

MASTER APPEAL FORM

WITH ATTACHMENTS



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission
- City Planning Commission
- City Council
- Director of Planning

Regarding Case Number: ZA-2015-1109(CU)

Project Address: 2414 N. Lake View Avenue, Los Angeles, CA 90039

Final Date to Appeal: 10/03/2016

- Type of Appeal:
- Appeal by Applicant/Owner
 - Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Sebastian Elghanian

Company: Karma Company

Mailing Address: 4221 Wilshire Boulevard

City: Los Angeles State: CA Zip: 90010

Telephone: (310) 962-3743 E-mail: selghanian@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: _____

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Dana Sayles, AICP

Company: three6ixty

Mailing Address: 4309 Overland Avenue

City: Culver City State: CA Zip: 90230

Telephone: (310) 204-3500 E-mail: dana@three6ixty.net

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

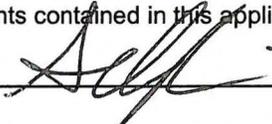
If Yes, list the condition number(s) here: 19, 20

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

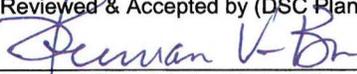
I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 9/30/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>89 -</u>	Reviewed & Accepted by (DSC Planner): <u></u>	Date: <u>9/30/16</u>
Receipt No: <u>0103639911</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

September 30, 2016

Mr. Jack Chiang
Associate Zoning Administrator
200 N. Spring Street, Room 721
Los Angeles, CA 90012

**RE: ZA-2015-1109-CU-1A / ENV-2015-1108-CE
2414 N. Lake View Avenue / Rose Scharlin**

Dear Mr. Chaing,

Three6ixty represents Mr. Sebastian Elghanian and Karma Company, one of the owners of the property generally at 2401 N. Corralitas Drive, commonly known as "the Red Car Property". Mr. Elghanian is objecting to Conditions No. 19 and 20 of the Letter of Determination for Case No. ZA-2015-1109-CU / ENV-2015-1108-CE (the "Approvals"), as they inappropriately burden his private property without consent, and thus the City of Los Angeles cannot include conditions of approval without such consent.

This Red Car property is undeveloped private property, owned by Mr. Elghanian's family for decades, and not an "open space trail" as described on page 10 of the Approvals. The surrounding community utilizes the property as a walking trail, despite numerous no trespassing signs, and various attempts by Mr. Elghanian's family to properly secure the site from vandalism, trespassing, vagrancy, and common squatter activity. And thus, for the record, the Red Car Property is private property.

Mr. Elghanian and his family have no issue whatsoever with the ongoing operation of the Rose Scharlin Nursery School ("Rose Scharlin"), and in no way wish to impede their ability to provide childcare services to the neighborhood. However, Mr. Elghanian objects to Conditions 19 and 20 of the Letter of Determination which require all loading of facility equipment via the Red Car Property, as well as off-site parking on this site, for the 15-year period of this grant. This consent has not been granted by Mr. Elghanian's family for the life of this grant, and thus cannot be included as a condition of approval.

The owners of the Red Car Property and the Rose Scharlin Nursery School have entered into a private party Settlement Agreement and Mutual Release Agreement dated February 4, 2015 which grants Rose Scharlin certain access and parking rights, only under limited circumstances. This is the only binding agreement that can be in place to permit loading, parking and other access. As such, the City's inclusion of certain conditions of approval are in direct conflict with this private party agreement, and therefore cannot be imposed or enforced.

In summary, Mr. Elghanian has no objection to the overall Approvals, only to two specific conditions that inappropriately and without consent to the city, burden his private property. We look forward to a quick resolution on alternate conditions of approval that permit Rose Scharlin to continue operations in harmony with the surrounding property owners and residents.

Feel free to contact me at (310) 204-3500 should you have any questions regarding this action.

Sincerely,
three6ixty



Dana A. Sayles, AICP



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: ZA 2015-1109(CU)

Project Address: 2414 N. Lake View Avenue, Los Angeles 90039

Final Date to Appeal: 10/03/2016

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Gilbert Brebes

Company: Rose Scharlin Coop Nursery School

Mailing Address: 2414 Lake View Avenue

City: Los Angeles State: CA Zip: 90039

Telephone: 323-821-2821 E-mail: gilbertbrebes@earthlink.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self, Other:

- Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Anne Alexander, Esq.

Company: Pircher, Nichols & Meeks

Mailing Address: 1925 Century Park East, Suite 1700

City: Los Angeles State: CA Zip: 90067

Telephone: (310) 201-8927 E-mail: aalexander@pircher.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: 10, 13, 14, 26

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 9-30-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$0</u>	Reviewed & Accepted by (DSC Planner): <u>Eric Claros</u>	Date: <u>10/3/16</u>
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**Appeal of
ZA 2015-1109 (CU)
Rose Scharlin Nursery School
Conditional Use Permit**

Justifications/Reasons for Appeal

September 30, 2016

The Applicant, Rose Scharlin Nursery School, appeals the following conditions and provides the following reasons and justifications for requesting the appeal:

Condition No. 10

The Applicant requests that this condition be revised to read as follows:

Special Events – One graduation event and ~~one~~two fundraising ~~event~~events per year, outside of 17 school maintenance and administration Saturdays, are permitted on ~~two~~three Saturdays between the hours of 9:00 a.m. and 2:00 p.m., provided that alternatively, the Applicant may elect to hold one of the fundraising events between the hours of 4:00 p.m. and 10:00 p.m.

The revision involves two components: (a) the change of the time of one fundraiser to evening hours and (b) the addition of a second fundraiser. These revisions are critical to the continued operation of the Applicant's school, which is non-profit cooperative organization that relies on charitable contributions for most of its budget.

(a) The Applicant requests that one fundraising event be permitted in the evening hours to accommodate the evening Halloween fundraiser "Hullabaloo", which the school has held on its premises on a Saturday evening near Halloween for the past 13 years. The Applicant's original request to hold fundraising events did not expressly state a time of day when the fundraisers would be held, but the Applicant was clear during the numerous community meetings and the Zoning Administrator hearing that one primary purpose was to continue to hold the school's longstanding Halloween fundraiser in the evening. The community is familiar with this event, and during the community meetings and Zoning Administrator hearing, community members did not generally object to the Applicant continuing to promote this event. However, it became clear when the determination letter was issued that the intent may have been misunderstood by the Zoning Administrator, and as a result the fundraisers were limited to the morning hours. The Applicant is concerned that if it is not able to hold the Halloween event in the evening, it will not be able to raise the funds needed to keep the school in operation.

(b) The Applicant requests the flexibility to hold a second fundraising event on the premises during the morning hours, in case during the 15-year term of the CUP the school deems it necessary to raise additional funds beyond what it is able to raise through other vehicles. The Applicant's materials clearly requested two fundraisers per year, and this was generally agreed to with the community, as evidenced by the letter of support from the Silverlake Neighborhood Council.

Condition No. 13

The Applicant requests that this condition be deleted in its entirety:

~~No dancing is allowed except for non-school aged children. Instructor dancing is permitted only during class activities.~~

The condition constitutes an overbroad restriction on the First Amendment rights of staff, workday parents, siblings and any other persons who may access the premises. There is no nexus between the condition and any potential impacts of the nursery school use. Any impacts which the condition is intended to mitigate are addressed through the express and implied restrictions on noise contained in Conditions 3, 26 and 27.

Condition No. 14

The Applicant requests that this condition be modified to read as follows:

There shall be no alcohol ~~services on site at all times~~ sold on site at any time, except in connection with the fundraising events described in Condition No. 7, for which the Applicant may obtain special event permits authorizing such sale.

The Applicant would like the flexibility to serve alcohol (in compliance with all applicable laws) in connection with its two fundraising events, because the sale of alcohol can be a significant contributor to the overall funds raised at such events. Discussions with the Zoning Administration hearing officer subsequent to the issuance of the determination letter indicated that the hearing officer was aware neither of the Applicant's past practice of alcohol sales at fundraisers, nor of its desire to continue such practice, nor of the financial benefit to the school of permitting alcohol sales as part of the fundraising events. The issue of alcohol use was not raised as an issue in any of the community meetings or in the Zoning Administrator hearing, so the restriction appears overbroad and does not address any impacts which the nursery school might generate. Moreover, the Applicant believes that the neighbors who have participated in the meetings and hearing were and are aware that the school has historically had special event permits which permitted the sale of alcohol solely in connection with the fundraising events and that the practice was anticipated to continue for these annual or at most semi-annual events.

Condition No. 26

The Applicant requests that the final sentence of this condition be revised to read as follows:

No loud or amplified music or broadcast is permitted at the site except in connection with the special events described in Condition 10, and in no event after 8:00 p.m.

The annual Halloween fundraiser is a movie night, during which a movie shown on an outdoor screen. The sound for movie night is amplified. The Applicant's materials requested the ability to have amplified sound in connection with the fundraising events, in no event after 8:00 p.m. As evidenced by the letter of support from the Silverlake Neighborhood Council, this was generally agreed to with the community. It appears that this exception to the amplified sound condition was omitted because the overall request for an evening fundraiser was misunderstood by the Zoning Administrator.

Document comparison by Workshare Compare on Friday, September 30, 2016
12:43:41 PM

Input:	
Document 1 ID	interwovenSite://FWDMS3/LAXDOCS/11362503/1
Description	#11362503v1<LAXDOCS> - Appeal Justification
Document 2 ID	C:\NRPortb\LAXDOCS\AALEXANDER\11362503_2.docx
Description	C:\NRPortb\LAXDOCS\AALEXANDER\11362503_2.docx
Rendering set	Color-PNM Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved-deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	7
Deletions	6
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	13

**DETERMINATION
LETTER**

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY



ERIC GARCETTI
MAYOR

VINCENT P. BERTONI, AICP
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

September 16, 2016

Gilbert Brebes(A)(O)
2414 Lake View Avenue
Los Angeles, CA

Anne Alexander
Pircher, Nichols and Meeks
1925 Century Park East, Ste. 1700
Los Angeles, CA

CASE NO. ZA 2015-1109(CU)
CONDITIONAL USE
Related Case No. ZA-1977-207
2414 N. Lake View Avenue
Planning Area
Zone : R2-1VL
D. M. : 148-5A209, 148-5A211
C. D. : 13
CEQA : ENV-2015-1108-CE
Legal Description: Lots 125, 126, 127,
TR 8131

Pursuant to Los Angeles Municipal Code Section 12.24-W, 51, I hereby APPROVE:

A Conditional Use to permit the continued operation and maintenance of a 1,228 square-foot nursery school in the R2-1VL 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. The plot plan shall indicate the exterior boundaries of the property, the wire fence enclosures, the sandbox, the lawn area, and the stairway leading to the play area.
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. 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.
7. Approved herein is the 1,228 square foot nursery school facility with six structures including an office, kitchen, classroom and bathroom building, two storage sheds, covered sand box, and a play house on a 14,121 square-foot property containing three lots.
8. The number of children attending the school on any given day shall be limited to twenty-four (24) non-school aged children.
9. Hours of routine operation shall be limited to the following hours:

Weekdays

- a. The regular school classes, program, and activities involving students shall be limited to hours between 8:30 a.m. to 2:30 p.m. from Monday through Friday, throughout the entire calendar year.
- b. Tuesday community playgroup for each week shall end at 4:30 p.m.
- c. Two administration meeting days are permitted per week, both days shall end at 4:30 p.m. One of the administration meeting days shall be limited to Tuesday.

Weekends

- d. One designated Saturday per month (12 days), and five (5) additional Saturdays designated in every other month between September and June, for a total of seventeen (17) days, is permitted for site and facility maintenance, parent education, administration matter, and community outreach meeting. All such Saturday hours shall be limited to hours between 9:00 a.m. to 4:00 p.m.
- e. No activities shall be permitted at the school on Sundays except for feeding of animals by nursery administrators or parent members, and access for

maintenance emergencies. Feeding of animals shall be strictly conducted as "feed the animals" only and not altered into forms of playtime or petting zoo activities.

- f. No adult or children shall be on the school property when there is no scheduled school classes, events, or programs.
10. Special events - One graduation event and one fund raising event per year, outside of 17 school maintenance and administration Saturdays, are permitted on two Saturdays between the hours of 9:00 a.m. and 2:00 p.m.
11. The school shall map its entire activity dates, accurately to the best possible extent twice a year, on two half-yearly academic calendars, prior to the beginning of each fall and spring semesters.

Such academic calendars shall be finalized and posted on school's website, and be either electronically or physically distributed to neighbors within the 500 feet of radius two weeks prior to the first day of the fall and spring semesters.

The school shall gather preferred dates of special events, meetings, and maintenance from the abutting property owners prior to finalize the academic calendar.

12. This grant shall have a maximum life of **FIFTEEN** (15) years from the effective date of this grant. Thereafter, a new authorization with an approval shall be required to continue the operation of a nursery school at this location.
13. Condition Compliance Plan Approval - If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentations.
14. The facility must be licensed to operate by the State of California, and shall comply with all applicable State and local laws and requirements relating to child care facilities. A copy of said license shall be provided for placement in the subject site.
15. The facility shall provide minimum staff to child ratio in compliance with State of California, Health and Human Services Agency, Department of Social Services regulations.
16. All requirements of the State Department of Social Welfare, and City Departments

- of Building and Safety and Fire shall be complied with in the use of the subject property.
12. All events and activities occur on site shall be children activities, educational, facility operation and maintenance, and community relation or outreach focused.
 13. No dancing is allowed except for non-school age children. Instructor dancing is permitted only during class activities.
 14. There shall be no alcohol services on site at all times.
 15. The school shall not sublease the site to outside parties for private events, or permit use by any school members for personal private events.
 14. A copy of this determination, and valid business permit and licenses, shall be retained on the premises at all times and be immediately produced upon the request of any State or City officials.
 15. A copy of this grant shall be provided to all parents of the school, who shall sign an acknowledgement form stating that they have read and understood all of the conditional use permit conditions.
 16. The school shall incorporate conditions of this grant into its governing documents and member handbook and assure all members adhere to the requirements in full compliance.
 17. The applicant shall submit a site plans to the Fire Department for their review and approval prior to initiate condition clearance at the Planning Department Development Services Center.
 18. The school shall submit a Transportation Plan, which includes a transportation pool system, a Parking Plan, and a Loading and Unloading Plan to the Department of Transportation for review and approval. Such plan shall show a traffic pattern to the school property, by any member of the school, is only limited to one-way and northerly-direction on Lake View Avenue.
 19. The school shall maintain 4 off-site parking spaces by the private lease for as long as the lessor grants the lease of the off-site parking spaces.
 20. Facility equipment loading shall take access via the rear of the property from the "Red Car Property."
 21. Any vehicles parked in connection with the school shall continue the existing practice of widely dispersed throughout the surrounding neighborhood to lessen parking impact on one particular street
 22. Only four (4) vehicles may be parked on Lake View Avenue during school hours by teacher or and assisting school members. Vehicles shall be parked on the easterly side of the street in front of the school to the extent possible, in such manner as not to interfere with loading and unloading of children.

