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September 23, 2013

City Planning Commission
City of Los Angeles, Room 272
200 North Spring Street
Los Angeles, CA 90012

Re: ***Curtis School Expansion, 15871 W. Mulholland Drive***
CPC-1989-763-CU-PA1; ENV-2009-MND-RECI
Related Case: CPC-2009-837-CU-SPE-DRB-SPP-SPR-DI-ZV; ENV-2009-836-MND

Dear Commissioners:

This firm represents the Federation of Hillside and Canyon Associations, Inc., which opposes the Curtis School's attempt to circumvent the mandated administrative and environmental review procedures of its large scale development plans for its campus in the Mulholland Scenic Parkway. This letter is in response to the Recommendation Report (the "Staff Report").

The Curtis School is seeking entitlements that would allow it to grade in excess of the amounts permitted under the recently-passed Baseline Hillside Ordinance ("BHO") and to develop its campus outside the parameters of the Mulholland Scenic Parkway Specific Plan. The Hillside Federation has previously submitted letters explaining that Curtis may not violate the BHO and Specific Plan without obtaining a variance from the BHO and exceptions from the Specific Plan and Curtis cannot establish a legally sufficient basis for either a variance or exception. See Hillside Federation letter to Planning Commission (to be filed on September 24, 2013) attaching documents from administrative record, pp. 303-321, 452-463 ("HF 303-321, 452-463").

The Staff Report proposes to "simplify" the entitlement process for Curtis—and facilitate its effort to violate BHO and Specific Plan limitations—by treating Curtis' current proposal for a master development plan ("Master Plan") as a mere continuation of a conditional use permit it was issued in 1980 (the "1980 CUP"). *Staff Report*, p. A-1. By Staff's theory, Curtis already earned the "vested right" to develop its property as sought under the proposed Master Plan when the original CUP was issued in 1980—despite the fact that the Master Plan would allow development far in excess of that permitted under the 1980 CUP and in conflict with conditions and mitigation measures imposed under the 1980 CUP. The Staff Report nevertheless states that, because Curtis' right to develop under the newly-proposed Master Plan supposedly vested in 1980, before the BHO and Specific Plan were enacted, Curtis need not comply with those statutes.

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While “vested rights” would not extend to intensifications of use, Staff would effectively extend those rights through application of the Plan Approval process. Plan Approval is a truncated procedure for approving *insubstantial* changes to previously-approved conditional use permits. The Staff Report states that the Plan Approval process is appropriate because the City has a policy of processing intensifications of size or capacity of less than 20% through a Plan Approval—without need to comply with any other entitlement procedures, including the rigorous variance and exception procedures.

The problem with the Staff Report’s analysis is that Curtis’ proposed Master Plan would affect a substantial intensification of use, far in excess of that which was approved under the 1980 CUP. The 1980 CUP conferred on Curtis only the right to develop in accordance with the site plan submitted in 1980, not the far different site plan submitted in 2013. For the same reason, the Plan Approval process cannot be used to review Curtis’ Master Plan, nor can it be used to award Curtis an entitlement to violate the BHO and Specific Plan without satisfaction of the stringent variance and exception standards.

California courts have consistently rejected similar attempts to approve development projects that violate local land use laws by improperly invoking simplifying mechanisms allowing applicants to bypass the legally-mandated standards for obtaining variances: “If the local agency could avoid the judicial review mandated by [the Supreme Court] simply by approving projects without any formal grant of a variance, even though the project is not in compliance with the requirements of the applicable regulations concerning land use and development, those regulations could be substantially amended or voided simply by ignoring them and approving noncomplying developments.” *Orinda Assoc. Bd. of Supervisors*, 182 Cal.App.3d 1145, 1162, fn. 10 (1986). Staff would have this Commission improperly circumvent the mandated variance and exception procedures in the same manner.

The “Plan Approval” Process Cannot Be Used

The Staff Report justifies the use of the truncated Plan Approval process based on two critical assumptions, neither of which is accurate. *First*, the Staff Report interprets the 1980 CUP as conferring on Curtis the vested right to develop its property in accordance with a so-called “development envelope” authorizing it to (1) build structures with a combined square footage of 112,700 and (2) grade a total of 500,000 cubic yards of earth, as described in the Supplemental EIR in support of the 1980 CUP. The 1980 CUP, however, cannot be construed as an entitlement to build and grade within any such “envelope.” The CUP only entitled Curtis to develop its property substantially in accordance with its 1980 Site Plan, not to later reallocate any unused square footage and grading quantities for a different project. Thus, the 1980 CUP did not confer on Curtis a vested right to develop in accordance with “envelopes” separate and apart from the particular Site Plan approved under the 1980 CUP.

Second, even if the 1980 CUP could be construed as creating such development-envelope rights, the Planning Department’s written policy precludes the use of Plan Approval where, as in this case, the new project would expand the project site, modify or eliminate explicit conditions and

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language of the prior approval, or significantly intensify the use of property. The Staff Report's conclusion to the contrary is based on a clear misinterpretation of Planning's written policy.

