

DANIEL GREEN  
ACTING CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

CARY BOOHER  
PATRICIA BROWN  
R. NICOLAS BROWN  
ANIK CHARRON  
EMILY J. GABEL-LUDDY  
LOURDES GREEN  
LINN WYATT

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING

S. GAIL GOLDBERG, AICP  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
FAX: (213) 978-1334

www.lacity.org/PLN

March 17, 2006

Donald P. Winter (A)  
Brentwood School  
100 South Barrington Place  
Los Angeles, CA 90049

Dale Neal, Esq. (R)  
Latham and Watkins  
633 West 5th Street, #4000  
Los Angeles, CA 90071

Department of Building and Safety

CASE NO. CUZ 78-108(PA2)  
APPROVAL OF PLANS  
12001 Sunset Boulevard  
Brentwood-Pacific Palisades  
Planning Area  
Zone : RE15-1  
D. M. : 132B141  
C. D. : 11  
CEQA : MND 96-0387(CUZ)(PLA)  
Fish and Game : Exempt  
Legal Description : Lot 53, and the  
southerly 125 feet of Lot 52, Westgate  
Heights Tract

Pursuant to Los Angeles Municipal Code Section 12.24-M and to Condition No. 47 of Case No. CUZ 78-108(PA1), I hereby DETERMINE:

that compliance with the conditions of the prior action has been attained in association with the construction, use and maintenance of a multipurpose building and parking garage for an existing private elementary school,

and hereby modify, add to or retain the existing conditions as described below:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



4. Prior to the issuance of any permits relative to this matter, an acknowledgment and agreement to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
5. The maximum floor area for the multipurpose building and parking garage shall not exceed a total floor area of 36,500 square feet. The multipurpose use component of the building shall not exceed a floor area of 13,200 square feet with 335 telescoping bleacher seats. The below grade parking component shall not exceed 23,300 square feet of parking area and shall include a minimum of 67 parking spaces. The height of the building shall not exceed 45 feet, as defined by the Municipal Code. The north wall of the proposed multipurpose space shall be set back 30 feet from the north property line. In addition, the ridge over the multipurpose space shall be lowered 3 feet, from an elevation of 467.0 feet to an elevation of 464.0 feet. The eave line over the north, east and south perimeter walls shall be lowered 2 feet, from an elevation of 453.0 feet to an elevation of 451.0 feet. In addition, the flat roof over the stage area shall be replaced with a continuation of the sloping tile roof typical at the building's perimeter. The applicant shall submit to the Zoning Administrator a revised elevation plan, Exhibit A-1, depicting these changes for inclusion in the file.
6. The use of the school's facilities shall be related to the school's educational purposes, its recreational programs and other related activities as authorized under City Plan Case No. 1273. The use of the school's facilities by third party groups or outside parties which are not related to the school's educational and recreational programs and activities shall be prohibited. The use of this campus by students from other Brentwood School campuses shall be limited to functions in which the students of this campus actively and substantially participate. The maximum occupancy of the gymnasium/assembly space within the multipurpose building shall not exceed 385 persons at any time.
7. Filming for commercial purposes shall be prohibited on the school property. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark.
8. The school shall identify a contact person and a 24-hour phone number for neighbors to call with questions or complaints. Complaints received from 7 a.m. to 7 p.m. on weekdays shall be responded to within one hour, as feasible. Complaints received during evening hours shall be responded to by 9 a.m. the following morning.
9. The applicant shall provide a construction schedule to the Brentwood Homeowners Association and to all property owners within a 500-foot radius of the school at least 30 days prior to the commencement of demolition, site excavation and construction activities. Such schedule shall include the contact person identified pursuant to the condition noted above.

10. The area of construction shall be screened from view from adjoining properties to the north and west by a 15-foot high temporary construction wall or other barrier. Such construction screening may be decorated with student art selected by the applicant.
11. Hours of excavation, hauling and all types of construction shall be limited to the period of 7:30 a.m. to 4:30 p.m., Monday through Friday and excluding holidays.
12. Construction-related vehicles may arrive at the site no earlier than 7 a.m. so that actual construction can begin by 7:30 a.m. Construction worker vehicles shall exit the property by 5 p.m. This condition does not apply to construction personnel engaged in supervisory, administrative or inspection activities.
13. Construction personnel and construction-related vehicles shall not park on any residential street in the surrounding neighborhood.
14. Haul trucks and construction equipment shall be cleaned, watered and/or covered before leaving the property. Any material spilled on the streets immediately adjacent to the subject site shall be removed by the contractor.
15. Construction equipment and trucks shall be staged on the property.
16. Haul trucks shall queue within the internal campus driveway parallel to Bundy Drive.
17. A maximum of two visits per day by a catering truck shall be permitted. Such catering trucks shall be accommodated on-site. Catering truck operators shall be instructed not to use their horn or other loud signal.
18. All excavating and grading activities shall be suspended when sustained wind speeds exceed 25 miles per hour in the excavation area. Primary enforcement of this condition shall be the responsibility of the applicant and the contractor.
19. The construction area shall be sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
20. Compressors shall have noise suppression features so as to reduce noise impacts on the neighboring residences.
21. With the exception of those students, parents and employees residing in the neighborhood immediately north of the school, no vehicles exiting the Bundy Drive driveway shall be permitted to make a northbound right turn on Bundy Drive. In addition, with the exception of those students, parents and employees residing in the neighborhood immediately north of the school, no vehicles exiting the Saltair Avenue driveway shall be permitted to make a northbound left turn on Saltair Avenue. The foregoing restrictions shall be placed on signs that are readily visible to drivers exiting the Bundy Drive and Saltair Avenue driveways. Saltair access may be used by vehicles which have ten or more seats and which are exclusively used to transport the subject school's elementary students.