23. The school shall appoint a school traffic coordinator who will be responsible for preparing a list of names, addresses and phone numbers for all school families, and to provide that information to school families and staff. The traffic coordinator shall assist school families in identifying opportunities for setting up carpools in order to reduce the number of vehicular trips to and from the subject site and to reduce traffic impacts on the adjacent residential neighborhood.
24. Parent members of school shall continue to park their cars away from the school and walk their children to the school site. In any event that there is a need to load and unload children, parent shall drop off and pick up children on a staggered schedule so that children arrive at the school between 8:30 a.m. and 9:15 a.m. and are picked up between 12:30 p.m. and 2:30 p.m. all to minimize traffic impacts in front of the facility.
25. Drivers who park their vehicles in front of the school property to pick up children shall not honk their horns or to make unnecessary noise to notify the arrival. The school shall make proper arrangement for timely pick up of children.
26. The facility shall comply with the City of Los Angeles Noise Ordinances Nos. 144,331 and 161,571, and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels at adjacent uses. No loud or amplified music or broadcast is permitted at the site.
27. No loudspeaker shall be installed or used in any open areas of the facility in conjunction with outdoor activities.
28. The school shall appoint a community outreach coordinator and conduct quarterly community meetings per year with all neighbors within 500 feet of radius to address any operational concerns and to inform upcoming school activities. The school shall notify each neighbor by email, postage mail, or hand delivered flyer.
29. The applicant shall coordinate with Council District No. 13 regarding appropriate monitoring of community complaints concerning activities associated with the facility.
30. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - 1) Posted at the entry.
 - 2) Mailed to abutting property owners and tenants and names listed on the Public Hearing Interested Parties List.
 - 3) Provided to the Neighborhood Council, and local neighborhood homeowner/renter associations, if any.

31. The applicant shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator at the Approval of Plans Review.
32. Within 30 days of the effective date of this determination, a letter shall be submitted that verifies that the applicant/operator has reviewed the results of the Register of California's Convicted Sex Offenders database for the zip code of the subject project site.
33. The premises shall be maintained in an attractive condition. Area between the property fence and the Lake View Avenue street curb along the property street frontage shall be kept free and clear of weeds and plant growth at all times.
34. All play equipment, as well as any structures or improvements on the property, shall be kept painted and well-maintained.
35. No signage is approved with this Conditional Use, other than existing identification signs adjacent to each of the entrances to the school and attached to the covered sand box.
36. No construction for new structures is authorized with this approval, except for the repair of existing structures.
37. Existing on-site landscaping and over-in-height hedges shall be maintained to keep the site attractive and continue to provide a sound and visual screens to the abutting properties.
39. Any barbecues or other portable cooking devices used at the school shall be oriented in such a way to avoid unduly impacting neighbors.
40. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.

- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

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 grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after OCTOBER 3, 2016, 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, and the statements made at the public hearing on , all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The applicant seeks conditional use approval for the continued use and maintenance of an existing nursery school, Rose Scharlin Coop Nursery School, located on three adjacent lots zoned for R2-1 multifamily residential use at 2414 Lakeview Avenue in SilverLake. According to Condition 14 of the previous Conditional Use authorized by ZA-1977-207 on August 25, 1977, "this grant shall be valid for a period of ten (10) years from the effective date (September 12, 1977). A zoning investigator report dated July 12, 1977 states that "nursery schools have operated on this site for at least thirty (30) years".

The applicant requests a new conditional use approval with revised conditions which reflect changes in California law and licensing requirements, and a proposed extension of hours and days of operation. ZA-1977-207 restricted the School's hours of operation from 9:15 A.M. to noon Monday through Friday, with maintenance activities allowed on Saturday afternoons and one Sunday afternoon per calendar year. The applicant proposes to expand the hours of operation so that the School operates from 8:30 A.M. to 2:30 P.M. Monday through Friday, with the following exceptions:

- Community playgroup on Tuesdays until 4:30 P.M.
- Administrative meetings on Tuesdays, and one additional day, until 4:30 P.M.
- Maintenance activities, parent education, neighbor and/or member community gatherings and other administrative matters, one Saturday a month between 9:00 A.M. and 4:00 P.M., and five (5) additional Saturdays, every other month between September and June, from 9:00 A.M. to 2:00 P.M.
- Fundraising events two Saturdays per year
- Graduation activities one Saturday per year between 9:00 A.M. and 2:00 P.M.
- Feeding of animals and maintenance activities on Sunday.

The subject property is comprised of three adjacent lots, containing a total of 14,121.4 sq. ft. located on the west side of N. Lake View Avenue in Silver Lake. The subject property is below the grade of the street and screened from view by a 13 ft. retaining wall and mature trees. There are several small structures located along the northern edge of the property, including a 406 sq. ft. classroom building, a detached 132 sq. ft. kitchen, and a detached 145 sq. ft. office. There are also three structures along the southern edge of the property, including a 100 sq. ft. storage shed, a second 158 sq. ft. storage shed and a 94 sq. ft. playhouse. In the center of the property is a 332 sq. ft. platform. An aerial view of the property shows multiple canopies suspended over open space. The facility has no parking.

Properties adjacent to the north and south are residential properties located at street grade. Their view of the property is screened by landscaping. The property adjacent to the east is the Corralitas Red Car Trail, a vacant open space which is used informally by occupants and owners of surrounding properties for recreational purposes. The lots directly across the street to the west of the project are developed with three-story residential structures.

Lake View Avenue is designated as a Local Street – Standard by the Mobility Plan 2035, with a designated road width of 36 ft. and a designated right-of-way of 60 ft. The existing road width is estimated to be about 24 ft. The subject property is located within 1000 ft. of the 2 Freeway, also known as the Glendale Freeway.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property

Case No. ZA-18956 – On December 29, 1967 the Associate Zoning Administrator authorized a Conditional use approval allowing the continued operation of a nursery school at 2414 Lakeview Avenue for a period of five (5) years. This approval references multiple previous approvals, including ZA-9877, ZA-11504, ZA-11947, BZA-587, ZA-14258 and ZA-16277.

Case No. ZA-1977-207 - On August 25, 1977 the Associate Zoning Administrator authorized a Conditional Use approval allowing the continued operation of a nursery school on Lots 125, 126 and 127, Tract No. 8131, located at 2414 Lakeview Avenue, in a R2-1 zone, for a term period of ten (10) years. According to this approval “nursery schools have operated on this site for at least thirty (30) years”. There are no related cases on surrounding properties.

PUBLIC HEARINGS

A Notice of Public Hearing was sent to nearby property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The Public Hearing was held on Tuesday, May 24, 2016, at approximately 10:30 a.m. in the Los Angeles City Hall at 200 North Spring Street, Room 1020.

The applicant's representative Anne Alexander, and the applicant, Rose Scharlin Nursery School, commented as follows:

- The applicant is seeking a renewal of the conditional use for a nursery school in R2 zone.
- The original conditional use was granted 1967 then in 1977.
- The school is operated by a non-profit co-op organization formed by the parents of the kids who attend the nursery.
- The parents are very involved in the operation of the school and they form the membership of the school. However, the membership keeps on evolving as kids grow older and leave the school while new kids and parents come in becoming new members of the school.
- The school administration had two community meetings with the surrounding local residents to come up with agreeable conditions.
- Silver Lake Neighborhood Council has recommended the approval of the conditional use.
- The applicant requests the City to remove the condition limiting the enrollment boundary, or enlarge the enrollment boundary, as the demographic in the area has changed and there are less kids in the neighborhood.
- The conditional use application does not involve any new construction, change of use, or the expansion of the facility.
- The applicant requests to extend the closing time from 12:30 p.m. to 2:30 p.m., and 4:30 on Tuesday only.
- Weekend uses are limited to meetings, yard maintain ace, feeding animals, annual graduation, and 2 fund raisers events.
- There is no parking spaces on the site or loading/unloading space on the curb side. Parents park throughout the neighborhood as not to create an immediate parking impact, then walk their kids to the nursery.
- Parents are encouraged to carpool together, but this is a suggestion and very difficult to make it a condition.
- The modification requested was subjected to and a resulted of the community input.
- The school and participating parents have taken steps to curtail party events. Two members are assigned to school's web site addressing the events.
- The school will also modify the hand book to reflect the conditional use requirements.

Gabriel Parea, the Director of Rose Scharlin provided the following comments:

- The school always had two Department of Social Services licenses to hold school program to 4:30 pm. The second license was never put into the use.
- The school is operated as a co-op entity. Parents are heavily involved in the

- operation as administrators, teachers, and maintenance personnel.
- There are an average of 5 to 6 parents and 24 kids on site on each day.
- There were parties being held at the school site in the last two years, but not anymore since the current school administrator discovered that there is a conditional use regulating the facility.
- There is an access to the rear of the school via the "Red Car Property", which the school secured 4 parking spaces by a private agreement.
- The school does not provide any after school program.
- Parents do park their cars far away and walk their kid up hill to the school.
- The school provides outdoor dance music once a week, for kids to play. Music are mostly acoustic guitar, playing for about 45 minutes, once a day for once a week.
- The school does not provide any community program. Only meeting with prospective applicants.

Matt Ima provided the following comments:

- He is one of the Rose Scharlin parent.
- It was important to him to find a co-op nursery for his child, and Rose Scharlin with its history including its non-violence teaching, was the first choice.
- He attended the 4-hour community meeting. The school made an effort to talk to the community for an open dialog.
- He does not park on Lake View Street. He parks far away and walk his child to the nursery.
- He is a new member to the school and heard about the conditional use regulation. The school respects the neighbors.
- The school will have a coordinator to help the school to work with the neighbors.

Bridgette Bays provided the following comments:

- Her third child is attending Rose Scharline School.
- She and her child walk up the hill to the school.
- The current membership has put in tremendous effort to be harmonious with the neighbors.
- Parent involvement is what made Rose Scharlin great.
- It is important to work with everyone and continue this way.

Eliza Calton provided the following comments:

- Her family lives within 500 feet from the school, and she is also a parent of Rose Scharlin.
- About 15 to 20 percent of family actually walk to the school.
- She attended the 4-hour meeting and talked about issues regards to parking, noise, and hours of operation.
- The school openly negotiate the terms with the community in good faith.
- It is important that the school must stick by the guideline.

Stacy Bucet provided the following comments:

- She is a Rose Scharlin parent, she has several children attending the school.
- She loves the organic roots of Rose Scharlin, and its fabulous management.
- Her family from so many friendships and her kids learn very much from the school.
- Rose Scharlin teaches the non-violent method and the use of communication to

resolve issues.

Raquel Laddey provided the following comments:

- She is a Rose Scharlin parent and also a neighbor.
- She is aware of the zoning issue and the perspectives from both sides.
- Rose Scharlin is a very unique establish in the neighborhood, it teach non-violence and creates valuable people in the society.
- The school is empathetic to the neighbors and everyone wants to live in harmony.
- The school will not exist without parent participation and the fresh outdoor environment.
- The school is willing to keep on communicate.

Raquel Laddey provided the following comments:

- She is a Rose Scharlin parent and also a neighbor.
- She is aware of the zoning issue and the perspectives from both sides.
- Rose Scharlin is a very unique establish in the neighborhood, it teach non-violence and creates valuable people in the society.
- The school is empathetic to the neighbors and everyone wants to live in harmony.
- The school will not exist without parent participation and the fresh outdoor environment.
- The school is willing to keep on communicate.

Jill Aske provided the following comments:

- She is the president of the board for Rose Scharline School. She spends much of her personal time with the school.
- It is very important to run a good operation, to be mindful to keep the community safe and clean.
- They also watch for any suspicious activities occurs on the Red Car property.
- Walking to school and playing at the school yard relieve stress from parents and kids.

Beth Bohn provided the following comments:

- She lives northerly abutting to the Rose Scharlin School since 1986.
- There were great years and awful years.
- The school did not want to participate a community outreach effort.
- Institution knowledge was lost because the conditional use was not being followed and informed from old members to new members.
- She could not imaging the hours of operation would change since 1977 conditional use permit. This has become a division between the school and neighbors.
- She attended the 4-hour meeting, and concurred that both sides really wanted to work together.
- She has not seen the draft of agreed conditions.
- She runs a private business, but the school runs events and generate noise that impede her business operation where she cannot hear her own sound in her house.

Guadalupe Chapa provided the following comments:

- She became a neighbor since 2000.

- She attended the neighborhood meeting. Many issues were discussed, but no agreement were issued formally.
- There is a lack of a time table and precise uses.
- The length of a conditional use should be shorten to 3 years.
- The hours of operation must comply with the Department of Social Service licenses.

Diane Edwardson provided the following comments:

- She is a neighbor and a local resident for 26 years.
- The current school members are paying the sin for the things done by past parents.
- The current parent members are working very hard to improve the operation of the school.
- There is no formal agreement between the school and the neighbors, she requested that the special events and after school activities remains the same date year after year.
- The neighborhood has changed and the school will work with the changes in the neighborhood.

Christen Russ provided the following comments:

- She is a parent of three children that attend Rose Scharlin.
- They walk to school.
- The school really wants to work with the community on the conditions of operation.
- She understands very well that the neighbors have concerns from past years.
- Some neighbors said they have already noticed some operation improvement with the work by new members.
- All school members are respectful of the local neighborhood on parking and traffic rules.
- The school must have some set up and maintenance hours as a part of hours of operation.
- Any shorter hours is not long enough to be worthwhile to attend the school.

