

Board Informative 1: Zoning and Site Issues at MSA-1 Reseda Campus

Date: October 9, 2017

Please refer to attached aerial view of the campus. The MSA-1 campus consists of four separate parcels: (1) the existing building at 18238 Sherman Way; (2) the adjacent parking lot; (3) the new building site at 18220 Sherman Way; and (4) the adjacent parking lot. Development of the new high school building has revealed a number of zoning and site issues that must be addressed.

The MSA-1 campus has operated under a series of Zoning Variances issued by the City of Los Angeles. Zoning variances are legally binding documents that govern the use of the property as a school. MSA-1 is required to comply with the terms of a zoning variance or is subject to enforcement actions by the City, which can range up to ordering that the property not be used as a school. The main cause of a zoning variance for this site is the use of a portion of the parking lot (which is zone exclusively for parking) as a food service area for the students. Zoning variances are temporary, not permanent solutions.

The most recent zoning variance, ZA 2014-0995(ZV) controls the use of the property housing the existing school including the recently acquired parcels planned for the high school. The zoning variance imposed a long list of operational restrictions and requirements such as requiring signage and locating the food service area away from residential neighbors. MSA-1 has substantially complied with these operational requirements.

However, the zoning variance also imposed several physical development requirements that have not been fulfilled:

- A requirement to re-stripe the parking lot to provide 91 parking slots to serve the school after the school created the food service area.
- A requirement to submit and obtain City approval of a traffic plan for the alley and parking lot and then make improvements defined by that plan.
- A requirement to "repair" the drainage issue at the rear of the site.
- A requirement to submit plans and get City approval to landscape the rear 16 foot wide strip of the property that serves as a drainage swale, and then to landscape and maintain that landscaping.

This has now become an urgent issue because the City of Los Angeles will not approve building permits for the new high school building until these outstanding issues are addressed. It may not be practical or even possible to comply. For example, the current zoning variance did not anticipate the parcel purchase and development of the new high school building and conversion of the existing building to a middle school. Development of the high school has actually reduced parking from 91 slots to less than 50 slots; it would be a waste to build more parking than is necessary for the school. For example, the zoning variance anticipated that there was a drain line that could be restored to fix the drainage problem; no such line exists. Addressing drainage will require an engineered solution that requires City approval.

The current building design also did not address these issues. For example, the site plan has addressed parking for the high school alone and ignored the balance of the site or the impact of the high school on the existing building: by removing the existing gymnasium and converting the existing classroom building to a middle school, parking demand is reduced from 91 to approximately 20 parking slots. The current design has also ignored the landscaping issue and site drainage issue.

It is unlikely that final building permit approvals can be obtained without first securing another zoning variance that addresses both the current buildout of the site and future development such as a multipurpose building. Obtaining zoning variances requires special expertise. Staff recommends using a zoning consultant to provide these services. (Please refer to Board Informative 2 – Zoning Consultant Selection.) Although the zoning variances sought are actually relatively minor, the administrative process of the City of Los Angeles is notoriously slow and fickle. Any undue delay in resolving these issues will extend the completion of the new building even further past the original schedule goal of Fall 2018.

It also makes no sense to proceed with a zoning variance that does not consider a future third building on campus. This building may not be built for some time, but zoning should be cleared for its future development now and so that the rest of the site can be designed now to accommodate that building and avoid tearing out and redoing development at a future date. Also, the only way to remove the primary cause of a perpetual zoning variance is to move food service indoors. Staff is seeking Board discussion and direction on a possible third building in the near future. If directed by the Board, staff will pursue a Conditional Use Permit to formally allow the development of the third building without further zoning issues. (Please refer to Board Informative 4 - Site Master Planning.)

In the meantime, staff will use the current architect to develop a comprehensive site plan that can be used to support the new variance process, revise the parking lot to accommodate entire campus parking needs, and to develop landscape and drainage

plans for the entire site. This will require a change order to the current architect's contract.

Staff will also approach City Planning staff to attempt to find an interim solution that will allow the high school building to proceed.

Action: this Board Informative is intended solely to brief the Board; no action is requested.

Attachments:

- Aerial view of MSA-1
- ZA 2014-995 (Most current zoning variance)
- ZA 2014-995 Site Plan (Showing required striping plan)
- ZA 2008-748
- ZA 2008 – 748 Site Plan
- ZA 2005-3787
- ZA 2005-3787 Site Plan

2017-10-09 MSA-1 Current Site Issues

This area floods -
MSA obligated to
fix drainage - not
done

The "Cage" - Outdoor
Dining Area

MSA obligated to
strip for 91 slots per
approved plan (not
done)

MSA parking boundary
- not separated from
neighbor parking lots

Alley must be
kept open

Existing
Building
26,251 sf

New High School
25,163 SF

CRA parcel - building
demolished, future
uncertain.

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
LOURDES GREEN
THEODORE L. IRVING
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318

FAX: (213) 978-1334

www.planning.lacity.org

July 6, 2015

Dr. Mehmet Argin (A)(O)
Magnolia Science Academy
13950 Milton Avenue, Suite 200 B
Westminster, CA 92683

Robert B Lamishaw (R)
JPL Zoning Services
6257 Van Nuys Boulevard
Van Nuys, CA 91401

CASE NO. ZA 2014-0995(ZV)
ZONE VARIANCE
18238 West Sherman Way
Reseda-West Van Nuys Planning Area
Zone : [Q]C2-1L-CDO, [Q]P-1L-CDO
D. M. : 183B125
C. D. : 3
CEQA : ENV 2005-3788-MND-REC2
Legal Description: Lots 1 and 2 Arb 2,
Lot 5 Arb 2, Tract 17598 and Lots 1 and
10, Tract 21799

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a variance from Section 12.12.1-A of the Code to permit the continued use and maintenance of a portion of a [Q]P1-1L-CDO zoned parking area to be used for student lunch, recreation and drop-off/pick-up area incidental to a LAUSD Charter School,

upon the following additional terms and conditions:

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. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. No parking variance has been requested nor granted for a reduction in the required number of parking (91 spaces) established for the school use and associated gym facility.
8. Use of this school area in the P Zone is prohibited during Saturday or Sunday by the applicant or by any other party. The area shall be fenced and locked when not in use.
9. The enclosed lunch area shall be located closer to the alley than to the abutting residential uses.
10. Morning drop-off activities shall be generally limited to the hours between 7 a.m. and 8:15 a.m. During this period, children may have breakfast in the designated eating area and passive activities shall be encouraged. Lunch, social and playing activities within the parking area shall be generally conducted between 11:30 a.m. and 1:30 p.m. Pick-up activities shall extend from generally 2:15 p.m. to 5 p.m.
11. At all times that children are present in the parking lot area, in addition to school staff, there shall be a security guard present to escort children to the school and back and to insure their safety when crossing the alley.
12. Parking signs shall be posted along the perimeter of the school-required parking area noting that parking is reserved for the school and that there are school children in this area.
13. The applicant shall post signs within the lunch area reminding students and parents to be respectful of noise impacts on neighbor's peace and quiet.
14. Signage shall be conspicuously posted in the student drop-off and pick-up area outdoor notifying students, parents and guardians to be mindful of the peace and

quiet of the adjacent residential neighborhood, with a message to the following effect:

QUIET ZONE

At all times please respect our surrounding neighbors! Refrain from any loud conversation or shouting, playing any loud music, using car horns or any other disruptive behavior.

Vehicles must exit this area immediately in an orderly and quiet manner upon drop-off or pick-up of students.

15. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located. No amplified music or loud non-amplified music is permitted outside.
16. All student outdoor activities shall take place within the approved fence area.
17. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
18. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be buffered and/or enclosed by a solid masonry wall so as not to result in noise, odor or debris impacts on any adjacent residential uses.

The School operator shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
19. The life of this grant shall be 10 years from the approval date, or earlier if the school relocates to another site before such date. At such time, the fencing shall be removed and the parking lot restored to its original use.
20. If at any time should documented evidence be submitted showing continued violation(s) of any Condition(s) of this grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the applicant/owner to file immediately for a plan approval application together with the associated fees to hold a public hearing to review compliance with and the efficacy of the Conditions of the grant. The applicant shall prepare a radius map and cause a notification to be mailed to: all owners and occupants of properties within a 500-foot radius of the property; the applicable Council District Office and corresponding representative Neighborhood Council(s); and the corresponding Division of the Los Angeles Police Department. The applicant shall also submit a summary and supporting documentation of how compliance with each Condition of the grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete Conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

21. The school administration shall participate in holding semi-annual meetings, possibly coordinated or facilitated by the local Neighborhood Council, to discuss any major issues of concern to the surrounding neighborhood related to the school's use of the parking lot.
 - a. The school administration shall either provide a minimum 10-day advance written notification of such meetings to residents within 100 feet of the property, or provide an annual calendar of scheduled meeting dates, time and location to the same residents.
 - b. The school administration shall investigate and respond promptly to any complaints, and maintain an annual summary report of the meetings along with a log of any calls and responses in the event that the Office of Zoning Administration, the Department of Building and Safety or other law enforcement agency requests such annual report or log for review.
22. The school is allowed to hold five special events per calendar year. Special events may take place outside on the parking lot, but events shall not include carnival types of activities with mechanical rides. The school administrator shall provide a minimum 2-week advance written notification of any special events to abutting residents.
23. The school administrator shall set up a complaint hot line phone number to address any site maintenance and operational nuisance issues. The number shall be posted at the school entries, and be provided to the immediate neighbors, and local neighborhood council groups.
24. Loitering on or around the premises under the control of the school is prohibited. School administrators shall contact Los Angeles Police Department of any suspicious activities taking place in the parking lot during school operational hours.
25. The school management shall commence the drainage repair work within a year from the approval date of this grant and complete the repair within two years from the approval date. Council Office may be contacted to facilitate communication and coordination with abutting parking lot owners to address the drainage repair.
26. A landscape plan prepared by licensed landscape professional shall be submitted to the Planning Department prior to any permit issuance showing a 16-foot wide landscape buffer at the most southerly portion of the parking lot abutting to the single family properties. Landscape shall have routine maintenance including any brush clearance.
27. No overnight parking or camping allowed in the parking lot except vehicles owned by the school personnel or affiliated with school events.
28. All conditions enumerated in Environmental Clearance Case No. ENV 2005-3788-MND (listed below) shall be considered conditions of this grant.

a. Safety Hazards

The applicant shall submit a parking and driveway plan that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

b. Utilities (Solid Waste)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

30. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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 three 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.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that this variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JULY 21, 2015, 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 <http://planning.lacity.org>.** Public offices are located at:

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

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

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

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 statements made at the public hearing on June 12, 2015, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a

variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The property, comprised of three lots and bifurcated by an east-west through alley, is a level, rectangular-shaped, interior, 47,297 square-foot parcel of land with a frontage of 113 feet on the south side of Sherman Way. The property has an even width of 113 feet and an even depth (exclusive of the alley right-of-way) of 426 feet. The alley right-of-way separates the [Q]C2-1L-CDO zoned portion of the property to the north from the [Q]P-1L-CDO zoned portion of the property to the south.

The property is developed with a two-story commercial building fronting on Sherman Way used as a school (Magnolia Science Academy) and an adjoining one-story commercial building used as a gymnasium with a large surface parking lot at the rear. Vehicle ingress and egress is via the alley, which accesses Etiwanda Avenue to the west and Lindley Avenue to the east.

The property is located within the Reseda-West Van Nuys Community Plan Area, the Reseda Central Business District Community Design Overlay Zone, the Reseda Central business District Streetscape Plan, the Reseda Village Merchant Business Improvement District, an Airport Hazard Horizontal Surface Area, and is within 10 kilometers of the nearest known fault (Northridge Fault).

The north, east and west adjoining properties are zoned [Q]C2-1L-CDO and [Q]P-1L-CDO and developed with one- and two-story commercial buildings. The adjoining property to the east is developed with the subject school's gymnasium and a vacant commercial building. The western adjoining property is developed with JAM – the Joining All Movement Center. The north abutting properties, across Sherman Way, consist of a shopping center with a CVS and Jon's Grocery Store. The southern adjoining properties are zoned R1-1 and are developed with single-family dwellings.

Sherman Way is a Scenic Major Highway Class II improved to a width of 100 feet with asphalt roadway, landscaped median, concrete curb, gutter, and sidewalk.

Alley, bisecting the property, is an alleyway improved to a width of 20 feet, with asphalt roadway and concrete centerline gutter.

Previous zoning related actions on the site include:

Case No. ZA 2008-0748(ZV) – On September 10, 2008, the Zoning Administrator approved a variance to permit the continued use and maintenance of a portion of a [Q]P1-1L zoned parking area to be used for student lunch, recreation, and drop-off/pick-up incidental to a LAUSD Charter School. The grant expired July 31, 2012.