A. The 1980 CUP Creates No Vested Rights For Building or Grading “Envelopes” Independent of the Approved 1980 Site Plan

The 1980 CUP confers no vested right to develop the property in accordance with a building or grading “envelope” separate from the right to develop the property in strict conformance with the approved 1980 Site Plan. The Staff Report's reference to a “development envelope” (*Staff Report*, p. A-5) is without any basis in fact or law.

In 1980, the City approved a specific Site Plan, Exhibit A-4 to the CUP, and required Curtis to *minimize* both building density and grading in realizing that Site Plan. *HF 166-168*. The CUP does not specify quantitative limitations on density or grading within the entitlement document. Had the City intended to confer on Curtis the right to develop in accordance with any “development envelope” it would have specified any such right in the CUP. But the CUP does not state that Curtis is entitled to develop in accordance with any specified building square footages or grading quantities. Rather, the CUP merely entitles Curtis to develop the Site Plan, as stated in Condition No. 1: “That the school . . . shall be developed substantially in accordance with the School Plan, marked Exhibit A-4 in City Plan Case No. 28764 (CU) or building plan in the Council file, except as modified by the applicable conditions herein.” *HF 163*.

Thus, contrary to the Staff Report's characterization, the CUP provides no “envelope” for building structures totaling a specified square footage, nor does the CUP provide an envelope allowing it to grade a specified quantity of earth. *HF 163-165*. Rather, the 1980 CUP expressly conferred on Curtis the right to build the specific structures identified in the Site Plan and locate them precisely where indicated on the Site Plan—and to minimize density and grading to the maximum extent possible in doing so.

There is no question that the newly-proposed Master Plan is not substantially in accordance with the 1980 Site Plan. Even a cursory comparison of the two plans reveals substantial differences between them. The newly-proposed Master Plan is striking for the diminution of natural open space areas (land without parking lots or playing fields), the absence of the previously-depicted recreational trails within an open space area that is now depicted as being intruded upon by a graded parking lot, a road carved into the hillside over what was once open space land outside Curtis' project site, a large Arts and Theater Complex taking over a vast swath of what was depicted as open space in the 1980 Site Plan, with a 150-300 seat outdoor amphitheater with seating carved into what is depicted as a undeveloped hillside in the 1980 Plan, and a large, over-in height gymnasium within the first 500 feet of the Mulholland Corridor, an area completely protected from development in the 1980 Plan.

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Moreover, the City, in approving the 1980 CUP, went to extraordinary lengths to limit building and grading to the maximum extent possible—imposing on Curtis a duty to minimize grading in developing the approved Site Plan. The focus on minimizing building and grading is inconsistent with any purported vested right to build to the maximum allowable extent, which is what the Staff's development-envelope theory posits. Contrary to that, the Findings in support of the CUP and the Statement of Overriding Consideration make clear that the City's goal was to carefully control against adverse environmental impacts by reducing building area and minimizing density and grading. The Findings provide:

The Environmental Impact Report identifies adverse impacts from this project as originally proposed, impacts in the areas of land use intensity, landform alteration and grading, traffic, night lighting, noise, and aesthetics.

Changes or alterations have been required in, or incorporated into the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR. **The reductions in the size of the project and other changes or alterations have been required as additional conditions of approval for the conditional use permit for the property involved.**

2. Mitigation Measures -- Feasible

A. Land Use Intensity

A major change or alteration in the project which has been required as a condition of approval is the reduction in the size and scope of the project...

... **The new development plan** therefore is in harmony with the various elements and objectives of the Tarzana-Encino District Plan, since the Plan places school use in **minimum density residential areas** and **provides for minimum grading**. Moreover, the District Plan specifies **open-space** and **minimum density type development for the subject property**.

F. Aesthetics

The development will be of **low density** and provides for approximately **80% of the area in open space which includes natural vegetation, landscaping, turfed playing fields and public trails.**

3. Alternatives -- Feasible

The feasible alternatives which have been proposed or accepted by the applicant as conditions of approval as a means of mitigating adverse impacts of the project include **a site development plan and grading plan which minimizes the total amount of grading, while creating the minimum required amount of building area for the accommodation for the facilities**, and the reduced scope of the project to provide for a maximum of 475 students and **the deletion of several**

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buildings. The adoption of these feasible alternatives as the means of mitigating or avoiding significant adverse environmental impacts is described above.

HF 166-168 (emphasis added).

The 1980 CUP and supporting Findings thereby make clear that the Staff Report's reference to development "envelopes" is pure revisionism, wholly unsupported by the 1980 CUP. That entitlement document simply cannot be read to confer a right to develop structures to any specific amount of square footage or quantity of grading separate and apart from the *specific* Site Plan that was approved after painstaking attention to every detail—including consideration of the percentage and location of open space in relation to developed areas on the property, the placement of structures in relation to the hillsides and Mulholland Corridor, and the environmental and aesthetic impacts of each approved structure, field and parking area.

It is therefore clear that Curtis was authorized under the 1980 CUP to develop its property in substantial accordance with the 1980 Site Plan. It was not awarded any right to develop within an "envelope" apart from that 1980 Site Plan.

