assuaged by the fact that the Los Angeles Police Department will be reviewing a professional security plan for the facility. (See Condition of Approval No. 17.) That security plan will be in place prior to the issuance of a Certificate of Occupancy for the site.

d.) Faust Avenue Aesthetics and Noise.

The appellant resides along Faust Avenue and expresses concerns regarding the adequacy of the proposed landscaping along that buffer area as it relates to aesthetics and noise mitigation. NCJHS has met multiple times with the Faust Avenue neighbors to receive input on landscaping to be situated along their street, and NCJHS has proposed a plan that will vastly improve the aesthetics along that frontage. (See Condition of Approval No. 11.) The trees and shrubs chosen reach maturity at a quick rate, reaching maximum height within ten years. NCJHS is obligated to comply with the City's noise and construction regulations, as well as all applicable conditions of approval. (See Condition of Approval Nos. 31 - 33.)

e.) The Vicky Avenue Homes are Subject to Future City Review.

The CPC approval requires maintenance of the Vicky Avenue homes for at least three years from the issuance of a Certificate of Occupancy. (See Condition of Approval No. 21.) Should NCJHS wish to demolish the homes they own in the future, then they are required to seek review to do so from the City and shall provide notice to the neighboring community.

f.) Traffic is Sufficiently Mitigated and LADOT Agrees.

Without providing any data or evidence in support, the appeal states a general disagreement with the finding that traffic impacts will be reduced to a level of insignificance with the implementation of mitigation measures. Specifically, the project has been reviewed twice by the Department of Transportation ("LADOT") and they have imposed a number of conditions to ensure that all impacts are sufficiently mitigated. (See Condition of Approval Nos. 12, 15, and 26 - 29.)

(i.) Transportation Demand Management Plan is Reviewed by LADOT.

LADOT requires that a Transportation Demand Management ("TDM") Plan be prepared, reviewed, and implemented and annual reports provided to LADOT. (See Condition of Approval No. 26.) This condition, along with the other LADOT conditions, seeks to ensure that traffic is sufficiently mitigated. Furthermore, LADOT requires that all student drop-off and pick-up activities occur on-

site (*See* Condition of Approval No. 27.) Likewise, community center users will utilize the on-site parking structure.

(ii.) School Traffic Rules are a Voluntary Condition.

NCJHS, in conjunction with the Neighborhood Council and community, crafted and volunteered school traffic rules to help mitigate parking and traffic impacts on neighboring streets. (*See* Condition of Approval No. 22.) The primary purpose of these rules is to reduce neighborhood impacts during peak drop-off and pick-up times. The appeal advocates that school traffic rules apply to community center users as well. NCJHS will communicate these voluntary rules with the community center users, and it is anticipated that non-school related users will utilize the on site parking structure since most community center activities will occur during non-classroom hours.

g.) NCJHS is Receptive to Community Concerns.

There are several aspects of the CPC's approval that are worth noting for the PLUM Committee, all relating to NCJHS's commitment to the community. Any concerns following the commencement of operations will have a venue to be heard. For example, NCJHS has agreed to meet with the neighbors every ninety days for the first year of school operation. (*See* Condition of Approval No. 24.) NJCHS has also offered to provide a 24 hot-line to receive and respond to any community concerns within 24 hours of receipt. (*See* Condition of Approval No. 18.)

It is also important to point out that the CPC determination includes a condition of approval that requires NCJHS to make a Plan Approval application 24 months after issuance of a Certificate of Occupancy. (*See* Condition of Approval No. 5.) The Plan Approval process will allow the appellant, community, school, and City to evaluate the conditions of approval and determine whether changes may be warranted.

C.) THE MITIGATED NEGATIVE DECLARATION COMPLIES WITH CEQA.

The City of Los Angeles Department of City Planning is the Lead Agency under CEQA. An Initial Study is a preliminary analysis prepared by and for the City of Los Angeles as Lead Agency to determine whether an Environmental Impact Report or a Negative Declaration or Mitigated Negative Declaration must be prepared for a proposed project. In this case, the City correctly determined that an MND be adopted for the project (Case No. ENV-2011-1188-MND) and the MND was published on January 4, 2012 for a mandatory 20 day public comment period.

Pursuant to CEQA Guideline 15064, an MND is prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and Initial

Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. As shown in the environmental analysis contained the City's Initial Study and the evidence contained in the record, the NCJHS project involves some potentially significant effects on the environment, but these potential effects will be reduced to less-than-significant effects by project revisions in the form of mitigation measures. With regard to some other impacts, the Initial Study shows that no substantial evidence indicates that the project would have a significant environmental effect. Consequently, the City's Initial Study correctly concluded that an MND be prepared for the proposed project.

D.) COMMUNITY OUTREACH AND PROJECT SUPPORT.

Community outreach and support has been a vital component of this project. NCJHS began meeting with community groups, neighbors, and Council District 3 in June of 2011. Since that time, NCJHS representatives have met with neighbors, West Hills Neighborhood Council representatives, and other interested parties on approximately twenty occasions (excluding numerous informal communications). Those meetings included two community open houses at the project site with formal notice to the owners and occupants within a 500 foot radius, as well as more than half a dozen meetings with the adjoining Vicky Avenue and Faust Avenue neighbors.

The project is supported by the West Hills Neighborhood Council, which on February 16, 2012 voted 15 to 0 to support the project with conditions. The project has also been publicly supported by Councilman Dennis Zine.

A public hearing on this matter was held in front of Hearing Officer Nicholas Hendricks at the Marvin Braude constituent Service Center in Van Nuys on March 6, 2012. Representatives from the West Hills Neighborhood Council and Council District 3 spoke in support of the project.

At a public hearing in Van Nuys on March 22, 2012, the CPC followed staff's recommendation and voted unanimously to approve the CUP with conditions.

E.) REQUEST FOR CITY COUNCIL APPROVAL.

As an academic institution that is deeply rooted in the West Hills community, this next step is NCJHS's evolution is critical to ensuring the future of this exceptional neighborhood asset. **As such, NCJHS respectfully requests that the PLUM Committee uphold the action of the CPC in its entirety, deny the pending appeal, and recommend project approval to the City Council.**

Thank you for your consideration and attention to this matter. As always, please do not hesitate to contact me at any time with any questions or comments you may have.

Sincerely,

GAINES & STACEY LLP

By 
FRED GAINES

cc: Councilmember Jose Huizar, PLUM Committee (Via E-mail)
Councilmember Mitchell Englander, PLUM Committee (Via E-mail)
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