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## Regarding Case #: CPC-2025-3449-CU3-SPPC-DRB-MSP ENV-2025-3450-CE

Armen Vartany, MD &lt;drvartany@vartany.com&gt;

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Dear Bel Air–Beverly Crest Neighborhood Council (BABNCNC) committee members,

I respectfully urge you to **OPPOSE** approval of Milken Community School's proposed Conditional Use Permit (CUP) unless and until a **full Environmental Impact Report (EIR)** is prepared in compliance with the **California Environmental Quality Act (CEQA)**.

Milken's environmental analysis is fundamentally flawed because it relies on an **incorrect and inflated baseline**. Newly submitted documentary evidence from **AJU's own zoning and environmental filings**, highlighted in the attached **Exhibit A**, conclusively demonstrates that:

1. **AJU's actual enrollment was well under 200 students**, and
2. **The governing CUP explicitly capped enrollment at 500 students—not 900.**

Milken's proposal to operate a **900-student high school** therefore represents a **major intensification of use** under CEQA, with materially greater impacts to traffic, emergency access, noise, air quality, and neighborhood character—especially for the **Bel Air Park community**, a cul-de-sac residential area dependent on **Casiano Road** as its primary access and evacuation route.

### 1. CEQA Baseline Must Be Based on Actual AJU Operations — Exhibit A Is Dispositive

CEQA requires environmental impacts to be evaluated against **existing physical conditions**, not unused or theoretical entitlements.

The attached AJU submittal (Exhibit A), marked with red boxes, contains **clear admissions by the applicant and the City** establishing the true operational baseline:

- **CUP Condition No. 6 allows enrollment of up to 500 students—not 1,400 and not 900.**
- **Actual enrollment was substantially lower:**
  - Spring 2008 enrollment totaled approximately **97 students** across undergraduate and graduate programs.
  - Spring 2011 enrollment was approximately **100 students**, with program headcounts confirming total enrollment **well under 200 students**, even accounting for concurrent enrollment.
- The City record expressly states: **"The current project will not increase enrollment."**

These facts are documented in the official zoning record and environmental findings and are highlighted in Exhibit A.

This evidence conclusively establishes that **AJU's functional baseline was a small, low-intensity university with fewer than 200 students**, many of whom lived on campus and **did not commute on public roadways**.

## 2. CUP Maximum Was 500 Students — Milken’s 900 Is an Unlawful Expansion

Even setting aside actual enrollment, **the maximum enrollment authorized by the CUP was 500 students**, as stated verbatim in the City’s findings and conditions of approval .

Milken’s proposal seeks approval for:

- **900 high school students** present daily
- Nearly **double the CUP-permitted maximum**
- Concentrated into **weekday AM and PM peak traffic periods**

This is not a continuation of a previously approved use. It is an **expansion beyond the CUP envelope**, which independently triggers CEQA review and **cannot be approved through exemption or negative declaration**.

## 3. The Project Is a Clear Intensification of Use Under CEQA

Measured against the **correct baseline**, Milken’s proposal constitutes a dramatic intensification of use:

<b>Metric</b>	<b>AJU Baseline (Documented)</b>	<b>Milken Proposal</b>
Actual Enrollment	~100–200 students	900 students
CUP Maximum	500 students	900 students
Timing	Distributed, evenings/weekends	Peak AM/PM weekdays
Housing	~40% lived on campus	0% on campus
Traffic Pattern	Minimal peak congestion	Concentrated queuing

CEQA is explicit: **operational intensification alone—without new construction—can cause significant impacts and requires environmental review**.

## 4. Traffic, Emergency Access, and LADOT Safety Impacts

Because Milken’s baseline is wrong, **all downstream traffic conclusions are invalid**.

Key impacts include:

- **Order-of-magnitude increase in daily peak vehicle trips** on Casiano Road
- **Documented queuing exceeding 1,000–1,500 feet**, already occurring
- **Simultaneous peak overlap** with Stephen S. Wise School
- Compromised emergency access for **Bel Air Park**, which relies on Casiano as its primary ingress/egress

SB-743 VMT screening **does not preempt CEQA analysis of localized safety and emergency impacts**, particularly in hillside and fire-prone communities.

## 5. Fire Safety and Evacuation Risks

Exhibit A further confirms that AJU operations were intentionally structured to **avoid synchronized arrivals and departures**, explicitly distinguishing them from uses that cause “several hundred persons [to] arrive and depart at the same time” .

