

SUPPLEMENTAL INFORMATION CONDITIONAL USE PERMIT AND VARIANCE

El Camino Real Charter High School
7401 Shoup Avenue, 91307

A. BACKGROUND

Currently, El Camino Real Charter School located at 5440 Valley Circle, Woodland Hills is the site of the high school Independent Study Program. Formally known as El Camino Real High School, it opened on February 3, 1969. It served grades 10-12 and opened to ninth graders in the mid-eighties.

In 2011, El Camino became an Independent Conversion Charter School. El Camino Real Charter School's Independent Study Program (ISP) educates students unable to attend school in a traditional five-days-a-week format. It is designed for students with special interests and abilities, scheduling problems, or individual needs that cannot be accommodated in the traditional school setting.

All courses are offered via direct, teacher led instruction with an online component, with highly qualified educators overseeing student progress. Students registered in the ISP school program attend the school campus to meet with their teachers one day per week, generally for a period of 1-3 hours. The rest of a students' school week is spent at home, engaged in independent learning and study.

Students must meet all independent study eligibility requirements because the program offers rigorous and challenging courses. The primary purpose for Independent Study is to offer a means of individualizing students' educational program whose needs are better met through study outside of the regular classroom setting.

El Camino Real Charter School's Independent Study Program (ISP) is to move to the subject property is located at 7401 Shoup Avenue in West Hills. The subject property has been used as a school for over five (5) decades. On September 22, 2016, Los Angeles City Planning Commission approved Case No. CPC-2016-1256(CU) to permit El Camino Real Charter School's Independent Study Program (ISP), pursuant to Section 12.24-U,24 of the Los Angeles Municipal Code. El Camino Real Charter School has been preparing the site and has not begun operating.

Subsequent to approval of Case No. CPC 2016-1256(CU) and after management changes at El Camino Real Charter High School, an audit determined several conditions in Case No. CPC 2016-1256(CU) hindered operating at the proposed location on Shoup Avenue.

Therefore, the applicant is requesting to modify several conditions pursuant to Section 12.24-U,24 of the Los Angeles Municipal Code. The request includes a Variance, pursuant to Section 12.27 of the Los Angeles Municipal Code, to exceed sign size of 20

square feet; otherwise prohibited by Section 12.21-A,7(g) of the Los Angeles Municipal Code.

B. PROJECT SITE

The property is located at 7401 Shoup Avenue and is legally described as Lot 1, Tract 29454. The site is zoned A1-1 with Low Residential Community Plan designation. The property is a level, rectangular-shaped, corner/through, record lot, consisting of approximately 1.84 acres, having frontage on Shoup Avenue with an approximate depth of 300 feet. Improvements include the following:

Building. A school building was first constructed in 1950 and expanded in 1964 to its present size. The property's one-story building is approximately 15,025 square feet. The building currently consisted of nine classrooms, a multipurpose room with no fixed seating, and a meeting room.

Parking: The property includes parking on a flat, striped surface lot marked for 69 parking spaces, as required by Case No. CPC-2016-1256(CU). The lot has room for 10-15 unstriped overflow cars and include an onsite drop-off and pickup area.

C. SURROUNDING PROPERTIES

North, South, East, and West: All surrounding properties on Valerio Street to the south, Shoup Avenue to the east, Sausalito Avenue to the west, and Shoup Avenue/Sausalito Avenue to the north are RS-1 Zone Classification and improved with one- or two-story, single-family homes.

D. STREETS AND CIRCULATION:

The Mobility Plan 2035 designates Shoup Avenue as an Avenue II. It is dedicated to a width of 85 feet, fully improved with two travel lanes in each direction and unrestricted on-street parking on both sides of the street.

E. RELATED CASES ON-SITE

Case No. ZAI 2063: On January 23, 1964, the Office of Zoning Administration approved a Conditional Use Permit to expand and maintain the original school facility with additional classrooms.

Case No. ZA 97-0003(CUZ): On April 4, 1997, the Office of Zoning Administration approved a Conditional Use Permit to establish and maintain a private school in the A1-1 zone. The project proposed instruction of a maximum of 125 students during the hours of 8 a.m. until 3 p.m. and operation hours during the hours of 8 a.m. until 5 p.m.

Case No. CPC 2016-1256-CU: On October 24, 2016, the decision of City Planning Commission was issued for the approved Conditional Use to permit the continued use and maintenance of an existing school as a public charter school, pursuant to Los Angeles Municipal Code Section (LAMC) 12.24-U,24. No appeal was filed.

F. RELATED CASES OFF-SITE

There are no other relevant discretionary entitlements within a 500-foot radius of the project site.