22. A second pick up/drop off lane shall be provided at the Bundy Drive parking lot by removing the existing faculty parking spaces so as to improve on-site circulation and provide additional vehicle storage on school premises during the loading and unloading hours so as to minimize the traffic queuing on Bundy Drive and Bonnie Lane.
23. The applicant shall implement the recommendations of the Los Angeles Department of Transportation as follows:
  - a. Bundy Drive - Widen Bundy Drive to the satisfaction of the Department of Transportation and restripe Bundy Drive to provide a two-way left turn lane and a southbound left-turn only lane at Sunset Boulevard. The applicant shall retain and pay the reasonable cost of a street design engineer who will assist the Brentwood Homeowners' Association in obtaining Department of Transportation approval of an acceptable widening design, the goal of which is to avoid or minimize impacts to the west side of Bundy Drive in the form of street widening or parking restrictions while maintaining the existing trees and wall along the east side of Bundy Drive.
  - b. Sunset Boulevard east of Saltair Avenue - Participate in the funding of improvements on Sunset Boulevard east of Saltair Avenue to provide a westbound right turn only lane as shown in Drawing "B" dated March 10, 1997. This improvement should improve access from the east to the school site. The preliminary cost of this improvement is estimated at \$67,000. The applicant shall contribute 25 percent of the cost or this improvement (approximately \$16,750), payable to the Department of Transportation, prior to the issuance of any building permit under this approval.
24. Traffic monitors shall be stationed at each driveway on Bundy Drive on school days from 7:30 a.m. to 8:15 a.m. and 3 p.m. to 4 p.m. to prevent any school related traffic queues or student drop offs/pick ups on the street and to enforce the right turn prohibition from the exiting driveway.
25. All vehicles transporting children to and from the school shall load and unload children on-site. All vehicles carrying students, parents, faculty, staff, guests or other persons having business with the school shall be prohibited from parking or queuing on surrounding residential streets at any time. The school shall inform parents, students, faculty and staff of all rules regulating school traffic and parking and the school shall discipline students, parents, faculty and staff who violate them.
26. **MODIFIED** - Student pick-ups in the afternoon shall be staggered over the 3:10 p.m. to 4 p.m. time period. At the time of issuance of a temporary or final Certificate of Occupancy, whichever comes first, for the multipurpose building, the applicant shall request the Department of Transportation to determine whether it is necessary in order to avoid a substantial adverse impact on the flow of traffic along Bundy Drive in the morning, for the school to stagger student drop off in the morning over the 7:30 a.m. to 8:15 a.m. time period. The applicant shall then abide and implement such staggering if recommended by the Department of Transportation. The applicant shall evaluate, on an annual or more frequent basis, the routes established for pick-

up and drop-off of students and modify such routes when deemed most effective in order to minimize traffic queuing on local streets.

27. The applicant shall continue its carpool program as part of the school's traffic management program. Such carpool program shall achieve an average vehicle ridership (AVR) of 2.2 Brentwood School West Campus students per vehicle in the morning at the beginning of the Fall semester of 1997 and shall achieve an AVR of 2.5 Brentwood School West Campus students per vehicle in the morning at the beginning of the Fall semester of 1998. A record shall be kept of the school's compliance in this regard in terms of average student ridership per vehicle that has been achieved. Such records shall be provided to the Zoning Administrator for inclusion in the file, to the Department of Transportation and to the Brentwood Homeowners' Association prior to the end of each school year. In addition, vehicle counts shall be made once each school semester by an independent traffic counting company retained by the school to count the number of vehicles entering the school between 7:30 a.m. and 9:30 a.m. on a normal school day. Prior to the conducting of the vehicle counts, the applicant and the traffic counting company shall consult with the Department of Transportation to establish criteria and appropriate school days when such counting shall take place. Such vehicle counts shall be provided to the Department of Transportation and made available upon request for review to representatives of the Brentwood Homeowner's Association.
28. Parking facilities on the school's property shall not be used by third party organizations unless those parties are visiting the school for school related purposes.
29. If an event at the school is expected to attract more than 100 vehicles, off-site parking shall be provided at the Brentwood School Upper Campus and/or other appropriate locations and those persons attending the event shall be instructed to park in such off-site parking locations. A shuttle system shall be used between the off-site parking areas and the school property. Shuttles using the Bundy side of the school's property shall drop off riders on-site. Shuttle vehicles shall be of a capacity which would facilitate the transportation of persons to and from the school so that time waiting for such vehicles is minimized and so that the use of shuttles is maximized. Parents, students and visitors shall be instructed to park within these designated off-site areas and to use the shuttle system. The school shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a known specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject school campus or other off-site parking locations and being turned away due to the capacity of such parking areas having reached their maximum.
30. The applicant shall provide traffic monitors to direct traffic during all events taking place at the school that attract or are expected to attract more than 50 vehicles. A monitor shall be posted at the exit driveway at all such events to prevent unauthorized vehicles from turning northward, a monitor shall be posted at the entrance driveway at all such events that are expected to attract more than 70 vehicles, and additional monitors shall be posted as needed to enforce the foregoing applicable traffic and parking restrictions during such events.

31. The applicant shall designate a contact person and telephone number to facilitate communication between school administration and neighborhood residents. The contact person shall meet at reasonable times with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the subject project.
32. The perimeter gates at the Bundy Drive and Saltair Avenue driveways are to be closed except during drop off and pick up of students, during school events and for use by anyone doing business at the school.
33. There shall be no use of exterior school bells or other amplified sound during the school's normal daily operations. Exterior amplified sound may be used in connection with: a) up to 8 daytime and 6 evening events per 12-month period; and, b) musical instruments used by members of the school's band or orchestra, provided that rock bands shall be prohibited from playing outdoors on the school's property. All exterior amplified sound shall be oriented away from adjacent residential areas and shall not begin before 10 a.m. or continue beyond 5 p.m., except in connection with such 6 evening events at which such sound shall not continue beyond 9:30 p.m. The permissible cumulative duration of such exterior amplified sound shall be as follows:
  - a. For the 8 daytime events:
    - i. 3 events with duration of up to 1/2 hour
    - ii. 4 events with duration of up to 1 hour
    - iii. 1 event with a duration of up to 1-1/2 hours
  - b. For the 6 evening events:
    - i. 5 events with a duration of up to 1/2 hour
    - ii. 1 event with a duration of up to 1 hour
34. With the exception of a Code-required smoke evacuation fan on the north roof over the stage, rooftop HVAC equipment shall be set into wells located on the eastern portion of the roof and mounted on seismic spring isolators to minimize noise and vibration transmission resulting from the operation of this equipment.
35. The garage exhaust fan shall be located within an enclosure inside the garage. The garage exhaust system shall be equipped with a carbon monoxide detection system designed to operate the exhaust fan only when needed to vent carbon monoxide buildup within the garage.
36. The school shall implement all mitigation measures applicable to mechanical equipment recommended by Paul S. Veneklasen & Associates in its letter dated April 11, 1997 to Parallax Architects, including installing the type and number of HVAC units that will minimize the noise generated by such units. Such letter shall be submitted to the Zoning Administrator for inclusion in the file. The noise level generated by the HVAC units and the garage exhaust system of the multipurpose building shall be no greater than 55 dBA at the property line during the day (7 a.m. to 10 p.m.). The HVAC units shall not be operated before 7:30 a.m. or after 5 p.m.

