

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2013-1495-CU-PA1-2A	ENV-2020-3420-CE	7 – Rodriguez
<b>PROJECT ADDRESS:</b>		
13351 – 13377 North Glenoaks Boulevard		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Gerard Montero, Tri – Lake Charter School Properties LLC 1405 N, San Fernando Road Suite #303 Burbank, CA 91504 <input type="checkbox"/> New/Changed	(818) 559-7699	<a href="mailto:g.montero@pucschools.org">g.montero@pucschools.org</a>
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
David Moss; David Moss & Associates, Inc. 1009 Wilshire Boulevard Unit #224 Santa Monica, CA 90401	(310) 395-3481	<a href="mailto:dmoss@dmapermits.com">dmoss@dmapermits.com</a>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Manuel Martinez 15120 Cobalt Street Sylmar, CA 91342	(818) 935-4299	<a href="mailto:Pacblue2@gmail.com">Pacblue2@gmail.com</a>
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A	N/A	N/A
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Sarah Hounsell	(818) 374-9917	<a href="mailto:sarah.hounsell@lacity.org">sarah.hounsell@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Plan Approval (PA1) – Pursuant to Section 12.24 M of the Los Angeles Municipal Code, a plan approval to continue the use and operation of a campus with three public charter schools in the RA-1-K Zone, originally approved under Case No. CPC-1013-1495-CU.		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

Appealed in part the expansion of any of the three schools due to noise, traffic, and parking within proximity to adjacent residential uses.

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other

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**NOTES / INSTRUCTION(S):**

N/A

**FISCAL IMPACT STATEMENT:** Yes No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
March 15, 2022	7 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
March 30, 2022	Yes – March 29, 2022
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Cecilia Lamas Commission Executive Assistant	April 25, 2022



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: MAR 15 2022

Case No. CPC-2013-1495-CU-PA1-1A  
CEQA: ENV-2020-3420-CE  
Plan Area: Sylmar

Council District: 7 – Rodríguez

**Project Site:** 13351 – 13377 North Glenoaks Boulevard

**Applicant:** Gerard Montero, Tri – Lake Charter School Properties LLC  
Partnerships to Uplift Communities  
Representative: David Moss, David Moss & Associates

**Appellants:** Manuel Martínez  
Martha De La Mora

At its meeting of **March 10, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Project:

Continued use and operation of a campus with three charter schools, originally approved under Case No. CPC-2013-1495-CU, on an approximately 7.3-acre site in the RA-1-K Zone, and modification of certain conditions, including increased enrollment; allow facility rental to third parties; allow filming for commercial purposes; increase the number of special events allowed and hours; extend school operating and delivery hours; and discontinue the annual compliance reporting requirement.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA, pursuant to CEQA Guidelines, Article 19, Section 15301, Class 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied the appeals in part and granted the appeals in part** to modify Condition No. 38;
3. **Approved** the updated Exhibit "A" to reflect the parking count and align the location of the trash enclosure;
4. **Approved and sustained** the Planning Director's Determination, pursuant to Section 12.24. M of the Los Angeles Municipal Code, a plan approval to continue the use and operation of a campus with three public charter schools in the RA-1-K Zone, originally approved under Case No. CPC-2013-1495-CU;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: López-Ledesma  
Second: Campbell  
Ayes: Choe, Leung, Mack, Perlman, Dake Wilson  
Absent: Hornstock, Millman

**Vote: 7 – 0**



Cecilia Lamas, Commission Executive Assistant  
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is appealable to City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: MAR 30 2022**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

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.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedure

- c: Blake Lamb, Principal City Planner
- Claudia Rodriguez, Senior City Planner
- Sarah Hounsell, City Planner

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on March 10, 2022)

Pursuant to Section 12.24 M of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Plan.** Except as modified herein, the use and development of the subject property shall be in substantial conformance with the site plan labeled "Exhibit A" attached to the subject case file, and as conditioned herein. No change to the plans will be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. **Parking.** A minimum of 186 permanent, striped on-site parking spaces shall be provided for the project.
3. **Bicycle Parking.** A minimum of 20 on-site bicycle parking spaces shall be provided. This number shall be increased, if necessary, to accommodate all students who wish to ride bicycles to campus.
4. **Security Fences.**
  - a. The height of the proposed security fences located along the project's frontage shall not exceed eight (8) feet.
  - b. The security fences shall be attractively finished so as to avoid a fortress-like effect.
5. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
6. **Floor Area.** The educational facility will be restricted to a total floor area of 107,172 square feet (the middle school consisting of 52,464 square feet and each high school building containing 27,354 square feet). The outdoor facilities shall be limited to three new lunch areas (consisting of 1,600 square feet, 2,000 square feet, and 4,000 square feet), an outdoor basketball court, a baseball field, and parking areas limited to occupancy by school personnel, volunteers and visiting guests.
7. **Use.** The use of the subject property shall be limited to one public charter middle school building (previously approved under CPC Case No. 2001-5575-CU-ZV) and two charter high school buildings serving grades 6 through 12.
  - a. The maximum student enrollment shall be limited to 1,300 students.
  - b. A maximum of 120 full-time employees (including administrators and teachers) shall be permitted at all times.
8. **Circulation.** Ingress to the project site shall be from Glenoaks Boulevard.