G. RELEVANT MUNICIPAL CODE SECTIONS

Conditional Use Permit pursuant to Los Angeles Municipal Code Section 12.24-U.24: ^{1/}

“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.) ...

Schools: (Amended by Ord. No. 173,492, Eff. 10/10/00.)

- (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; *(underline added)*
- (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.”

Variance pursuant to Section 12.27 of the Los Angeles Municipal Code, permit a sign otherwise prohibited by Section 12.21-A,7(g), which reads:

“No nameplate, sign or advertising matter of any kind shall be placed or maintained on any lot in any zone except in accordance with the following regulations: ... (g) There may be one identification sign for each farm, ranch, estate or building other than a dwelling in an “A” Zone, but that identification sign may not exceed 20 square feet in area;” *(underline added)*

^{1/} ZA Memorandum No. 78, September 28, 1989, permits an increase in intensity of use pursuant to the Plan Approval process. However, in this instance a new Conditional Use Permit is required because the proposed modification increases the number of students permitted on site throughout the day by 20% and the number of Special Events by 400%, which exceeds the 20%-30% threshold in the ZA Memorandum.

H. REQUESTS AND JUSTIFICATIONS (PROPOSED PROJECT)

The applicant is requesting to modify several conditions pursuant to Section 12.24-U,24 of the Los Angeles Municipal Code. The request includes a Variance, pursuant to Section 12.27 of the Los Angeles Municipal Code, to exceed sign size of 20 square feet; otherwise prohibited by Section 12.21-A,7(g) of the Los Angeles Municipal Code.

There is no increase in square footage of the building, reduction of required parking, nor decrease in landscape from that approved in Case No. CPC 2016-1256-CU.

The proposed requests and justifications are:

Request No. 1. The first request is to modify several conditions of Case No. CPC 2016-1256(CU) as follows:

Condition No. 3: Property Use

Property Use. The use of the subject property shall be limited to a school in substantial compliance with the herein conditions. ~~, grades Kindergarten through 12, with a maximum enrollment of 400 students and 50 students onsite at one time.~~

Justification for Modification: Firstly, "Property Use" condition was historically meant for formally stating the authorized use(s) as cited in the Grant Clause then state the use(s) is/are limited by the conditions. Therefore, this condition is modified consistent with its historical purpose.

Secondly, kindergarten was not and is not a proposed use.

Lastly, a restriction on enrollment is not related to "Use of Land". Regulating use of land is a legitimate governmental purpose. However, regulating enrollment is a business matter. For example, El Camino Real Charter School should be able to modify its operation by enrolling more than 400 students in a distance-learning program conducted online; whereby, not resulting in any increase in the number of students onsite. Refer to Condition No. 12 in regards to the number of students on campus at any one time and throughout the day.

Condition No. 5: Hours of Operation Student/Faculty/Administration Use

Hours of Operation. Hours of operation instruction in the Independent Study Program ("ISP") and other educational programs shall be limited to 8 a.m. until 5:30 p.m. except that t To prepare for the students, faculty and staff shall be permitted to arrive at 7:00 am and to depart at 6:5:30 p.m. ~~Hours of instruction are limited to 8:30 a.m. until 3 p.m. Days of operation are limited to Monday through Friday.~~

Afterschool activities such as club meetings shall be permitted from 3:30 pm until 7:00 pm Monday through Friday.

During certain evenings, weekends and summer dates, the facility may be available on a restricted basis to faculty, staff, and student groups from of El Camino on an as need basis to meet or hold training sessions (i.e., professional development and leadership meetings). ISP instruction and education programs shall not occur during the school's summer break except small group learning sessions related to technology and testing procedures.

Justification for Modification: The condition is intended to govern hours of instructional/educational programs and afterschool activities. The intent is that hours of instruction/educational programs and afterschool activities should not overlap with Special Events (i.e., Condition No. 6) in order to reduce the intensity of use of the site at any one time.

Special Events hours are governed by Condition No. 6 and use of the campus by the Certified Neighborhood Council is mentioned in Condition No. 20.

Condition No 6: Special Events (Also, refer to Case No. CPC 2016-1256(CU), Condition No. 20)

Special Events. ~~Not more than 12 Special Events per year~~ five (5) Special Events per month are authorized. Special events are activities involving parents and/or other visitors where more than 50 vehicles are anticipated at one time. School administrative board meetings and parent/teacher meetings are excluded from the definition of Special Events.