- on any weekday or at all on any weekend day or holiday except in connection with a school-related function in the multipurpose building, and in no event shall the HVAC units be operated before 7 a.m. or after 10 p.m. on any day. The HVAC units will be designed with sufficient flexibility to allow noise levels to be reduced before 9 a.m. and after 8 p.m. should the noise levels from such units exceed 50 dBA at the nearest residence before 9 a.m. or 45 dBA at the nearest residence after 8 p.m.
37. The garage exhaust system vent shall be located a minimum of 50 feet from the Bundy Drive property line.
  38. The school shall be limited during any 12-month period to not more than 34 events after normal school hours (i.e., 8 a.m. to 5 p.m. on school days) or on weekends or holidays that are expected to attract more than 50 vehicles to the campus. Such events that continue beyond 8 p.m. or that are held on weekends or holidays shall be scheduled and the schedule shall be given to the Brentwood Homeowners Association at the beginning of each semester. If such event is not scheduled because it is unpredictable, then 30 days written notice shall be given prior to the event. If 30 days notice is not feasible because there is a sudden opportunity or an urgent situation, the school shall be given the longest possible notice so the neighbors will be aware of the events.
  39. All activities and events taking place in the multipurpose building shall conclude no later than 10 p.m. "Conclude" shall mean that all people (other than administrative, janitorial or security personnel) shall vacate the building and all lights shall be turned off except for security and safety lights.
  40. No outdoor lights shall be installed or used for any events, except for lighting for security, safety and low illumination (such as at dining tables) purposes.
  41. A minimum of 94 parking spaces shall be maintained on the subject property.
  42. The project shall comply with all the mitigation measures listed in the environmental clearance Case No. MND 96-0387-CUZ (PLA) and as amended by memorandum dated April 21, 1997 attached to the file and summarized below, unless otherwise noted.
    - a. Water conservation - Incorporation of water conservation measures, including compliance with Ordinance No. 163,532.
    - b. Wall (Parking) - Construction of a 6-foot wall adjacent a surface parking lot which is adjacent to a residence if no such wall exists
    - c. Illumination - Shielding of outdoor lighting from any adjacent residential properties.
    - d. Traffic - Implementation of the Department of Transportation's mitigation measures or as modified by Condition No. 21 of this grant.
    - e. Energy - Incorporation of feasible energy conservation measures

- f. Landscaping - Preparation of a landscape and automatic irrigation plan. Additional landscaping measures have been volunteered by the applicant under Condition No. 43.
  - g. Landscaping (Surface Parking) - Provide one tree for every four surface parking spaces. Trees for existing parking areas may be dispersed around the perimeter of the parking area so as to shade the surface parking area.
43. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped within two months after the issuance of a certificate of occupancy for the multipurpose building and shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department. The school shall use its best efforts to retain the existing oak trees along Bundy Drive. Any oak trees that must be removed shall be replaced on a 2 for 1 basis. Additional landscaping shall be planted on the west side of the building along Bundy Drive to compliment existing landscaping and partially screen the multipurpose building. In addition, the school shall replace each mature tree removed in connection with the construction of the multipurpose building, with at least a 60-inch boxed tree. All new trees on the north and west side of the multipurpose building shall be 60-inch boxed trees. In that connection, the school shall use commercially reasonable efforts, working with a tree expert, to preserve or relocate as many of the mature trees as possible that are affected by construction of the multipurpose building. Landscaping of sufficient extent and density at maturity to screen the multipurpose building from view from adjacent property on the north shall be planted on the north side of the building.
  44. The area of the 30-foot wide setback between the northerly property line and the north wall of the multipurpose building extending from the northeast corner of the building to the west property line along Bundy Drive, shall remain at all times a landscaped area and no other use shall be made thereof.
  45. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit plot plans to the Fire Department for review and approval. Hydrants and sprinklers may be required after review of the plot plans.
  46. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.
  47. Within two years of the issuance of a temporary or final, whichever comes first, Certificate of Occupancy for the multipurpose building, the applicant shall file a Plan Approval application and associated fees with notice to all property owners and tenants within 500 feet of the subject property. The matter shall be set for public hearing. The application shall be filed and accepted as complete no earlier than the 21st month or later than the 23rd month after the issuance of such Certificate of Occupancy. Failure to submit a completed application within the above time period constitutes a violation of the subject conditions and could result in the initiation of permit revocation proceedings. The purpose of the plan approval will be to review the effectiveness of, and the applicant's compliance with the conditions of this grant,



including the effectiveness of the carpool program, the management of circulation impacts associated with special events and any potential noise impacts of the HVAC units on the surrounding residences. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new conditions as appropriate and require a subsequent plan approval review, as necessary.

48. All other conditions of Case Nos. CUZ 78-108 and CPC 1273 ZA shall remain in effect unless modified herein. No change in the maximum enrollment of 300 students is authorized by any action herein.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

All terms and Conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, prior to the termination date of the period, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**TRANSFERABILITY**

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

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after APRIL 3, 2006, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).** Public offices are located at:

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

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

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

**NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on November 3, 2005, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use plan approval under the provisions of Section 12.24-M have been established by the following facts:

**BACKGROUND**

The property is a sloping, irregular-shaped, through, corner parcel of land, consisting of approximately 3.19 acres, having a frontage of approximately 390 feet on the north side of Sunset Boulevard and an approximate depth varying from 245 to 510 feet. The property features a moderate upslope from Sunset Boulevard to the school buildings.

The site is developed with several buildings housing classrooms and the school administration. There are grass playing fields and a swimming pool on site. The grounds are well maintained and landscaped.

Properties to the north of the property are zoned RE15-1 and are developed with two-story single-family dwellings.

Properties to the south across Sunset Boulevard are zoned R1-1 and are developed with one- and two-story single-family dwellings. The single-family homes are oriented toward Saltair Avenue and Bundy Drive and away from Sunset Boulevard.

Adjoining property to the east across Saltair Avenue is zoned R1-1 and is developed with St. Martin of Tours Church and School.

Properties to the west across Bundy Drive are zoned R1-1 and are developed with one- and two-story single-family dwellings.

Sunset Boulevard, adjoining the property to the south, is a designated Scenic Major Highway and is dedicated to a width of 100 feet and improved with curb, gutter and sidewalk on the south side of the street only.

Saltair Avenue, adjoining the property to the east, is a Local Street dedicated to a width of 60 feet and improved with curb, gutter and sidewalk.

Bundy Drive, adjoining the property to the west is a Local Street dedicated to a width of 60 feet and improved with curb, gutter and sidewalk on the west side of the street, no sidewalk on the east side of the street.

Previous zoning related actions on the site/in the area include:

Subject Property

CPC 1273 for an elementary school site was conditionally approved on March 6, 1947.

CPC 3215 requested a zone change from R1 and R3 and R2, was denied August 3, 1950, appealed to Council, and was withdrawn and ordered filed on August 11, 1951.

CPC 16829-E and Ordinance No. 131, 265, published on November 15, 1965, changed zones from R1-1 to RS-1, RE15-1 and RA-1.

Case No. CUZ 78-108 - On June 16, 1978, the Zoning Administrator approved a conditional use to permit the modification of City Plan Case No. 1273 which previously authorized a private elementary school on the subject site to now permit a one-way, loop driveway system for the pick-up and delivery of school children along the Bundy Drive frontage, instead of from the Saltair Avenue frontage.