Case No. ZA 2005-3787(ZV) – On December 1, 2005, the Zoning Administrator approved a variance to allow the continued use and maintenance of a student drop-off and pick-up, lunch and playground area located in the P-1L Zone in conjunction

with an existing charter school located in the [Q]C2 Zone with 15 conditions and a expiration date of January 1, 2008.

Order to Comply Case No. 181746 – On October 13, 2006, the Department of Building and Safety issued an Order to Comply for the following violations of Zoning Administrator Case No. ZA 2005-3787(ZV): failure to provide the required 91 parking spaces for school use and gym facility; failure to provide a security guard at all times when children are present; failure to provide required signs; failure to post required signs within the play area; failure to submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation. Case was closed on August 19, 2009 because the school was now operating under a new zone variance and since the orders were for an expired ZV, order was closed.

Ordinance Nos. 176,557 and 176,558 – Effective on May 2, 2005, establishing the Reseda Central Business District Community Design Overlay District, repealing the Reseda Central Business District Specific Plan, and resulting in zone changes imposing the addition of the "CDO" Zone suffix and "Q" conditions. The "Q" conditions regulate auto-related uses, ground-level residential uses, development of store frontages, parking buildings, and signage and prohibit new auto-related uses, open storage, and shelters for the homeless. The conditions also limit commercial development to a maximum height of 45 feet. (CPC 2002-1263-CDO-ZC-MS)

PUBLIC HEARING

On May 19, 2015, notices for public hearing were mailed to owners/occupants within a 500-foot radius of the site. The public notice was posted at the subject site on May 28, 2015. A public hearing was conducted by Associate Zoning Administrator, Jack Chiang, on June 12, 2015 in the Marvin Braude San Fernando Valley Constituent Services Center.

The applicant and the applicant's representative were able to testify that the project is a request for a variance to allow a student lunch, recreation, and drop-off/pick-up area for Magnolia Charter School in a [Q]P1-1L zoned parking area. The applicant's representative, Mr. Robert Lamishaw, stated that the Charter School was established in 2002 and is a highly rated school in the State. The School itself is a by-right use located in the C2 Zone, but the parking area is in an antiquated P (Parking) Zone which City does not employ in current land use and zoning designations. The School has an enrollment of 520 students from sixth to twelfth grade with operating hours from 7:30 a.m. to 3:00 p.m. Monday to Friday. There is no public paging system or loud outdoor music playing during the activity time, and the school is closed during in the weekends. The requested student lunch and recreation area in the parking lot will be used for two 15-minute breaks, one in the morning and one in the afternoon in addition to one hour lunch at noon. After school pick up is between 3:00 p.m. to 6:00 p.m. The applicant is also requesting a longer term grant as the fund to renew subsequent variances can be best applied to books and educational equipment.

There were three interested parties aside from the applicant who attended the public hearing, all of whom spoke.

David Reames, an abutting property owner.

- Not against the School.
- Concerned with the noise, trash, pollution, fire hazard, security at night, and loud speaker of special events.
- A storm drainage problem in the parking lot which damaged his property and landscape. The problem cause a deep pool of water accumulates across several properties in the parking lot after each rain. The water also remains undrained over a long period of time which becomes mosquito breeding pool and may cause serious health issues.

Billie Jean Krumrey, a local resident.

- Concerned about the parking drainage problem.
- Concerned about the safety of students as the parking lot is not best suitable for recreation and lunch use.

Dr. John Foroutan, a local business person.

- There should be a better location for the school to operate.
- Concerned about the increasing gang activities and students' well-being.
- Concerned about the traffic safety during the drop-off and pick-up.

Frank Gonzales, a Magnolia School administrator.

- Mangolia School is in an urban setting for kids who live in the area. It is the best choice for kids and families that do not have many resources.
- The school has on-site adult supervisors at all time during the operational hours.
- The school will coordinate with the Council Office about the drainage repair and its construction.

Andrew Pennington of Council District No. 3 stated that the Council Office acknowledged neighbors' concerns, and requesting mitigations of noise and trash impacts. Some of the issue may be resolved with dialog between the school and abutting neighbors and the Office encourages communication between the two. The Office has met with the Bureau of Engineering to address the drainage issue. However, the parking lot properties are not City owned properties therefore the School will need to privately repair the drainage line.

After the interested parties made their comments, the applicant's representative Mr. Robert Lamishaw responded that Magnolia School management was well aware of the drainage problem, but the school was only a lessee of the parking lot who did not have the ownership over the property to address the issue. The school will now repair the parking lot drainage system as it recently purchased the parking lot property. The school also has a full time custodian who maintains the school site during the operational hours. There are trashes traveled from other properties, but the School will do its best to clean up its own property. The school only held one special event in a year, and the school management will notify abutting owners in advance.

After the closing of the public comment period, the Zoning Administrator stated that he will amend a complaint hot-line condition for the neighbors to call in the event that nuisance occurs, a Plan Approval condition in case there are sufficient nuisance, a drainage repair condition, a landscape condition, a special event condition, and a trash removal condition. The applicant agreed to all amended conditions.

COMMUNICATION RECEIVED

The Zoning Administrator has received a letter from Mr. David Reames, an abutting resident of the school. The letter reiterates what Mr. Reames said in the public hearing in regards to the concerns of noise, trash, pollution, fire hazard, lack of security at night, loud speaker of special events, and storm drain problems. The letter also provides suggestions to mitigate impacts.

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The applicant has requested a variance from LAMC Section 12.12.1-A to permit the continued use and maintenance of a portion of a [Q]P-1L zoned parking area to be used for student lunch, recreation, and drop off/pick up, incidental to an existing LAUSD Charter School (Magnolia Science Academy). The school has operated at the site since 2003. Zoning regulations restrict certain uses in various zones in order to provide compatibility and protect neighboring uses. These regulations are written on a citywide basis and cannot take into account individual unique characteristics which a specific parcel may have. The unique location of a school within a commercial development that was not designed for such use has limited the student population's access to outdoor recreation and lunch time activities. According to the applicant:

Given the availability of a generous sized parking lot, denial of the request would limit the ability of the school to provide a more optimum environment for students that is otherwise restricted by the split zoning pattern and limited on-site space."

Granting of the variance would allow the school to continue the use while maintaining conditions that minimize impacts to the surrounding community, including the condition to locate the facility closer to the alley than abutting residential uses and the requirement to have a security guard present at the site at all times that children are present in the parking area.

In consideration of all of the above, the code's desire to achieve compatibility between uses and to protect neighboring properties, and the applicant's desire to maintain the continued use of the student lunch, recreation, drop-off/pick-up area in the P Zone can be permitted to continue in a manner that is consistent with the purpose and intent of the zoning regulations. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

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.**

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. The site has converted a commercial building into a charter school. According to the applicant, the requested variance is a result of a building designed for commercial purposes and not for school needs.

Surrounding properties are zoned [Q]C2-1L-CDO, [Q]P-1L-CDO and are developed with various commercial buildings and surface parking. There are single-family and multi-family residential uses to the south abutting the P zoned property. The special circumstance that is applicable to the subject property is that the use has been permitted since 2005. During staff's site visit on June 5, 2015, a condition compliance review revealed substantial compliance with the terms of the 2008 grant. The use of the P Zone for student lunch, recreation, drop-off/pick-up is limited to morning drop off (7 a.m. to 8:15 a.m.), lunch activities (11:30 a.m. to 1:30 p.m.), and pick-up activities (2:15 p.m. to 5 p.m.). The use is not permitted during the weekend. Signage is present to remind students and parents to respect the neighbors. Based on these factors, the request is reasonable as it would allow for the continuation of a use that provides a great utility for the existing LAUSD Charter School.

3. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The proposed variance is to allow the continued operation and use of the outdoor student lunch, recreation, and drop-off/pick-up area in the P Zone is necessary for the preservation and enjoyment of a use that is possessed by other properties throughout the City. The applicant states that the variance is necessary for the following reason as submitted on the application and in the public hearing:

The variance will allow the school to operate with some of the amenities that are afforded and expected in other schools. Magnolia School was established in 2002 and it has been a top quality school. It provides top

quality education to kids resides in lesser affluent communities with few school options. The school is in an urban setting and both the school personnel and students make the best out of what they have.

In considering that Magnolia School has a satisfactory track record of maintaining a lunch area in the subject parking lot for the past ten years from 2005, and the school is a charter school without a facility designed for a school use. This constitutes a continual use in a property with a practical difficulties.

Therefore, for the reasons cited above, the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possess by other property in the same zone and vicinity but which, because of the special circumstances, practical difficulties, and unnecessary hardships, is denied to the property in question.

4. **The granting of such 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.**

The applicant is seeking permission to continue an existing use at the same location. No evidence was submitted for the record that the operation of the use at the property has been detrimental to the public welfare. The granting of the variance with conditions allows the school to provide a space for students to be outside during designated hours and with appropriate supervision. As noted by the applicant, the building was not designed for school purposes. As such, there is no ability to provide open space for the students other than in the adjacent surface parking lot. The variance was conditioned to include a 10-year term, in acknowledgement that the use has operated in a compatible manner. A plan approval condition was added in the event there is evidence of continued violation of conditions, then the Office of Zoning Administration can require the applicant to file a plan approval to evaluate the effectiveness of the conditions. Based on the concerns raised in the public hearing, the Zoning Administrator amended several conditions to address water drainage, landscape, trash, special events and operational complaints in order to mitigate potential impacts. As conditioned, 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 and vicinity.

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

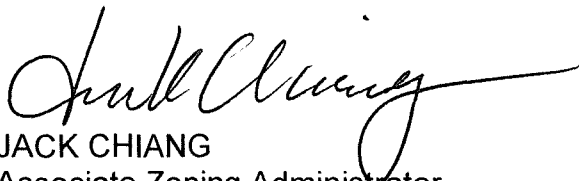
There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Reseda-West Van Nuys Community Plan map

designates the property for Community Commercial land uses, with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB, and Height District No. 1L. The property is located within the Reseda Central Business District Community Design Overlay and the application is not affected.

The Reseda-West Van Nuys Community Plan encourages uses which provide necessary goods, services, and local job opportunities. The granting of the variance to allow the continued use and maintenance of a student lunch, recreation, and drop-off/pick-up area within the [Q]P-1L Zone is consistent with Policy 4-1.1 of the Reseda-West Van Nuys Community Plan, which states "explore creative alternatives for providing new school sites in the city, where appropriate." The school has repurposed underutilized commercial and parking space. In light of the above, the project substantially conforms to the purpose, intent and provisions of the General Plan and the Reseda-West Van Nuys Community Plan.

ADDITIONAL MANDATORY FINDINGS

6. 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.
7. On March 2, 2015, a Reconsideration (ENV 2005-3788-MND-REC2) for the previously issued Mitigated Negative Declaration (ENV 2005-3788-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 351, 6262 Van Nuys Boulevard.