John Depuvara provided the following comments:

- He is the maintenance chair of Rose Scharlin.
- The school put in a lot of effort in doing fund raising. One event is away from the school property.
- There are a lot of items to take care of to keep the site safe for children.
- Landscaping and structure repairs all done by parents.
- Such maintenance time must be schedule in advance because all done by parents who work.
- Notices will go out on maintenance activities.

Mike Bayless provided the following comments:

- He has lived in the neighborhood for 10 years.
- Some years are better than other years.
- He is also a Rose Scharlin parent.
- The neighborhood is a tight community because many people have history with Rose Scharlin.
- There is a sense of cooperation because the school is working with the neighbors.

Jerome Corshun provided the following comments:

- Rose Scharlin is a serious asset to the City.
- He facilitated the four-hour meeting to discuss and resolve the differences between the neighborhood and the school.
- Both parties got through every single point and both sides had to make lots concessions.
- Hours of operation is within the scope of the modification.
- The agreement was created and reviewed in the Neighborhood Council hearing.
- School continues to facilitate community outreaches.

Kate Paradise provided the following comments:

- She is a part of Rose Scharlin family for 5 years. She walks her children to the school.
- She is in social and emotional development profession.
- The extended hours of operation is extremely valuable to the children.
- There are not many open places in the City with an environment allowing children to grown socially and emotionally intelligent.
- It help the society to move away from a culture of bullying.

Joy Pae provided the following comments:

- She is currently the Rose Scharlin board president.
- Unpermitted parties stopped two years ago when parents discovered a conditional use permit, and also found out it was expired.
- The scheduled fund raiser is always on Halloween. One on site and one off-site.
- The school provides a summer meeting before school starts each year.
- Maintenance and repair occurs once a month.
- Much of the noise complaint actually is resulted from Alexander School. The noise travels through the canyon. Rose Scharlin has become the escape goat for noises generated elsewhere.

Brady Sloan provided the following comments:

- He is a Rose Scharlin parent.
- The school has been in the neighborhood for almost 100 years.
- Rose Scharlin teaches kids how to communicate with people.
- Parents take a lot of time and effort to beautify the site.

Council District No. 13 provided the following comments:

- The Council Office has reviewed the project and its potential impacts.
- The Office is current working with the applicant and the community to finalize the conditions.
- The Office would like to see this project moving forward.

Applicant responses:

- The school has lost its institutional knowledge with the departure of previous members.
- The school aims to improve its membership to include neighbors.

- The parties have stopped.
- The proposed hours of operation is in compliance with the State licenses that the school has.

At the closing of the hearing the Zoning Administrator stated that he finds the request is very unclear. The hours of operation, days of various events, types of school program, and school calendar all need to be clarified and submitted in order to make a proper determination and the imposition of conditions. The Zoning Administrator indicated that he is inclined to approve the project, but he took the case under advisement to wait for the applicant to submit requested information. The term grant will be 10 years, additional conditional will include an enforcement condition and an option to require a plan approval for conditional compliance review.

PUBLIC CORRESPONDENCE

Prior to the first public hearing nineteen (20) comment letters were received. These letters primarily expressed concerns about adverse impacts to the adjacent residential neighborhood from traffic, parking and noise related to the proposed facility. Prior to the second public hearing four (4) comment letters were received. These letters expressed support for the project. A letter from the Silver Lake Neighborhood Council dated January 28, 2016 provided suggested revisions to the applicant's proposed conditions and recommended approval of the Conditional Use by unanimous consent.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for nursery schools to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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

The site is a 14,121 square foot lot. The use of the property was first established in 1940 as a nursery school which is known as Rose Scharlin School. The School was later approved by the City for the nursery-school use in R2 Zone in 1967 for ten years, and the school renewed the conditional use in 1977 again for a subsequent ten years. The original approvals imposed numerous conditions to ensure that the operation of the school was not creating any adverse impacts, and that the compliance with conditions was effective. One unique feature of Rose Scharlin

School is that the facility is formed, operated, and administered by the parents of children who attend the school. It is a co-op non-profit arrangement and organization.

The benefit of such co-op arrangement is that each participant is a part owner of the school and it stimulates parents to be directly involved in educating their children and prioritizes quality of the education and facility operation over business profit. The disadvantage of such organization is that the school managing board members constantly change as existing members leave when their children graduate from the school. New parents become school managing members when their children attend Rose Scharlin. This change of membership causes much loss of school's crucial institutional knowledge and new member become unaware of the existence of City's conditional use permit and the operational conditions. Deviations of approved conditions and noise nuisance have occurred due to the unawareness of the conditional use permit. However, the recent membership has discovered such City requirement and has taken step to correct and improve the operation of the nursery school to eliminate the violation.

A new conditional use application was filed to renew the use including a request to modify the hours of operation and the school enrollment boundary. This application represents the fulfillment of a requirement to file for and obtain a new conditional use permit. The school has an approved 24 children enrollment with six structures totaling 1,228 square feet. There are four off-site parking spaces provided on the Red-Car property via a private lease. The applicant is proposing to maintain the number of enrollment, number of structures, overall square footage, and the off-site parking without any physical expansion. The applicant is seeking an extension of hours of operation in the closing time from 12:30 p.m. to 2:30 p.m., and to eliminate the enrollment boundary as the local demographics has changed resulting less children in the neighborhood.

Rose Scharlin nursery school has operated on the subject property since the 1940's according to information contained in a zoning investigator report dated July 12, 1977, which was prepared in conjunction with the Conditional Use authorized by ZA-1977-207. This length of tenure in itself indicates that the nursery school is performing a function or service that is beneficial to the community. None of the comments received from residents of the neighborhood question the need for a nursery school or the quality of the community service provided by the school, but focus instead on the lack of parking, traffic congestion and noise created by events held after hours and on weekends. The school has completed a clear community outreach effort with extensive dialog to address these issues. The hours of operation and the school related activities have remained to be the main contention.

Rose Scharlin is a neighborhood nursery with a small enrollment much similar to a large day care use, and not a full size pre-school. An extension of two operating hours is consistent with similar type of school elsewhere in the City without impacting surrounding properties as the operator adheres to strict conditions imposed by the City.

This Conditional Use approval contains conditions which address the neighborhood's concerns. Condition No. 9 restricts the hours of operation of the

facility to 9:00 A.M. to 2:30 P.M., Monday through Friday, with the exception that routine maintenance activities, community playgroup, animal feeding and special events may be performed on days outside of these hours on Saturdays and Sundays. Condition No. 10 limits special events held outside of normal operating hours to two events per year, for one graduation and one fund raising event only with no uses allowed on Sunday or in the evening time. Condition Nos. 18, 19, 20, 21, 22, 23, 24, and 25 require the applicant to submit a Transportation Plan, which includes a transportation pool system, a Parking Plan, and a Loading and Unloading Plan to the Department of Transportation for review and approval, and also include the required method for driving, parking and loading and unloading at the school facility. Condition Nos. 26 and 27 regulates the noise emission from the site. Condition No. 13 allows the City to review the effectiveness of the condition compliance by the school in the event of any documented violation. Other conditions include community outreach, facility licensing and permitting, and site maintenance. These conditions are imposed all to ensure the school will operate in an acceptable manner and to mitigate all potential impacts to a level of insignificance.

The existing nursery school use has continued to operate consistent with the good intent to serve the community. The continuation of the nursery school remains proper in relation to adjacent uses and to the development of the community. No significant changes have been sought which would alter the operation or the physical operation of the building. A letter of support recommending the approval of such conditional use was received from the President of the Silver Lake Neighborhood Council on January 28, 2016. Therefore, the project will continue to enhance the built environment in the surrounding neighborhood and will continue a function to provide a service that is essential and beneficial to the community, city and region.

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

As noted, Rose Scharlin School has operated at this location since 1940s. The nursery was first entitled with its conditional use in 1967, again in 1977. Since that time, there has been indication that the adjoining area has been affected in an adverse manner by the school's operation due to a constant change of its administrator and managing member. Much of the institution knowledge of nursery's management was lost, and it was until recently that the current nursery administrator discovered that City issued conditional use permits to the nursery on its operation. The nursery has soon filed a new conditional use permit application to renew the entitlement and further taken steps to improve its operation to eliminate all violations to bring programs and activities in line with operation conditions set forth by the City.

The applicant does not propose to add square footage or increase the maximum enrollment of the nursery school. No physical changes to the facility are proposed. The six (6) built structures including an office, kitchen, classroom and bathroom building, two storage sheds, covered sand box, and a play house on the subject

property contain a total square footage of no more than 1,228 square feet. The facility is below street grade and it is not visible at the public street level, and it does not contain any high ground or tall structure that can look into private yards of the adjacent residential properties. The change in grade places the school more than thirteen (13) feet below street level. The presence of mature trees onsite also creates a buffer between the facility and the abutting properties. The school received a Conditional Use approval for twenty-four (24) students in 1967 and requests to maintain the maximum enrollment at this number. Any impacts created by proposed changes in hours and days of operation have been addressed by the conditions of approval cited under Finding No. 1 in regards to approved use, hours of operation, authority for City to review the effectiveness of condition compliance, traffic, parking, noise control, and site maintenance.

The intent of original conditions have been retained with modifications made. Term grant for 10 years is imposed requiring the nursery to be re-reviewed by the City for its use and compliance to the conditions. In the event that there are any problems, the City retains the right to review the school prior to the 10 year expiration and such is memorialized in a new condition of this grant. A covenant is required to be filed to ensure that in the event the applicant is no longer affiliated with the school, any future operator of the preschool or buyer of the property will be aware of the conditions of the conditional use which run with the land and not with the operator.

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

Nursery schools are not an allowed use in areas zoned R2, however, the small scale of the facility and its long presence in the community since 1940s indicate that its continued operation is a compatible use. Additionally, the nursery use is a much needed service and use in the City.

The project is consistent with the goals of several City plans. Early childhood education is Policy Topic 6.1 in the Health and Wellness Element of the General Plan, adopted March 15, 2015. Pursuant to Policy Topic 6.1, the City should “strive to foster a system of opportunity for all Angelenos by supporting early childhood education programs that equip all children, especially those in low-income communities, with the tools, resources, and foundation needed to succeed”. By providing an amenity for young children, the school is consistent with Goal 1 of the Silver Lake-Echo Park-Elysian Valley Community Plan, “A safe, secure and high quality residential environment for all economic, age and ethnic segments of the Plan area”.

The conditional use process allows for the nursery school use upon the assertion of specific findings. The use has met those required findings in all the prior entitlements. The continuation of the use reflects the plan's objectives to provide for certain needed facilities in areas where they can best serve the residential population. In the instant case, the nursery facility has operated in this location for many years to meeting such community needs.

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 outside the flood zone.
7. On March 20, 2015, the subject project was issued a Notice of Exemption (Subsection C, Section 2, Article II, City CEQA Guidelines), log reference ENV 2015-1108-CE, for a Categorical Exemption, Class 5, Category 23, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines).

Inquiries regarding this matter shall be directed to Mary Richardson, Planning Staff for the Office of Zoning Administration at (213) 978-1478.

A handwritten signature in blue ink, appearing to read "Jack Chiang", with a long horizontal flourish extending to the right.

JACK CHIANG
Associate Zoning Administrator

cc: Councilmember Mitch O'Farrell
Thirteenth District
Adjoining Property Owners

**MASTER LAND USE
APPLICATION**

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

Planning Staff Use Only

ENV No. <u>2015-110BCE</u>	Existing Zone <u>R2-IVL</u>	District Map <u>1485A 209</u>
APC <u>EAST LOS ANGELES</u>	Community Plan <u>080 SILVERLAKE</u>	Council District <u>13</u>
Census Tract <u>1873.00</u>	APN <u>5440021003</u>	Case Filed With [DSC Staff] <u>THOMAS CHEN</u>
		Date <u>3/20/15</u>

CASE NO. **ZA 2015-1109 W**

APPLICATION TYPE Conditional Use Permit
(zone change, variance, conditional use, tract/parcel map, specific plan exception, etc.)

1. PROJECT LOCATION AND SIZE

Street Address of Project 2414 N. Lake View Avenue Zip Code 90039
 Legal Description: Lot 125, 126, 127 Block None Tract TR8131
 Lot Dimensions +/- 120x122 Lot Area (sq. ft.) 14,121.4 Total Project Size (sq. ft.) 14,121.4

2. PROJECT DESCRIPTION

Describe what is to be done: Reinstate previously existing Conditional Use Permit, with modifications, for the operation of a nursery school in the R2 zone. No physical modifications to the site are proposed.

Present Use: Nursery school Proposed Use: Nursery school
 Plan Check No. (if available) _____ Date Filed: _____
 Check all that apply: New Construction Change of Use Alterations Demolition
 Commercial Industrial Residential Tier 1 LA Green Code
 Additions to the building: Rear Front Height Side Yard
 No. of residential units: Existing 0 To be demolished 0 Adding 0 Total 0

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:

Code Section from which relief is requested: 12.09.A Code Section which authorizes relief: 12.24.W.51
Zoning Administrator approval of Conditional Use Permit for operation of a nursery school in the R2 zone.
Max 24 children at any time. Hours of operation generally from 8:30-5:00.
weekends: once per month open houses, once per month: parent education, annual
weekly maintenance in weekend fundraiser.

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

 Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

List related or pending case numbers relating to this site:
CUZ-77-207

ZA 2015-1109

4. OWNER/APPLICANT INFORMATION

Applicant's name Gilbert Brebes Company Rose Scharlin Nursery School
 Address: 2414 Lake View Avenue Telephone: (323) 661-7127 Fax: () _____
Los Angeles, California Zip: 90039 E-mail: info@rosescharlin.com

Property owner's name (if different from applicant) Rose Scharlin Nursery School
 Address: Same as Applicant Telephone: () _____ Fax: () _____
 Zip: _____ E-mail: _____

Contact person for project information Anne Alexander Company Pircher, Nichols & Meeks
 Address: 1925 Century Park East, Suite 1700 Telephone: (310) 201-8927 Fax: (310) 564-1827
Los Angeles, California Zip: 90067 E-mail: aalexander@pircher.com

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.
- c. In exchange for the City's processing of this Application, the undersigned Applicant agrees to defend, indemnify and hold harmless the City, its agents, officers or employees, against any legal claim, action, or proceeding against the City or its agents, officers, or employees, to attack, set aside, void or annul any approval given as a result of this Application.