Case Nos. CUZ 78-108 and CPC 1273-ZA - On December 14, 1979, the Zoning Administration granted an approval of plans for the construction and maintenance of a combination masonry-ornamental iron enclosing fixture, the relocation and provision of additional off-street automobile parking, the relocation of the basketball court and the construction of a 22- by 24-foot garage.

Case Nos. CUZ 78-108 and CPC 1273-ZA - On March 11, 1983, the Zoning Administrator granted an approval of plans for a 26- by 26-foot accessory workshop and storage building located on the interior of the site.

Case No. ZA 93-1060(ZAI) - On December 10, 1993, the Chief Zoning Administrator issued a Zoning Administrator's interpretation determining that Marymount School may be utilized as an elementary school by right with up to a maximum of 300 students.

Case No. ZA 93-1060(ZAI) - On May 31, 1995, the Chief Zoning Administrator confirmed the conditional use status of the subject property for use as an elementary school.

Case No. CUZ 78-108(PAD)(CU)(PA1) - On May 13, 1997, the Zoning Administrator approved an approval of plans to permit the construction, use and maintenance of a multipurpose building and parking garage for an existing private elementary school.

Case No. CUZ 78-108(PA1) - On August 12, 2003, the Chief Zoning Administrator approved plans to permit a modular classroom unit (40 feet by 24 feet) to be added on an existing school campus in the RE15 Zone.

#### Surrounding Properties

Case No. ZA 95-0404(CUZ) - On August 29, 1995, the Zoning Administrator approved a conditional use at 11967 Sunset Boulevard, to permit an approximately 4,800 square-foot addition to an existing parochial school and an approximately 1,000 square-foot residential addition to an existing rectory.

Case No. CPC 5252 - On July 7, 1988, the Zoning Administrator approved an approval of plans to permit the interior renovation of an existing church.

Case No. CPC 5252 - On June 29, 1981, the Zoning Administrator approved an approval of plans to permit a parish center building.

Case No. CPC 5252-2A - On June 13, 1967, the Zoning Administrator approved plans for a rectory building, and garage as a multipurpose building. Rectory to observe same front setback as church and school to harmonize with other buildings.

Case No. ZA 21557 - Approved February 25, 1995, for conditional use authorization for modifications to Lot Nos. 11 through 15, Westgate Heights Tract.

Case No. CPC 16829-C - November 24, 1965, Ordinance No. 131,267 northern half of property, Lot Nos. 13, 14, 15, R1-1 to RE11-1.

Case No. CPC 5383 - May 7, 1954, approved plans for Lot Nos. 13, 14, and 15.

Case No. CPC 5252 - March 4, 1954, approved an elementary school building, 20-foot setback from the east lot line, 15 feet from the rear setback, for 250 children; and confirmed approved conditional use status of church.

Case No. ZA 93-0388(CUZ) - On May 18, 1993, the Zoning Administrator terminated zoning case for conditional use at 11960 Sunset boulevard, to permit a private school with a maximum enrollment of 166.

Case No. ZA 92-0372(CUZ) - Approved September 11, 1992, conditional use for a school at 105 South Barrington Place with 67 conditions of approval.

Case Nos. CPC 6860, ZA 21476 (BZA 7279) and YV 5444 all refer to University Synagogue on the south side of Sunset Boulevard.

### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24-M of the Los Angeles Municipal Code provides in part:

"M. Development, Change or Discontinuance of Uses:

1. Development of Site. On any lot or portion thereof on which a conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, and existing institutions or school developments may be expanded as permitted in Subsection L of this Section, provided plans therefore are submitted to and approved by the Commission or by a Zoning Administrator, whichever has jurisdiction at that time ...".

### **PUBLIC HEARING**

A public hearing on the matter was conducted on November 3, 2005. Notice of the hearing was sent to approximately 200 property owners and occupants within a 500-foot radius of the school. In attendance at the hearing were only representatives of the school which included the administrative staff, as well as the architect, construction company representative and land use representative.

### **Correspondence**

Three written communications were received from neighbors within 500 feet of the school. Two letters were in support of the school's operation and one letter was in opposition to the operation as it impacts traffic. Points noted in each letter are summarized below:

In support

Neighbor on Saltair Avenue

- Shares 300-foot common property line with school
- During construction, all conditions have been observed.
- Traffic has been mitigated on Sunset Boulevard.
- Special events have not been a problem, unaware of these being held but certain they must have.
- Beneficial improvements in traffic and parking also instituted by St. Martin's school and University Synagogue. Archer School also developed in a manner that has not aggravated traffic on Sunset Boulevard.
- Brentwood School has instituted "great improvements" as have other schools and churches in area.

Neighbor on Bundy Drive

- Live seven houses above school's northerly exit. Also have two children at school.
- Receive all school mailings regarding carpool forms and the need to comply with all conditions of the school's conditional use.
- School's compliance is excellent
- As neighbors, witness regularly staff members who patrol street to insure that cars do not park or idle while waiting to pick up children. Also witness, principal and other staff members standing on curb to entrance to insure that the circulation pattern established is followed.

In Opposition

Neighbor on Bowling Green Way, northerly of Bonny Lane

- Adverse traffic conditions continue on local streets.
- Private cars drive north on Bowling Green Way and turn right on Bonny Lane and go south on Bundy Drive to enter school's driveway.
- Streets are narrow with cars parked on both sides.
- School traffic going north on Bowling Green Way, causes southbound traffic to slow down or stop.
- Bonny Lane is shut down to all traffic.
- Photos submitted taken on October 31, 2005 in the afternoon showing traffic.
- Emergency access could be impeded.
- School's enrollment should be reduced or a condition prohibiting the use of Bowling Green Way and Bonny Lane to access school should be imposed.

**Public Testimony**

At the hearing, representatives of the school noted how compliance with conditions had or continued to be implemented submitting photos for certain items and referencing additional documentation for other conditions.

With respect and in response to traffic concerns identified in one of the correspondence items received, the assistant head of the school noted that the carpool route has been established to come up Bowling Green Way via Bonny Lane and onto Bundy Drive, and that parents are instructed to use this route. Bonny Lane, was noted to have parked cars and construction dumpsters which impede easy access. Bundy Drive has a prohibition on parking along the west side of the street between 2 and 4 p.m. on school days. The assistant head indicated that this is typically not observed and that cars park on that side with frequency which impedes access along Bundy Drive. She added that she has personally gone to neighbors' homes to ask that the No Parking restrictions be observed with no significant success.