9. **Drop-off/Pick up Zone.** The drop-off and pick-up zone shall be entirely located on-site, adjacent to the property's northern frontage. The designated vehicle queuing areas shall be clearly demarcated on the ground and a path of travel for students shall be outlined, so as to ensure the safety of students.
10. **Traffic and Parking Monitors.**
  - a. Four traffic and parking monitors wearing orange vests (or other distinctive attire) and equipped with cameras shall be stationed at the following locations, Monday-Friday from 7:15 a.m. to 8:15 a.m. and 3:15 p.m. to 4:15 p.m. when school is in session:
    - i. Intersection of Cobalt Street and Glenoaks Boulevard: one monitor to discourage drivers from turning onto Cobalt and promote pedestrian safety.
    - ii. Cobalt Street, approximately 500 feet southwest of the intersection with Glenoaks Boulevard: one monitor to observe and discourage potential traffic violations and promote pedestrian safety.
    - iii. Entrance to on-site pick-up and drop-off lane: one monitor to direct traffic, discourage interruption of traffic flow, and promote pedestrian safety.
    - iv. Campus entrance gate: one monitor to discourage interruption of traffic flow and promote pedestrian safety.
  - b. Traffic and parking monitors shall wear orange vests (or other distinctive attire) and badges and shall be equipped with cameras and note-taking supplies. Parking and traffic monitors must attend a training session provided by PUC administrative and/or facility management staff before being assigned and every two months thereafter to review the school's pick up/drop off guidelines, student safety obligations, and the importance of strict compliance with the CUP conditions of approval.
11. **Violations of Traffic and Parking Rules and Regulations.** Monitors shall report any violations of the rules and regulations to the administration by parents or students, including any off-campus drop-offs or pick-ups that are observed, along with the relevant license plate numbers.
12. **Architectural Materials.**
  - a. A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site. No facade shall create a blank wall effect.
  - b. Fence elevation drawings shall be submitted to the satisfaction of the City Planning Department.
13. **Entrance Gates.** Pedestrian entrance gates shall allow some visibility (translucency permitted if glass) to avoid creating a fortress-like effect.
14. **Use Restrictions:**

- a. Rental or lease of the facility (whether for monetary compensation or not), including filming for commercial purposes, shall be permitted on the site, subject to the following conditions:
- i. Rental or lease of indoor facilities is permitted Monday through Friday, 8:00 a.m. to 9:00 p.m. and Saturday 8:00 a.m. to 5:00 p.m.
  - ii. Rental or lease of outdoor recreational and seating areas is permitted Monday through Friday 10:00 a.m. to 6:00 p.m. and Saturday 10:00 a.m. to 5:00 p.m.
  - iii. Filming for commercial purposes shall be prohibited in indoor facilities when educational activities are taking place, including classroom instruction, after-school and weekend educational activities, and summer school. Student filming and filming for school promotional purposes shall be permitted, provided that such filming is not done outdoors after dark where the use of artificial light is employed.
  - iv. Third-party activities that take place on the subject property shall not involve the use of amplified sound or music, alcohol, barbecues or open flames of any kind, or animals except for licensed service animals.
  - v. Third parties who rent or lease the property may use generators or motors, which shall not be located within 150 feet of any residential uses.
  - vi. Third parties who rent or lease the property shall limit all related vehicle parking to the on-site parking lot.
  - vii. A PUC staff member shall be present on site at all times while the facility is being utilized by third parties.
  - viii. PUC shall submit a list of the facility rental conditions contained herein to the Department of City Planning. A copy of the conditions must be signed by all third parties who rent the facilities.
  - ix. No incidental gaming activities as defined in Section 12.21 A.13 shall be permitted on the site.

15. **Roof Structures.** Any structures on the roof of the subject building, such as air conditioning units and other equipment, shall be fully screened from view of adjoining lots.