Signature: Gilbert Brebes Print: Gilbert Brebes

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____
(Insert Name of Notary Public and Title)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

See Attached Acknowledgment

 Signature (Seal)

6. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate Special Instructions handout. Provide on attached sheet(s) this additional information using the handout as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details or an application.

Planning Staff Use Only

Base Fee _____	Reviewed and Accepted by [Project Planner]	Date
Receipt No. _____	Deemed Complete by [Project Planner] <i>S. Cusan</i>	Date <i>4/14/15</i>

CP-7771 (09/09/2011)

3/20/15

ZA 2015-1109

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

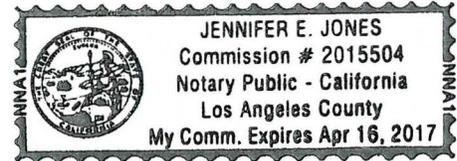
On March 9, 2015, before me, Jennifer E. Jones, a Notary Public, personally appeared Gilbert Brebes, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jennifer E Jones



ZA 2015-1109

**ENVIRONMENTAL
REPORT
ND, MND, CE**

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 13
----------------------------------------------------------------------------	-------------------------------

PROJECT TITLE * ZA 2015-1109 CW	LOG REFERENCE ENV 2015-1108
-------------------------------------------	---------------------------------------

PROJECT LOCATION
*** 2414 N. Lake View Ave. LACA 90039**

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
*** conditional use permit for continued operation of nursery school in R2 zone**

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
*** Rose Scherlin Nursery School**

CONTACT PERSON * Anne Alexander	AREA CODE * 310	TELEPHONE NUMBER * 201-8927	EXT.
-------------------------------------------	---------------------------	---------------------------------------	------

EXEMPT STATUS: (Check One)

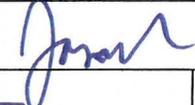
	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 et seq.	Art. III, Sec. 1

Class 5 Category 23 (City CEQA Guidelines)

OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION: Granting or renewal of a variance or conditional use for a non-significant change of use of land.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE City Planner	DATE 4/16/15
FEE: _____	RECEIPT NO. _____	REC'D. BY _____
		DATE 3/20/15

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

*** Anne Alexander**
NAME (PRINTED)

*** 3/20/2015**
DATE

*** Anne Alexander**
SIGNATURE

**MISCELLANEOUS
REPORTS**

SOCIAL SERVICES

Community Care Licensing

FACILITY EVALUATION REPORT

Facility Number: 191802033

Report Date: 05/01/2015 12:00:00 AM

Date Signed 05/05/2015 09:31:17 AM

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office, 1000 CORPORATE CNTR DR. 200-B
MONTEREY PARK, CA 91754

FACILITY EVALUATION REPORT

FACILITY NAME: ROSE SCHARLIN COOPERATIVE NURSERY SCHOOL	FACILITY NUMBER: 191802033
ADMINISTRATOR: GILBERT BREBES	FACILITY TYPE: 850
ADDRESS: 2414 LAKEVIEW AVENUE	TELEPHONE: (323) 661-1319
CITY: LOS ANGELES	STATE: CA
CAPACITY: 24	ZIP CODE: 90039
TYPE OF VISIT: POC	CENSUS: 20
MET WITH: Gilbert Brebes	DATE: 05/01/2015
	UNANNOUNCED TIME BEGAN: 09:30 AM
	TIME COMPLETED: 11:15 AM

NARRATIVE

1 Ana Chico, Licensing Program Analyst (LPA), conducted an unannounced Plan of
2 Corrections Visit (POC). LPA met with Gilbert Brebes, Director.

3
4
5 The following corrections have made:

- 6
- 7 • Complete record for staff on file
- 8 • Director will ensure that current sugar policy is followed
- 9 • Toileting procedure is in place and has been added to the parent handbook.
- 10 Toileting evaluation plan has also been implemented to better assist the needs
- 11 of the child and to establish better communication between parent and staff.
- 12
- 13 • An unusual incident report was provided pertaining to hand, foot and mouth
- 14 outbreak
- 15 • Statement relative to Staff #2s inappropriate language with parents during
- 16 school hours was received
- 17
- 18
- 19

20 During visit LPA informed director that an updated application would be needed to
21 reflect the current hours of operation. LPA explained that children attending after
22 12:30 pm continue to be part of RSCs current program as those children are on the
23 premises and are cared for by alternating parent and staff at an additional cost.
24
25

Department of
SOCIAL SERVICES

Community Care Licensing

FACILITY EVALUATION REPORT

Facility Number: 191802033
Report Date: 10/30/2015
Date Signed 11/02/2015 08:30:00 AM

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY	CALIFORNIA DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION CCLD Regional Office, 1000 CORPORATE CNTR DR. 200-B MONTEREY PARK, CA 91754
FACILITY EVALUATION REPORT	

FACILITY NAME: ROSE SCHARLIN COOPERATIVE NURSERY SCHOOL	FACILITY NUMBER: 191802033
ADMINISTRATOR: GILBERT BREBES	FACILITY TYPE: 850
ADDRESS: 2414 LAKEVIEW AVENUE	TELEPHONE: (323) 661-1319
CITY: LOS ANGELES	STATE: CA
CAPACITY: 24	ZIP CODE: 90039
TYPE OF VISIT: Annual/Random	CENSUS: 17
MET WITH: Gilbert Brebes	DATE: 10/30/2015
	UNANNOUNCED TIME BEGAN: 09:35 AM
	TIME COMPLETED: 11:30 AM

NARRATIVE

1 Licensing Program Analyst (LPA) Judy Mora conducted an unannounced random visit. This is a parent
2 cooperative program licensed for 24 children which operates Monday through Friday from 9:00 AM through 12:00
3 PM. Per the Director there are 29 children enrolled. This is an outdoor based program.
4
5 LPA met with designated facility Director, Gilbert Berbes, who guided LPA on a tour of the facility. All
6 areas identified on the facility sketch were inspected. Upon arrival, LPA observed 17 children with the
7 Director, one teacher and 5 work day parents. Teacher-child ratios were observed and staff names
8 recorded. All children were observed to be under supervision, including visual supervision, of a teacher
9 at all times.
10
11 Furniture and equipment was inspected for good repair, free of sharp, loose, or pointed parts. The
12 indoor library was inspected to ensure that the floor has a surface that is safe and clean. Per Director
13 there are no children on medication at this time. All toilets and hand washing facilities are in safe and
14 sanitary operating conditions. All materials and surfaces accessible to children are toxic free. At this
15 time, the library is used as an isolation area. Parents are contacted immediately when children are
16 determined to be ill.
17
18 Snack menus were reviewed to ensure that they are being posted at least one week in advance and
19 visible to an authorized representative. The facility provides AM snack. The children bring their own
20 lunch. All kitchen, food prep, and storage areas are clean, free of litter, rubbish, and rodents/vermin. All
21 food is protected from contamination, and LPA inspected that contaminated food is discarded
22 immediately. All foods/beverages capable of spoiling are stored in covered containers at 45°F or
23 less. There is drinking water available and there is a drinking water fountain available outdoors. Solid
24 waste storage vessels, including moveable bins, have tight fitting covers on and are in good repair.
25 Cleaning compounds, detergents and hazardous items are stored in an area inaccessible to children.
Facility does not have a functioning carbon monoxide detectors that meet statutory requirements.

received.

FACILITY REPRESENTATIVE SIGNATURE:

DATE: 10/30/2015

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office, 1000 CORPORATE CNTR
DR. 200-B
MONTEREY PARK, CA 91754

FACILITY EVALUATION REPORT (Cont)

FACILITY NAME: ROSE SCHARLIN COOPERATIVE
NURSERY SCHOOL

FACILITY NUMBER: 191802033

VISIT DATE: 10/30/2015

NARRATIVE

- 1 Outdoor play equipment was observed to be in good condition, free of sharp, loose or pointed points.
- 2 Outdoor activity space surface is maintained in a safe condition as is free of hazards. The Director
- 3 states that there are no bodies of water on the premises and LPA did not observe any bodies of water
- 4 during this visit. Areas around and/or under climbing equipment, swings and slides have sand as a
- 5 cushioning material to absorb a fall; climbing apparatuses are single level only. Director states there are
- 6 no weapons or firearms on the premises.
- 7
- 8 Sign in and out sheets were reviewed to ensure that the person who signs the child in and out uses
- 9 their full legal signature and records the time of the day. Staff Records were reviewed to ensure that
- 10 appropriate documentation of education credits is on file. Children's Records were reviewed to
- 11 ensure an admission agreement is on file. Criminal Records Clearance for adults and verification of
- 12 CPR/First Aid and health preventative practices documentation was reviewed. There is not a
- 13 thermometer available at the facility.
- 14
- 15
- 16
- 17 **REMINDER:** Failure to obtain a criminal record background check clearances prior to initial presence in
- 18 the facility will result in an immediate \$100.00 dollar or more per day Civil Penalty.
- 19
- 20
- 21 Implementation of Policies Related to Incidental Medical Services (IMS) was explained to Director. Per
- 22 Director, IMS are not being provided at this time.
- 23
- 24 LPA also discussed Unusual Incident Report that was received on 10/01/15. Per Director, the staff
- 25 checked children's hair for 3 weeks. Director states the local health department instructed him to do
- 26 one more check on children after that, and it was done. Per Director, no other children have obtained
- 27 lice since then.
- 28
- 29
- 30
- 31
- 32

SUPERVISOR'S NAME: Claudia Guangorena
LICENSING EVALUATOR NAME: Judy Mora
LICENSING EVALUATOR SIGNATURE:

TELEPHONE: (323)-981-3417
TELEPHONE: (323) 981-3371
DATE: 10/30/2015

I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE:

DATE: 10/30/2015

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATELOS
PRESIDENT

E. FELICIABRANNON
VICE-PRESIDENT

JOSELYN GEAGA-ROSENTHAL

GEORGE HOVAGUIMIAN

JAVIER NUNEZ

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 SOUTH HIGGINS STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

ORDER TO COMPLY AND NOTICE OF FEE

GILBERT BREBES C/O ROSE SCHARLIN NURSERY SCHOOL
2009 CANYON DR
LOS ANGELES, CA 90068

CASE #: 667927
ORDER #: A-3705934
EFFECTIVE DATE: February 21, 2015
COMPLIANCE DATE: March 23, 2015

OWNER OF
SITE ADDRESS: 2414 N LAKE VIEW AVE

ASSESSORS PARCEL NO.: 5440-021-003
ZONE: R2; Two Family Zone

An inspection has revealed that the property (Site Address) listed above is in violation of the Los Angeles Municipal Code (L.A.M.C.) sections listed below. You are hereby ordered to correct the violation(s) and contact the inspector listed in the signature block at the end of this document for a compliance inspection by the compliance date listed above.

FURTHER, THE CODE VIOLATION INSPECTION FEE (C.V.I.F) OF \$ 356.16 (\$336 fee plus a six percent Systems Development Surcharge of \$20.16) **WILL BE BILLED TO THE PROPERTY OWNER.** The invoice/notice will be sent to the owner as it appears on the last equalized assessment roll. Section 98.0421 L.A.M.C.

NOTE: FAILURE TO PAY THE C. V.I.F. WITHIN 30 DAYS OF THE INVOICE DATE OF THE BILL NOTED ABOVE WILL RESULT IN A LATE CHARGE OF TWO (2) TIMES THE C.V.I.F. PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$1,176.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of one percent per month.

The inspection has revealed that the property is in violation of the Los Angeles Municipal Code as follows:

VIOLATION(S):

1. Use of land.

You are therefore ordered to: No building or land shall be altered or maintained, nor shall building or land be used or designed to be used for any purpose other than is permitted in the zone in which such building or land is located. Any change to the City zoning regulations shall require a **CONDITIONAL USE PERMIT.**

Code Section(s) in Violation: 12.21A.1 (a) and 12.24U.24 of the L.A.M.C.

Comments: Under ZA case number CUZ 77-207, the Zoning Administrator authorized the Conditional Use for this property to continue its operation as a nursery school under terms and conditions. As set forth in condition # 14, it states "... this grant shall be valid for a period of ten (10) years from the effective date, thereafter, shall be null and void." The effective date was September 12, 1977.

2. A Certificate of occupancy is required for the nursery school located in the R zone.

You are therefore ordered to: Obtain the required building permit and Certificate of Occupancy.

Code Section(s) in Violation: 12.26E.1 (a), 12.21A.1 (a), of the L.A.M.C.



CODE ENFORCEMENT BUREAU
For routine City business and non-emergency services: Call 3-1-1
www.ladbs.org

ZA 2015-1109

12.26E.1.(a), 12.21A.1.(a). of the L.A.M.C.

3. Use of land.

You are therefore ordered to: Obtain a Conditional Use Permit (CUP) for the operation of a nursery located in a residential zone. A Conditional Use Permit may be permitted in any zone unless restricted to certain zones or locations, if approved by the City Planning Commission as the appellate body.

Code Section(s) in Violation: 12.24U.24 of the L.A.M.C.

Comments: Applicability for a Conditional Use approvals for schools in a residential zone shall be listed under the following: for private schools [other than elementary or high (kindergarten through 12th grade) or nursery schools] in the A, R, CR, C1, or C1.5 Zones. 12.24U.24 (c) L.A.M.C.

NON-COMPLIANCE FEE WARNING :

YOU ARE IN VIOLATION OF THE L.A.M.C. IT IS YOUR RESPONSIBILITY TO CORRECT THE VIOLATION (S) AND CONTACT THE INSPECTOR LISTED BELOW TO ARRANGE FOR A COMPLIANCE INSPECTION BEFORE THE NON-COMPLIANCE FEE IS IMPOSED. Failure to correct the violations and arrange for the compliance inspection within 15 days from the Compliance Date, will result in imposition of the fee noted below.

In addition to the C.V.I.F. noted above, a proposed noncompliance fee in the amount of \$660.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

If an appeal or request for slight modification is not filed within 15 days of the compliance date or extensions granted therefrom the determination of the department to impose and collect a non-compliance fee shall be final. Section 98.0411 L.A.M.C.

NOTE: FAILURE TO PAY THE NON -COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE INVOICE, MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$2,310.00.

Any person who fails to pay the non-compliance fee, late charge and collection fee shall also pay interest. Interest shall be calculated at the rate of one percent per month.