A subsequent video submitted by the school taped between November 7 and 9, 2005 beginning at approximately 3:15 p.m. illustrated the traffic situation on Bundy Drive. School representatives added that they have tried to obtain the City to enforce parking restrictions so that traffic flow is improved with little success. Subsequent correspondence noted that the school is working with the Office of the Eleventh Council District to resolve this situation. The assistant head added that the photos submitted with correspondence by a neighbor, which had been taken on October 31, 2005, were not representative of a typical school pick up day. She added that since that date was Halloween, many parents were coming to pick up children earlier in order to go trick or treating and after school activities were very limited. The November 7 to 9, 2005 video depicts incoming afternoon school pick up traffic with vehicles coming up the school-assigned route via Bowling Green Way and Bonny Lane. The tape shows that while at times the flow of traffic was constant, there was no back up of vehicles. The assistant head notes that since she personally patrols the streets during pick-up times, she has been able to speak with neighbors who feel free to call or stop her if there are any concerns, noting that the relationship with those neighbors directly along the carpool route has been supportive and friendly.

Speakers from the school described the steps that have been taken to promote a carpool program and achieve the Average Vehicle Ridership (AVR) of 2.5 required by the conditional use. A bus program has been instituted which has a current enrollment of 188 students. This has reduced the window of pick-up in the afternoon which according to the applicant extended to 4 p.m. in the early years. Morning drop off has a longer window; in the morning busses unload on the Saltair Avenue entrance. Pick-up times are staggered with priority given to the bus, followed by carpools beginning at 3:20 and single-student pick-ups permitted after 3:30 p.m. Copies of detailed carpool instructions and procedures that are sent to school families have been provided for inclusion in the file. The procedures admonish the observance of the hours and the efforts to mitigate the creation of "waiting lines" on the street and include detailed information sheets, transportation surveys and traffic counts conducted by a traffic engineer. The latest count indicates an AVR of 3. Subsequent correspondence indicates that there area approximately 50 vehicles involved in carpools, between 7 and 9 walkers and 188 bus riders.

#### **REVIEW OF COMPLIANCE WITH CONDITIONS OF CUZ 78-108 (PA) and BZA CASE 5419**

The following is based on documentation submitted for the file, testimony at the public hearing and staff site visits to the property.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

**STATUS** - In compliance

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

**STATUS** - In compliance

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

**STATUS** - This review offers the opportunity to modify, delete or impose additional conditions if warranted by the review of the record.

4. Prior to the issuance of any permits relative to this matter, an acknowledgment and agreement to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

**STATUS** - In compliance, recorded on May 11, 1998.

5. The maximum floor area for the multipurpose building and parking garage shall not exceed a total floor area of 36,500 square feet. The multipurpose use component of the building shall not exceed a floor area of 13,200 square feet with 335 telescoping bleacher seats. The below grade parking component shall not exceed 23,300 square feet of parking area and shall include a minimum of 67 parking spaces. The height of the building shall not exceed 45 feet, as defined by the Municipal Code. The north wall of the proposed multipurpose space shall be set back 30 feet from the north property line. In addition, the ridge over the multipurpose space shall be lowered 3 feet, from an elevation of 467.0 feet to an elevation of 464.0 feet. The eave line over the north, east and south perimeter walls shall be lowered 2 feet, from an elevation of 453.0 feet to an elevation of 451.0 feet. In addition, the flat roof over the stage area shall be replaced with a continuation of the sloping tile roof typical at the building's perimeter. The applicant shall submit to the Zoning Administrator a revised elevation plan, Exhibit A-1, depicting these changes for inclusion in the file.



**STATUS** - In compliance, exhibits and plans approved by the City are in conformance with the approved plans and specifications.

6. The use of the school's facilities shall be related to the school's educational purposes, its recreational programs and other related activities as authorized under City Plan Case No. 1273. The use of the school's facilities by third party groups or outside parties which are not related to the school's educational and recreational programs and activities shall be prohibited. The use of this campus by students from other Brentwood School campuses shall be limited to functions in which the students of this campus actively and substantially participate. The maximum occupancy of the gymnasium/assembly space within the multipurpose building shall not exceed 385 persons at any time.

**STATUS** - In compliance

7. Filming for commercial purposes shall be prohibited on the school property. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark.

**STATUS** - In compliance

8. The school shall identify a contact person and a 24-hour phone number for neighbors to call with questions or complaints regarding construction of the proposed project. Complaints received from 7 a.m. to 7 p.m. on weekdays shall be responded to within one hour, as feasible. Complaints received during evening hours shall be responded to by 9 a.m. the following morning.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

9. The applicant shall provide a construction schedule to the Brentwood Homeowners Association and to all property owners within a 500-foot radius of the school at least 30 days prior to the commencement of demolition, site excavation and construction activities. Such schedule shall include the contact person identified pursuant to the condition noted above.

**STATUS** - In compliance, schedule submitted to required parties on May 13, 1998.

10. The area of construction shall be screened from view from adjoining properties to the north and west by a 15-foot high temporary construction wall or other barrier. Such construction screening may be decorated with student art selected by the applicant

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

11. Hours of excavation, hauling and all types of construction shall be limited to the period of 7:30 am. to 4:30 p.m., Monday through Friday and excluding holidays.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

12. Construction-related vehicles may arrive at the site no earlier than 7 a.m. so that actual construction can begin by 7:30 a.m. Construction worker vehicles shall exit the property by 5 p.m. This condition does not apply to construction personnel engaged in supervisory, administrative or inspection activities.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

13. Construction personnel and construction-related vehicles shall not park on any residential street in the surrounding neighborhood.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

14. Haul trucks and construction equipment shall be cleaned, watered and/or covered before leaving the property. Any material spilled on the streets immediately adjacent to the subject site shall be removed by the contractor.

**STATUS** - In compliance, haul route approval items relate to this matter also. Condition Nos. 8-20 references construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

15. Construction equipment and trucks shall be staged on the property.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

16. Haul trucks shall queue within the internal campus driveway parallel to Bundy Drive.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

17. A maximum of two visits per day by a catering truck shall be permitted. Such catering trucks shall be accommodated on-site. Catering truck operators shall be instructed not to use their horn or other loud signal.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

18. All excavating and grading activities shall be suspended when sustained wind speeds exceed 25 miles per hour in the excavation area. Primary enforcement of this condition shall be the responsibility of the applicant and the contractor.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

19. The construction area shall be sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.

**STATUS** - In compliance, haul route approval items relate to this matter also. Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

20. Compressors shall have noise suppression features so as to reduce noise impacts on the neighboring residences.

**STATUS** - In compliance, Condition Nos. 8-20 reference construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

21. With the exception of those students, parents and employees residing in the neighborhood immediately north of the school, no vehicles exiting the Bundy Drive driveway shall be permitted to make a northbound right turn on Bundy Drive. In addition, with the exception of those students, parents and employees residing in the neighborhood immediately north of the school, no vehicles exiting the Saltair Avenue driveway shall be permitted to make a northbound left turn on Saltair Avenue. The foregoing restrictions shall be placed on signs that are readily visible to drivers exiting the Bundy Drive and Saltair Avenue driveways. Saltair access may be used by vehicles which have ten or more seats and which are exclusively used to transport the subject school's elementary students.