JACK CHIANG
Associate Zoning Administrator
Direct Telephone No. (213) 978-0195

JC:lmc

cc: Councilmember Bob Blumenfield
Third District
Adjoining Property Owners

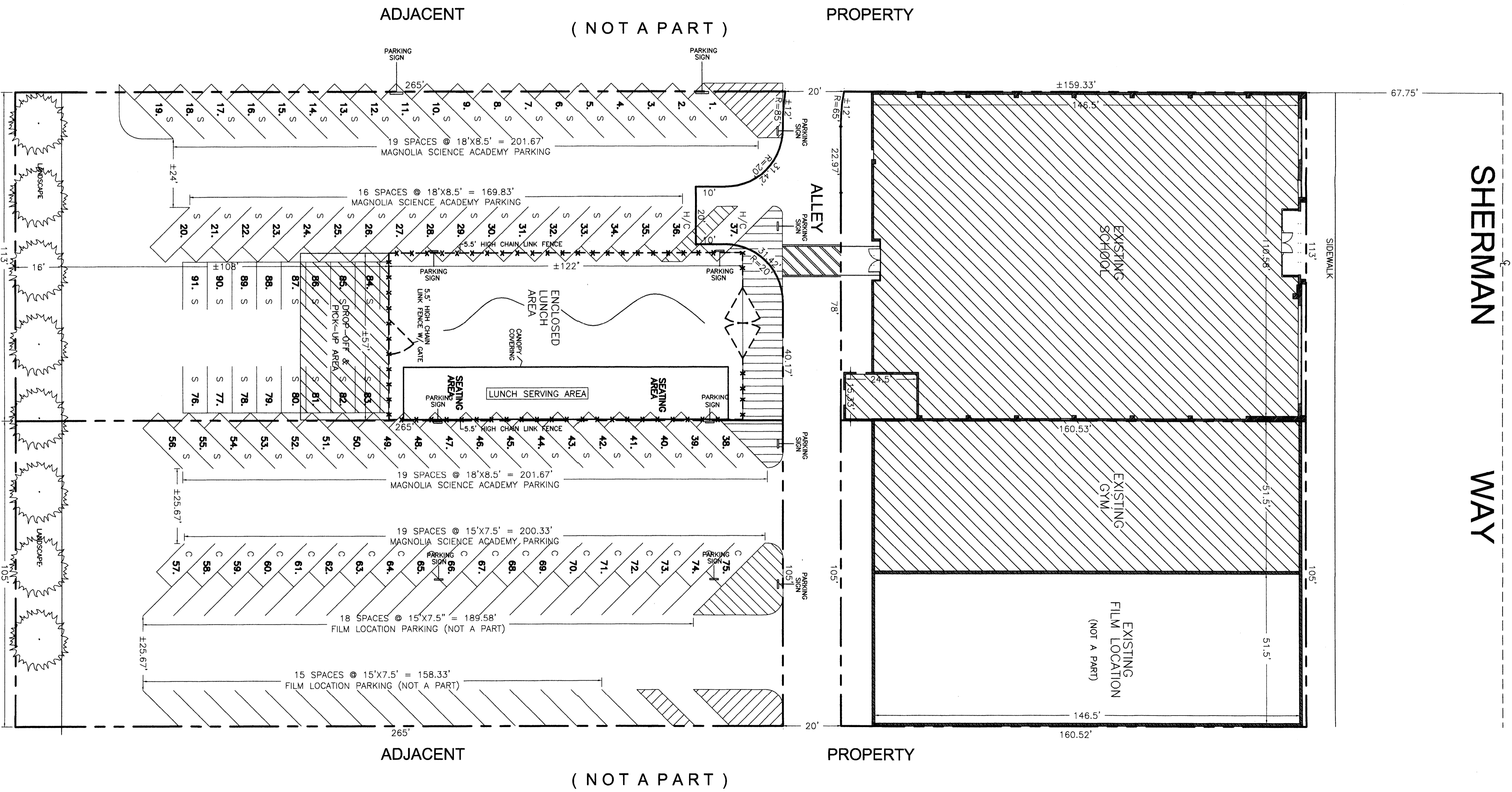
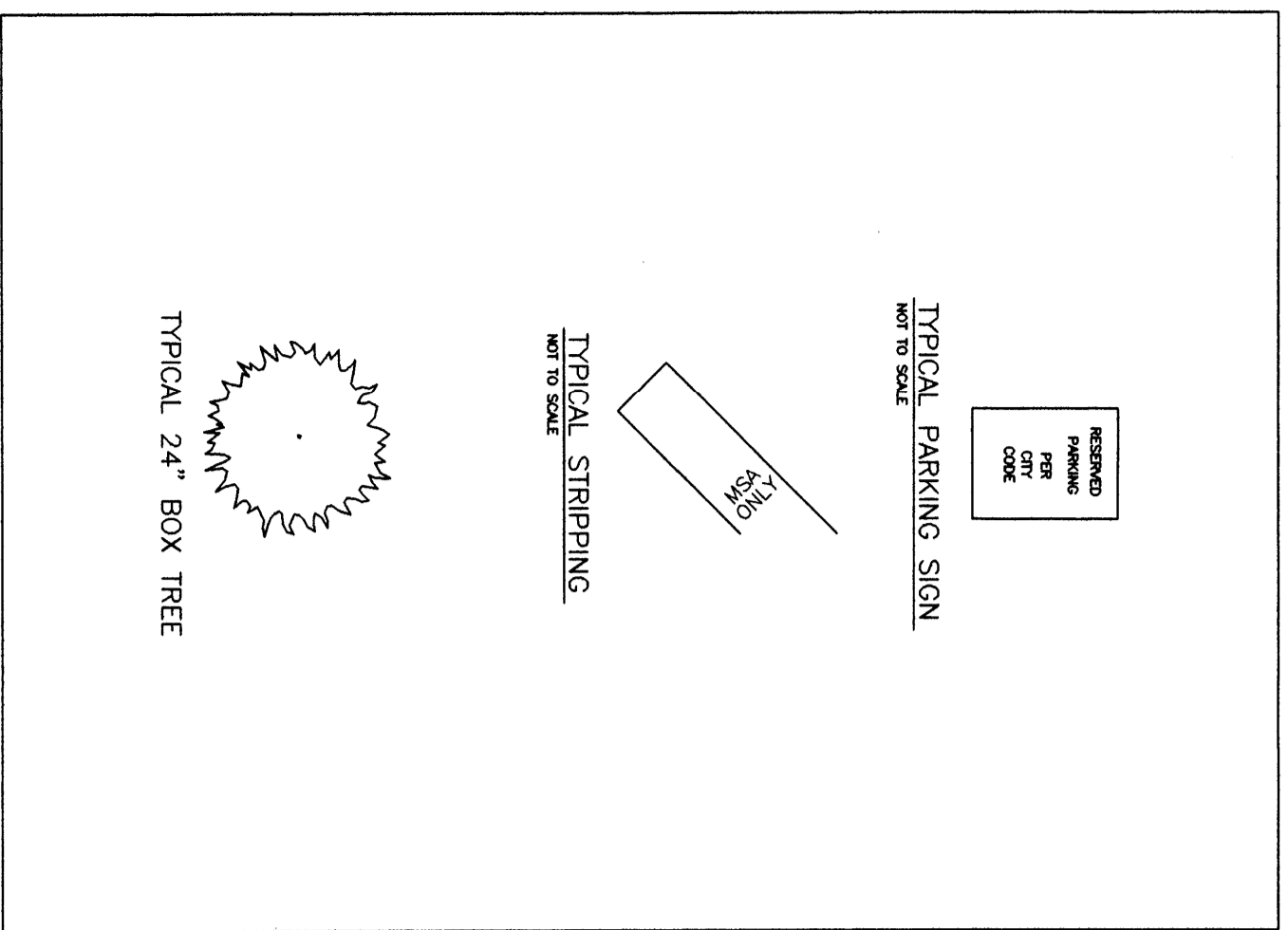


EXHIBIT "A"
Page No. **ZA-2014-975** (8V)
Case No. **ZA-2014-975** (8V)

EXISTING PLOT PLAN

CAD GRAPHICS BY
JPL Zoning Services
6257 Van Nuys Blvd., #101
Van Nuys, CA 91401
(818)781-0016

GRAPHIC SCALE (FOOT)
0 5' 10' 20' 30' 40' 50'

DATE: 10-30-13
SCALE: 1/20" = 1'

- NOTES**
1. Representative:
Robert B. Lantieri
6257 Van Nuys Blvd. #101
Van Nuys, CA 91401
Phone (818) 781-0016 Fax (818) 781-0828
E-mail: lantieri@jplzoning.com
 2. 18228 Sherman Way LLC Etal
Michael Maluco
P O Box 250490
Rancho Mirage, CA 92270
Phone: (818) 781-0016
 - Michael W. Spvak
Hank Dayton
4751 Wilshire Blvd. Ste 203
Los Angeles, CA 90010
Phone: (818) 781-5018
 3. Applicant:
Magnolia Science Academy
Dr. Mehmet Argn
18224-18228 Sherman Way
Rancho Mirage, CA 91335
Phone: (818) 781-0016
 4. Legal Description:
Lots 1, 5, Apts 2, & For Lot 2, Apts 2, Tract 175988,
M.B. 530-37281 & Lots 1, 10, Apts 1 & 2,
Site 417891, M.B. 671-4214
 5. Site Address:
18224-18228 Sherman Way
Rancho Mirage, CA 91335
 6. Zone: [O]C-2-1L-CDO & [QP]-1L-CDO
 7. Parking Requirement:
Standard Spacing: 19 Spaces
TOTAL SPACES REQUIRED: 48 spaces
 8. Parking Provided:
Standard Spacing = 70 spaces
TOTAL SPACES PROVIDED: 91 spaces
 9. Total Site Area = ± 48,025 s.f.
 10. Total Floor Area = ± 23,900 s.f.
 11. Lot Coverage:
Building = ± 50%
 12. Request: Renewal of ZA-2005-3787-ZV
Hardship = ± 43%

MICHAEL LOGRANDE
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN
R. NICOLAS BROWN
SUE CHANG
ANIK CHARRON
LARRY FRIEDMAN
LOURDES GREEN
ERIC RITTER
MICHAEL S.Y. YOUNG

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, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

September 10, 2008

Magnolia Science Academy (A)
18238 West Sherman Way
Reseda, CA 91335

18238 Sherman Way, LLC (O)
2912 Foothill Boulevard
La Crescenta, CA 91225

Robert B. Lamishaw (R)
JPL Zoning Services, Inc.
6263 Van Nuys Boulevard
Van Nuys, CA 91401

CASE NO. ZA 2008-0748(ZV)
ZONE VARIANCE
18238 West Sherman Way
Reseda-West Van Nuys Planning Area
Zone : [Q]C2-1L-CDO, [Q]P-1L-CDO
D. M. : 183B125
C. D. : 3
CEQA : ENV 2005-3788-MND
Legal Description : Lots 1 and 2 (Arb 2),
Lot 5 (Arb 2), Tract 17598 and
Lots 1 and 10, Tract 21799

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a variance from Section 12.12.1-A of the Code to permit the continued use and maintenance of a portion of a [Q]P1-1L zoned parking area to be used for student lunch, recreation and drop-off/pick-up area incidental to a LAUSD Charter School,

upon the following additional terms and conditions:

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. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. No parking variance has been requested nor granted for a reduction in the required number of parking (91 spaces) established for the school use and associated gym facility.
8. Use of this school area in the P Zone is prohibited during Saturday or Sunday by the applicant or by any other party. The area shall be fenced and locked when not in use.
9. The enclosed lunch area shall be located closer to the alley than to the abutting residential uses.
10. Morning drop-off activities shall be generally limited to the hours between 7 a.m. and 8:15 a.m. During this period, children may have breakfast in the designated eating area and passive activities shall be encouraged. Lunch, social and playing activities within the parking area shall be generally conducted between 11:30 a.m. and 1:30 p.m. Pick-up activities shall extend from generally 2:15 p.m. to 5 p.m.
11. At all times that children are present in the parking lot area, in addition to school staff, there shall be a security guard present to escort children to the school and back and to insure their safety when crossing the alley.
12. Parking signs shall be posted along the perimeter of the school-required parking area noting that parking is reserved for the school and that there are school children in this area.
13. The applicant shall post signs within the lunch area reminding students and parents to be respectful of noise impacts on neighbors' peace and quiet.
14. Signage shall be conspicuously posted in the student drop-off and pick-up area outdoor notifying students, parents and guardians to be mindful of the peace and

quiet of the adjacent residential neighborhood, with a message to the following effect:

QUIET ZONE

At all times please respect our surrounding neighbors! Refrain from any loud conversation or shouting, playing any loud music, using car horns or any other disruptive behavior.

Vehicles must exit this area immediately in an orderly and quiet manner upon drop-off or pick-up of students.

15. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
16. No amplified music or loud non-amplified music is permitted outside.
17. The subject property, including any associated parking facilities, shall be maintained in an attractive condition and shall be kept free of trash and debris.
18. Open areas devoted to trash storage or other storage shall not be located adjacent to a residential use or shall be buffered and/or enclosed by a solid masonry wall so as not to result in noise, odor or debris impacts on any adjacent residential uses.
19. Within 45 days of the effective date of this grant, the applicant shall provide proof that all outstanding violations on the property cited in Order to Comply Nos. A-1296271 and A-1675186 (issued on October 13, 2006 and February 8, 2008, respectively) have been remedied to the satisfaction of the Code Enforcement Bureau of the Department of Building and Safety.
 - a. Failure to remedy those violations in a timely manner, as determined by the Code Enforcement Bureau, shall be deemed as non-compliance with the terms and Conditions of this grant and grounds for nuisance abatement proceedings and possible revocation of this use variance.
 - b. Within 60 days of the effective date of this grant, the Code Enforcement Bureau shall advise the Zoning Administrator in writing of the status of the violations cited in those Orders to Comply.
20. If at any time should documented evidence be submitted showing continued violation(s) of any Condition(s) of this grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the applicant/owner to file immediately for a plan approval application together with the associated fees to hold a public hearing to review compliance with and the efficacy of the Conditions of the grant. The applicant shall prepare a radius map and cause a notification to be mailed to: all owners and occupants of properties within a 500-foot radius of the property; the

applicable Council District Office and corresponding representative Neighborhood Council(s); and the corresponding Division of the Los Angeles Police Department. The applicant shall also submit a summary and supporting documentation of how compliance with each Condition of the grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete Conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

21. The life of this grant shall terminate on July 31, 2012 or earlier if the school relocates to another site before such date. At such time, the fencing shall be removed and the parking lot restored to its original use.
22. As volunteered by the applicant, the school administration shall participate in holding quarterly meetings, possibly coordinated or facilitated by the local Neighborhood Council, to discuss any major issues of concern to the surrounding neighborhood related to the school's use of the parking lot.
 - a. The school administration shall either provide a minimum 10-day advance written notification of such meetings to residents within 100 feet of the property, or provide an annual calendar of scheduled meeting dates, time and location to the same residents.
 - b. The school administration shall investigate and respond promptly to any complaints, and maintain an annual summary report of the meetings along with a log of any calls and responses in the event that the Office of Zoning Administration, the Department of Building and Safety or other law enforcement agency requests such annual report or log for review.
23. All conditions enumerated in Environmental Clearance Case No. ENV 2005-3788-MND (listed below) shall be considered conditions of this grant.
 - a. Safety Hazards

The applicant shall submit a parking and driveway plan that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
 - b. Utilities (Solid Waste)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
24. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and

date shall be provided to the Zoning Administrator for attachment to the subject case file.

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, 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 variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after

SEPTEMBER 25, 2008, 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**. Public offices are located at:

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

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

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

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 May 9, 2008, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The property, comprised of three lots and bifurcated by an east-west through alley, is a level, rectangular-shaped, interior, 47,297 square-foot parcel of land with a 113-foot frontage on the south side of West Sherman Way. The property has an even width of 113 feet and an even depth (exclusive of the alley right-of-way) of 426 feet. The alley right-of-way separates the [Q]C2-1L-CDO zoned portion of the property on the north and fronting on Sherman Way from the [Q]P-1L-CDO zoned portion of the property on the south. A review of the imposed "Q" conditions reveals that the request is unaffected.

The property is developed with a two-story commercial building fronting on Sherman Way used as a school and an adjoining one-story commercial building used as a gymnasium with a large surface parking lot at the rear. Vehicle ingress and egress is via the alley, which accesses Etiwanda Avenue to the west and Lindley Avenue to the east.

The property is located within the Reseda-West Van Nuys Community Plan Area, the Reseda Central Business District Community Design Overlay Zone, the Reseda-Canoga Park Earthquake Disaster Assistance Project Area of the Community Redevelopment Agency, and the Reseda Village Merchant Business Improvement District.

The north, east and west adjoining and abutting properties are zoned [Q]C2-1L-CDO and [Q]P-1L-CDO and developed with one- and two-story commercial buildings. The adjoining property to the east is developed with the subject school's gymnasium and an Adult Day Health Care facility, and the adjoining property to the west is developed with an automobile parts store. The north abutting properties, across Sherman Way, consist of a shopping center with a CVS and Jon's Grocery Store.

The south abutting properties are zoned R1-1 and developed with single-family dwellings.

Sherman Way, adjoining the property on the north, is an east-west divided Scenic Major Highway, Class II, dedicated a width of 50 feet for the eastbound travel lane and fully improved with curb, gutter and sidewalks.

Alley, bisecting the property, is an east-west alley, dedicated a width of 20 feet, and improved with concrete centerline "V" gutter.

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

Subject Property:

Case No. ZA 2005-3787(ZV) – On December 1, 2005, the Zoning Administrator approved a variance to allow the continued use and maintenance of a student drop-off and pick-up, lunch and playground area located in the P-1L Zone in conjunction with an existing charter school located in the [Q]C2 Zone with 15 conditions and an expiration date of January 1, 2008.

Building and Safety Order to Comply No. A-181746 – Issued February 8, 2008, in violation of not complying with conditions from ZA 2005-3787(ZV) for the following reasons:

1. Zone Variance to allow the continued use of a student drop-off and pick-up, lunch and playground area in the P-1L Zone expired on January 1, 2008 (Condition No. 13).
2. Alteration of parking area done without required permits and approvals.

Building and Safety Order to Comply No. A-1296271 – Issued October 13, 2006 in violation of not complying with conditions from ZA 2005-3787(ZV) for the following reasons:

1. Failure to provide the required 91 parking spaces for school use and associated gym (Condition No. 6)
2. Failure to provide a security guard at all times when children are present (Condition No. 10).
3. Failure to provide required parking signs (Condition No. 11).
4. Failure to post required signs within play area (Condition No. 12).
5. Failure to submit a parking and driveway plan to the Bureau of Engineering and DOT for approval (Condition No. 14).

Ordinance No. 176,619 – Effective on June 6, 2005, which repealed Ordinance Nos. 169,649, 171,941 and 172,925.

Ordinance Nos. 176,557 and 176,558 – Effective on May 2, 2005, establishing the Reseda Central Business District Community Design Overlay District, repealing the Reseda Central Business District Specific Plan, and resulting in zone changes imposing the addition of the "CDO" Zone suffix and "Q" conditions. The "Q" conditions regulate auto-related uses, ground-level residential uses, development of store frontages, parking buildings, and signage and prohibit new auto-related uses, open storage, and shelters for the homeless. The conditions also limit commercial development to a maximum height of 45 feet. (CPC 2002-1263-CDO-ZC-MS)

Certificate of Occupancy – Issued May 7, 2003, for a change of use from retail to public school with 55 required parking spaces and 75 provided (44 standard, 28 compact, 3 disabled) located at 18238 Sherman Way.

Certificate of Occupancy – Issued June 2, 2003, for a change of use from pet store to adult day care on first floor located at 18220 Sherman Way with no change in parking requirement.

Certificate of Occupancy – Issued September 30, 2003, to convert existing retail to gymnasium and accessory offices located at 18224 Sherman Way with total parking for the site of 93 spaces, with 36 required and provided.

[Staff Note: The address information of 18224 Sherman Way appears incorrect for the gym use portion of the site, and appears should be 18220 Sherman Way with the Adult Care use at 18216 Sherman Way.]

Affidavit No. 02-1312336 – On June 7, 2002, a Covenant and Agreement Regarding Maintenance of off-street parking space was filed with the County of Los Angeles, Recorder's Office, providing for the maintenance of 9 parking spaces on the parcel

described as Arb 2, Lot 5, Tract 17598, for the benefit of the property described as Lot 1 and Arb 2, Lot 2, Tract 17598, also known as 18238 Sherman Way.

Ordinance No. 172,925 – Effective on January 1, 2000, amending the Reseda Central Business District Specific Plan, resulting in the creation of a Pedestrian Oriented District. (CPC 86-0788-GPC)

Ordinance No. 171,941 – Effective on April 17, 1989, resulting in an amendment of the Reseda Central Business District Specific Plan to allow shared and off-site parking within 1,500 feet, an exemption from increased parking requirements if a new use does not involve the addition of floor area to an existing building, and the inclusion of a landscaped buffer between parking lots and residential zones. (CPC 96-0131-PA)

Parking Affidavit No. 5611 – On April 8, 1988, Document No. 88-482717, a Covenant and Agreement regarding maintenance of off-street parking space was filed with the County of Los Angeles, Recorder's Office, providing for the maintenance of 9 parking spaces on the parcel described as Arb 2, Lot 5, Tract 17598, for the benefit of the property described as Lot 1 and Arb 2, Lot 2, Tract 17598, also known as 18238 Sherman Way.

Affidavit No. 65515 – On May 13, 1988, Document No. 88-482716, a Covenant and Agreement to Hold Property as One Parcel, was filed with the County of Los Angeles, Recorder's Office, resulting in a lot tie between the parcels described as Lot 1 and Arb 2, Lot 2, Tract 17598.

Ordinance No. 162,925 – Effective on December 16, 1987, resulting in a change of Height District to No. 1L. (CPC 86-0251-GPC)

Surrounding Properties:

Case No. ZA 21688 - On May 22, 1975, the Zoning Administrator approved a Variance to permit the installation and use of two drive-up remote teller units and related equipment, including future sunshade canopy, on the R1P zoned portion of the site in connection with the transaction of business with the existing bank building on the C2 zoned portion of the site, on property located within the C2-R3P and R1P-1 Zones, at 7120-60 Etiwanda Avenue and 18256-60 Sherman Way.

Case No. ZA 15274 - On March 9, 1960, the Zoning Administrator approved a Variance to permit the installation and maintenance of an approximately 4-foot by 12-foot illuminated sign, on property located within the P Zone, at 18135 Sherman Way.

Case No. ZA 13608 - On December 30, 1955, the Zoning Administrator approved a Variance to permit the construction, use and maintenance of a commercial retail building not to exceed 30 feet in depth, on property located within the P Zone, at 18135 Sherman Way.

Case No. ZA 13254 - On December 20, 1954, the Zoning Administrator approved a Variance to permit a proposed retail shopping center building to extend into the P Zone for a varying distance of 42 and 49 feet, and to permit portions of the P Zone to be used for loading and unloading in connection with the development, on property located within the C2 and P Zones, at 18145 Sherman Way.

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The applicant requests a variance to permit the continued use and maintenance of a portion of a [Q]P1-1L zoned parking area to be used for student lunch, recreation and drop-off/pick-up area incidental to a LAUSD Charter School. An Order to Comply (No. A-1675186) was issued on February 8, 2008, to discontinue the use of the parking area for the school lunch, play area and drop-off/pick-up because the previous variance approval from Case No. ZA 2005-3787(ZV) had expired on January 1, 2008, and also because the alteration of the subject area of the parking lot was constructed without the required permits and approvals. The Building and Safety Department ("LADBS") also issued an Order to Comply (No. A-1296271) on October 13, 2006. (See case history in Background portion of this Letter of Determination.) Several Municipal Code and Condition compliance violations from the previous variance approval remain unresolved in those two Orders.

According to the applicant:

The subject property is a generally flat rectangular lot approximately 425 feet in depth. The front 159 feet adjacent to Sherman Way is developed with a building that is devoted to private school use. Magnolia Science Academy is a charter school serving grades 6 through 12. The school occupies two separate buildings. The first, located at 18238 Sherman Way is a 27,000 square-foot office building devoted to classroom and administrative office use. The second, located at 18224 Sherman Way consists of an 8,755 square-foot retail building used for physical education classes and assemblies. Both buildings have been leased for a period of five years.

[ZA Note: The extended term of the lease commenced on August 1, 2007 and expires on August 31, 2012. Copy attached to the case file.]

The two lots have a total of 121 parking spaces. The school has a maximum staff of 37 and projects that 5 students, 11th and 12th graders, drive to school and require on-site parking. The school expects to have an enrollment of

320 students when full capacity is reached. The school is located in an area of low income families and is located on a major bus route. As a result a sizeable number of students take public transportation or walk to school. Thus, approximately 34 spaces are not needed for parking purposes.

[ZA Note: It should be noted that the school gymnasium is located on a lot at 18220 and 18216 Sherman Way, which is under a different ownership, and the property includes a second commercial lease site currently used as an Adult Day Care Center. The submitted plot plan shows 122 parking spaces of which 91 spaces are for the school use and 31 spaces for the adult day care use per submitted plot plan. The plot plan also includes 16 unnumbered and apparently uncounted parking spaces south of the subject enclosure area.]

The applicant has fenced off approximately one-half of the lot located behind 18238 Sherman Way. This enclosed area is already devoted to an open area with a designated seating area for lunch and is open for playground use. As a result, 80 of the 121 parking spaces plus 2 handicapped spaces are remaining available for parking use on a permanent basis. The playground area is largely open and is available for parking for special events and for any increase in parking demand.

[ZA Note: The lunch enclosure area per the submitted plot plan is shown to cover an approximate 8,094 square-foot area in the parking lot (57 feet x 142 feet). The subject lot where the enclosure is located is 29,185 square feet; therefore the enclosure occupies approximately 28 percent of the lot, not one-half.]

The Municipal Code does not permit P zoned property to be utilized for non-parking uses. It is intended that such P zoned property be available for the required parking dictated by the code in accordance with the various parking requirements for uses permitted in the C2 zone. Schools such as the subject charter school are a permitted use in the C2 zone and are required to provide adequate parking according to the requirements of the Municipal Code. However, in the instant case the strict application of the Municipal Code would disallow the use of the P zoned area for the uses proposed by the school as an adjunct to the other classroom uses of the adjacent C2 zoned property.