PENALTY WARNING :

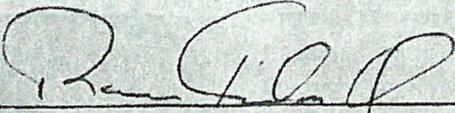
Any person who violates or causes or permits another person to violate any provision of the Los Angeles Municipal Code (L.A.M.C.) is guilty of a misdemeanor which is punishable by a fine of not more than \$1000.00 and/or six (6) months imprisonment for each violation. Section 11.00 (m) L.A.M.C.

APPEAL PROCEDURES:

There is an appeal procedure established in this city whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion or requests for slight modification of the requirements contained in this order when appropriate fees have been paid Section 98.0403.1 and 98.0403.2 L.A.M.C.

If you have any questions or require any additional information please feel free to contact me at (213)252-3055.
Office hours are 7:00 a.m. to 3:30 p.m. Monday through Thursday.

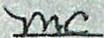
Inspector: _____



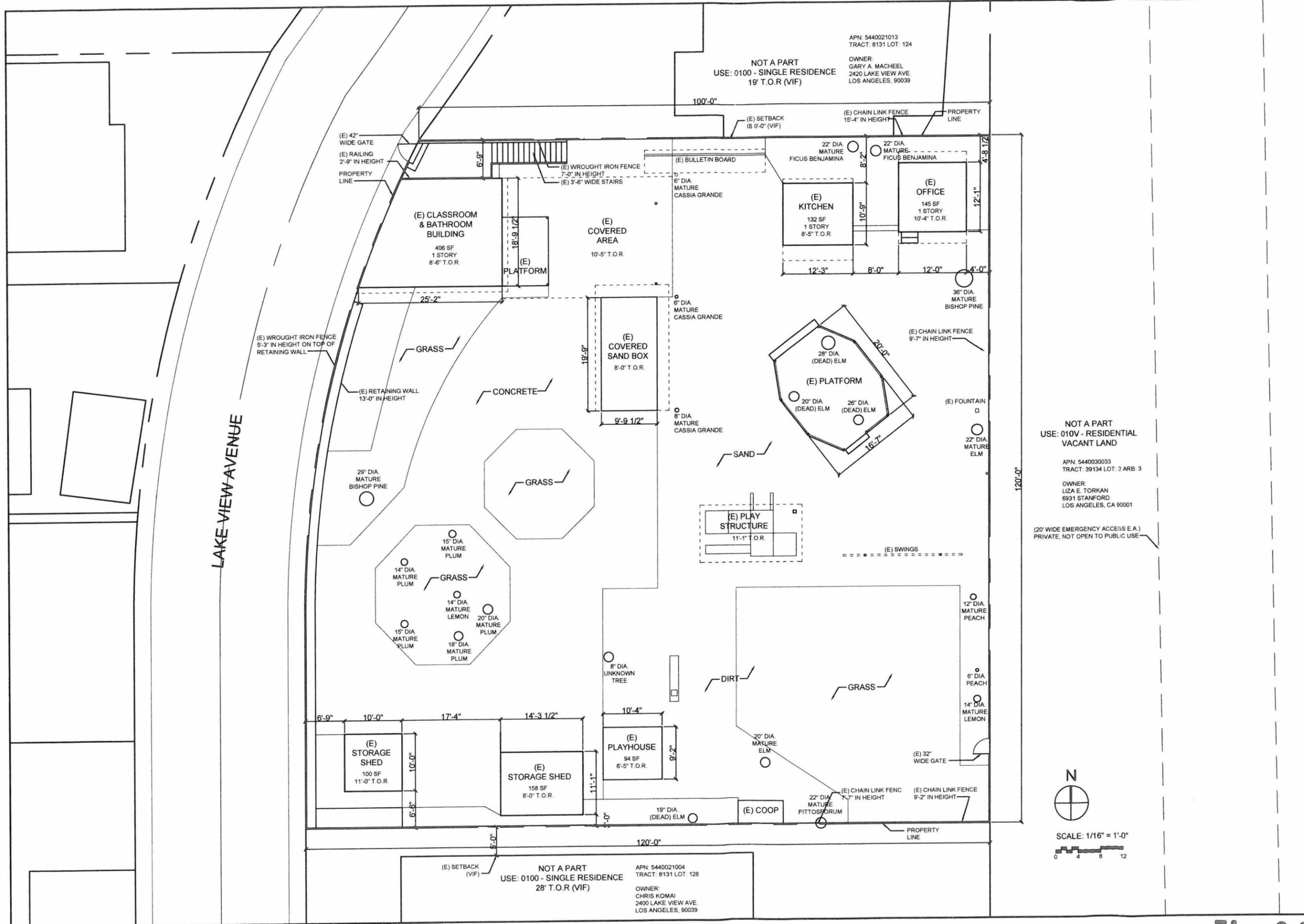
Date: February 13, 2015

RON KIDWELL
3550 WILSHIRE BLVD. SUITE 1800
LOS ANGELES, CA 90010
(213)252-3055

Ron.Kidwell@lacity.org

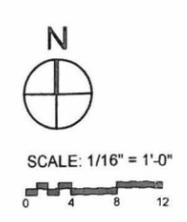

REVIEWED BY

PLOT PLANS



APN: 5440021013
TRACT: 8131 LOT: 124
NOT A PART
USE: 0100 - SINGLE RESIDENCE
19' T.O.R (VIF)
OWNER:
GARY A. MACHEEL
2420 LAKE VIEW AVE.
LOS ANGELES, 90039

NOT A PART
USE: 010V - RESIDENTIAL
VACANT LAND
APN: 5440030033
TRACT: 39134 LOT: 2 ARB: 3
OWNER:
LIZA E. TORKAN
6931 STANFORD
LOS ANGELES, CA 90001
(20' WIDE EMERGENCY ACCESS E.A.)
PRIVATE, NOT OPEN TO PUBLIC USE



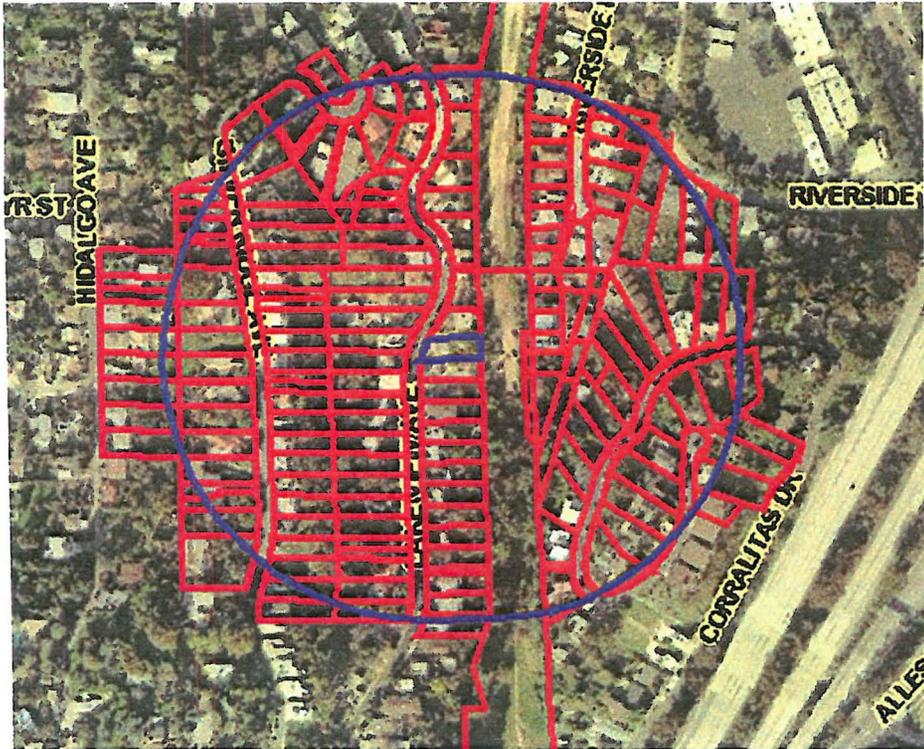
project
**ROSE SCHARLIN COOP
NURSERY SCHOOL**
2414 LAKE VIEW AVENUE
LOS ANGELES, CA 90039
EMAIL: info@rosescharlin.com
PHONE: 323-661-7127
APN: 5440021003
TRACT: 8131 LOT: 125, 126 & 127

date	description / revision
03-20-2015	EXISTING CONDITIONS FOR CUP APPLICATION

drawn by
LIZ MACLEAN
title
**PLOT
PLAN**
sheet
A2.01

ZA 2015-1109

2414 Lake View Avenue



500-foot radius map of subject site.



Close up aerial view of subject site.

2414 Lake View Avenue



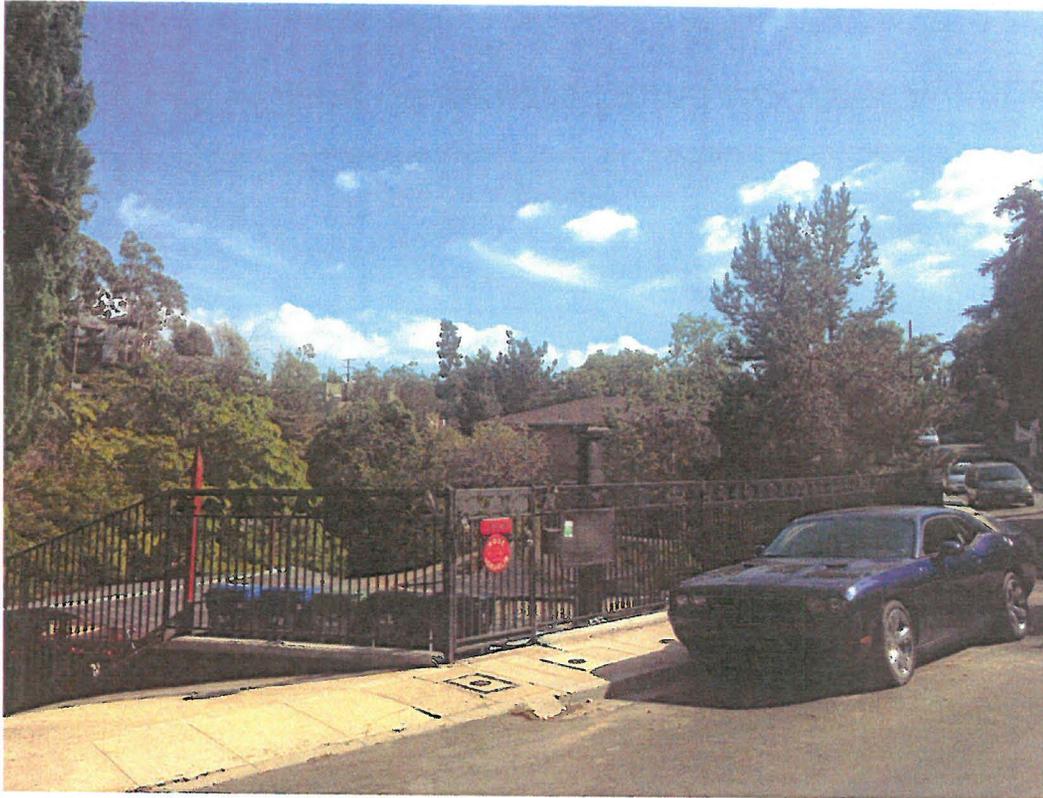
View of subject site looking west across Lake View Avenue.

2414 Lake View Avenue



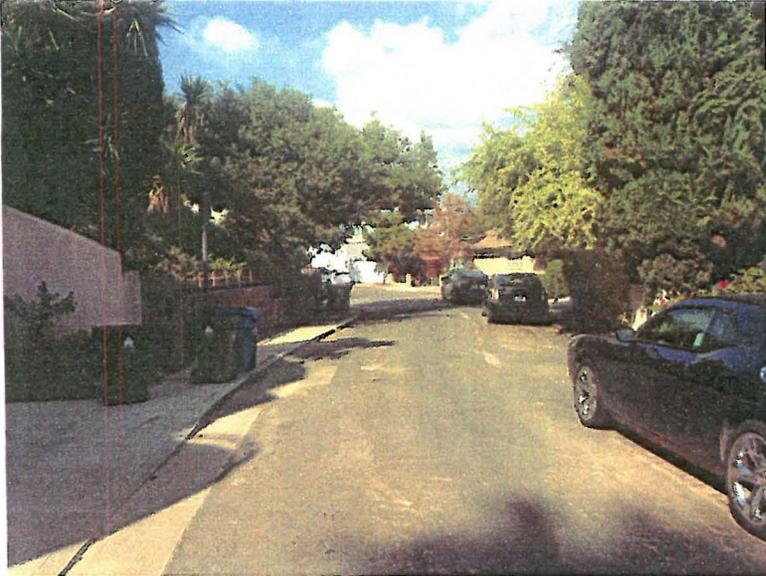
View of site looking downward from Lake View Avenue.

2414 Lake View Avenue



View of entrance to site.

2414 Lake View Avenue



View of Lake View Avenue looking south.



View of Lake View Avenue looking north.

2414 Lake View Avenue



View of site and north adjoining properties.

2414 Lake View Avenue

Fence separating school and adjacent property.



View of site and south adjoining property.