**STATUS** - In compliance, instructions regarding these restrictions are provided to families. Directional signs restricting turns are posted at the school's exits and staff personnel monitor exit points as required.

22. A second pick up/drop off lane shall be provided at the Bundy Drive parking lot by removing the existing faculty parking spaces so as to improve on-site circulation and provide additional vehicle storage on school premises during the loading and unloading hours so as to minimize the traffic queuing on Bundy Drive and Bonnie Lane.

**STATUS** - In compliance.

23. The applicant shall implement the recommendations of the Los Angeles Department of Transportation as follows:

- a. Bundy Drive - Widen Bundy Drive to the satisfaction of the Department of Transportation and restripe Bundy Drive to provide a two-way left turn lane and a southbound left-turn only lane at Sunset Boulevard. The applicant shall retain and pay the reasonable cost of a street design engineer who will assist the Brentwood Homeowners' Association in obtaining Department of Transportation approval of an acceptable widening design, the goal of which is to avoid or minimize impacts to the west side of Bundy Drive in the form of street widening or parking restrictions while maintaining the existing trees and wall along the east side of Bundy Drive.
- b. Sunset Boulevard east of Saltair Avenue - Participate in the funding of improvements on Sunset Boulevard east of Saltair Avenue to provide a westbound right turn only lane as shown in Drawing "B" dated March 10, 1997. This improvement should improve access from the east to the school site. The preliminary cost of this improvement is estimated at \$67,000. The applicant shall contribute 25 percent of the cost or this improvement (approximately \$16,750), payable to the Department of Transportation, prior to the issuance of any building permit under this approval.

**STATUS** - In compliance.

24. Traffic monitors shall be stationed at each driveway on Bundy Drive on school days from 7:30 a.m. to 8:15 a.m. and 3 p.m. to 4 p.m. to prevent any school related traffic queues or student drop offs/pick ups on the street and to enforce the right turn prohibition from the exiting driveway.

**STATUS** - In compliance, staff including the Assistant Head of School regularly monitor pick-up and drop-off activities including admonishing drivers on and off-site who may not be following the school's directives or may want to park or idle on the street while waiting to pick up children.

25. All vehicles transporting children to and from the school shall load and unload children on-site. All vehicles carrying students, parents, faculty, staff, guests or other persons having business with the school shall be prohibited from parking or queuing

on surrounding residential streets at any time. The school shall inform parents, students, faculty and staff of all rules regulating school traffic and parking and the school shall discipline students, parents, faculty and staff who violate them.

**STATUS** - In compliance, the school has aggressively pursued informing and requiring that parents observe the rules regarding driving to and from school. Communication to parents and follow-through appears to be an integral component of the school's efforts to insure that parents are reminded of the conditional use requirements and of their responsibilities. Sample copies of communications to parents on this matter are included in the file.

26. Student pick-ups in the afternoon shall be staggered over the 3:10 p.m. to 4 p.m. time period. At the time of issuance of a temporary or final Certificate of Occupancy, whichever comes first, for the multipurpose building, the applicant shall request the Department of Transportation to determine whether it is necessary in order to avoid a substantial adverse impact on the flow of traffic along Bundy Drive in the morning, for the school to stagger student drop off in the morning over the 7:30 a.m. to 8:15 a.m. time period. The applicant shall then abide and implement such staggering if recommended by the Department of Transportation.

**STATUS** - Afternoon student pick-ups are staggered with bus pick-up being given priority. Students enrolled in the bus program are dismissed before carpools arrive. According to testimony, busses leave by 3:20 p.m. Between 3:20 and 3:35 p.m. carpool students are picked up. In past years, according to the school's staff, the carpool pick-up hour extended to 4 p.m. but that has been reduced due to the high number of students that utilize busses as a means of transportation. The school has voluntarily extended its morning drop-off to begin at 7:20 a.m and has extended it through 8:15 a.m., so no request to the Department of Transportation was necessary. Since busses drop off at the Saltair Avenue, less traffic uses Bundy Drive in the morning and there is a longer window for morning drop-off period that minimizes potential traffic back up.

27. The applicant shall continue its carpool program as part of the school's traffic management program. Such carpool program shall achieve an average vehicle ridership (AVR) of 2.2 Brentwood School West Campus students per vehicle in the morning at the beginning of the Fall semester of 1997 and shall achieve an AVR of 2.5 Brentwood School West Campus students per vehicle in the morning at the beginning of the Fall semester of 1998. A record shall be kept of the school's compliance in this regard in terms of average student ridership per vehicle that has been achieved. Such records shall be provided to the Zoning Administrator for inclusion in the file, to the Department of Transportation and to the Brentwood Homeowners' Association prior to the end of each school year. In addition, vehicle counts shall be made once each school semester by an independent traffic counting company retained by the school to count the number of vehicles entering the school between 7:30 a.m. and 9:30 a.m. on a normal school day. Prior to the conducting of the vehicle counts, the applicant and the traffic counting company shall consult with the Department of Transportation to establish criteria and appropriate school days when such counting shall take place. Such vehicle counts shall be provided to the

Department of Transportation and made available upon request for review to representatives of the Brentwood Homeowner's Association.

**STATUS** - This condition required an ultimate target AVR of 2.5 riders per vehicle for the school. Under a dedicated carpool and bus program, the school has surpassed the AVR of 2.5 and attained an AVR of 3 riders per vehicle. An AVR of 3 is considered a significant achievement, particularly for an elementary school. Records show that in 1998, there were five busses available and that the AVR was 2.52. There are 11 busses as of 2005 with 188 out of 299 students enrolled in the bus program. While on any given day, not everyone may use the bus, the most recent vehicle count conducted in November, 2005, indicated that an AVR of 3 was attained, which was the highest AVR registered by the school. In 2004, the AVR attained was 2.82 which still exceeded the required AVR of 2.5.

28. Parking facilities on the school's property shall not be used by third party organizations unless those parties are visiting the school for school related purposes.

**STATUS** - In compliance.

29. If an event at the school is expected to attract more than 100 vehicles, off-site parking shall be provided at the Brentwood School Upper Campus and/or other appropriate locations and those persons attending the event shall be instructed to park in such off-site parking locations. A shuttle system shall be used between the off-site parking areas and the school property. Shuttles using the Bundy side of the school's property shall drop off riders on-site. Shuttle vehicles shall be of a capacity which would facilitate the transportation of persons to and from the school so that time waiting for such vehicles is minimized and so that the use of shuttles is maximized. Parents, students and visitors shall be instructed to park within these designated off-site areas and to use the shuttle system. The school shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff and faculty at a known specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject school campus or other off-site parking locations and being turned away due to the capacity of such parking areas having reached their maximum.