Milken now proposes exactly that condition—**daily synchronized arrivals and departures of 900 students**—in a **Very High Fire Hazard Severity Zone** with constrained evacuation routes.

Fire flow compliance **does not address evacuation feasibility**, clearance time, or compounded congestion during wildfire emergencies, all of which CEQA requires to be analyzed.

## 6. Noise, Air Quality, and Infrastructure Impacts Are Masked by the Baseline Error

Noise, air quality, water, and utility studies all rely on **comparisons to a fictional high-intensity AJU baseline** rather than the **documented sub-200-student reality**.

When the correct baseline is applied:

- Traffic noise increases are materially larger
- Localized air quality impacts from idling and queuing become significant
- Infrastructure stress during peak and emergency conditions is understated

A flawed baseline invalidates a CEQA document as a matter of law.

## 7. Adverse Impacts to the Bel Air Park Community

Bel Air Park is a **quiet, residential cul-de-sac community**. The Project would:

- Multiply daily traffic on its only access road
- Increase evacuation risk during wildfires
- Degrade air quality and noise conditions
- Permanently alter neighborhood character

These impacts are **foreseeable, documented, and unmitigated**.

## Conclusion and Request

The attached AJU submittal (Exhibit A) definitively establishes that:

- **Actual AJU enrollment was under 200 students**
- **CUP maximum enrollment was 500 students**
- **Milken's 900-student proposal is an unlawful intensification of use**

Accordingly, approval of the CUP without a **full Environmental Impact Report** would violate CEQA and expose the City to substantial legal risk.

We respectfully request that BABNC:

1. **Formally oppose the CUP as proposed**
2. **Require preparation of a full EIR**, based on the correct baseline
3. Reject reliance on inflated or theoretical entitlements

Bel Air Park residents support education—but not at the expense of **public safety, legal compliance, and community livability**.

Respectfully submitted,  
Armen Vartany  
Bel Air Park Resident (23 years)

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 **Exhibit A - enrollment & housing.pdf**  
1113K

# Exhibit A

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March 31, 1993 - The Environmental Staff Advisory Committee issued MND 93-0066CUZ(DRB)(SPE) for the proposed construction of a 88,100 square foot addition (53,500 square foot library; 12,100 square foot student union; 2,000 square foot recreation center; 20,500 square foot fine arts building) and related parking facilities on the Site.

November 18, 1997 - The Zoning Administrator approved AJU's Plan Approval application for a smaller, modified project to allow for the construction of 51,100 square foot library, a 5,600 square foot auditorium, a 12,000 square foot student union, and a 2,000 square foot recreation center, totaling 65,100 square feet, and related parking facilities, and approved the MND (Case No. ZA 18445 (PAD)).  
January 20, 1998 - The Board of Zoning Appeals upholds the Zoning Administrator's decision, subject to revised conditions of approval (BZA Case No. 5502).

- On May 9, 2001, the Planning Director approved the design of the 12,000 square foot Auerbach Student Life Center pursuant to the Mulholland Scenic Parkway Specific Plan (Case DIR-2001-1363-DRB).

- The 1998 approval was effectuated and became vested upon construction of the Auerbach Student Life Center in 2001.

- AJU is a private university that provides undergraduate programs through its College of Arts and Sciences and graduate programs in Education, Non-Profit Management and Rabbinic Studies.

- CUP condition No. 6 allows for an enrollment of up to 500 students. AJU is a small university. Enrollment as of Spring 2008 was 97 students in the College of Arts and Sciences, 26 students in graduate education programs, 37 students in graduate non-profit management, and 55 students in graduate rabbinic studies. Some students study in multiple programs concurrently, thus total enrollment is somewhat under the total of head-counts in all programs.

- The current Project will not increase enrollment.

- The hours of operation are:

Monday - Thursday:	8:00am - 10:00pm
Friday:	8:00am - 9:30pm
Sunday:	9:30am - 6:00pm

- The number of classrooms and teachers are:

24 classrooms. Approximately 63 faculty members.

- AJU students either live on campus or provide their own transportation. Students from local Jewish day schools occasionally use AJU space. Student loading and unloading for these events occurs next to the residential complex. There is a "U" shaped driving pattern around the complex and loading and unloading occurs in the area furthest from the street.



throughout the day as opposed to a religious service which has a specific start time and conclusion where several hundred persons arrive and depart at the same time, and approximately 40% of the university's enrollment is composed of students residing on campus who therefore are not commuting to class on the public roadway and not adding to congestion.