B. Plan Approval Is Improper Under Planning's Established Policy

The Plan Approval process is improper because its use in this case violates the Planning Department's policy as established in ZA Memorandum No. 78. The Staff Report, however, misinterprets that policy as authorizing Plan Approval whenever a new development plan can be characterized as increasing the size or capacity of a previously-approved plan by less than 20%. *Staff Report*, pp. A-1, A-8 to A-10. The Staff Report's interpretation is erroneous. Plan Approval cannot be used here because the proposed Master Plan would (1) expand the project site onto Caltrans property; (2) change explicit conditions and language of the original 1980 CUP; and (3) significantly intensify the use of Curtis' property.

1. The ZA Memorandum No. 78 "Plan Approval" Clarification

The Staff Report justifies use of Plan Approval in this case based on the "20% policy." According to the Staff Report, this policy authorizes Plan Approval whenever a new plan would result in a 20% or less increase in size or capacity above that previously authorized. *Staff Report*, p. A-1. But ZA Memorandum No. 78, titled "Clarification of 'Plan Approval' Definition and Filing," makes it clear that, *regardless of the proposed increase in size or capacity*, Plan Approval cannot be used for any project that would either (1) expand the site of the previously-approved project or (2) change an explicit condition or language of the prior conditional use permit:

"As a general rule, expansion of use, intensity, enrollment or size beyond 20%-30% of the size or capacity of the authorized use or facility should be treated as a new conditional use filing. . . . In no event shall the plan approval be used to **expand the site** or to **change an explicit condition or language of the grant** of the original

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authorization. New conditional use applications should be filed in such cases.” *HF 259* (emphasis added).

As a result of this written policy, Plan Approval can “in no event” be used where, as here, the applicant is seeking a conditional use permit covering more than the previously-approved project site *or* that would change conditions or language of a prior conditional use grant.

2. Plan Approval is precluded because the Master Plan would expand the project site

The Staff Report improperly assumes that, if any aspect of a project falls within the 20% policy, Plan Approval may be used. But Memorandum No. 78 makes clear that the Plan Approval process can “in no event” be used “to increase the site.” That precludes use of Plan Approval here because the proposed Master Plan would increase the project site to encompass Caltrans property.

There is no question that the proposed Master Plan would expand the project site onto Caltrans property. The Staff Report simply asserts that the City lacks jurisdiction over the Caltrans property, but any such lack of jurisdiction has no impact on the fact that the proposed Master Plan would expand the project site. The Project Description in the draft MND defines the “project” as encompassing the proposal to add “a secondary limited access road from Mulholland Drive utilizing an existing California Department of Transportation construction staging area and driveway located between the Project site’s eastern boundary and Interstate 405.” A “project” encompasses “the whole of an action” that may result in either a direct or reasonably foreseeable indirect physical change in the environment. *See HF 300* (citing CEQA Guidelines, section 15378(a)).¹ The “project” therefore includes the secondary access road over Caltrans property, which makes the Caltrans property part of an expanded “project site.”

While ZA Memorandum No. 78 precludes the use of Plan Approval whenever the proposed plan would expand the project site, whether the expansion is significant or not, this proposed expansion is indisputably significant. The Master Plan calls for the construction and maintenance of a winding roadway with 18 retaining walls along a large swath of scenic hillside within the Mulholland Scenic Parkway Specific Plan area. The proposed hillside roadway implicates concerns raised in the 1980 CUP and Findings about aesthetic issues due to development within the Mulholland Corridor and along the hillsides. Moreover, the property through which the roadway would be constructed not only lies within a critical wildlife corridor in the Santa Monica Mountains National Recreation Area, it would sever that critical wildlife corridor. The proposed roadway is therefore a highly significant encroachment into a hillside area that would otherwise have been returned to a natural state per environmental mitigation requirements under the EIR for the I-405

¹ This broad definition of “project” prevents “piecemealing” by splitting a single project into multiple projects, which impairs the opportunity for meaningful environmental consideration of project impacts. *HF 300* (citing *Planning and Conservation League v. Castaic Lake Water Agency*, 180 Cal.App.4th 210, 234-35 (2009)).

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Sepulveda Pass Widening Project. *HF 314-316, 420-436.* That is precisely why Plan Approval is never appropriate for development plans that would expand the site.

This proposal for such a significant expansion of the project site therefore precludes use of the Plan Approval process under the City's established policy.

3. Plan Approval is also precluded because numerous conditions would be changed

The Staff Report also errs by applying the "20% policy" to allow Plan Approval even though the Master Plan would affect numerous changes to explicit conditions and language of the 1980 CUP. The Staff Report, however, fails to acknowledge that the Department's written policy clearly states that "*in no event shall plan approval be used to expand the site or to change an explicit condition or language of the grant of the original authorization.*" HF 259 (emphasis added).