Special Events hours are as stated below:

- a. Monday through Friday: 3:30 p.m. to 11:00 p.m.
- b. Saturday and Sunday and Holidays 10:00 a.m. – 5:00 p.m.
- c. Special Events shall not occur with any Student/Faculty/ Administrative Use:

Justification for Modification:

Examples of Special Events include Career Fair, College Fair, Workshops (e.g., mental health, college financial aid, retirement planning, etc.), and professional development.

As schools seek to tackle the achievement gap and how to build healthy neighborhoods, they are transforming themselves to achieve educational results by fulfilling a broader social function. Educators are exploring ways to use their institutions as “hubs” to organize and deliver a range of services beyond their traditional core offerings. "When a school integrates and begins to function as a hub, it organizes services for its own students as well as, in certain cases, the broader school community such as parents and other family members in an effort to improve the chances for students to excel academically. Performing these services also stands to benefit the local community."

Increase in the number of Special Events from 12 a year to 60 a year. It is noted that the proposed modification for 60 Special Events a year is not considerably more than the 48 classes per year allowed by-right in single-family zones for Adult Education Classes. Since 1966, the Los Angeles Municipal Code has allowed "Occasional Use of Private Homes for Adult Education Classes." in single-family residential Zone Classifications without discretionary review, if classes are no more than one day a week for up to 30 students.

Monday to Friday hours for Special Events are patterned after Commercial Corner operational hours found in Section 12.22-A,23 of LAMC while Saturday and Sunday hours are even less. Operating hours in Section 12.22-A,23 were established to mitigate adverse impacts caused by commercial activities adjacent to residential areas. Saturday and Sunday hours proposed in Condition No. 6 provide greater mitigation from traffic, parking, noise, and light pollution on weekends and holidays than the standard Commercial Corner hours.

Hours for Special Events will not overlap with instruction/educational programs and after school activities in order to reduce potential traffic, parking, and noise impacts to the surrounding residential community.

Condition No. 10: Parking Location Management (Also, refer to Case No. CPC 2016-1256(CU), Condition No. 24)

- a. **Parking Location.** No students, faculty, or other employees of the school shall be permitted to park off-site; they shall only be permitted to park on-site in the schools' parking lot. All students who drive to school, all faculty and all other employees shall be instructed by the management of the school to park on-site and not on the adjacent streets.
- b. **Permit System.** A student permit driving or parking system shall be established enabling the school to monitor Trips and parking availability.
- c. **Transportation Demand Management:**
 - i. Include information in brochure programs and flyers advertising activities encouraging alternative transportation and as well offer incentives to users who use alternative means of transportation other than single occupancy vehicles.
 - ii. To reduce potential spillover parking in residential areas, place signs or notices in key locations on-site or other means presenting parking policies and warning drivers of the possibility of being towed for noncompliance with Municipal Code parking laws and herein conditions.

- iii. Parking Overflow. A parking plan/valet plan shall be prepared indicating how overflow parking would be managed by use of on-site tandem parking and at an off-site location within 1,500 feet of the subject site.
- iv. Use due diligence in seeking additional sites for parking, if other mitigation measures are found deficient.

Justification for Modification: Recent improvements to the campus include installing bike and skateboard racks and electric vehicle charging stations. Notwithstanding, Condition No. 10 is modified to include additional Transportation Demand Management (TDM) strategies and implementation, which increase access to transportation systems, improve mobility, and minimize negative impacts of vehicular travel such as traffic congestion and air pollution in our auto-dominated physical environment.

Modification to Condition No. 10 requires providing information to students and visitors on travel choices and parking, marketing and communications, and possibly financial incentives. The goal is to make non-solo driving more attractive. Furthermore, the condition is modified to impose a higher standard of “due diligence” (i.e., Condition No. 10.c.iv) than the language of the condition. In addition, Condition No. 10 is modified to require the campus to track and monitor the number of students who drive to campus (i.e., Condition 10.b).

Condition No. 12: Enrollment Use of Property at Any One-Time

~~**Enrollment. Use of Property at any One-Time** Enrollment shall not exceed 25 students per day in grades 9-12 in year one and a maximum of 80 students per day in grades K-12. Morning and afternoon student arrival and departure times shall be staggered. Not more than 50 ISP students shall be onsite at one time for instruction/education and not exceed 150 during any one day. The maximum number of teachers and staff shall not exceed 20 on site at any one time.~~

Justification for Modification:

Condition No. 12 is modified to permit 150 students a day so to create three instructional sessions of staggered attendance with no more than 50 students in a session on campus at any one time. Fifty (50) students at any one time was imposed pursuant to Case No. CPC 2016-1256(CU) (i.e., Condition Nos. 3, 12)

From 1964 until 1997, the facility served as a synagogue, school, and day care. From 1997 until 2015, the facility served as a private school with 40 staff and 125 students (i.e., Case No. ZA 97-0003 (CUZ)).