Issues related to the applicability of the Mulholland Scenic Corridor Specific Plan to the proposed development are not within the jurisdiction of the Zoning Administrator and are subject to proper review pursuant to Condition No. 5.

There was discussion at the public hearing of interference with existing parking spaces during the construction phase. Condition No. 15 addresses the parking management plans that will be in place to provide for the needs of students and other university visitors as well as for construction workers and their associated staging areas.

The proposed expansion of the University of Judaism will require an additional 170 parking spaces (24 parking spaces for the student union and recreation buildings, and 146 parking spaces for the library and auditorium building). Currently, the University of Judaism is required to provide 309 parking spaces.

If the student union and recreation buildings are constructed first, approximately 87 parking spaces will be removed during construction, resulting in an available parking supply of 313, still above the 309 required. Upon completion of the student union and recreation buildings, 359 parking spaces will be provided with 333 parking spaces required.

The construction of the library and auditorium requires 146 new parking spaces, which will be provided in a new parking structure containing 330 parking spaces (an additional 156 spaces), for total of 556 parking spaces (400 + 156). During construction of the parking structure, 174 parking spaces will be impacted. This would leave 226 parking spaces (400 - 174) if the library/auditorium construction phase goes first. The parking shortage would therefore be approximately 83 parking spaces (309 - 226) during construction of the library/auditorium/parking structure.

Approximately 86 additional parking spaces could be constructed in the proposed student housing parking lot which is scheduled to be constructed for the student union and recreation buildings. Furthermore, an additional 53 on-street parking spaces are available to supplement the parking demand during construction. Therefore, the total available parking with the replacement parking and off-street parking supply included, is 340 parking spaces, 31 more spaces than required.

The Applicant has provided an existing parking layout (400 parking spaces) for the University of Judaism, a future master plan (with tandem parking layout) and a parking layout of the auditorium/ library construction phase showing the potential replacement parking lot.

The project at build-out will provide 72 parking spaces in excess of the Municipal Code requirements. There is no parking fee which might otherwise



- March 31, 1993 - the Environmental Staff Advisory Committee issued MND 930066-CUZ(DRB)(SPE) for the proposed construction of a 88,100 square foot addition (53,500 square foot library; 12,100 square foot student union; 2,000 square foot recreation center; 20,500 square foot fine arts building) and related parking facilities on the Site.

- November 18, 1997 - the Zoning Administrator approved AJU's Plan Approval application for a smaller, modified project to allow for the construction of 51,100 square foot library, a 5,600 square foot auditorium, a 12,000 square foot student union, and a 2,000 square foot recreation center, totaling 65,100 square feet, and related parking facilities, and approved the MND (Case No. ZA 18445 (PAD)).

- January 20, 1998 - the Board of Zoning Appeals upholds the Zoning Administrator's decision, subject to revised conditions of approval (BZA Case No. 5502).

- May 9, 2001 - the Planning Director approved the design of the 12,000 square foot Auerbach Student Life Center pursuant to the Mulholland Scenic Parkway Specific Plan (Case DIR-2001-1363-DRB).

- November 10, 2008 - the Zoning Administrator approved the construction of an interim library facility and related improvements (Case No. ZA 18445(PAD)(PA1)

- October 26, 2009 - the Zoning Administrator approved the construction of an over-in-height wall with an identification sign in a side yard setback and an additional on campus sign (Case No. ZA 18445(PAD)(PA2)

Describe the type of school (e.g., elementary, junior high school, nursery, etc.).

AJU is a private university that provides undergraduate programs through its College of Arts and Sciences and graduate programs in Education, Non-Profit Management and Rabbinic Studies.

What is the maximum number of students (children) to be enrolled at each grade and age level?

CUP condition No. 6 allows for an enrollment of up to 500 students. AJU is a small university. Enrollment as of Spring 2011 was approximately 100 students in the College of Arts and Sciences, 25 students in graduate education programs, 40 students in graduate non-profit management, and 55 students in graduate rabbinic studies. Some students study in multiple programs concurrently, thus total enrollment is somewhat under the total of headcounts in all programs.

The current Project will not increase enrollment.

What are the hours of operation? Indicate whether Monday through Friday only or also weekends.

Monday - Thursday: 8:00am - 10:00pm