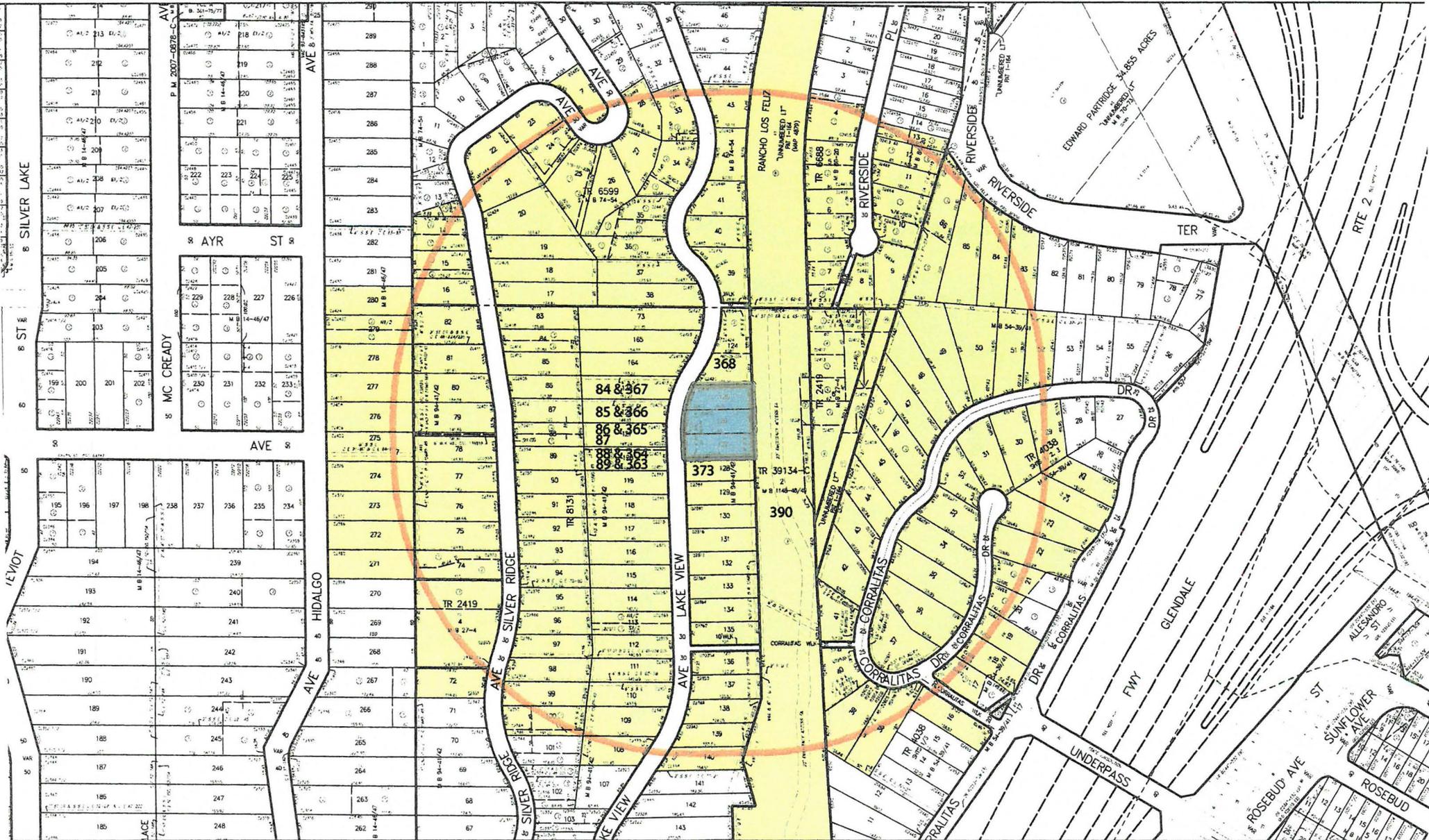
2414 Lake View Avenue



View of east adjoining properties.



RADIUS MAP



ROSE SCHARLIN COOP NURSERY SCHOOL - ABUTTING KEY

Parcel Ownership Radius Map (500 Feet)

Prepared by Liz MacLean (Rose Scharlin Rep.) (323) 661-7127 info@rosescharlin.com

Address : 2414 LAKE VIEW AVE, LOS ANGELES, CA 90039

APN : 5440021003

Tract : TR 8131

Lot : 125, 126 & 127

Scale : 1 inch = 150 feet

Block : NONE

Arb : NONE

Date : 2 / 4 / 2015

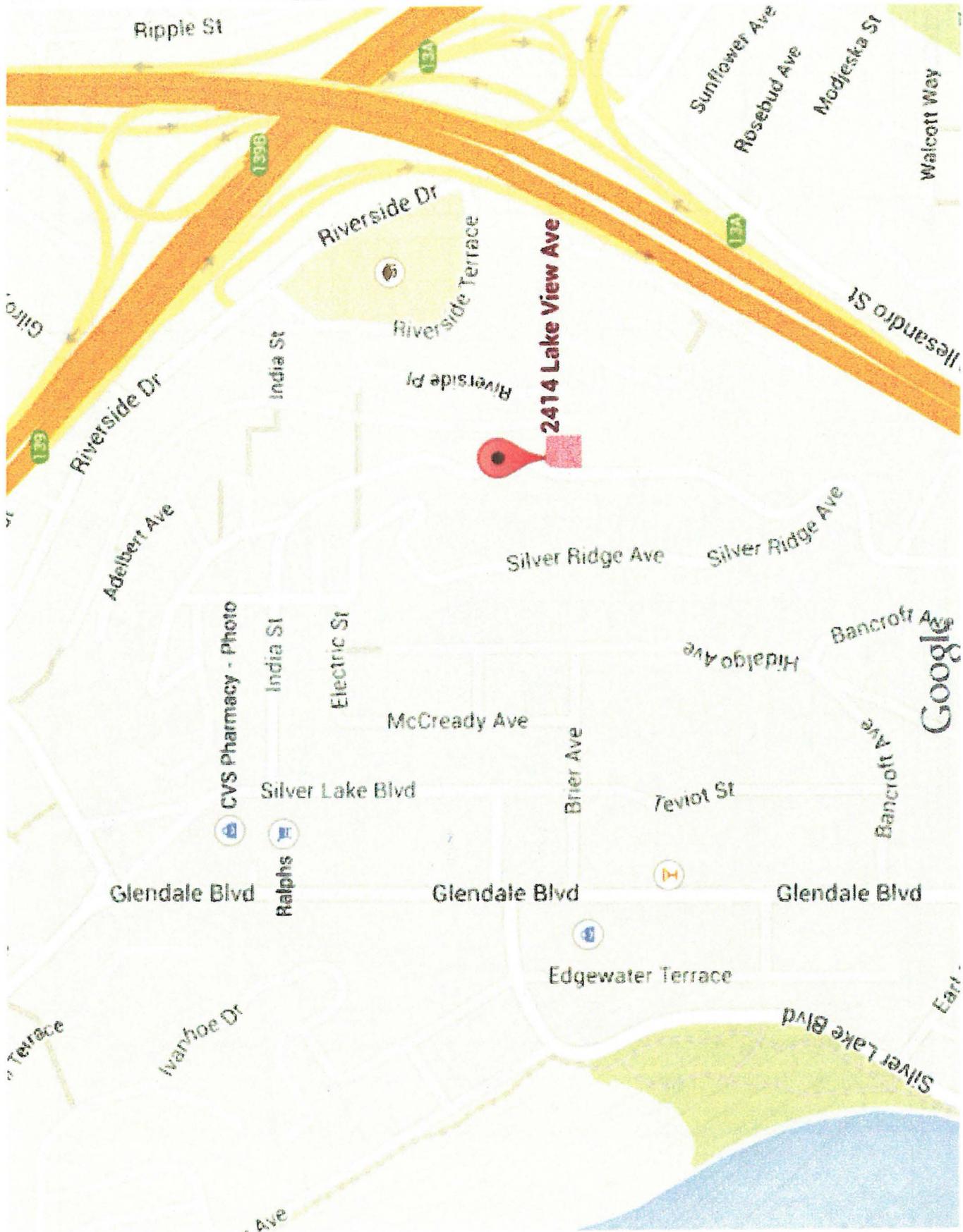


ENGINEERING



CITY OF LOS ANGELES
Mapping & Land Records Division

ZA 2015-1109



**2414 LAKE VIEW AVENUE
ROSE SCHARLIN COOP NURSERY SCHOOL**

VICINITY MAP

ZA 2015-1109

CORRESPONDENCE



SLNC OFFICERS

CO-CHAIRS

Joseph Ferrell
Anthony Crump

VICE-CHAIR

Seamus Garrity

TREASURER

John Wingler

SECRETARY

Christine Kantner

**CITY OF LOS ANGELES
CALIFORNIA**



**SILVER LAKE NEIGHBORHOOD
COUNCIL**

Serving the Silver Lake
Community Since 2003

EMAIL: board@silverlakenc.org
PHONE: (323) 413-SLNC (7562)
MAIL: PO Box 26385, LA CA 90026
URL: www.silverlakenc.org

January 28, 2016

Jason Chan
Office of Zoning Administration
Department of City Planning
City of Los Angeles
jason.chan@lacity.org

VIA EMAIL

Re: Case Number ZA-2015-1109-CU
2414 N. Lake View Avenue
Rose Scharlin Co-Operative Nursery School

Dear Jason:

The Silver Lake Neighborhood Council (SLNC) recommends support for the conditional use of an existing nursery school in the R2-1VL zone, per the conditions on the attached "Conditions of Approval 2015 CUP Application (with revisions Oct. 16, 2015).

Rose Scharlin's representatives participated in multiple community meetings to resolve differences and come to an agreement that was favorable to a majority of both neighbors and community representatives. As a result of these Herculean efforts, the SLNC's Urban Design and Preservation Committee recommended approval of the CUP at its' October 2015 meeting.

The full board recognized both school and the community's efforts, and recommended approval of the CUP by unanimous consent at the SLNC's monthly meeting, held on November 4, 2015.

The SLNC looks forward to having Rose Scharlin continue to be a vital part of the Silver Lake community!

Sincerely yours,

Scott D. Plante, AIA
SLNC Urban Design and Preservation Committee Co-Chair
On behalf of the Silver Lake Neighborhood Council
Scott.Plante@silverlakenc.org

cc: Anne Alexander Representative, Pircher, Nichols & Meeks
Amy Ablakat Planning Deputy, CD13
Joe Ferrell Co-Chair, SLNC UDP Committee

1. That the property be maintained substantially in conformance with the plot plan attached to the file and marked Exhibit "A", which plot plan indicates the exterior boundaries of the property, the wire fence enclosures, the sandbox, the lawn area, and the stairway leading to the play area.

2. That the premises shall continue to be maintained in a first-class, attractive condition at all times, and that the area between the fence and the street curb along the street frontage be kept free and clear of weeds and plant growth at all times.

3. That the enterprise shall be limited to a nonprofit cooperative nursery school and shall in no event be operated as a commercial enterprise. Furthermore, that the enterprise shall continue to be operated essentially as a neighborhood nursery school for children residing in the area bounded by Sunset Boulevard, Hyperion Avenue, Riverside Drive and Echo Park Avenue, and not exceeding fifty (50%) of the enrolled students shall be taken in who reside outside of the district described in this sentence; *provided, however*, that the foregoing limitation shall not apply during any school year for which an insufficient number of applications were received from "Qualified Applicants" to meet such requirement. For purposes of this Condition No. 3, "Qualified Applicants" shall mean applicants who (a) are able to meet the school's requirements relating to tuition and member work hours, (b) meet the school's demographic needs for such school year, (c) are willing and able to sign the school's membership agreement affirming such applicant's commitment to the school's philosophy of non-violent parenting, and (d) submit an application within the early application timeframe established for residents of the surrounding area, which shall be the first thirty (30) days of the school's regular application period. In addition, the school shall focus new enrollment efforts on drawing students from Corralitas Drive, Riverside Place, Riverside Terrace, Silver Lake Avenue, Lake View Avenue, Silver Ridge Avenue, India Street, Roselin Place, Adelbert Avenue and the 2300-2400 Block of Riverside Drive; and ~~that~~ admissions priority shall be given to students from the area described in this sentence.

4. That the number of children attending the school on any given day shall be limited to not exceeding twenty-four (24) in the age group between 2 years to prior to entering first grade, inclusive, and in no event shall children be permitted at the school who are suffering from any contagious disease. *****Note: The proposed change in age group is to reflect our license and current regulations.*****

5. That at least one trained nursery school teacher shall be employed and maintained on the property during the operation of the school for each twelve (12) children or major fraction thereof attending the school. *****Note: This proposed change is to reflect current California law.*****

6. That the school activities shall be confined to the morning hours between 8:30 A.M. and 2:30 P.M., Monday through Friday, and that there shall be no activities permitted on the premises during other hours of the day or night; provided, however, that: (a) the school may continue to hold its longstanding community playgroup on Tuesdays until 4:30 P.M., (b) administrative meetings relating to the operation of the school may be held on the Tuesdays and one additional day per week until ~~54:00~~30 P.M. (which additional day shall be selected at the beginning of each school year and remain constant throughout such school year), (c) maintenance

activities in connection with the equipment and supplies of the school, parent education programs, neighbor and/or member community gatherings and other administrative matters may be conducted collectively no more than one Saturday per month, twelve (12) months per year between the hours of 9:00 A.M. and 4:00 P.M., and one additional Saturday every other month during the months of September through June between the hours of 9:00 A.M. and 2:00 P.M.; (d) fundraising events may be held at the school two Saturdays per calendar year, and (e) the school's graduation may be held one Saturday per year between the hours of 9:00 A.M. and 2:00 P.M.. No activities shall be permitted at the school on Sundays other than feeding of animals and access for maintenance emergencies. Children shall not be permitted on the property during maintenance activities.

7. That the school shall encourage those children who do not live within walking distance of the school to be transported to and from school by either means of a bus or a transportation pool system among the parents, under which system children are not brought to the premises individually by their parents, but are brought in groups with each automobile transporting several children, and if a transportation pool system is used, it shall be confined to not exceeding ten (10) automobiles each day bringing children to or taking children away from the premises. Furthermore, that all automobiles bringing children to or taking children away from the school via Lake View Avenue shall approach the school from the south, and park at the easterly curb adjacent to the school property while discharging or picking up children and shall then leave the school area by proceeding in a northerly direction along Lake View Avenue. In no event shall automobiles approach the school area on Lake View Avenue from a northerly direction, or leave the school area proceeding in a southerly direction, nor shall there be any turning around of automobiles on Lake View Avenue, all to the end that traffic on Lake View Avenue in connection with the school operation shall be only one-way, and that said traffic flow shall be from a southerly to a northerly direction. Any cars accessing the school via Lake View Avenue which need to approach the district from the north shall proceed down Silver Ridge Avenue and then northerly on Lake View Avenue or by some other route to reach the southerly portion of said Lake View Avenue, and any cars needing to leave the area in a southerly direction shall first proceed northerly on Lake View Avenue to India Street or Silver Ridge Avenue, and then proceed southerly on Silver Ridge or Hidalgo Avenues, and shall not traverse Lake View Avenue in a southerly direction between India Street and the southerly portion of Silver Ridge Avenue.