**STATUS** - The school's administrative staff indicates that due to the staggering of events, the need for a shuttle system has not been necessary.

30. The applicant shall provide traffic monitors to direct traffic during all events taking place at the school that attract or are expected to attract more than 50 vehicles. A monitor shall be posted at the exit driveway at all such events to prevent unauthorized vehicles from turning northward, a monitor shall be posted at the entrance driveway at all such events that are expected to attract more than 70 vehicles, and additional monitors shall be posted as needed to enforce the foregoing applicable traffic and parking restrictions during such events.

**STATUS** - In compliance.

31. The applicant shall designate a contact person and telephone number to facilitate communication between school administration and neighborhood residents. The contact person shall meet at reasonable times with representatives of the neighbors and/or neighborhood association, at their request, to resolve neighborhood complaints regarding the subject project.

**STATUS** - The school's Assistant Head of School serves in this capacity.

32. The perimeter gates at the Bundy Drive and Saltair Avenue driveways are to be closed except during drop off and pick up of students, during school events and for use by anyone doing business at the school.

**STATUS** - In compliance.

33. There shall be no use of exterior school bells or other amplified sound during the school's normal daily operations. Exterior amplified sound may be used in connection with: a) up to 8 daytime and 6 evening events per 12-month period; and, b) musical instruments used by members of the school's band or orchestra, provided that rock bands shall be prohibited from playing outdoors on the school's property. All exterior amplified sound shall be oriented away from adjacent residential areas and shall not begin before 10 a.m. or continue beyond 5 p.m., except in connection with such 6 evening events at which such sound shall not continue beyond 9:30 p.m. The permissible cumulative duration of such exterior amplified sound shall be as follows:

- a. For the 8 daytime events:
- i. 3 events with duration of up to 1/2 hour
  - ii. 4 events with duration of up to 1 hour
  - iii. 1 event with a duration of up to 1-1/2 hours
- b. For the 6 evening events:
- i. 5 events with a duration of up to 1/2 hour
  - ii. 1 event with a duration of up to 1 hour

**STATUS** - In compliance. A copy of the most recent school events calendar for the 2005-2006 year indicates that the activities with amplified sound include four daytime and one evening event which is well below the permitted maximum.

34. With the exception of a Code-required smoke evacuation fan on the north roof over the stage, rooftop HVAC equipment shall be set into wells located on the eastern portion of the roof and mounted on seismic spring isolators to minimize noise and vibration transmission resulting from the operation of this equipment.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

35. The garage exhaust fan shall be located within an enclosure inside the garage. The garage exhaust system shall be equipped with a carbon monoxide detection system designed to operate the exhaust fan only when needed to vent carbon monoxide buildup within the garage.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

36. The school shall implement all mitigation measures applicable to mechanical equipment recommended by Paul S. Veneklasen & Associates in its letter dated April 11, 1997 to Parallax Architects, including installing the type and number of HVAC units that will minimize the noise generated by such units. Such letter shall be submitted to the Zoning Administrator for inclusion in the file. The noise level generated by the HVAC units and the garage exhaust system of the multipurpose building shall be no greater than 55 dBA at the property line during the day (7 a.m. to 10 p.m.). The HVAC units shall not be operated before 7:30 a.m. or after 5 p.m. on any weekday or at all on any weekend day or holiday except in connection with a school-related function in the multipurpose building, and in no event shall the HVAC units be operated before 7 a.m. or after 10 p.m. on any day. The HVAC units will be designed with sufficient flexibility to allow noise levels to be reduced before 9 a.m. and after 8 p.m. should the noise levels from such units exceed 50 dBA at the nearest residence before 9 a.m. or 45 dBA at the nearest residence after 8 p.m.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction. In addition, it was noted that the HVACs were installed on vibration isolators under the guidance of a consultant.

37. The garage exhaust system vent shall be located a minimum of 50 feet from the Bundy Drive property line.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

38. The school shall be limited during any 12-month period to not more than 34 events after normal school hours (i.e., 8 a.m. to 5 p.m. on school days) or on weekends or holidays that are expected to attract more than 50 vehicles to the campus. Such events that continue beyond 8 p.m. or that are held on weekends or holidays shall be scheduled and the schedule shall be given to the Brentwood Homeowners Association at the beginning of each semester. If such event is not scheduled because it is unpredictable, then 30 days written notice shall be given prior to the event. If 30 days notice is not feasible because there is a sudden opportunity or an urgent situation, the school shall be given the longest possible notice so the neighbors will be aware of the events.



**STATUS** - The most recent calendar of events for the 2005-2006 school year identifies 24 events planned of the 34 permitted. The school staff indicates that rather than forwarding the calendar to the Brentwood Homeowners Association (BHA), the calendar of events is posted on the school's website. The Assistant Head of School indicated that the school meets with the BHA twice per year and that the most recent meeting had been two weeks prior to the instant public hearing, at which time the upcoming hearing was discussed.

39. All activities and events taking place in the multipurpose building shall conclude no later than 10 p.m. "Conclude" shall mean that all people (other than administrative, janitorial or security personnel) shall vacate the building and all lights shall be turned off except for security and safety lights.

**STATUS** - In compliance.

40. No outdoor lights shall be installed or used for any events, except for lighting for security, safety and low illumination (such as at dining tables) purposes.

**STATUS** - In compliance.

41. A minimum of 94 parking spaces shall be maintained on the subject property.

**STATUS** - In compliance.

42. The project shall comply with all the mitigation measures listed in the environmental clearance Case No. MND 96-0387-CUZ(PLA) and as amended by memorandum dated April 21, 1997 attached to the file and summarized below, unless otherwise noted.

- a. Water conservation - Incorporation of water conservation measures, including compliance with Ordinance No. 163,532.
- b. Wall (Parking) - Construction of a 6-foot wall adjacent a surface parking lot which is adjacent to a residence if no such wall exists
- c. Illumination - Shielding of outdoor lighting from any adjacent residential properties.
- d. Traffic - Implementation of the Department of Transportation's mitigation measures or as modified by Condition No. 21 of this grant.
- e. Energy - Incorporation of feasible energy conservation measures
- f. Landscaping - Preparation of a landscape and automatic irrigation plan. Additional landscaping measures have been volunteered by the applicant under Condition No. 43.