Condition No. 12 removes reference to enrollment. As discussed above regarding Condition No. 3, a restriction on enrollment is not related to “Use of Land”, which is a legitimate governmental purpose of land use planning. Rather, it is a business matter.

The language in Condition No. 12 is perplexing by citing “25 students per day in grades 9-12 in year one and a maximum of 80 students per day in grades K-12” Does this mean 105 students 9-12 are permitted and what is the permitted number after the first year?

Note that Condition No. 3, prior to the proposed modification, limited the number of students on campus at any one time to 50. That is now incorporated into Condition No.12, which is the same limit approved pursuant to Case No. CPC 2016-1256(CU).

Condition No. 13: Signs

Signs. All exterior signs, except as listed below, shall be of an identification type and shall be affixed to the façade of the building and comply with Section 12.21-A,7(g) of the Los Angeles Municipal Code. Directional type signs shall be indicated on plans submitted to and approved by the Department of Building and Safety and the Department of Transportation.

- a. Pursuant to an approved Variance, a Wall Sign as shown in Exhibit “B”, if installed, shall be identification type located on the east-facing wall and shall not exceed 77.1 square feet in size and not illuminated.
- b. Pursuant to an approved Variance, a LED monument sign as shown in Exhibit “C” if installed may be Information type and not exceed 124.1 square feet consisting of 46.3 square feet for each sign face and remained being the structure. Special consideration shall be given to the impact on homes adjacent to the property by orienting the sign on an east/west axis, designed such that it produces a maximum light intensity no greater than three foot candles above ambient lighting as measured at the property line of the nearest residentially zoned property, and shall not be lit between 11:00 p.m. and 7:00 a.m.

Justification for Modification: Condition No. 13 of Case No. CPC 2016-1256(CU) permitted only identification signs affixed to the façade of the building. Being affixed to the building coupled with Section 12.21-A,7(g) of the Los Angeles Municipal Code (i.e., 20 square foot maximum size) creates a hardship due lack of sign visibility caused by the setback of the building from the street and speed of travel on Shoup Avenue. Furthermore, Condition No. 13 limited any sign to static message, which does not provide viewers information on continuously changing planned events.

The objectives for the proposed two signs in Exhibits “B” and “C” are:

- that the general public and site users benefit from signs having improved legibility, readability and visibility (e.g. location, size, and lighting (i.e., monument sign);
- provide dynamic messaging without dominating the visual appearance of the area (i.e., monument sign);

- provide reasonable protection to the visual environment by controlling the size, height, location, and lighting of the signs so not to overwhelm the residential character of the surrounding area; and,
- design signs to not interfere with traffic safety or otherwise endanger public safety.

Request No. 2. Variance, pursuant to Section 12.27 of the Los Angeles Municipal Code, to exceed sign size of 20 square feet; otherwise prohibited by Section 12.21-A,7(g) of the Los Angeles Municipal Code. The second request is to permit two signs that exceed the square footage limitation in Section 12.21-A,7(g) of the Los Angeles Municipal Code. The Justification for Modification is discussed above in Condition No. 13 Signs.

I. JUSTIFICATIONS BASED ON REQUIRED FINDINGS

CONDITIONAL USE PERMIT JUSTIFICATIONS BASED ON REQUIRED FINDINGS. Pursuant to LAMC Section 12.24-U,24, a Conditional Use Permit is requested for the continued use and maintenance of an approved school as a public charter school.

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

Schools and formal education in our society and communities **provide an essential service.** “Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.”^{2/}

El Camino Real Charter School provides independent study as an “... educational option that enables [students] to most fully realize their potential. This alternative instructional strategy offers the flexibility to meet individual student needs, interests, and styles of learning. Independent study, however, is not an alternative curriculum and independent study students are expected to meet the same educational objectives as all other students. By law, independent study education is to be equal in quality and quantity to classroom instruction.”^{3/}

In regards to Special Events as an essential service, if schools are to serve communities and wider society, they should provide relevant learning opportunities for the community where students and public can be engaged in an educational program for integrated customized learning.

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

In Case No. CPC 2016-1256(CU), City Planning Commission determined the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further

^{2/} Brown v. Board of Education, 347 U.S. 483 (1954), p. 493)

^{3/} California Department of Education <https://www.cde.ca.gov/sp/eof/is/>

degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. The basis of this decision is that a school use had operated at the site since 1964 and the request in Case No. CPC 2016-1256(CU) did not propose new construction or any increase in the existing buildable floor area, height, parking, or operations.