It is the intent of the zoning code to ensure that adequate parking is provided for the use of any particular site. A range of parking requirements exists in the code to reflect the differing requirements of uses in all zones. In the instant case, the number of existing parking spaces exceeds the number of parking spaces that will actually be required for the use of the students and administrative staff of the school. Thus the intent of the zoning code will be satisfied. However, the strict application of the zoning code precludes any of the aforementioned activities cited as necessary ancillary uses for the adequate operation of a Charter School of the size and enrollment proposed herein. Granting the requested variance will provide relief from the hardships that would otherwise result from the strict interpretation of the code. At the

same time sufficient parking is remain for the proposed use satisfying the intent of the code with respect to parking requirements.

The charter school occupies a commercial building fronting onto Sherman Way. The building was not designed for school purposes. The school originally occupied one building and has converted a portion of an adjoining building to a gymnasium. Gym classes and other assembly activities are conducted within the gym. However, because of the nature of the space and its conversion from other non-school uses, the applicant indicates that there is no ability for students to enjoy any outdoor space for eating or socializing or general recreational activities. The gym is utilized for all organized physical education classes and practices but lacks any open space.

The applicant proposes the continued use of part of the rear parking lot for student lunch, recreation and drop-off/pick-up area. The extended term of the school's current lease runs until August 31, 2012. The parking area has already been used for the requested purposes. As with the previous variance issued by the Zoning Administrator on December 1, 2005, this request is to allow the use of the parking area for these activities to continue at least for a limited period of time. The school may continue to search for an alternative site. This variance grant has been conditioned to expire on August 31, 2012 in order to coincide with the lease expiration date.

The parking lot is zoned for parking purposes only and thus the use of that portion of the property for student lunch, recreation and drop-off/pick-up area is not permitted by right. The request is not a typical one but is the result of circumstances that limit the potential to carve out any open space out of a building designed for commercial purposes and not for school needs. This variance grant is essentially a renewal of the prior 2005 variance approval, and is for a limited term as the school continues to pursue another location for its permanent use. Thus, given the availability of a generous-sized parking lot, denial of the request would limit the ability of the school to provide a more optimum environment for students that is otherwise restricted by the split zoning pattern and limited on-site space. Such inability to provide for the use of available area for necessary facilities would create an unnecessary hardship which would constitute practical difficulties which are inconsistent with the general purpose and intent of the zoning regulations.

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.**

These unique features include the dual zoning pattern, the availability of surplus parking, the location and proximity of the parking area to the school and the limitations of the existing building improvements which make the request as proposed logical as it would allow for the continued functional integration of the use of the parking lot with the existing school.

3. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

Recent development has seen more charter schools open in spaces which have typically not been designed for school purposes and thus meeting school's goals and needs has resulted in alternative measures to fulfill those needs. In this case, the variance will allow the school to operate with some of the amenities that are afforded and expected in other schools.

4. **The granting of such 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.**

At the public hearing held before the Zoning Administrator on May 9, 2008, the applicant's representative, two school administrators and one teacher, two students and one parent with a son attending the school spoke in support of the request. The representative requested that if any time limit is imposed on the variance extension request, it should run with the lease because of the additional application costs incurred by the school would cause financial hardship if the term grant were to be of shorter duration. The representative indicated the school would agree to participate in quarterly meetings, perhaps facilitated by the Neighborhood Council, and notify residents within 100 feet of the property to discuss issues of concern to the surrounding neighborhood. He also indicated the school would agree to file annual reports to the Zoning Administrator.

Frank Lara, then Senior Inspector with the Nuisance Abatement Revocation Section of the LADBS Code Enforcement Bureau, stated that while he was not opposed to the variance request, there has been a history of inspections conducted at the site since January 2007. Municipal Code violations and violations of the Conditions from the prior variance grant had been cited in two Orders to Comply. Of the seven violations cited in the two Orders (see case history in Background portion above), the applicant had only complied with (i.e., remedied) two violations: providing the required 91 parking spaces and the posting of the required signs within the play area. He recommended there be some requirement for a public agency review to monitor the remaining violations if the requested use is to continue.

A neighboring homeowner on Gault Street testified against the request. The play area is only 40 feet from her bedroom. She stated that the major issue is noise. She said that she is awakened at 7:30 a.m. every school day. She claimed that the children often scream, especially the girls. According to her testimony, residents living in the adjacent assisted living facility have the same complaint. Children remain outside in the lunch area beyond two hours. She works out of home but may be forced to move if the noise continues unabated.

Written comments were received from approximately 16 neighboring residents expressing complaints about noise from children in the parking lot. A petition containing 369 signatures from school staff, students, parents, family, friends and the community was submitted in support of maintaining the outside fenced area "so that

our students have a place to eat and are able to get a breath of fresh air out in the open, without having to stay inside the school building all day.”

As with the previous 2005 variance case, legitimate concerns were expressed in public hearing testimony and in written comments for which conditions have been re-imposed and new conditions added related to operation of the playground area. As previously, general hours of use of the parking lot are established, and no use of the fenced parking lot area during the weekend is permitted by the school or any other entity. Additional signage is required in the drop-off and pick-up area, which is located approximately 70 feet from the adjacent R1-1 zoned properties to the south, to notify students, parents and guardians to be mindful of the peace and quiet of the adjacent residential neighborhood (Condition No. 14). New conditions have been added prohibiting amplified sound outdoors, requiring proper maintenance of the parking lot and proper locating/screening of trash storage areas away from adjacent residential uses to avoid noise, odor and debris impacts.

This variance approval imposes a new requirement that all outstanding violations on the property cited in Order to Comply Nos. A-1296271 and A-1675186 (issued on October 13, 2006 and February 8, 2008, respectively) be proven to have been remedied, to the satisfaction of the LADBS Code Enforcement Bureau, within 45 days of the effective date of this grant. (The conditions from the 2005 variance approval have been carried over as conditions of this grant.) Failure to remedy those violations in a timely manner will be deemed as non-compliance with the terms and conditions of this grant and grounds for nuisance abatement proceedings and possible revocation of this use variance.

This variance approval is for a limited period of time to coincide with the expiration of the extended term of the current lease. Thus, after August 31, 2012, the variance approval will have expired. Should the school not move from the location at the end of its lease, it will need to apply for a new variance in order to continue the use of the parking lot. If the record of performance or compliance with conditions has been poor, then such would contribute to a determination regarding whether any future variance should be approved or not.

The use of the parking lot for the requested purposes is for limited hours of the day as further detailed by school administration. Observance with established conditions and careful monitoring by school staff of ongoing implementation of these conditions should lead to a more responsive operation. Therefore, as proposed and conditioned, the request is anticipated to not be materially detrimental to the surrounding area and welfare.

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

The Reseda-West Van Nuys Community Plan, a part of the Land Use Element of the General Plan, designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB and Height District No. 1L, with a maximum of six stories. The property is zoned [Q]C2-1L-CDO (north of

alley) and [Q]P-1L-CDO (south of alley), consistent with the with the Plan land use designation and corresponding zone categories.

The request does not adversely affect any element of the Plan as it still provides for adequate parking and facilitates operation and retention of new schools catering to the local area.

ADDITIONAL MANDATORY FINDINGS

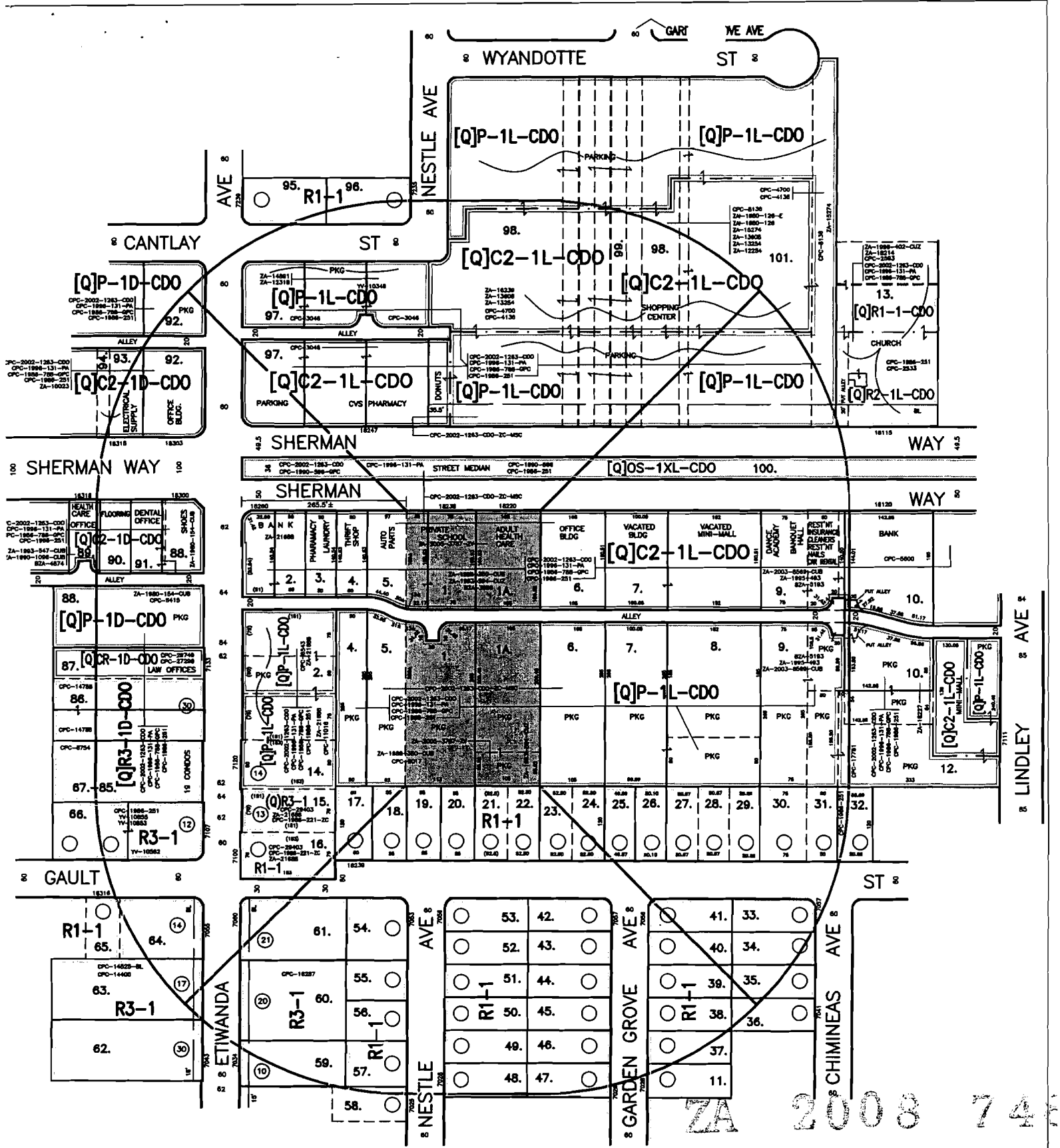
6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
7. On September 14, 2005, a Mitigated Negative Declaration (ENV 2005-3788-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



LARRY FRIEDMAN
Associate Zoning Administrator
Direct Telephone No. (213) 978-1225

LF:lmc

cc: Councilmember Dennis P. Zine
Third District
Adjoining Property Owners
County Assessor