Some of the most dramatic changes that approval of the Master Plan would affect in the 1980 conditions and language are described in the letter submitted on behalf of the Hillside Federation on September 16, 2013, at pages 3-6. Specifically, the Master Plan would (1) increase the authorized number of faculty and staff from 68 to 118, a 73% increase in faculty and staff; (2) eliminate the condition requiring Curtis to install four public trails; (3) eliminate the condition requiring Curtis to balance all grading on site; (4) modify the condition precluding structures within 500 feet of the Mulholland Corridor by allowing a gymnasium in that formerly protected space; (5) modify the condition prohibiting any structure (other than a gym) over 36 feet in height; (6) modify the condition limiting the hours of operation by allowing special events every night, seven days a week, including weekends and holidays; and (7) eliminating the condition barring bleachers on the playing fields.

There are *many* other changes in conditions. The Chart attached as *Exhibit 1* illustrates both the large number of changes and their potential for intensifying the property use. But there is no need to address all those changes because any one of the above changes precludes use of the Plan Approval process.

C. The City Lacks Sufficient Documentation of the 1980 CUP and Associated Environmental Review to Proceed By Plan Approval

Plan Approval is also improper because the City lacks access to the critical Planning and Environmental documents associated with the 1980 CUP. The City cannot meaningfully review the proposed Master Plan in relation to the 1980 CUP because the critical documents necessary to understand the 1980 CUP are not available. Planning Staff has disclosed that it does not have access to the full EIR associated with the 1980 CUP, only to the Supplemental EIR Report. Thus, instead of citing historical documentation setting forth the verified amount of development authorized under the 1980 CUP in square footage, Staff has been forced to "guesstimate" based on implications drawn from documents (such as portions of a Supplemental EIR Report) that do not accurately

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reflect what was actually approved under the 1980 CUP.² The lack of a full and complete record of the 1980 CUP and associated environmental review precludes use of the Plan Approval process.

D. Plan Approval Is Improper Because Curtis Is Violating Its 1980 Conditions

Planning Staff's decision to utilize the Plan Approval process is premised on the *assumption* that Curtis has complied with the conditions of approval imposed under its 1980 CUP, stating that "the applicant has demonstrated compliance with their respective conditions of each entitlement." *Staff Report*, p. A-4. That assumption is wrong. Curtis has violated one of the most important mitigating conditions imposed under the 1980 CUP for the past 30-plus years—the requirement to construct recreational trails along the Mulholland Corridor public right of way, which was imposed under Condition 8(a).

The planning history clearly demonstrates that the City imposed Condition 8(a) as a formal mitigation measure essential to approval of the project and the associated environmental review. Although Curtis fought against Condition 8(a) at every turn in the lengthy process for its 1980 CUP, City officials insisted that the trails required under 8(a) were essential mitigation measures. *HF 5* (Suppl. EIR Report analysis noting that the four trails are necessary to mitigating the school's adverse environmental impact to an acceptable level); *HF 9* (City Bureau of Engineering insist that Condition 8 trails are necessary mitigation measures); *HF 13* (characterizing the Condition 8(a) trails as mitigation measures). Curtis responded to concern that it was refusing to install the mitigating trail system by clarifying in a February 5, 1980 letter to the City Planning Commission that the obligation to install the trails would be reflected in the CUP. *HP 153*.

The 1980 CUP Findings specify, under the heading "Mitigation Measures – Feasible" (*HF 166*), that the project's adverse aesthetic impacts are mitigated by several conditions, including the trails requirement: "The development will be of low density and provides for approximately 80% of the area in open space which includes natural vegetation, landscaping, turfed playing fields and public trails." *HF 168*. The 1980 CUP Findings make clear that these conditions of approval are "feasible alternatives" that have been adopted as conditions and "accepted by the applicant as

² For instance, the Staff Report provides that Curtis was authorized to grade 500,000 cubic yards, but the actual number is 465,000. Curtis was not awarded a CUP until it agreed to reduce its total grading from 500,000 to 465,000 cubic yards, as revealed in the Curtis Foundation's February 5, 1980, letter to the City Planning Commission. *HF 151*. In that letter, the Chair of Curtis' Board of Trustees explained that, to obtain a CUP, Curtis would agree to further reduce its total grading from the 500,000 requested, as reflected in a January 3, 1983 Planning Memorandum (*HF 145*), to 465,000 cubic yards, a 22% or 130,000 cubic yard reduction from the previously applied for 595,000 cubic yards of grading. *HF 151*. Curtis' legal counsel subsequently confirmed, in an April 7, 1980 letter, that the final reduction of grading by an additional 30,000 cubic yards was among the "refinements" necessary to gain Planning Commission approval and eliminate community opposition. *HF 185-186*.

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conditions of approval as a means of mitigating adverse impacts of the project . . .” HF 168; *see also* HF 75 (Suppl. EIR Report describing trails as “mitigation measures”).

Curtis is also violating Condition No. 20 of the 1980 CUP, precluding it from renting its playing fields for athletic activities or events. Curtis has been renting out its facilities for several years, most recently to a sports camp. *See* <http://www.sakensportscamp.com> (Saken Sports Camp website); <http://www.curtisschool.org/loel/camps.html> (advertising the Saken Sports Camp at Curtis); Exh. 2, attached (camp brochure).