Similarly, the current request does not propose an increase in square footage of the building, reduction of required parking, nor decrease landscape than that approved in Case No. CPC 2016-1256(CU). Rather, the request is to modify Condition Nos. 3,5,6,10,12, and 13 with all other conditions imposed without modification.

Imposing the unchanged conditions in Case No. CPC 2016-1256(CU) and the proposed modified conditions will safeguard the immediate community and make the Proposed Project **compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

See Section H (PROPOSED PROJECT (REQUESTS)) for detail discussion of justifications:

Modifying Condition No. 3 (Property Use) is written consistent with the historical purpose of this condition, which is to formally state the Grant Clause is limited by conditions of approval. Furthermore, kindergarten is not a component of the operation nor was it every intended. Deleting kindergarten reduces potential impacts analyzed in approval of Case No. CPC 2016-1256(CU) due to lower peak hour traffic and less noise. The campus will operate per Los Angeles School District Charter as a high school (i.e., grades 9-12) where students attend only once a week for between one and three hours.

Modifying Condition No. 5 (Hours of Operation) is intended to govern hours of instructional/educational programs and afterschool activities. Special Events hours are governed by Condition No. 6. The intent is that hours of instruction/educational programs and after school activities do not overlap with Special Events (i.e., Condition No. 6) in order to reduce the intensity of use of the site at any one time.

Modifying Condition No 6 (Special Events) provides examples of Special Events to include Career Fair, College Fair, Workshops (mental health, college financial aid, retirement planning, etc.), and professional development.

Special Events hours are modeled after Commercial Corner standards (i.e., Section 12.24-W,27 of the LAMC). Furthermore, Special Events will not overlap with of instruction/educational

programs and after school activities in order to reduce potential traffic, parking, and noise impacts to the surrounding area.

Modifying Condition No. 10 (Parking Location Management):

Condition No. 10 is modified to require the facility to track and monitor the number of students who drive to campus. Transportation Demand Management strategies and implementation are to increase access to transportation systems, improve mobility, and minimize negative impacts of vehicular travel such as traffic congestion, air pollution, and an auto-dominated physical environment. The condition includes providing information on travel choices, managing parking; marketing and communications, and financial incentives. The goal is to operate the campus in a manner making non-solo driving more attractive.

Modifying Condition No. 12 (Enrollment): Firstly, a restriction on enrollment is not related to a use of land. Rather, it is a business matter. For example, El Camino Real Charter School should be able to modify its operation by enrolling students in a distance-learning program that is wholly conducted online; whereby, not resulting in any increase in the number of students who might visit the site.

Condition No. 12 modified to increase the number of students during any one day from 80 to 150. This allows establishing three instructional sessions, which stagger attendance with no more than 50 students in a session. Note that historically, the use was permitted 125 students on campus at any one time (i.e., Case No. ZA 97-0003 (CUZ)).

Furthermore, the additional number of students on campus throughout the day is offset by deleting kindergarten (i.e., Condition No. 3). Therefore, the impacts analyzed in Case No. CPC 2016-1256(CU) will be less due to lower peak hour traffic and less noise.

Modifying Condition No. 13 (Signs) is to ensure the public and site users benefit from signs having improved legibility, readability and visibility (e.g. location, size, and lit monument sign). In addition, having the monument sign with dynamic messaging provides viewers information on continuously changing planned events.

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

The subject property is located within the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, which designates the site for the Low Residential General Plan Land Use. The corresponding zones for

these land uses are RE9, RS, R1, RU, RD6, and RD5. The site is A1-1 Zone Classification.

Pursuant to Section 12.24 U.24 of the Municipal Code, school uses are permitted by Conditional Use Permit in A1-1 Zone Classification. A Conditional Use Permit (**CUP**) is a discretionary action for a particular use, which is not allowed as a matter of right within the Zone Classification. Discretionary review has singled out types of uses, which are essentially desirable, but because of potential impacts are not desirable in every location, in unlimited numbers, or in a location without restrictions tailored to them. (Concept noted in *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176).

CUPs over the years have become more important in planning as we move further way from Euclidean zoning (i.e., Euclid Township vs. Amber Board of Realty) which separates land uses by type, density, and intensity. For example, the City has allowed nonresidential uses in residential areas (e.g., churches, childcare, equine boarding and riding, home occupations, wireless telecommunications facilities) through a CUP process.

"The goal in regulating conditional uses should be to balance the need for diversity and proximity to certain uses against any potential impacts such uses may have on the surrounding community." In addition, a Conditional Use Permit is required in order for the proposed project to be in conformance with the land use designation of the City's General Planning.