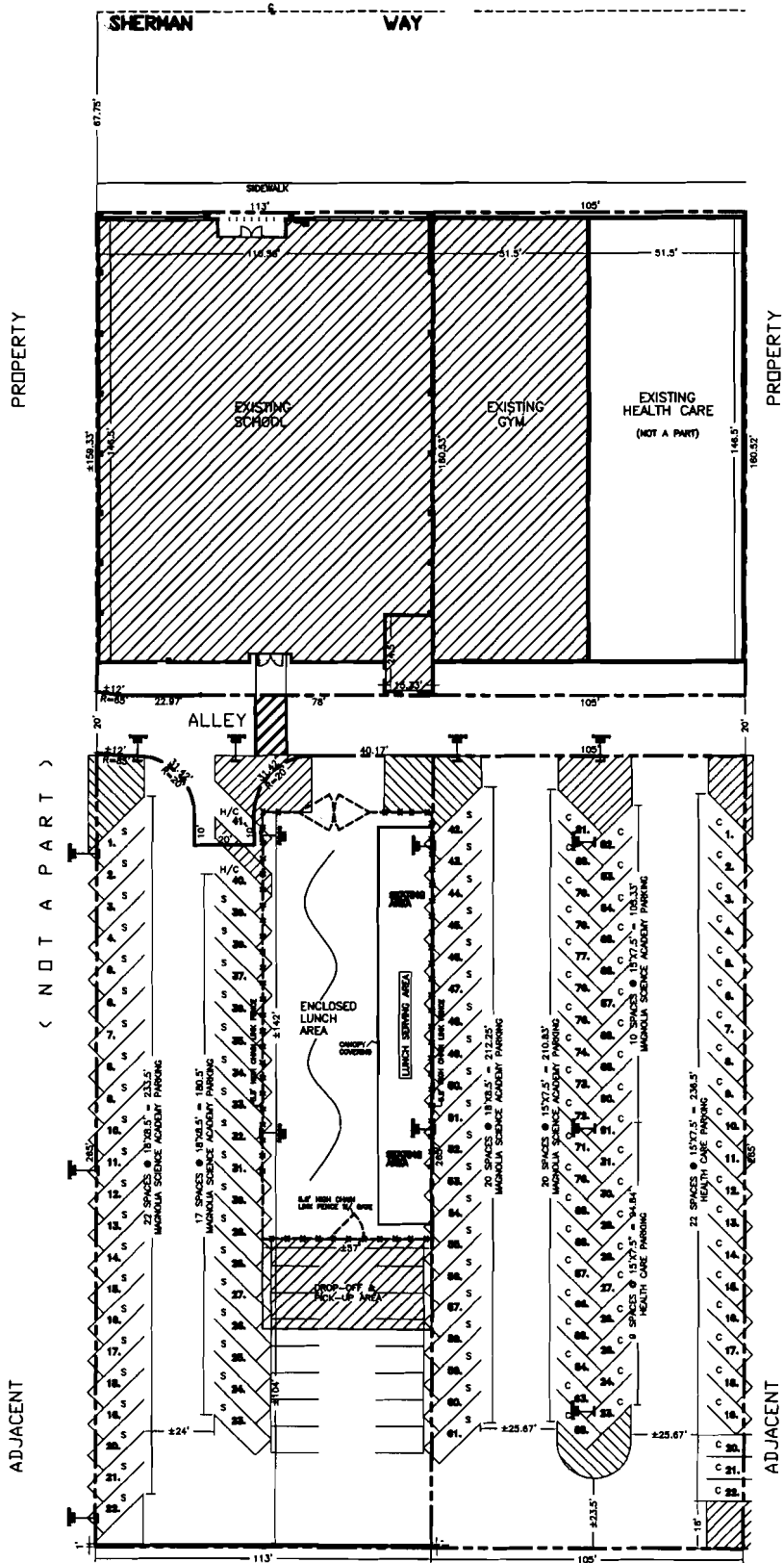
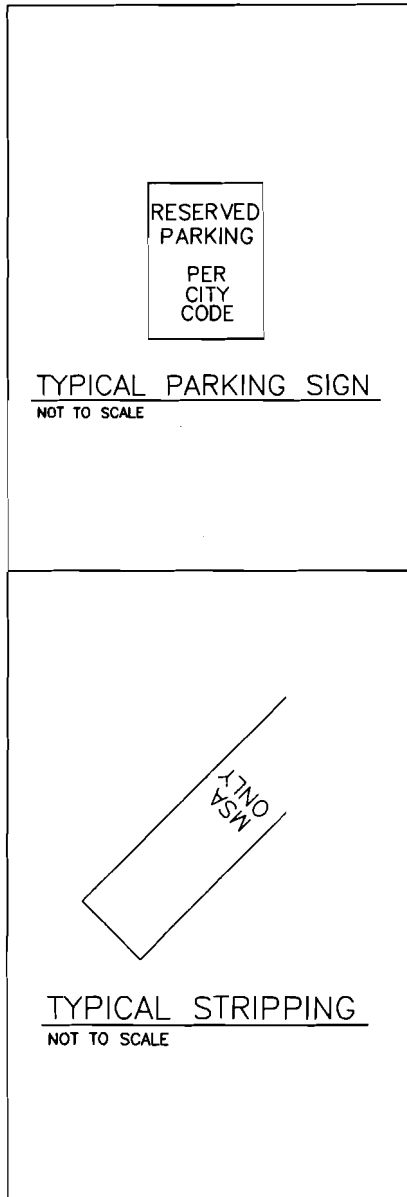
LEGAL: LOT 1, LOT 5 (ARB 2), POR LOT 2 (ARB 2), TRACT 17598, M B 530-37/38 & LOT 1, LOT 10 (ARBS 1&2), TRACT 21799, M B 617-42/44

<p>NEW T.B.</p> <p>PAGE 530</p> <p>GRID J-5</p> <p>C.D. <u>3 - ZINE</u></p> <p>C.T. <u>1323</u></p> <p>P.A. <u>RESEDA-</u> <u>WEST VAN NUYS</u></p>	<h2 style="margin: 0;">ZONE VARIANCE</h2> <p>CAD GRAPHICS BY</p> <p>JPL Zoning Services, Inc. 6263 Van Nuys Blvd Van Nuys, CA 91401 (818)781-0016</p>	<p>CASE NO:</p> <p>DATE: <u>02-13-08</u></p> <p>DRAWN BY: JPL ZONING SERVICES</p> <p>D.M. OR CAD: 183B125, 186B125</p> <p>SCALE: 1"=100'</p> <p>USES: FIELD</p> <p>CONTACT PERSON: ROBERT LAMISHAW</p> <p>PHONE NO: 818-781-0016</p>
---	--	--

NET ACRES = 2.11 Acres

JPL- 6041RM

ZA 2008 745



- NOTES
1. Representative:
Robert B. Lamishaw
JPL Zoning Services, Inc.
6263 Van Nuys Blvd.
Van Nuys, CA 91401
Phone (818) 781-0016 Fax (818) 781-0929
E-mail: lamishaw@jplzoning.com
 2. Applicant:
Magnolia Science Academy
18238 Sherman Way
Reseda, CA 91335
 3. Legal Description:
Lots 1, 5 & Por Lot 2, Arb 2, Tract 17598, T.B. 530-J5,
Map Ref. M B 530-37/38
 4. Situs Address:
18238-18224 Sherman Way
Reseda, CA 91335
 5. Zone: C2-1L & P-1L
 6. Parking Required:
Existing School & Gym: ± 23,900 s.f. (1/500s.f.)= 47.8
TOTAL SPACES REQUIRED: 47 spaces
 7. Parking Provided:
Standard Spaces = 59 spaces
Compact Spaces = 30
H/C Spaces = 2 spaces
TOTAL SPACES PROVIDED: 91 spaces
 8. Total Site Area = ± 48,025 s.f.
 9. Total Floor Area = ± 23,900 s.f.
 10. Lot Coverage:
Building = ± 50%
Landscape = 0%
Hardscape = ± 50%
 11. Request: Renewal of ZV ZA 2005-3787

Exhibit "A" (NOT A PART) ZA 2008 748 (ZV)

EXISTING PLOT PLAN

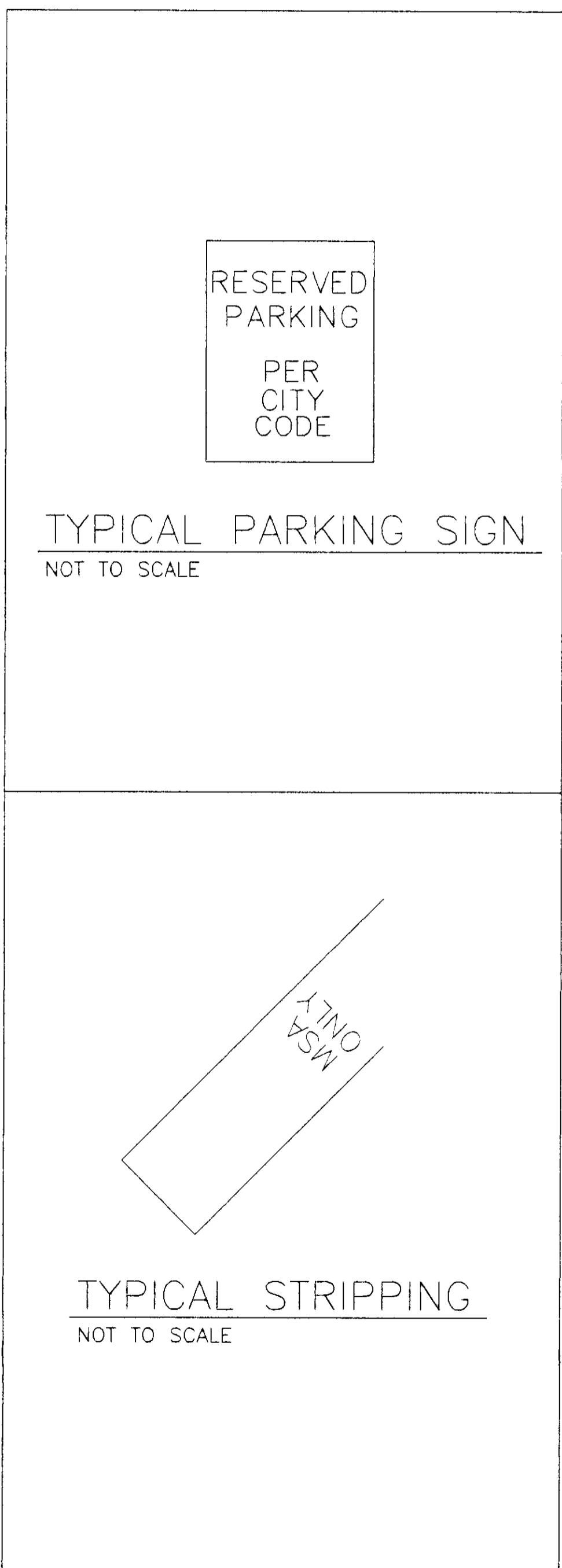
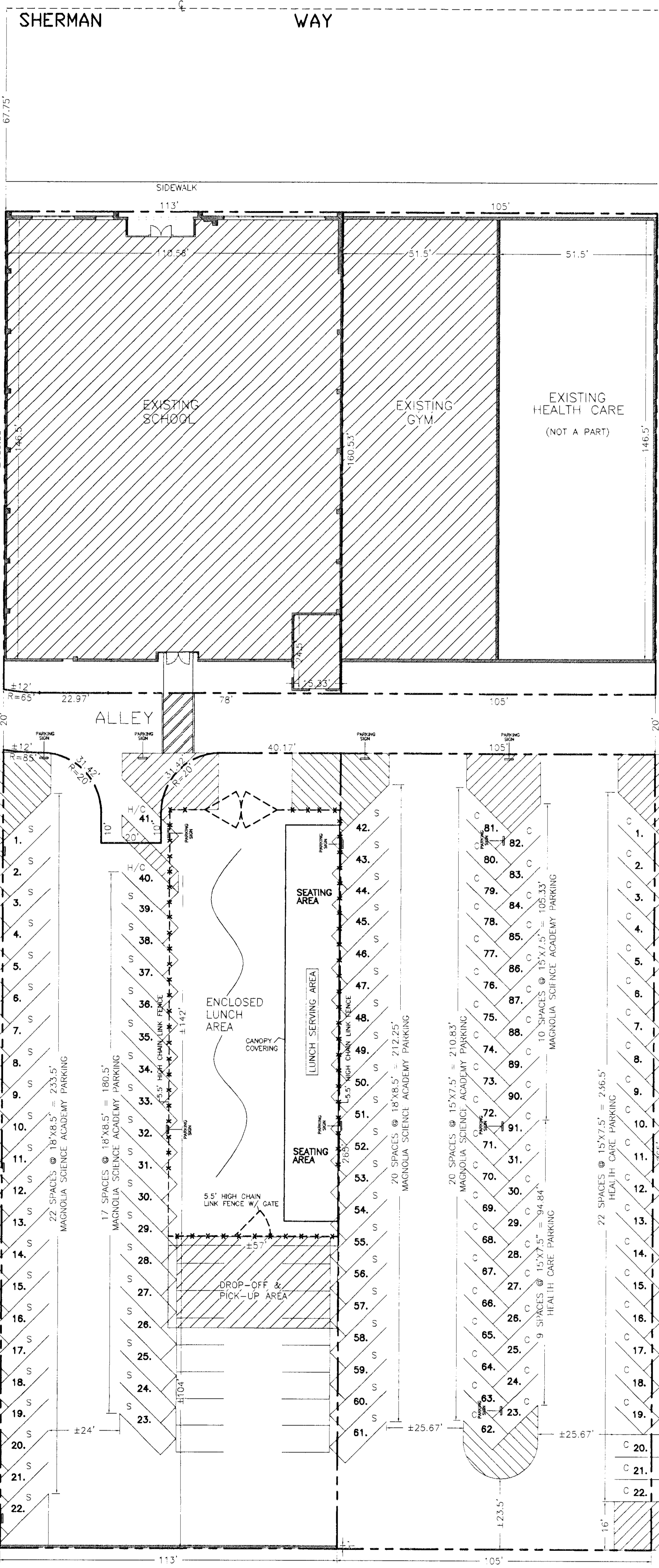
CAD GRAPHICS BY