Plan Approval cannot be used because Curtis has violated and continues to violate conditions of its 1980 CUP. The California Court of Appeal has emphasized that mitigating conditions of approval must be honored. *Lincoln Place Tenants Assoc. v. City of Los Angeles*, 130 Cal.App.4th 1491, 1491 (2005).³ In *Lincoln Place*, the Court criticized the City for its failure to require compliance with mitigating conditions, stating that such conditions of approval are not “mere expressions of hope” but binding requirements. *Lincoln Place*, 130 Cal.App.4th at 1508. No further development could be permitted unless and until the developer complied with the mitigating conditions. *Lincoln Place Tenants Assoc. v. City of Los Angeles*, 155 Cal.App.4th 425, 443-450 (2007).

Here, as in *Lincoln Place*, Curtis cannot be granted any land use permits or approvals because it has not complied with mitigating conditions of the 1980 CUP. A Plan Approval would be particularly improper because the procedure cannot be invoked absent compliance with the underlying approval. Curtis’ failure to comply with CUP conditions thereby precludes it from using Plan Approval.

³ Mitigation conditions cannot be removed absent a parallel environmental review process demonstrating, with substantial evidence, that the previously-imposed condition has become infeasible. *Lincoln Place Tenants Assoc. v. City of Los Angeles*, 155 Cal.App.4th 425, 443-450 (2007). This process is inapplicable because no such environmental review process has been invoked here.

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Curtis' application must be denied because Plan Approval is not the proper procedure for seeking approval of the proposed Master Plan. Instead, Curtis must proceed through the Multiple Approval process and seek approval of a new conditional use permit, a variance from the BHO, and exceptions from the Specific Plan, among other entitlements. Curtis must also prepare an Environmental Impact Report because approval of its proposed Master Plan would have a multitude of potentially significant environmental impacts.

Very truly yours,



Thomas R. Freeman

cc: Councilmember Paul Koretz
Councilmember Mike Bonin
Michael LoGrande, Dir. of Planning
Alan Bell, Dep. Dir. of Planning
Lisa Webber, Dep. Dir. of Planning
Frank Quon, City Planner
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EXHIBIT 1

Conflict Between Curtis' 1980/1990 CUP and Proposed Master Plan

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
1		The new development plan is in harmony with the various elements and objectives of the Tarzana-Encino District Plan since the Plan places school use in minimum density residential areas and provides for minimum grading. Moreover, the District Plan specifies open-space and minimum density type development for the subject property (1980 Mitigation Measures 2A)	The new proposal would not be consistent with the Tarzana-Encino Community Plan due to its excessive grading, density (more than doubling the size of its square footage) and removing required open space areas and trails in violation of the original grant	
2		The school shall be developed substantially in accordance with the School Plan, marked Exhibit A-4 (1980 Condition 1)	The current proposal changes the arrangement of buildings, removes open space and trails, excessively grades, including the bottom of a Prominent Ridge, adds a secondary access roadway from Caltrans' property, not substantially in accordance with Exhibit A-4*	* The proposed project has little resemblance to the original approval (compare the Applicant's current site plan to Exhibit A-4)
3		The development will be of low density and provides for approximately 80% of the area in open space, which includes natural vegetation, landscaping, turfed playing fields and public trails (1980 Mitigation Measures 2F)	The applicant does not break down the amount of open space preserved as part of its current proposal, but a comparison of A-4 to the current site plan appears to show that much of the open space will be replaced with buildings and parking lots*	* Site Coverage is broken down in the Supplemental EIR, p. 12: Building (first floor areas) 11.1% Private Roads 5.2% Parking 4.1% Public Pathways 2.6% Athletic & Rec Facilities 31.0% Open Space/Landscaping 45.9%

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
4		<p>All grading within the 500-foot Mulholland Corridor shall provide for recreational facilities and parking as shown on Exhibit A-4, and all structures are prohibited within the Corridor (1980 Condition 6)</p> <p>No buildings shall be constructed in the playing fields and open space areas depicted on Exhibit A-4. Further, the applicant shall record a covenant and agreement, agreeing with the above, running in perpetuity with the land (1980 Condition 21)*</p>	<p>The current application proposes switching the parking and recreational facilities requiring intrusion into open space areas and excessive grading in violation of A-4. A portion of the new parking lot will be within 100' of the Corridor and a large portion of the gym will be within 500' of the Scenic Corridor inconsistent with A-4 and in violation of the original grant and covenant recorded in 1980*</p>	<p>**No buildings shall be constructed in the areas specifically designated as playing fields or specifically designated as open space areas, as depicted in Exhibit 'A-4' attached hereto and made part hereof by this reference."</p> <p>(Covenant dated April 17, 1980)</p>
5	Remove the gym from 500' Scenic Corridor and reduce height	No structure shall be located within the 500 feet Scenic Corridor (1980 Condition 7)	The Applicant proposes a large portion of its gym to encroach into the 500' open space in violation of the original grant	
6		No building shall exceed two stories or 36 feet in height, except the gymnasium as shown on A-4 (1980 Condition 7)	The project as proposed has four buildings that violate Condition 7. Three of the Performing Arts Buildings, which were never considered as part of the original project proposed in 1979 would be 40 feet in height, and the gym built within the 500 foot open space zone in violation of the grant would be 37 feet*	*The gym building that is proposed within the 500' buffer zone is also in the Inner Corridor for purposes of the San Vicente Scenic Parkway Specific Plan, which only allows 30' height in the Inner Corridor. The Design Review Board has been cut out of the approval process, depriving the community of its opportunity for input