Use of the school pursuant to a Conditional Use Permit **substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.** Affirmative Finding were made in Case Nos. Case No. ZA 97-0003(CUZ) and CPC 2016-1256(CU) and are herein made again.

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

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

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

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

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

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

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

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

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

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

VARIANCE JUSTIFICATION BASED ON REQUIRED FINDINGS. Pursuant to Charter Section 562, no Variance may be granted unless the decision-maker makes all of the following in the affirmative. ^{4/} ^{5/}

^{4/} Also, refer to "Reasons for Modification" in Section H, above.

^{5/} An applicant seeking a Variance bears the burden of proving that circumstances exist to justify its granting (*PMI Mortgage Ins. Co. v. City of Pacific Grove (1982) 128 Cal.App.3d 724*)

1. **The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The proposed project includes two signs that exceed the size requirements regulated by the Municipal Code. One proposed sign is a Wall Sign, as shown in Exhibit "B". The proposed "Identification Sign" located on the east-facing wall at the parking lot entrance is 77.1 square feet in size and not illuminated. The second sign is a LED monument sign, as shown in Exhibit "C". The proposed "Monument Sign" is an Information LED Sign located along the Shoup Avenue frontage. It is 61.25 square feet for the structure and 46.3 square feet for each sign face.

Section 12.21-A,7(g) of the Los Angeles Municipal Code limits signs in the A1 Zone Classification to not exceed the sign size of 20 square feet. The general purpose and intent of the regulation is to limit uses to specific zones in order to correspond with the General Plan residential designation and have compatibility between respective properties. Such regulations, however, written on a citywide basis and cannot take into account individual unique characteristics of a specific property as well as consider dynamic changes in the economy and the use of land. A variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted provided the spirit of the ordinance is observed and substantial justice is done without detrimental impacts to the community.

Condition No. 13 of Case No. CPC 2016-1256(CU) permits only identification signs and signs to be affixed to the façade of the building. This condition coupled with Section 12.21-A,7(g) of LAMC (i.e., 20 square foot maximum size) ^{6/} creates an **unnecessary hardship** because compliance results in ineffectively visible signs due to the setback of the building from the street and speed of travel on Shoup Avenue. Furthermore, the use of static messaging will not provide viewers dynamic information on continuously changing planned events on campus.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

Special circumstances are that the building is setback a distance from the street and speed of travel on Shoup Avenue reduce viewing a sign affixed to the building and small in size. Furthermore, the use of LED static messaging for the monument sign provides viewers dynamic information on continuously changing planned events on campus.

^{6/} Section 12.21-A,7(g) of LAMC states, "No nameplate, sign or advertising matter of any kind shall be placed or maintained on any lot in any zone except in accordance with the following regulations: ... (g) There may be one identification sign for each farm, ranch, estate or building other than a dwelling in an "A" Zone, but that identification sign may not exceed 20 square feet in area; ... " (*underline added*)

To offset the unnecessary hardships, substantial justice is served by permitting larger signs. Not granting the Variance would result in installing signs in a manner incongruous with the purposes of signs including legibility, readability and visibility.

The proposed signs are located and designed with reasonable protection the visual environment so not to overwhelm the residential character of the surrounding area and the signs will not interfere with traffic safety or otherwise endanger public safety.

- 3. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

A Variance cannot grant a special privilege. (*Section 12.27-D LAMC, California Gov't Code Sec. 65906; Topanga Association for a Scenic County of Los Angeles, 11 Cal. 3d 506, 520 (1974)*). The accompanying Exhibit evidences **similar rights generally possessed by other property** with similar uses (Refer to similar uses with signs, Exhibit case file). Therefore, this approval does not create a precedent.

- 4. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and**

Granting the Variance **will not be materially detrimental** because special consideration is given to the impact on residences adjacent to the property. The Wall Sign with property address is setback from the property line and Shoup Avenue provides additional buffer for the residents on the other side of the street. In addition, it will not be lit. The Monument Sign is oriented on an east/west axis so not to point directly towards residential properties to the east. In addition, the Monument Sign will be limited to a maximum light intensity no greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property and will not be lit between 11:00 p.m. and 7:00 am.

- 5. The granting of the variance will not adversely affect any element of the General Plan.**

The subject property is located within the Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, which designates the site for the Low Residential General Plan Land Use. The corresponding zones for the designation area: RE9, RS, R1, RU, RD6, and RD5.

The affirmative Conditional Use Permit Condition No. 3 Finding establishes substantial conformity with the General Plan. The General

Plan Finding for Variance relates to if the granting of a Variance would be contradictory to land use designation or text of the General Plan and its intent.