- g. Landscaping (Surface Parking) - Provide one tree for every four surface parking spaces. Trees for existing parking areas may be dispersed around the perimeter of the parking area so as to shade the surface parking area.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

43. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped within two months after the issuance of a certificate of occupancy for the multipurpose building and shall be maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department. The school shall use its best efforts to retain the existing oak trees along Bundy Drive. Any oak trees that must be removed shall be replaced on a 2 for 1 basis. Additional landscaping shall be planted on the west side of the building along Bundy Drive to compliment existing landscaping and partially screen the multipurpose building. In addition, the school shall replace each mature tree removed in connection with the construction of the multipurpose building, with at least a 60-inch boxed tree. All new trees on the north and west side of the multipurpose building shall be 60-inch boxed trees. In that connection, the school shall use commercially reasonable efforts, working with a tree expert, to preserve or relocate as many of the mature trees as possible that are affected by construction of the multipurpose building. Landscaping of sufficient extent and density at maturity to screen the multipurpose building from view from adjacent property on the north shall be planted on the north side of the building.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

44. The area of the 30-foot wide setback between the northerly property line and the north wall of the multipurpose building extending from the northeast corner of the building to the west property line along Bundy Drive, shall remain at all times a landscaped area and no other use shall be made thereof.

**STATUS** - In compliance.

45. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit plot plans to the Fire Department for review and approval. Hydrants and sprinklers may be required after review of the plot plans.

**STATUS** - In compliance. References construction-related activities which were implemented at the time of approval of plans, issuance of building permits and actual construction as monitored and carried out by Parallax Associates (architect) and Del Amo Construction.

46. All graffiti on the site shall be removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

**STATUS** - In compliance.

47. Within two years of the issuance of a temporary or final, whichever comes first, Certificate of Occupancy for the multipurpose building, the applicant shall file a Plan Approval application and associated fees with notice to all property owners and tenants within 500 feet of the subject property. The matter shall be set for public hearing. The application shall be filed and accepted as complete no earlier than the 21st month or later than the 23rd month after the issuance of such Certificate of Occupancy. Failure to submit a completed application within the above time period constitutes a violation of the subject conditions and could result in the initiation of permit revocation proceedings. The purpose of the plan approval will be to review the effectiveness of, and the applicant's compliance with the conditions of this grant, including the effectiveness of the carpool program, the management of circulation impacts associated with special events and any potential noise impacts of the HVAC units on the surrounding residences. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new conditions as appropriate and require a subsequent plan approval review, as necessary.

**STATUS** - The Certificate of Occupancy was issued in March, 2000 and the plan approval review was due in 2002. The applicant did not file the plan approval until 2005. However, the primary conditions of operation and those major components identified as review items in the plan approval addressing the initiation of a carpool program, special event traffic and HVAC installation have been diligently implemented and monitored since the issuance of the Certificate of Occupancy.

48. All other conditions of Case Nos. CUZ 78-108 and CPC 1273 ZA shall remain in effect unless modified herein. No change in the maximum enrollment of 300 students is authorized by any action herein.

**STATUS** - In compliance.

### **FINDINGS**

The subject request entails a mandatory review of compliance with conditions required under a prior approval associated with the construction of a multipurpose building and parking garage. Most of the original conditions imposed on the use had been jointly drafted with the input of neighbors, including the Brentwood Homeowners Association, the Council Office and the applicant.

A review of the testimony, correspondence and the applicant's submittal of documentation and investigative staff's visit to the school indicates that there has been compliance with the conditions imposed under the original grant. Many of these conditions related directly to the construction activities and to the design of the multipurpose building. Others relate to ongoing operational conditions that the school must continue to observe.

Notification of the public hearing on this matter was sent to approximately 200 property owners and occupants residing within 500 feet of the school. It is significant to note that except for one letter expressing concerns over the traffic, there was no other public testimony or correspondence identifying any areas where the operation of the school has been negligent or operated outside of the boundaries established by the last action.

The school's pursuit of an aggressive program to increase ridership in carpools and in busses is to be commended. The school surpassed the required AVR of 2.5 in 2004 and 2005. This is a significant accomplishment given that many schools, particularly elementary schools, have difficulty promoting a program that attains such ridership. It is clear that the school continues to pursue increased participation in a bus and carpool program to reduce the vehicles arriving at the school. The bus program has been increased every year. According to the school administrators, there are 188 students enrolled in the bus program. While on a daily basis there may be fluctuations as to actual ridership, the fact remains that this is a high number of students out of a permitted enrollment of 300 students that has committed to participate in the program.

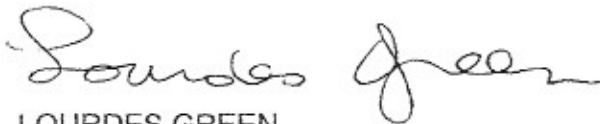
Traffic circulation around schools, particularly at drop-off and pick-up hours, is a problem that is not uncommon and one that can be aggravated by the nature of the surrounding streets. Although such a condition is typically temporary, traffic queuing has been identified as a primary concern by a school neighbor. The effort to continue to move traffic efficiently is a situation that is readily acknowledged by the school administrators and one that is also forcefully monitored by its staff. The school has been diligent in trying to mitigate traffic impacts and to keep the traffic flowing by placing monitors not only as required by the conditions at the school's driveways but also by having them patrol the streets, including Bowling Green Way and Bonny Lane. As noted in testimony, with the increased ridership the window for pick-up has been reduced by about twenty minutes.

The video submitted by the school showed traffic that kept moving during the afternoon pick up hours. Undoubtedly, there will be situations where a back-up may occur. It is a delicate balance that must be maintained which is compromised further by illegally parked cars on Bundy Drive as well as those which are parked legally on a narrow street such as Bonny Lane. The school has established a carpool route which is also followed by non carpool drivers. This specific route is not mandated by the conditions of the prior action. It may be somewhat affected by the right turn restrictions out of the school on Bundy Drive but the flexibility to pick a route rests with the school's administration. This flexibility affords the school an opportunity to evaluate the effectiveness of the route and also to deviate from it, as necessary, without the need to seek amendments to the conditional use permit. However, it appears that the pick-up and drop-off route has not been altered since its initiation. It would be of merit for the school to test alternative routes on an experimental and limited basis within the limits of the applicable conditions. The school administration may consider: different routes for carpool and non carpool drivers; using Bundy Drive for access from Sunset Boulevard for certain drivers; using Saltair Avenue in the afternoon for bus pick-up as this is not prohibited by any condition. Notwithstanding these suggested modifications and steps, it is important to recognize that overall the school's operation has been in compliance with the conditions of the prior approval. The school continues to implement measures to surpass the threshold established in the prior conditions, specifically as these relate to ridership requirements. The absence of any other written or verbal testimony from most directly affected neighbors to the contrary reflects a positive

track record associated with the school's operation. As such the school has been determined to have been conducted in compliance with the conditions established by the last action. No additional review is required although the City reserves the right to require a review with a hearing if so warranted by the operation of the school.

#### ADDITIONAL MANDATORY FINDINGS

1. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
2. On July 24, 2003, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV 2003-5083-CE, for a Categorical Exemption, Class 5, Category 23, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.
3. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



LOURDES GREEN  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-1313

LG:Imc

cc: Councilmember Bill Rosendahl  
Eleventh District  
Adjoining Property Owners  
County Assessor