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
7	Reduce grading from approx. 595,000 to approx. 500,000 c/y*	Preservation and maintenance of the entire 25-acre site with minimum grading (1980 Finding 3)		*Further reduced to 465,000 c/y by superimposing the playing fields
8	Superimpose the playing fields to further reduce grading by 30,000 c/y within the 500' corridor for a total reduction of 130,000 c/y or 22% for a total of 465,000 c/y*	All grading shall be generally sculpted and softened to blend with the natural contours, and fully landscaped with fire-resistant trees and shrubs (1980 Condition 5)	149,094 c/y of new grading never before analyzed or approved. This would be a 32% increase in new grading subject to new approvals and conditions.** This grading is not sculpted nor softened to blend with the landscape, but grades out the bottom of a Prominent Ridge to create a parking lot	*595,000 c/y minus 130,000 c/y is 465,000 c/y. The Applicant has graded 466,826 to date. All grading previously approved has been utilized ** The newly proposed grading is subject to the restrictions established in the Baseline Hillside Ordinance
9	Superimpose the playing fields to further reduce grading	The playing fields shall be superimposed as depicted on Exhibit A-4 (1980 Condition 4)	The current proposal does not superimpose the playing fields as required by A-4 and relocates the fields in violation of the original grant	
10		Total grading requirements have been decreased and grading is entirely within the site, there being no import or export of earth (1980 Mitigation Measures 2E)	The applicant proposes to grade 149,094 c/y with 90,198 balanced on site (cut and fill) and 58,896 of export, which is 40% of the grading being transported off-site in violation of the original grant	
11	Install bicycle lane, bridal trail, hiking trail, jogging and exercise course adjacent to the Mulholland Scenic Parkway	Prior to the issuance of building permits, improvement of Mulholland Drive in conformance with Scenic Parkway standards, including hiking, equestrian, par course and bicycle trails and roadway improvements be implemented (1980 Condition 8a)	No trails have ever been built, in violation of the original grant. The currently proposed project would intrude into the area where the trails are designated to be built, removing an important mitigation measure required for the original project	

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
12	Final grading plan must reflect the grading for the hiking trail, PAR running course, bicycle path and horse trail			
13	Relocate buildings closer together to effectively condense the buildings in a new configuration further away from the Mulholland Scenic Corridor	Structures would be clustered on 11% of the property which assures preservation of open space (1980 Finding 3)	The Applicant has not disclosed the % of property for the clustering of structures under its Master Plan. The site plan makes evident this Plan would be in violation of the original grant	
14	Remove faculty residences out of the Scenic Corridor			
15	Lower tennis courts to camouflage them from Mulholland viewshed	The tennis courts shall be lowered 10 feet from finished grade (1980 Condition 4)		
16	Mitigate visual impact from across the 405 Freeway by agreeing to extensively plant large trees	If access other than emergency access is permitted to Mulholland Place from the school, the improvement of Mulholland Place shall be required (1980 Condition 8b)	The Applicant proposes to carve a secondary access roadway into Caltrans' property instead of using the secondary access roadway that already exists on its own property in violation of its original grant*	* The secondary access roadway carved into the hillside on Caltrans' property would require at least 18 retaining walls, lighting, drainage ditches, and would be visible from areas above and surrounding the 405
17			The Applicant proposes to increase its current square footage from 63,970 s/f of floor area, demolish an additional 20,670 and build out the project to 130,240. This is an increase of 82,440 s/f of new school facilities*	* This new square footage of floor area is not being built substantially in accordance with Exhibit A-4 and would be subject to new approvals, including Specific Plan Permit Compliance and Site Plan Review

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
18			The project description discloses only six retaining walls, but this project would include at least 25 retaining walls and could contain many more. The descriptions of retaining walls in the MND are vague, misleading & incomplete. The narrative states that there will be retaining walls needed for the Arts Building, Athletic/Parking area and the secondary access roadway*. Retaining walls were not included in the original grant. All retaining walls included in the Master Plan are new and would need proper review and analysis	* The MND contains information that the Arts Building will require 7 retaining walls from 6-10 feet, the Athletic-Parking area will require 6 retaining walls from 5-15 feet and the secondary access road will require retaining walls to a maximum of 9 feet. A review of the secondary access roadway plan shows 12 retaining walls. None of the information in the MND included how many retaining walls may be less than 6 or 5 feet, the length of each retaining wall or the impact to the hillside environment
19	Hire a licensed landscape architect to prepare a landscape plan, which reflects the rustic nature of the area. The school entrance off Mulholland will be camouflaged through tree plantings and large rock formations	All open space areas shall be attractively landscaped in accordance with a landscape plan prepared by a licensed landscape architect. All landscaped areas shall be maintained in a first-class condition at all times (1980 Condition 12)		
20	Additional landscaped open space	Irrigated greenbelts around the perimeter shall be provided as a buffer between dense brush of the Santa Monica Mountains and the proposed project at a minimum of 15' in width (1980 Condition 12)	Is this condition being maintained? Will this condition be possible to maintain if the roadway on Caltrans' property is built?	