8. That any transportation pool system be operated on a staggered schedule so that children arrive at the school between 8:30 and 9:15 A.M. and are picked up between 12:30 and 2:30 P.M. so that there is no concentration of travel around the school area, and that those who drive cars to the school area shall be specifically warned not to honk their horns or to make unnecessary noise when bringing children or calling to pick up children, and full consideration be given occupants of surrounding residential properties. That on each school day a parent volunteer shall be designated as responsible for (a) helping unload students being dropped off in the morning, and (b) answering the doorbell. Furthermore, that not exceeding four (4) automobiles may be parked on Lake View Avenue during school hours by teachers or those helping in the enterprise, and, to the extent possible, these shall be parked on the easterly side of the street in front of the school in such a manner as not to interfere with those who bring automobiles to deliver or pick up the children, and that all other vehicles parked in connection

with the school shall be widely dispersed throughout the surrounding neighborhood so as not to unduly impact any particular street in the area.

9. That the enterprise shall be conducted at all times with full consideration for the residential aspects of the surrounding property, and every reasonable endeavor be made to prevent boisterous conduct or the creation of noise which would be disturbing to surrounding residents. ~~Outside of school hours as described in Condition 6, there shall be no~~ The use of microphones ~~or~~ and amplified music ~~except in connection with~~ shall not be permitted on the premises, ~~provided, however, that, subject to the first sentence of this Condition No. 9: (a) during the fundraisers and graduation, in which case such described in Condition No. 6, microphones or~~ and amplified music shall ~~not be used~~ permitted for a period of no more than 4 hours, and in no event later than 8:00 P.M.; and (b) during school hours, amplified music (but not microphones) shall be permitted so long as it is played on standard classroom-style or personal/home audio-visual or stereo equipment, a "boom box" or equivalent. At any time during which any music playing device is used, the same shall be arranged so that the speaker will be directed as far as possible away from the immediate adjoining homes, and shall be properly modulated so as not to disturb adjacent residents. Any barbecues or other portable cooking devices used at the school shall be oriented in such a way to avoid unduly impacting neighbors.

10. That approximately the easterly one-half of the property be maintained in lawn, interspersed with trees to provide shade and beautification, and that the existing hedges of broadleaf evergreen type which have been provided on the northerly and southerly sides of the property be retained and encouraged to grow, and additional vines or trees be planted to provide a solid screen effect for the property along both the northerly and southerly property lines, all as may be agreed upon between the school and the adjacent property owners; all of the landscaping to be kept in good condition at all times. ***[**Note: The proposed change is to reflect current landscaping.**]***

11. That all play equipment, as well as any structures or improvements on the property, be kept painted and maintained in a creditable manner at all times.

12. That, except for existing identification signs adjacent to each of the entrances to the school and attached to the covered sand box, in no event shall any further signs be installed on the premises. ***[**Note: The proposed change is to reflect current signage.**]***

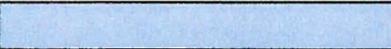
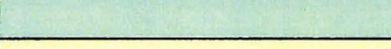
13. That any and all requirements of the various regulating agencies of the City and State be complied with, and proper permit be obtained from the State Department of Social Welfare. If additional sanitary facilities are required to serve the children, the same shall be constructed in the northwest corner of the property adjacent to those which now exist.

14. That the school ensure that its membership is aware of and complies with the requirements of this Conditional Use Permit by, among other activities, incorporating such requirements into its governing documents and member handbook. Further, the school shall hold an annual meeting with neighborhood watch leaders from the surrounding area during the month prior to the start of the school year to address parking and other matters of concern to the neighborhood.

15. That, in order to permit reexamination of this matter at a later date in light of subsequent developments in the district and to determine whether the operators have complied with all of the conditions of this approval, this grant shall be valid for a period of five (5) years from the effective date hereof and, thereafter, shall be null and void.

Document comparison by Workshare Compare on Tuesday, October 20, 2015
2:53:49 PM

Input:	
Document 1 ID	interwovenSite://FWDMS3/LAXDOCS/10145739/7
Description	#10145739v7<LAXDOCS> - CUP Conditions with possible concessions [as discussed after Community Meeting Sept 26]
Document 2 ID	interwovenSite://FWDMS3/LAXDOCS/10145739/8
Description	#10145739v8<LAXDOCS> - CUP Conditions with possible concessions [as discussed after UDP Meeting Oct 14]
Rendering set	COLOR-PNM STANDARD

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	14
Deletions	12
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	26

LUNA & GLUSHON

ATTORNEYS

16255 VENTURA BOULEVARD, SUITE 950
ENCINO, CALIFORNIA 91436
TEL: 818-907-8755
FAX: 818-907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

December 2, 2016

VIA FEDEX

Commission Office
East Los Angeles Area Planning Commission
200 N. Spring Street, Suite 532
Los Angeles, CA 90012

Re: ZA-2015-1109-CU/2414 North Lake View Avenue

Honorable Commissioners,

Our law firm represents a group of highly concerned neighbors ("Neighbors") who reside in the immediate vicinity of Rose Scharlin Nursery School which has been granted a Conditional Use Permit ("CUP") to allow its continued operation.

The Neighbors are **opposed to the Applicant's appeal** to remove conditions which were meant to protect the neighborhood from the school's historically prevalent adverse impacts. [See enclosed]. In fact, for all of the reasons set forth herein, the Neighbors believe that the CUP is not protective enough, and respectfully ask that this Commission revise and clarify several conditions.

I. **Background**

This Commission should be aware that the school has not historically been a very good neighbor. Established in around 1967, in an exclusively residential neighborhood, it has been operating illegally (without a valid CUP) since approximately 1987 when it's then-existing CUP expired. Claiming to have been unaware of any restrictions regulating the facility, over the last years, the school has gone above and beyond "school activities," regularly hosting parties at the property, causing enormous adverse effects, including noise, to the surrounding residential neighborhood. Such parties, which often went late into the night, included alcohol and loud amplified music which would carry through the canyon in which the property is located, booming into the Neighbors' homes at all hours.

II. The CUP

Recent membership of the nursery school has stated that they want to correct the many adverse impacts the school has caused to the Neighbors in the last years, including its illegal operation. Accordingly, they have applied for the within CUP.

The Commission should be aware that after the Zoning Administrator closed the public hearing on the within CUP, he stated that the request from the school was very unclear as to hours of operation, days of various events, types of school programs and the school calendar. He asked that the school submit further information to clarify his questions. It is the Neighbors' understanding that the school never submitted the information requested by the Zoning Administrator. Accordingly, as granted, the CUP remains vague and un-protective of the Neighbors in many respects.

Despite claiming to want to end the parties which have had such detrimental effects on the Neighbors, the school has now appealed Conditions 10, 13, 14 and 26 which restrict hours from events proceeding into the night, alcohol, dancing and loud/amplified music.

The school's appeal is untenable. There is absolutely no need to have *any* fundraisers or events, including the "Hullabaloo" which is one of the most impactful events the school hosts, go to 10 p.m., as the school requests. This is a nursery school!

Likewise, the conditions against dancing, alcohol, and loud/amplified music were imposed for the purpose of protecting the neighborhood against the very type of impacts the school has been causing for years. There was significant resident testimony regarding the previous parties at the school which included dancing, alcohol and amplified music.¹ There is absolutely no reason alcohol-related events and movie nights should be held in this outdoor location where noise carries through the canyon.

Accordingly, the Neighbors strongly oppose the school's appeal.

¹ The school's appeal document is dishonest in asserting that the Neighbors are not opposed to events in the evening, that it was "agreed to with the community," or that the Neighbors supported dancing, alcohol, and loud/amplified music during events at the school. In fact, the Zoning Administrator received many letters against such impacts and there was much discussion at the public hearing regarding the need to protect against these impacts.

III. Requested Changes/Clarifications to the CUP

Again, because the school never submitted the information requested by the Zoning Administrator at the public hearing, the CUP does not contain many of the protective conditions the Neighbors, and it appeared from comments made at the public hearing, even the Zoning Administrator, believed were necessary to protect this residential community. In particular²:

1. Condition 9.a allows the school to operate the entire calendar year. This was always supposed to be September – June (the school year). The Neighbors request that the Commission change Condition 9.a to operations from September – June.

2. Condition 9.b allows for “community playgroup” on Tuesdays, but as the Zoning Administrator correctly pointed out, “community playgroup” is vague. Historically, the school has used “community playgroup” for any and all events it deemed necessary. “Community playgroup” needs to be clarified.

3. Condition 9.c allows two administration days beyond “community playgroup” on Tuesdays to operate to 4:30 p.m. This means that 3 out of the 5 days, the school is operating until 4:30, which is excessive. There is no reason events cannot be held during regular hours, or off-site. Condition 9.c must be deleted.

4. Condition 9.d and condition 10, taken together, allow for 19 Saturday events, which is, again, excessive. There is no reason parent education, administration and community outreach meetings cannot be held off-site, in an enclosed building, where they do not adversely affect the surrounding neighbors. Condition 10 must be deleted, and Condition 9.d revised.

5. Condition 13 provides for an open-ended Plan Approval process. Lacking a time period (a Plan Approval process within 2 years is a standard condition in this type of CUP), it burdens the City with the requirement to monitor the school’s compliance with the CUP. This is completely unenforceable. Moreover,

² The neighbors have been diligently working with the Council Office, and attempting to reach a compromise with the school, which, as of today’s date, has been unwilling. The Neighbors are submitting this letter to meet the Commission’s deadline, but may tweak the requested changes to the conditions at the hearing, depending on further discussions with the Council Office.

the Commission will note that while the Zoning Administrator stated at the hearing that the grant of the CUP would be for 10 years, it was actually granted for 15. This is an incredibly long grant for an institution with historically so many illegal activities. Therefore, the Neighbors ask that the Commission revise Condition 13 to require the school to apply for a Condition Compliance Plan Approval within 2 years.

IV. The CE is Insufficient

The City has granted the school a Class 5, Category 23 Categorical Exemption for "renewal of a conditional use for a non-significant change of use." But, as set forth herein, this is not a "non-significant" change of use. The school is asking for extended hours and extended privileges. These are the very *significant* impacts that have plagued the neighborhood for years.

Additionally, the California Environmental Quality Act ("CEQA") prohibits use of a categorical exemption when "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines § 15300.2(c)). Here, the fact that the school is located in an exclusively residential neighborhood located in a canyon, a categorical exemption is inappropriate because these unusual circumstances cause significant noise impacts which carry and cause adverse impacts.

For all of these reasons, the Neighbors ask that the Commission deny the school's appeal and clarify/revise the conditions set forth above.

Very truly yours,

LUNA & GLUSHON



ROBERT L. GLUSHON

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

30 NOV, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Jeri Allyn
PRINT NAME


SIGNATURE

2405 Lake View Ave LA
ADDRESS
STUDIO CA 90039

310.963 8118
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

11/30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

RAJARSHI BANERJEE
PRINT NAME

2371 Lake View Ave
ADDRESS


SIGNATURE

3235577732
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

11/30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Amir Blumenfeld
PRINT NAME

2424 Lake View Ave
ADDRESS


SIGNATURE

818.314.3589
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

November 20, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

BETH BOHN
PRINT NAME

2420 Lake View Ave.
ADDRESS


SIGNATURE

310 941 9555 (L)
PHONE NUMBER

Mark Carlson
2437 Lake View Ave.
Los Angeles, CA 90039
mcarlson@ucla.edu
323-906-0613

November 30, 2016

East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

Re: Rose Scharlin Nursery School Conditional Use Conditions

Dear Members of the Planning Commission:

I am a big fan of the Rose Scharlin Nursery School, and I think it adds to the character of our wonderful neighborhood. But I find it disturbing that the conditions for how it is used keep changing over the years. Some of my neighbors moved in long before I did and were assured of certain restrictions on activities at Rose Scharlin; those restrictions were entirely acceptable.

And then, over the years, those restrictions have gradually eroded, with more activities and more of those at later times of day, including in the evening. Alcohol and dancing were previously prohibited but now are on the verge of being allowed.

I understand the value of those changes to Rose Scharlin, but it hardly seems fair to us, the neighbors, to have an increase in noise in the neighborhood, particularly at times when we are ready to relax and enjoy our quiet evenings. Also, the congestion due to increased parked cars is a significant annoyance.

We are understandably concerned that these changes might negatively impact the values of our houses.

I ask that you please deny the appeal made by Rose Scharlin.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Carlson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Mark Carlson

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Nov. 23, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Mark Carlson
PRINT NAME

2437 Lake View Ave.
ADDRESS

Mark Carlson
SIGNATURE

323-906-0613
PHONE NUMBER
323-679-4223 (cell)

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11-28-, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

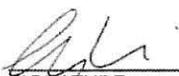
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Esmey Villacreses
PRINT NAME

2592 Corralitas Dr LACA 9039
ADDRESS


SIGNATURE

(213) 804-4574
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11-28, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

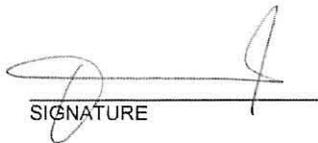
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Todd Hawwood
PRINT NAME

2592 Commercial Ave. DM. LA CA 90039
ADDRESS


SIGNATURE

323 972 3197
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

11/30/2016, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

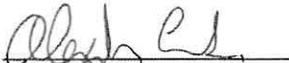
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Alexandra Conrads
PRINT NAME

2647 Corralitas Drive
ADDRESS


SIGNATURE

323 449 9690
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

11/30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

DIRK CONTRAS
PRINT NAME

2647 COPALITAS DR, LOS ANGELES CA
ADDRESS

90039


SIGNATURE

213 448 5642
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

12/1, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Linda Cormany
PRINT NAME

2354 Lake View Ave. 90039
ADDRESS


SIGNATURE

213-280-2842
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

12/02, 2016

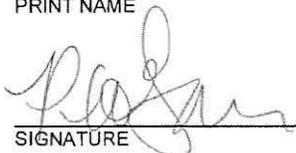
To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Peter Dawson
PRINT NAME


SIGNATURE

2927 Lake View Ave
Los Angeles, CA 90039
ADDRESS

805-259-7346
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11-30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Cheri Gaulke
PRINT NAME

2407 Lake View Ave. 90039
ADDRESS

Cheri Gaulke
SIGNATURE

323 240-4745
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

November 20, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Anthony giordano
PRINT NAME

2617 Corralitas Dr.
ADDRESS


SIGNATURE

2138191777
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

November 20, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Juliett Giordano

PRINT NAME

2617 Corralias Dr

ADDRESS



SIGNATURE

2138191131

PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

November 20, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Nathone Giordano

PRINT NAME

2617 Corralitas Dr

ADDRESS



SIGNATURE

3238969295

PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11/30/2016, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

David Gurr
PRINT NAME

2647 Coralitas Drive
ADDRESS

David Gurr
SIGNATURE

323 698 5242
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11-28, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

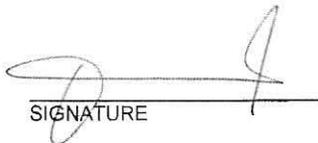
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Todd Hawwood
PRINT NAME

2592 Commercial Ave DM-LA CA 90039
ADDRESS


SIGNATURE

323 972 3197
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Nov 30th 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

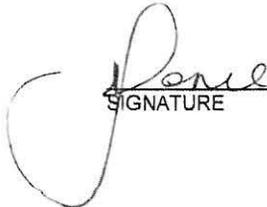
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

DANIEL JONES
PRINT NAME

2364 LAKEVIEW AVE
ADDRESS LOS ANGELES, CA


SIGNATURE

310 428 1861
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Nov 30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

AMARPAL KHANNA
PRINT NAME

2371 LAKE VIEW AVE., LA 90039
ADDRESS


SIGNATURE

(323) 385 1234
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Nov 30th, 2016

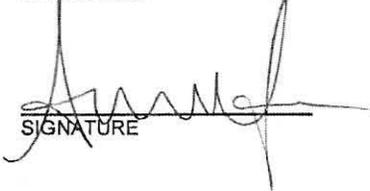
To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

AMANDA LADD-JONES
PRINT NAME


SIGNATURE

2364 Lake View Ave, LA CA
ADDRESS 90039

323 668 0604
PHONE NUMBER

November 25, 2016

To : East Los Angeles Area Planning Commission
Los Angeles Dept. of City Planning
Case Number: ZA – 2015-1109-CU-1A
Rose Scharlin School - 2414 North Lake View Ave, Los Angeles, CA 90039

My name is Ken Luftig Viste. My wife and I live directly across the street from Rose Scharlin Nursery School. We own our home and have lived here since July 2007.