JPL Zoning Services
6263 Van Nuys Blvd.
Van Nuys, CA 91401
(818)781-0016

NORTH

DATE: 02-11-08
SCALE: 1/40" = 1'

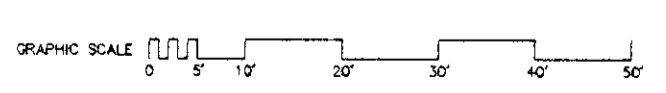
JPL-6041PP



- NOTES**
1. Representative:
Robert B. Lamshaw
JPL Zoning Services, Inc.
6263 Van Nuys Blvd
Van Nuys, CA 91401
Phone: (818) 781-0016 Fax: (818) 781-0929
E-mail: lamshaw@jplzoning.com
 2. Applicant:
Magnolia Science Academy
18238 Sherman Way
Reseda, CA 91335
 3. Legal Description:
Lots 1, 5 & Por Lot 2, Arb 2, Tract 17598, T.B. 530-J, 5.
Map Ref. M 8 530-37798
 4. Situs Address:
18238-18224 Sherman Way
Reseda, CA 91335
 5. Zone: C2-1L & P-1L
 6. Parking Required:
Existing School & Gym: ± 23,900 s.f. (1/500s f/r) 47.8
TOTAL SPACES REQUIRED: 47 spaces
 7. Parking Provided:
Standard Spaces = 59 spaces
Compact Spaces = 30
H/C Spaces = 2 spaces
TOTAL SPACES PROVIDED: 91 spaces
 8. Total Site Area = ± 48,025 s.f.
 9. Total Floor Area = ± 23,900 s.f.
 10. Lot Coverage:
Building = ± 50%
Landscape = 0%
Hardscape = ± 50%
 11. Request: Renewal of ZV ZA 2005-3787

ADJACENT (NOT A PART) PROPERTY (NOT A PART)

EXHIBIT "A"
Page No. 1 of 1
Case No. ZA 2008-0748 (ZY)



EXISTING PLOT PLAN

CAD GRAPHICS BY

JPL Zoning Services
6263 Van Nuys Blvd.
Van Nuys, CA 91401
(818)781-0016

NORTH

DATE: 02-11-08
SCALE: 1/20" = 1'

JPL-6041PP

DANIEL GREEN
ACTING CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO VILLARAIGOSA
MAYOR

DEPARTMENT OF
CITY PLANNING
MARK WINOGROND
INTERIM DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.lacity.org/PLN

December 1, 2005

Magnolia Science Academy (A)
18238 West Sherman Way
Reseda, CA 91335

18238 Sherman Way, LLC (O)
662 West Broadway Avenue
Glendale, CA 91204

Robert B. Lamishaw (R)
JPL Zoning Services, Inc.
6263 Van Nuys Boulevard
Van Nuys, CA 91401

CASE NO. ZA 2005-3787(ZV)
ZONE VARIANCE
18238 West Sherman Way
Reseda-West Van Nuys Planning Area
Zone : [Q]C2-1L-CDO, [Q]P-1L-CDO
D. M. : 183B125
C. D. : 3
CEQA : ENV 2005-3788-MND
Fish and Game : Exempt
Legal Description : Lot 1; portion of Lot 2;
Arb 2, Lot 5; Tract 17598

Department of Building and Safety

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a variance from Section 12.12.1-A to permit the continued use and maintenance of a student drop-off and pick-up, lunch and playground area located in the P-1L Zone in conjunction with an existing charter school located in the [Q]C2 Zone,

upon the following additional terms and conditions:

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. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. No parking variance has been requested nor granted for a reduction in the required number of parking (91 spaces) established for the school use and associated gym facility.
7. Use of this school area in the P Zone is prohibited during Saturday or Sunday by the applicant or by any other party. The area shall be fenced and locked when not in use.
8. The seating/eating area shall be located closer to the alley than to the abutting residential uses.
9. Morning drop-off activities shall be generally limited to the hours between 7 a.m. and 8:15 a.m. During this period, children may have breakfast in the designated eating area and passive activities shall be encouraged. Lunch, social and playing activities within the parking area shall be generally conducted between 11:30 a.m. and 1:30 p.m. Pick-up activities shall extend from generally 2:15 p.m. to 5 p.m.
10. At all times that children are present in the parking lot area, in addition to school staff, there shall be a security guard present to escort children to the school and back and to insure their safety when crossing the alley.
11. Parking signs shall be posted along the perimeter of the school-required parking noting that parking is reserved for the school and that there are school children in this area.
12. The applicant shall post signs within the play area reminding students and parents to be respectful of noise impacts on neighbors' peace and quiet.
13. The life of this grant shall terminate on January 1, 2008 or earlier if the school relocates to another site before such date. At such time, the fencing shall be removed and the parking lot restored to its original use.
14. Environmental Conditions

- a. Safety Hazards

The applicant shall submit a parking and driveway plan, that incorporates design features that shall reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

b. Utilities (Solid Waste)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

15. Within 30 days of the effective date of this action, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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, 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 variance 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 not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after DECEMBER 16, 2005, 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**. 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 October 21, 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 five requirements

and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

BACKGROUND

The property, comprised of three lots and bifurcated by an east-west through alley, is a level, rectangular-shaped, interior, 47,297 square-foot parcel of land with a 113-foot frontage on the south side of West Sherman Way. The property has an even width of 113 feet and an even depth (exclusive of the alley right-of-way) of 426 feet. The alley right-of-way separates the [Q]C2-1L-CDO zoned portion of the property on the north and fronting on Sherman Way from the [Q]P-1L-CDO zoned portion of the property on the south. A review of the imposed "Q" conditions reveal that the request is unaffected. The property is located within the Reseda-West Van Nuys Community Plan area, the Reseda Central Business District Community Design Overlay Zone, the Reseda/Canoga Park Earthquake Disaster Assistance Project Area of the Community Redevelopment Agency, and the Reseda Business Improvement District.

The property is developed with a two-story commercial building fronting on Sherman Way and surface parking lot at the rear. Vehicle ingress and egress is via the alley, which accesses Etiwanda Avenue to the west and Lindley Avenue to the east.

The north, east and west adjoining and abutting properties are zoned [Q]C2-1L-CDO and [Q]P-1L-CDO and developed with one- and two-story commercial buildings. The abutting property to the east is developed with the subject school's gymnasium and an Adult Day Health Care facility, and the abutting property to the west is developed with an automobile parts store.

The south abutting properties are zoned R1-1 and developed with single-family dwellings.

Sherman Way, adjoining the property on the north, is an east-west divided Scenic Major Highway, Class II, dedicated a width of 50 feet for the eastbound travel lane and fully improved with curb, gutter and sidewalks.

Alley, bisecting the property, is an east-west alley, dedicated a width of 20 feet, and improved with concrete centerline "V" gutter.

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

Subject Property:

Order to Comply No. 928710 - Effective on May 5, 2005, with compliance due by May 15, 2005, for the unapproved use of the parking lot area for a student drop-off zone and as a lunch area. On July 11, 2005, the violation was found to be corrected and the citation has been closed.

Order to Comply No. 267587 - Effective on March 24, 2004, with compliance due on April 8, 2004, for the unapproved use of the parking lot area for a student drop-off zone and as a lunch area. The citation has been closed. (Case No. 96685)

Ordinance Nos. 176,557 and 176,558 - Effective on May 2, 2005, establishing the Reseda Central Business District Community Design Overlay District, repealing the Reseda Central Business District Specific Plan, and resulting in zone changes imposing the addition of the "CDO" zone suffix and "Q" conditions. The "Q" conditions regulate auto-related uses, ground-level residential uses, development of store frontages, parking buildings, and signage. and prohibit new auto-related uses, open storage, and shelters for the homeless. The conditions also limit commercial development to a maximum height of 45 feet. (CPC 2002-1263-CDO-ZC-MS)

Ordinance No. 172,925 - Effective on January 1, 2000, amending the Reseda Central Business District Specific Plan, resulting in the creation of a Pedestrian Oriented District. (CPC 86-0788-GPC)

Ordinance No. 171,941 - Effective on April 17, 1989, resulting in an amendment of the Reseda Central Business District Specific Plan to permit shared and off-site parking within 1,500 feet, an exemption from increased parking requirements if a new use does not involve the addition of floor area to an existing building, and the inclusion of a landscaped buffer between parking lots and residential zones. (CPC 96-0131-PA)

Ordinance No. 162,925 - Effective on December 16, 1987, resulting in a change of Height District to No. 1-L. (CPC 86-0251-GPC)

Ordinance No. 104,209 - Published on October 21, 1954, resulting in a change of zone to C2 and P.

Case No. CPC 5017 - This case is unrelated to the subject property.

Affidavit No. 02-1312336 - On June 7, 2002, a Covenant and Agreement Regarding Maintenance of off-street parking space was filed with the County of Los Angeles, Recorder's Office, providing for the maintenance of 9 parking spaces on the parcel described as Arb 2, Lot 5, Tract 17598, for the benefit of the property described as Lot 1 and Arb 2, Lot 2, Tract 17598, also known as 18238 Sherman Way.

Case No. ZA 88-0350(CUB) - On December 20, 1988, the Board of Zoning Appeals denied an appeal (BZA 3886), sustaining the action of the Zoning Administrator, and resulting in the denial of a request for the sale of beer and wine for off-site consumption in conjunction with a proposed 7,800 square-foot discount retail store having hours of operation from 9 a.m. to 9 p.m. daily, in the C2-1L and P-1L Zones.

Affidavit No. 65515 - On May 13, 1988, Document No. 88-482716, a Covenant and Agreement to Hold Property as One Parcel, was filed with the County of Los Angeles, Recorder's Office, resulting in a lot tie between the parcels described as Lot 1 and Arb 2, Lot 2, Tract 17598.

Parking Affidavit No. 5611 - On April 8, 1988, Document No. 88-482717, a Covenant and Agreement regarding maintenance of off-street parking space was filed with the County of Los Angeles, Recorder's Office, providing for the maintenance of 9 parking spaces on the parcel described as Arb 2, Lot 5, Tract 17598, for the benefit of the

property described as Lot 1 and Arb 2, Lot 2, Tract 17598, also known as 18238 Sherman Way.

Parking Affidavit No. 772 - No information regarding this affidavit could be found.

Surrounding Properties:

Case No. ZA 21688 - On May 22, 1975, the Zoning Administrator approved a Variance to permit the installation and use of two drive-up remote teller units and related equipment, including future sunshade canopy, on the R1P zoned portion of the site in connection with the transaction of business with the existing bank building on the C2 zoned portion of the site, on property located within the C2-R3P and R1P-1 Zones, at 7120-60 Etiwanda Avenue and 18256-60 Sherman Way.

Case No. ZA 15274 - On March 9, 1960, the Zoning Administrator approved a Variance to permit the installation and maintenance of an approximately 4-foot by 12-foot illuminated sign, on property located within the P Zone, at 18135 Sherman Way.

Case No. ZA 13608 - On December 30, 1955, the Zoning Administrator approved a Variance to permit the construction, use and maintenance of a commercial retail building not to exceed 30 feet in depth, on property located within the P Zone, at 18135 Sherman Way.

Case No. ZA 13254 - On December 20, 1954, the Zoning Administrator approved a Variance to permit a proposed retail shopping center building to extend into the P Zone for a varying distance of 42 and 49 feet, and to permit portions of the P Zone to be used for loading and unloading in connection with the development, on property located within the C2 and P Zones, at 18145 Sherman Way.

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

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

The applicant is a charter school serving Grades 6 through 12 that occupies a commercial building fronting onto Sherman Way. The building has not been designed for school purposes. The school originally occupied one building and has converted most recently a portion of an adjoining building to a gymnasium. Gym classes and other assembly activities are conducted within the gym. However, because of the nature of the space and its conversion from other non school uses, the applicant indicates that there is no ability for students to enjoy any outdoor space for eating or socializing or general recreational activities. The gym is utilized for all organized physical education classes and practices but lacks any open space.

The applicant has proposed the use of part of the rear parking lot as a means to serve eating/playground needs. The school has a lease for five years and is in the process of finding an alternative site. The parking area has already been used for the requested purposes. The request is to allow the use of the parking area for eating and playground activities to continue for a limited period of time. In fact, this case has as a condition a specific date on which this approval will expire.