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
21	Cover all roofs in fire resistant material and earthtone in color			
22	Prohibited from constructing bleachers for the playing fields at any time now or in the future	There shall be no bleachers next to the playing fields. (1980 Condition 4)	The new application requests two large sets of bleachers at the playing fields in violation of the original grant	The Applicant also proposes an outdoor 150-300 seat Amphitheatre built into the northern hillside that had never been considered by the original grant. The setbacks for the 39,300 square foot Arts and Theatre Complex are extremely close to the property line
23	Night lighting will be low intensity (for safety)			
24	No night lighting permitted for sports events on the playing field now or in the future	There shall be no night lighting of the playing fields or tennis courts on the subject property (1980 Condition 4)	The Applicant proposes low-level security lighting on the playing fields	
25	Grades K-9	The school shall be limited to grades kindergarten through grade 9 (1980 Condition 1)	No change*	*K-12 foreseeable future impact
26	475 students reduced from 1,000	School attendance shall be limited to 475. (1980 Condition 2) School enrollment shall be limited to a maximum of 675 students (1990 Condition 5)	No increase*	*1,000 students Foreseeable future impact

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
27		<p>The faculty and staff shall be limited to not more than 52 teachers, administrators, security and maintenance personnel. (1980 Condition 2)</p> <p>Faculty/Staff shall be limited to not more than 68 teachers, administrators, security and maintenance personnel (1990 Condition 5)</p>	<p>The current proposal requests an increase from 68 faculty and staff to 118. That is an increase of 50 personnel, which is a 73% increase*</p>	* This increase could be used to accommodate foreseeable expansion of enrollment
28		<p>A Transportation Demand Management program shall include 80% student and 50% staff participation in busing, carpooling, ridesharing, and vanpooling (1990 Condition 7)</p> <p>Traffic counts are required on an annual basis (1990 Condition 8)</p>		
29		<p>That all paging or loudspeaking systems to be used out of doors shall be designed by a qualified sound engineer so that the created noise level will be below the ambient noise level of the surrounding residential areas (1980 Condition 9)*</p>	<p>The Applicant currently uses a public address and paging systems and intends to expand this use to its new, expanded and relocated buildings</p>	* A letter from Curtis School to the Dept. of Building and Safety, dated June 21, 1982 states, "This is to inform you that there will be no amplifying system on the Curtis School campus at Mulholland Drive and the San Diego Freeway."

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
30		The development shall provide at total or 114 parking spaces, as shown on Exhibit A-4 (1980 Condition 14)	The current proposal increases parking that currently exists on site from 136 to 223.* The parking lot will be moved to the open space area within 500' of the Mulholland Corridor indicated on A-4 as open space and one outdoor Athletic Field. A portion of the parking area will fall within the 100' zone of the Corridor. The parking lot will require excessive grading and lights. Moving the parking lot to the top of the property closest to the Corridor will degrade the open space zone in violation of the original grant	*This is an increase of 95% of the 1980 required parking and an increase of 64% of the currently provided parking. Also the parking is proposed as the last phase of development, which if never realized will leave the property with a deficit of parking. Phasing must require parking to be completed prior to the expansions of the buildings that will require the parking as was done with other projects in the Corridor, including the Skirball Cultural Center and Bel Air Presbyterian Church
31		Only one identification sign shall be permitted within the 500-foot Mulholland Scenic Parkway, and that the sign shall be specifically designed to enhance and blend with the natural landscape of the area. (1980 Condition 16)	The Applicant proposes that any new signs in connection with the development be of an identifying nature and pedestrian-scale. This is in violation of the original grant and would require review by the Mulholland Design Review Board as it within the Mulholland Scenic Parkway Specific Plan*	* This would increase the number of signs permitted from one under the original grant to an unlimited number

	1979 Supplemental Report Further Mitigation Measures	1980 & 1990 CUP Conditions and Findings	2013 Proposal	Notes
32		Class hours shall not begin prior to 9:00 a.m. or extend beyond 3:30 p.m. Monday – Friday (1980 Condition 19)	The Applicant requests new class hours of 8:15 a.m.–3:15 p.m., office hours 7:00 a.m.–7:00 p.m., and two parent-teacher conferences per month. Additionally, the Applicant proposes a huge intensification of use authorizing special events Monday – Friday until 9:00 p.m. and weekends and holidays until 5:00 p.m. If special events are expected to attract more than 200 people, parking will be provided off-site*	* This would permit use of the property for special events every day, including weekends and holidays. No special events were authorized under the original grant
33		No high school athletic activities or events shall be permitted on the playing fields or no renting such fields to any individual or organization* (1980 Condition 20)		* The school is in violation of this condition as it has been renting out its facilities for years to Tocaloma Summer Day Camp and is currently renting out its facilities to Saken Sports Camp
34		1980 CUP CPC-28764(CU) 1990 CUP CPC-89-0763-CU 2003 Director's Determination DIR-2003-6643-DRB-SPP*	City Planning required an EIR for this case in 2011, required an MND and Multiple Approvals in 2012, and required an MND and only a Plan Approval in 2013. As the project has added intensity and impact, the associated approval has been diminished	* The 1990 CUP was for increased enrollment. The 2003 DIR was for a 1,500 s/f accessory building. It is hard to imagine that a Master Plan of this magnitude of potential significant impact could be considered for a Plan Approval