It has recently come to our attention that Rose Scharlin is seeking an appeal to Conditional Use Permit (CUP) ZA 2015-1109-CU. We have concerns about the proposed amendments to the CUP; our most significant concern relates to the sale and/or consumption of alcohol on the property.

Unfortunately, we cannot be supportive of the consumption and/or sale of alcohol on premises, either for special events or in general. The parents of the school have not in years past proven themselves to be capable of handling their alcohol consumption in a professional or neighborly manner; current parents may state (and accurately) that this was not them, but nonetheless we have serious concerns about permitting alcohol at the School.

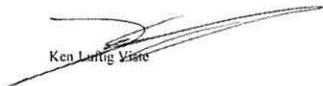
The letter of appeal by Rose Scharlin states that, "the issue of alcohol use was not raised as an issue in any of the community meetings or in the Zoning Administrator hearing, so the restriction appears overbroad and does not address any impacts which the nursery school might generate." This statement is expressly untrue. In community meetings both with Rose Scharlin and the Office of Councilman O'Farrell, we expressed, along with other neighbors, past issues and problems related to alcohol consumption at the school. Parents have been quite drunk on the school premises— in one case, several drunk fathers started verbal altercations with myself personally. On that evening, I asked a group of men who were on premise in the late evening as part of a "sleepover" event to please quiet down as it was in the late evening and this is a residential neighborhood. The response from them was both intoxicated and rude, and certainly betrayed a lack of consideration for the neighborhood and neighbors.

Unfortunately, when alcohol has been involved, the parents of the school have failed to conduct themselves "at all times with full consideration for the residential aspects of the surrounding property," as originally stressed in the August 25, 1977 letter detailing the Terms and Conditions of the School's CUP. If the parents of Rose Scharlin had proven to the neighbors in the past that they could handle alcohol consumption responsibly, we would have no issues with this provision. Unfortunately, this has not been the case and we cannot support this proposed amendment to the CUP. Even if the current group of parents is different, and indeed they are, there is simply no guarantee that alcohol will be handled well when the group changes.

We did not oppose the school's CUP renewal and believe the neighbors have shown great flexibility throughout this process. We agreed to support what will now be twenty (20) Saturday events at the school – an event almost every other weekend. That is because we want to support the school and its administrative functions. However, introducing alcohol into the equation we cannot support.

We recognize that fundraisers are more fun with alcohol. However, Rose Scharlin does not have to hold their fundraisers at the school. Rose Scharlin is a preschool, not an event space, not to mention it is a preschool in the middle of a residential neighborhood. We respectfully request that this component of their appeal be denied.

Thank you,



Ken Luftig Viste

2409 Lake View Avenue
Los Angeles, CA 90039
(213) 595-8783

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11-30, 2016

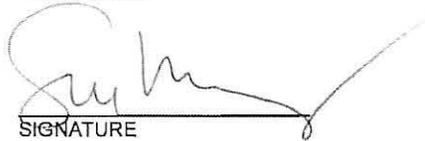
To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Sue Maberry
PRINT NAME


SIGNATURE

2407 Lake View Ave
ADDRESS

323-240-4644
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

November 30 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

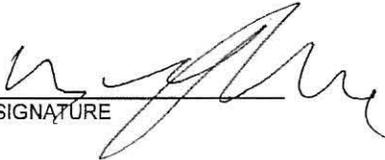
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Marka Maberry-Gauke
PRINT NAME

2407 Lake View Ave
ADDRESS


SIGNATURE

323-240-0324
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11.13, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Xochi Mabery-Graulke
PRINT NAME

2405 Lake View Ave.
ADDRESS

Xochi MG
SIGNATURE

323-240-0450
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF

CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

November 20, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

GARY MACHEEL
PRINT NAME

2420 LAKE VIEW AVE.
ADDRESS


SIGNATURE

323-665-1841 (c)
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Nov 30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

John McDevell
PRINT NAME

2442 Lakeview Ave
ADDRESS

John McDevell
SIGNATURE

323 666-2243
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Nov 30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Mulliken McDowen
PRINT NAME

2442 Lakeview Ave
ADDRESS

Pat McDowell/Jm
SIGNATURE

323 666-2243
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

12/1, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

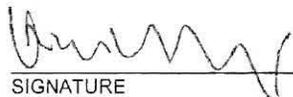
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Donald W. Murphy
PRINT NAME

2354 Lake View Ave.
ADDRESS


SIGNATURE

323-665-7117
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

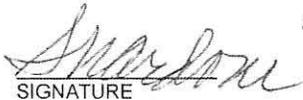
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Silvio Nardoni

2368 Lake View Ave.


SIGNATURE

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11/30, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Keith Rogers
PRINT NAME

2371 Lake View Ave.
ADDRESS


SIGNATURE

727) 465-8353
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

To: East Los Angeles Area Planning Commission

Councilmember Mitch O'Farrell

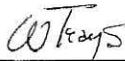
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Wanda Teays

2368 Lake View Ave.



SIGNATURE

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

DEC. 1st, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

ERICA THORNTON
PRINT NAME

2360 LAKE VIEW AVE
ADDRESS
LA, CA 90039


SIGNATURE

323-309-4229
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

Dec 1st, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Owen Thornton
PRINT NAME


SIGNATURE

2360 Lake View Ave
ADDRESS La, Ca 90039

323-309-0993
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

_____, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

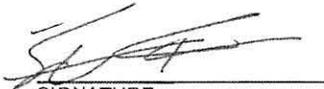
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

STEVEN TONELSON
PRINT NAME

2623 CORRALITAS DR.
ADDRESS


SIGNATURE

310 770 9706
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS
2414 N. Lake View Avenue
ZA' 2015-1109-CU

11-28-, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

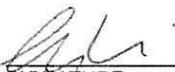
The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Esmey Villacreses
PRINT NAME

2592 Corralitas Dr LACA 9039
ADDRESS


SIGNATURE

(213) 804-4574
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue
ZA' 2015-1109-CU

November 20, 2016

To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

Aria Woods
PRINT NAME

2602 Corralitas Dr.
ADDRESS


SIGNATURE

909 938 0009
PHONE NUMBER

OPPOSITION TO APPLICANTS APPEAL OF
CONDITIONAL USE CONDITIONS

2414 N. Lake View Avenue

ZA' 2015-1109-CU

10/30/ 2016

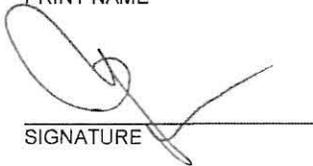
To: East Los Angeles Area Planning Commission
Councilmember Mitch O'Farrell

The undersigned OPPOSES the appeal by Rose Scharlin nursery school to the Los Angeles Area Planning Commission, which seeks to delete conditions/restrictions concerning evening fundraising events, including amplified music, dancing and alcohol.

Rose Scharlin is a nursery school which historically has had limited school days and hours of operation. The Zoning Administrator's decision considerably expands those limits. We are concerned that eliminating the remaining restrictions will cause significant adverse impacts on the neighborhood, due to unregulated events and uses. The Zoning Administrator's conditions prohibiting evening fundraisers and the limits against dancing and alcohol were imposed to protect the neighbors against such impact. We want these restrictions preserved in consideration of the surrounding community.

I support the Zoning Administrator's Conditions and request the East Los Angeles Area Planning Commission DENY the appeal.

SHAWN YOUNG
PRINT NAME


SIGNATURE

2623 CORRALITAS DR.
ADDRESS

310-770-8311
PHONE NUMBER

December 2, 2016

EAST LOS ANGELES AREA PLANNING COMMISSION
200 North Spring Street, Room 532
Los Angeles, CA 90012

Re: Case No. ZA-2015-1109-CU-1A- Hearing on December 14, 2016

Dear Commission members,

We are writing to express our strong support for granting the appeal filed by Rose Scharlin Cooperative Nursery School, located at 2414 North Lake View Avenue, Los Angeles, and for retaining the remaining provisions of the conditional use permit as issued. We have three daughters who are currently students at Rose Scharlin. We have also been Silver Lake homeowners for the past eight years, both are graduates of UCLA (undergraduate, law school, and School of Social Work), and Kristen is a native Angeleno (and eastsider!).

With respect to Rose Scharlin's appeal, it is our understanding that the CUP condition limiting all fundraiser hours to 9am-2pm was a misunderstanding between the school and the City, rather than a determination regarding the desirability of a nighttime fundraiser. Specifically, Rose Scharlin has held its Halloween Hullabaloo fundraiser in the evening for many, many years, and it is a wonderful event for the kids and a great opportunity for us to open our doors to the community. The parents and school administrators work as quickly as possible to get the event set up and cleaned up, so as to lessen the impact on the neighbors. And we notify them well in advance of the dates and times, as well as offering them free admission to join us!

The neighbors have expressed their preference for an evening fundraiser. Our "parent job" and board position at the school is as community liaison, and we reached out to the neighbors after we received the CUP and were planning this year's Hullabaloo. Ten neighbors said that they preferred the evening event and several thanked us for reaching out to them. (We did not submit their emails along with this letter because we did not want to do so without their permission.) This support included one immediately abutting neighbor and several who live directly across the street from the school. The neighbors indicated that traffic and set up concerns, among others, were better with a nighttime event. The only contrary responses we received (three of them) did not weigh in on a preferred time, but simply said they thought we should follow the CUP as issued. While the daytime event (which we did to comply with the CUP while the appeal was pending) was successful, a nighttime event is preferable - higher ticket and food sales, a more "magical" Halloween feel, less burden on the neighbors, and shorter working shifts for members. We therefore support the appeal to change this provision of the CUP to allow one fundraiser per year to happen on the yard in the later half of the day.

We need fundraisers to survive. As the parents of three children, we cannot stress enough how crucial it is to have schools like Rose Scharlin that provide affordable preschool education and are accessible to a broad section of our community. Without our fundraisers, we could not operate under this model. We currently have one fundraiser (Hullabaloo) on the yard each year, and one (Taste of the Eastside) off the yard. We have no current plans to add another.

December 2, 2016

But we requested the ability under the CUP to hold up to two fundraisers per year on the yard (one more than now), should our needs change to require it.

The alcohol and dancing conditions are unduly restrictive and don't reflect an understanding of our school's policies. It is our understanding that a substantial part of our fundraising revenue from Hullabaloo comes from food and drink sales. We obtain the proper permit each year to sell alcohol at that event *only*, and would like to be allowed to continue to do so. The dancing condition would prevent, for example, a parent or an older sibling from dancing along with a preschool student on the yard, or prevent such dancing during our once-a-year graduation (which is only held during the permitted hours under the CUP). There is no basis for such a restriction. The current language regarding hours, music, etc. provides sufficient protection to the neighbors regarding their concerns over "parties." Please strike this condition!

Finally, we would like to express our support for the other conditions granted under the current CUP. As many of us discussed at the last hearing, our proposal was the result of extensive negotiations with the neighbors, where both sides gave up some items and both agreed with the result. The provision - reflected in the current CUP - to have two days per week with hours until 4:30 p.m. and all other days with hours until 2:30 pm was part of this negotiation and agreement. The two longer days are crucially needed to allow us to conduct the business of the school, and to maintain the weekly toddler playgroup that is vital to recruiting new members (and also benefits the community). Off-site meetings are harder to arrange, more expensive (including childcare), and some tasks simply cannot be performed off-site. Similarly, the provision allowing up to 19 Saturdays per year is vital - many of those days are taken up by maintenance and housekeeping projects, leaving very few "flex" dates should another need arise. Moreover, we do not necessarily use all of the Saturdays every year, but it is important to have the flexibility to do so - again, we have to have time to keep the yard in working order from the wear and tear of 24 active preschoolers!

As community liaison, we have made an active effort this year to reach out to our neighbors, both those who are supportive and those who are not. We have mostly received support and thanks for our school, which is very gratifying. For the one or two neighbors who have expressed concerns, we are making every effort to listen to those concerns and address them as best we can.

In sum, we ask that you grant Rose Scharlin's appeal and otherwise leave the provisions of the CUP as issued, as discussed herein. Thank you for your consideration of this matter.

Sincerely,



Kristen Rowse and Luc Adler
2420 Edgewater Terrace
Los Angeles, CA 90039
karowse@yahoo.com