The parking lot is zoned for parking purposes only and thus the use of it for a school eating/playground area is not permitted by right. The request is not a typical one but is the result of circumstances that limit the potential to carve out any open space out of a building designed for commercial purposes and not for school needs. The request is for a limited term as the school pursues another location for its use. Thus, given the availability of a generous-sized parking lot, denial of the request would limit the ability of the school to provide a more optimum environment for students that is otherwise restricted by the split zoning pattern and limited on-site space. Such inability to provide for the use of available area for necessary facilities would create an unnecessary hardship which would constitute practical difficulties which are inconsistent with the general purpose and intent of the zoning regulations.

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.**

These unique features include the dual zoning pattern, the availability of surplus parking, the location and proximity of the parking area to the school and the limitations of the existing building improvements which make the request as proposed logical as it would allow for the continued functional integration of the use of the parking lot with the existing school.

3. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Recent development has seen more charter school open in spaces which have typically not been designed for school purposes and thus meeting school's goals and needs has resulted in alternative measures to fulfill those needs. In this case, the variance will allow the school to operate with some of the amenities that are afforded and expected in other schools.

4. **The granting of such 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.**

This grant contains a number of conditions designed to mitigate any potential detrimental effects associated with the request. At the hearing, a number of speakers affiliated with the school testified in support of the request noting the value of the needed lunch area and playground area to the operation of the school and the well-being of its students. One parent noted that the parking lot "... is enormous..." and

that this allows the ability to be creative about use of resources. One teacher added that since the school building was not designed as a school, there are rooms with no windows and that the only opportunity to go out and have sunlight is at the lunch period. Recess is not conducted on the parking lot. In addition a letter was received in support of the request from commercial property owner who indicated that the buildings on Sherman Way do not require as much parking as currently provided. The letter notes that allowing the school to use the parking lots has the benefit of deterring its use by homeless or other living in their cars. A number of other letters in support were also received citing similar arguments for the need of children to not have to be indoors for the entire school day and citing the need to have this area for the general well-being of all students.

Testimony from a neighbor with concerns over the proposal was also presented. Said speaker also submitted additional letters citing similar concerns. The speaker and the letters noted that noise from the school using the parking lot has been a major impact for neighbors and that they hear yelling, screaming and early morning disruptions. Concerns were expressed over weekend activities but school officials noted that the school does not conduct any activities on the parking lot during the weekends. These are legitimate concerns for which conditions have been imposed related to operation of the playground area. General hours of use of the parking lot are established, no use of the fenced parking lot area during the weekend is permitted by the school or any other entity. More significantly, the approval is for a limited period of time after which the approval expires. Should the school not move from the location at the end of its lease, it would still need to apply for a new variance in order to continue the use of the parking lot. If the record of performance or compliance with conditions has been poor, then such would contribute to a determination regarding whether any future variance should be approved or not.

The use of the parking lot for the requested purposes is for limited hours of the day as further detailed by school administration. Observance with established conditions and monitoring by school staff of ongoing implementation of conditions should lead to a more responsive operation. Therefore, as proposed and conditioned, the request is anticipated to not be materially detrimental to the surrounding area and welfare.

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

The Reseda-West Van Nuys Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB and Height District No. 1L, with a maximum of six stories.

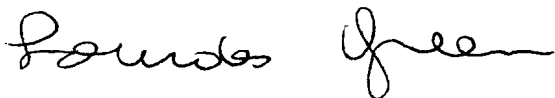
The request does not adversely affect any element of the Plan as it still provides for adequate parking and facilitates operation and retention of new schools catering to the local area.

ADDITIONAL MANDATORY FINDINGS

6. 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.

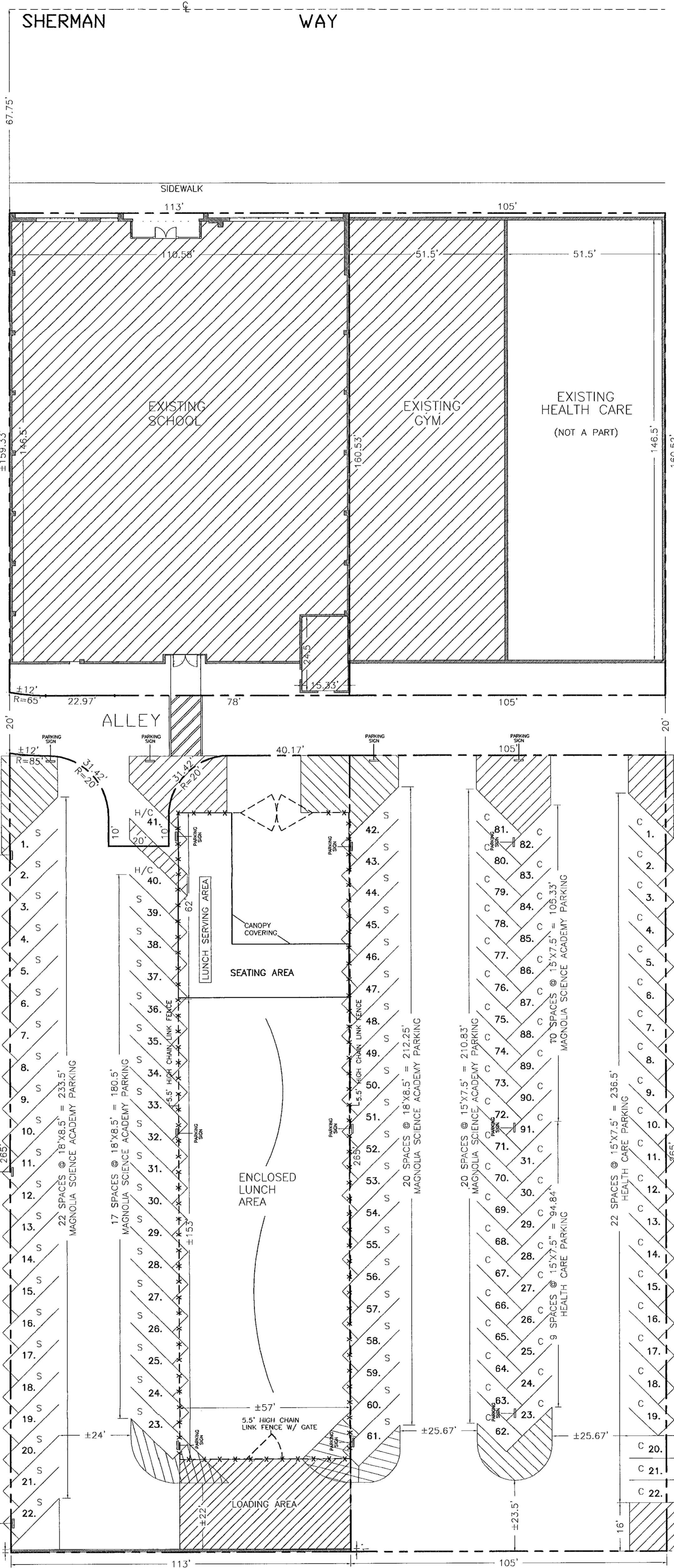
7. On September 14, 2005, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2005-3788-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street.
8. 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:lmc

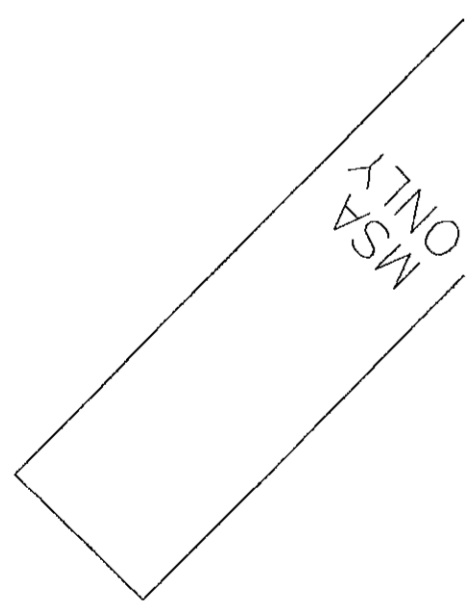
cc: Councilmember Dennis P. Zine
Third District
Adjoining Property Owners
County Assessor



**RESERVED
PARKING**

**PER
CITY
CODE**

TYPICAL PARKING SIGN
NOT TO SCALE



TYPICAL STRIPPING
NOT TO SCALE

- NOTES**
1. Representative:
Robert D. Lamishaw
JPL Zoning Services, Inc.
6263 Van Nuys Blvd.
Van Nuys, CA 91401
Phone (818) 781-0016 Fax (818) 781-0929
E-mail: lamishaw@jplzoning.com
 2. Applicant:
Magnolia Science Academy
18238 Sherman Way
Reseda, CA 91335
 3. Legal Description:
Lots 1, 5 & Por Lot 2, Tract 17598, T.B. 530-J5,
Map Ref. M B 530-3739
 4. Situs Address:
18238-18224 Sherman Way
Reseda, CA 91335
 5. Zone: C2-1L & P-1L
 6. Parking Required:
Existing School & Gym: ± 23,900 s.f. (1,600s.f.)= 47.8
TOTAL SPACES REQUIRED: 47 spaces
 7. Parking Provided:
Standard Spaces = 59 spaces
Compact Spaces = 30
H/C Spaces = 2 spaces
TOTAL SPACES PROVIDED: 91 spaces
 8. Total Site Area = ± 48,025 s.f.
 9. Total Floor Area = ± 23,900 s.f.
 10. Lot Coverage:
Building = ± 50 %
Landscape = 1 %
Hardscape = ± 50 %
 11. Request: ZV

*Received
11/22/05*

EXHIBIT "A"
Page 1 of 1

**EXISTING
PLOT PLAN**

CAD GRAPHICS BY

JPL Zoning Services
6263 Van Nuys Blvd.
Van Nuys, CA 91401
(818)781-0016

NORTH

DATE: 10-24-2005
SCALE: 1/20" = 1'

JPL- 4053PP1

Board Informative 2: Zoning Consultant Selection and Recommendation

Date: October 9, 2017

Action Requested: Board approval to retain zoning consultant

Background: The MSA-1 site has multiple zoning related issues to resolve. (Reference Board Informative 1: Zoning and Site Issues at MSA-1.) A consultant specializing in zoning is required to resolve these issues.

Staff issued a Request for Proposals dated 9/14/2017 with a due date of 9/19/17. Staff called three zoning consulting firms to solicit their participation. Two requested additional time. The due date was then extended to 9/29/17. Three firms submitted proposals. Those proposals were evaluated according to the attached rubric. Staff ranked the proposals as follows:

1. Rabuild Commercial Services LLC
2. Figueroa Media Group (FMG)
3. Land Developers Corp.

There were several critical factors in differentiating the proposers.

- Land Developers did not send in a compliant proposal. Instead, they updated a previously submitted letter of agreement. Besides missing relevant information, like references and background, this non-compliant response raises concern over their ability to pay attention to detail and take direction.
- The nature of the firms differs. Rabuild is focused narrowly on zoning and land use entitlement practice, has done so for more than 15 years, proposed a Project Manager who has done over 100 zoning projects, has completed three other similar projects in Reseda, and offered references for owners who required similar services.
- FMG is more broadly focused stressing community outreach and the resolution of political issues in addition to zoning and land use entitlement, proposed a Senior Manager who is more political than technical, proposed a Project Manager whose background is in

- aviation and is based in San Diego County, and offered references for an economic study related to a CRA redevelopment.
- MSA-1 requires two different phases of service – resolving the immediate zoning questions sufficient to allow an immediate building permit for the high school building and associated site development, and then obtaining necessary clearances for the third building on campus if and when the Board elects to proceed. Only Rabuild recognized sufficiently the two-step approach.
 - There are significant cost differences. Rabuild's Time and Material estimate of cost is \$50,000. FMG's lump sum cost is \$27,000. However, Rabuild's costs estimate was a worst case scenario, with the greatest effort and time involved and the cost estimate included the cost of resolving the initial and immediate zoning problems. Rabuild's cost estimate assumed that they would prepare a greater share of the required documentation than FMG. Rabuild proposed a Time and Material fee structure; the other proposers proposed fix fee services with onerous termination fees. Given the early stage of planning related to the third building, which may or may not be built, it is unwise to be locked into a fixed fee based on a full scope of service.
 - Rabuild requires a retainer of \$3,500. FMG requires a retainer of 5,000.
 - The proposed agreements by both Rabuild and FMG are acceptable.

Action requested: Staff recommends that a contract to Rabuild Commercial LLC be authorized on a Time and Material basis with an initial Not to Exceed amount of \$25,000. If and when the Board elects to proceed with entitlement for a third building on campus, this amount will be increased accordingly.

Attachments:

- Evaluation Rubric
- RFP
- Time Extension
- Proposed Rabuild letter agreement