EXHIBIT 2



Location:

15871 Mulholland Dr.
Los Angeles, CA 90049

Camp Hours:

9:00 am - 3:00pm (M-F)

8:30 am - Early Morning Care (optional)

3:00 pm - 3:20 pm pickup

Summer Camp Dates
July 15th - August 16th, 2013
(5 weeks)

310 / 273-2459
email: fun@sakensportscamp.com
www.sakensportscamp.com



Traditional Camp Tuition for 1st - 6th grade (ages 6 to 13)



5 weeks	Tuition \$1855
4 weeks	\$1590
3 weeks	\$1270
2 weeks	\$900
1 week	\$475
Daily Rate	\$100

In honor of our 20th year, we are offering a 10% discount - Applied before April 1st and paid in full.

Rookie Camp Tuition for Pre-K, DK - Kindergarten (ages 3.5 to 5)

5 weeks	Tuition \$2115
4 weeks	\$1795
3 weeks	\$1425
2 weeks	\$1000
1 week	\$545
Daily Rate	\$116

Simultaneous Camps & Sports Clinics

Baseball Camp:	July 15 - 19	Grades 3-6	Tuition \$475/week
Soccer Camp:	July 22 - 26	Grades 3-6	\$475/week
Basketball Camp:	July 22 - 26 and or Aug 5 - 9	Grades 3-6	\$475/week
Flag Football Camp:	July 29 - Aug 2 and or Aug 12 - 16	Grades 3-6	\$475/week
Volleyball Camp:	Aug 5 - 9	Grades 3-6	\$475/week

To ensure placement, a \$300 non-refundable deposit (that will be applied to tuition) is due by May 5th. Balance is due by June 5th. Upon enrollment Parents and Campers will receive a camp information packet and detailed monthly calendar of activities.

Camp Tours Available, call (310) 273-2459

www.sakensportscamp.com

20 Years of Quality Camps for Kids!

Cut along dotted line

Saken / Game Time Sports Camp Summer 2013 Enrollment Form



Please send completed forms with payment to:
Saken Sports Camp, Inc.
P.O. Box 67731, Los Angeles, CA 90067

Camper's Name: _____

Nickname _____ Age _____ Sex: M F

Address _____

City _____ State _____ Zip _____

Home Phone _____

Grade in Sept. _____ School Name _____ B-Day _____

Who does your child want to be in a group with? _____

T-Shirt Size: Child: S M L Adult: S M L XL

How did you hear about us? _____

Parent or Guardian with whom child resides:

Name _____

Work Phone () _____

Home Phone () _____ Cell Number () _____

E-mail _____

Please check all that apply:

Traditional Saken Sports & Rookie Camp

for 1st - 6th grade (ages 6 to 13) for PreK, DK, - Kindergarten (ages 3.5 to 5)

July	15 - 19	<input type="checkbox"/>	Week 1	M	T	W	TH	F
July	22 - 26	<input type="checkbox"/>	Week 2	M	T	W	TH	F
July 29 - August 2		<input type="checkbox"/>	Week 3	M	T	W	TH	F
August	5 - 9	<input type="checkbox"/>	Week 4	M	T	W	TH	F
August	12 - 16	<input type="checkbox"/>	Week 5	M	T	W	TH	F

Simultaneous Camps & Sports Clinics (grades 3 - 6)

July (Baseball)	15 - 19	<input type="checkbox"/>	Week 1	M	T	W	TH	F
July/Aug (Soccer)	22 - 26	<input type="checkbox"/>	Week 2	M	T	W	TH	F
(Basketball)	22 - 26	<input type="checkbox"/>	Week 2	M	T	W	TH	F
July - August (Football)	29 - 2	<input type="checkbox"/>	Week 3	M	T	W	TH	F
August (Volleyball or Basketball)	5 - 9	<input type="checkbox"/>	Week 4	M	T	W	TH	F
	5 - 9	<input type="checkbox"/>	Week 4	M	T	W	TH	F
August (Football)	12 - 16	<input type="checkbox"/>	Week 5	M	T	W	TH	F

A minimum deposit of \$300 is required at time of enrollment.

*Deposit is non-refundable but is applied to total tuition.

NOTE - There will be no refunds after June 15th.

There will be no refunds for misbehaved campers asked to leave.

Please visit our website for complete camp policies @ www.sakensportscamp.com

Amount enclosed now _____