Text in the Community Plan does not specifically reference signage on non-commercial properties. Nonetheless, **granting of the Variance will not adversely affect any element of the General Plan** as noted by the following:

- Designate architecturally untreated facades for signage. (*Design Policies for Individual Projects , Commercial, Site Planning*)

Response: The wall sign will be located on an untreated blank wall; whereby, providing treatment to the façade.

- Provide improvements along principal streets and at major identified intersections and edges, which clearly distinguish these locations as major streetscapes and entries. Such improvements may include elements such as signage, landscaping, vertical pylons and/or other distinctive treatments. (*Community Design and Landscaping Guidelines, Entryway Improvements, underline added*)

Response: Shoup Avenue is a principle street and the property is a corner site, where use of the proposed signs are appropriate.

- Establish a comprehensive streetscape and landscape improvement program for identified corridors and districts for the selection and installation of, but not limited to, the following: ... d. public signage ..." (*Community Design and Landscaping Guidelines, Streetscape, underline added*)

Response: The proposed is part of a coordinated signage program that includes hardscape (i.e. wall) and greenscape (i.e., landscape).

- Establish street lighting standards for commercial districts which provide elements of design and compatibility with street furniture and building facades. ... 2. Establish a consistent street lighting type utilizing a light standard that is compatible with the overall street furniture and graphic/signage program, ..." (*Community Design and Landscaping Guidelines, Street Trees, underline added*)

Response: Consideration is given to the impact on homes adjacent to the property in that the sign will be oriented on an east/west axis, designed such that it produces a maximum light intensity no greater than three-foot candles above ambient lighting, and will not be lit between 11:00 p.m. and 7:00 am.

- **SIGNAGE:** Establish a consistent design for all public signage, including fixture type, lettering, colors, symbols, and logos designed for specific areas or path-ways. (*Community Design and Landscaping Guidelines, Signage*)
 1. Provide for distinctive signage which identifies principal entries to unique neighborhoods, historic structures, and public buildings and parks.
 2. Ensure that public signage complements and does not detract from adjacent commercial and residential uses.
 3. Provide for signage which uniquely identifies principal commercial areas.

Response: The proposed signage is part of a coordinated program that identifies the proposed public use from surrounding uses.

CONDITIONAL USE – ADDITIONAL INFORMATION FOR SCHOOLS

- a. Describe the type of school (e.g., elementary, junior high school, nursery, etc.). See *Section H (PROPOSED PROJECT (REQUESTS))* regarding *Condition No. 3*.

Response: On September 22, 2016, Los Angeles City Planning Commission approved Case No. CPC-2016-1256(CU) to permit the continued use and maintenance of a public charter school, pursuant to Section 12.24-U,24 of the Los Angeles Municipal Code. The instant request maintains El Camino Real Charter School as is a high school Independent Study Program.

- b. What is the maximum number of students (children) to be enrolled at each grade and age level? See *Section H (PROPOSED PROJECT (REQUESTS))* regarding *Condition No. 12*.

Response: Condition No. 12 in Case No. CPC 2016-1256(CU) “appears” to limited the number of high school students on campus on any one day to 105. The request is to increase the total to 125 (i.e., 19 percent increase).

The school provides an Independent Study Program of instruction, which requires students to attend campus only one day each week for 1-3 hours. The plan for the school is to create three instructional sessions of staggered attendance with no more than 50 students on campus at any one time resulting in no more than 150 students on campus on any one day.

- c. What are the hours of operation? Indicate whether Monday through Friday only or also weekends. See *Section H (PROPOSED PROJECT (REQUESTS))* regarding *Condition No.5*.

Response: The school will operate similar to that authorized in Case No. CPC 2016-1256(CU) between the hours of education/instruction 8:00 am and 3:30 pm on Monday through Friday. Teachers and staff may arrive to prepare for the school day no earlier than 7 a.m. and may stay until no later than 5:30 p.m. to prepare for the following school day.

The only exception to this schedule is for Special Events estimated at no more than 60 per school year. Such events will be identified on the school calendar and provided to the Council Office and the Neighborhood Council at the start of each school year. As approved in CPC 2016-1256(CU), school administrative board meetings, parent/teacher meetings, and use of the facility by a Certified Neighborhood Council are excluded from the definition of Special Events.

- d. What are the number of classrooms and teachers? See *Section H (PROPOSED PROJECT (REQUESTS))* regarding *Condition No 12*.

Response: There will be 20 teachers and staff. The school will operate with nine (9) classrooms.

- e. What are the number of administrative staff? See *discussion in Condition No 12*.

Response: There will be 20 teachers and staff.

- f. Will there be buses, and, if so, where will they be stored?

Response: No buses will be used for daily transportation except buses or minivans on limited occasions to take students on field trips or to shuttle students to other locations.

- g. Where will cars load and unload students? How many cars? See Section H (PROPOSED PROJECT (REQUESTS)) regarding Condition No. 10.

Response: The drop-off and pickup of passengers is entirely onsite in a designated area of the parking lot. Students arrive and depart at various programmed times throughout the school day, according to established schedules. Based on the applicant's existing experience as an ISP provider, on each school day, approximately 60% of the school's students will be dropped off and picked up by car. About 20% will drive themselves to the school and park onsite in the parking lot. The remaining 20% of the students will arrive and depart by bus, bicycle, or walk.

Notwithstanding, Transportation Demand Management (TDM) strategies will be implemented to increase access to transportation systems, improve mobility, and minimize negative impacts of vehicular travel such as traffic congestion, air pollution, and an auto-dominated physical environment. Furthermore, a student permit driving or parking system will be established enabling the school to monitor parking availability.

- h. Describe the size and location of signs. See Section H (PROPOSED PROJECT (REQUESTS)) regarding Condition No 12.

Response: Condition No. 13 of Case No. CPC 2016-1256(CU) permitted only identification sign affixed to the façade of the building. This condition coupled with Section 12.21-A,7(g) of the Los Angeles Municipal Code (i.e., 20 square foot maximum size) creates a hardship due lack of signage visibility cause be the setback of the building from the street and speed of travel on Shoup Avenue. Furthermore, Condition No. 13 limits any sign to a static messaging, which does not provide viewers information on continuously changing planned events

Therefore, the instant request is to modify Condition No. 13 granting deviation from the prior approval and from Section 12.21-A,7(g) of the Los Angeles Municipal Code to permit:

- a Wall Identification Sign as shown in Exhibit "B", located on the east-facing wall and not exceed 77.1 square feet in size and not illuminated; and,
- a LED monument Information sign, as shown in Exhibit "C", not to exceed 61.25 square feet for the structure and 46.3 square feet for each sign face.

Special consideration is given to the impact on homes adjacent to the property by orienting the sign on an east/west axis, produce a maximum light intensity no greater than three foot candles above ambient lighting as measured at the property line of the nearest residentially zoned property, and not lit between 11:00 p.m. and 7:00 am.

- i. Does anyone live on the premises; if so, where?

Response: No one lives on the premises. Cameras with internet connection are installed for security.

- j. Are there to be special events, e.g., fund-raising events, parent-teacher nights, graduation ceremonies or athletic events? How often are these proposed? See *Section H (PROPOSED PROJECT (REQUESTS)) regarding Condition No 6.*

Response: The request includes modification of Condition No. 6 clarifying the type of Special Events to include Career Fair, College Fair, Workshops (e.g., mental health, college financial aid, retirement planning, etc.), and professional development. The other modification is to increase the number of Special Events from 12 per year to 60 per year.

- k. Is there a main place of assembly, e.g., auditorium, gymnasium or stadium, and if so, how many fixed seats?

Response: There is an existing multipurpose room with no fixed seats.

- l. Is there to be night lighting and/or a public address system (please identify on your plot plan as well as discussing in the application)?

Response: Lighting is limited to security lighting, which will not bleed onto surrounding properties. No public address system nor session bells will be employed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In Case No. CPC 2016-1256(CU), a Notice of Exemption was filed as ENV-2016-1257-CE on May 9, 2016. The request was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1 of the City CEQA Guidelines under Class 1, Category 22 for the granting or renewal of a variance or conditional use for a non-significant change of use in an existing facility.

In this instance, the applicant is seeking a Negative Declaration for 150 students on campus daily, which is 20 percent increase over 125 students permitted pursuant to Case No. ZA 97-0003(CUZ) approved on April 4, 1997. It is a 43 percent increase over 105 students permitted pursuant to Condition No. 12 in Case No. CPC-2016-1256-(CU). However, the limitation of 50 students on campus at any one time is unchanged. In conclusion, the increase to 150 is not considerably more than what has historically been on the subject site.

Secondly, modification of Condition No. 6 in Case No. CPC-2016-1256-(CU) is to increase in the number of Special Events from 12 a year to 60 a year. It is noted that the proposed modification for 60 Special Events a year is not considerably more than the 48 classes per year allowed by-right in single-family zones for Adult Education Classes.

Therefore, the proposed project “will not have a significant effect on the environment.” and pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, this request does not trigger the need for additional environmental analysis.