16. **Maximum Occupancy.** The maximum occupancy of the building at any time shall not exceed the number of persons the Fire Department establishes, and the building shall be so posted.

17. **Hours of Operation.** Hours of operation shall be as follows:

	MON	TUE	WED	THU	FRI	SAT
<b>Classroom Instruction</b>						
<b>School Year</b>	7:40 a.m.-3:45 p.m.					
<b>Summer</b>	8:00 a.m.-5:00 p.m.					
<b>After-school Instruction</b>						
<b>School Year</b>	3:30 p.m.-6:30 p.m.					
<b>Admin/Teacher Prep</b>						
<b>School Year</b>	6:30 p.m.-8:00 p.m.					
<b>Summer</b>	8:00 a.m.-5:00 p.m.					



<b>School Use of Outdoor Facilities</b>		
<b>Year-round</b>	10:00 a.m.- 5:00 p.m.	
<b>Supplemental Educational Activities (2 days/month)</b>		
<b>Year-round</b>		8:00 a.m.- 12 noon
<b>Special Events</b> (school year: maximum 6 events/month; summer: maximum 3 events/month)		
<b>Year-round</b>	9:00 a.m.-10:00 p.m.	9:00 a.m.-11:00 p.m.
<b>Third-party Facility Rental</b>		
<b>Indoors</b> (year-round)	8:00 a.m.-8:00 p.m. (when school is not in session)	8:00 a.m.- 5:00 p.m.
<b>Outdoors</b> (year-round)	10:00 a.m.-6:00 p.m. (when school is not in session)	10:00 a.m. – 5:00 p.m.

For outdoor use:

- a. Active use of outdoor areas shall be limited to the lunch shelter areas, outdoor basketball courts and baseball field\_during school operations, special events, and third-party use.
  - b. California Interscholastic Federation (CIF) league events are permitted in outdoor recreation areas and may extend beyond the hours listed above when necessary, except that they may not be scheduled in advance to begin outside the hours listed above.
18. Deleted.
19. Deleted.
20. **Special Events.** No more than six (6) “Special Events” per calendar month are authorized during the regular school year (August-May), and no more than two (2) per month during the summer months (June-July), for a maximum of 64 special events per year. A maximum of three (3) special events are permitted per week and not more than one (1) per day, as long as adequate off-site or valet parking is secured for each event. Records of off-site parking arrangements shall be maintained in the front office and notices shall be sent a minimum 60 days in advance prior to the event to the appropriate Council District, property owners, and businesses with 500 feet of the school property. Special events are activities involving parents and/or other visitors where more than 48 vehicles are anticipated at one time. School administrative board meetings and parent/teacher meetings are excluded from the definition of “Special Events”. Permitted hours of special events shall be confined between the hours indicated in Condition 17 above. An instructor or school staff member shall be present all events to monitor student activities, arrivals, and departures to ensure that noise impacts on adjacent neighbors are minimized. Unless modified by the City Planning Commission, the special events authorized on the property are as follows:
- a. Back to School Nights

- b. School Performances
  - c. School Dances
  - d. Admissions Open Houses
  - e. Graduation Ceremonies
  - f. Family Meeting Nights
21. **School and Special Event Calendar.** A copy of the calendar and a list of major events shall be submitted to the appropriate Council District and residents within 500 feet of the school property upon request.
22. **Calendar Modifications.** No variation to allow any “special event” that is not included on the calendar shall be scheduled without a minimum of 60-day advance notification to the appropriate Council District and residents within 500 feet of the school property. (This requirement is not applicable to rescheduled/postponed events.)
23. **Motorized Maintenance Equipment.** Motorized sweeping of the parking lots and driveways and motorized landscape maintenance shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.
24. Deleted.
25. **Distribution of Traffic and Parking Rules.** The school shall inform parents, students, faculty, and staff in writing on an annual basis of all rules regulating school traffic and parking.
26. Deleted.
27. **On-site Parking.** Except during special events when overflow parking has been arranged off-site, all faculty, administrators, other employees, and visitors shall be instructed by persons acting on behalf of the school to park on-site at designated locations. The applicant shall install signs indicating that parking is prohibited in the on-site spaces abutting the western property line, adjoining the residences on Cobalt Street, after 8:00 p.m. Monday-Thursday.
28. **Special Event Parking.** The School administrator shall institute a program by which parking is assigned prior to the scheduled event to parents, visitors, staff, and faculty at a specific location, whether on-site or off-site. Such a program shall be designed to avoid traffic congestion and circulation problems associated with drivers arriving at the subject property or other designated off-site parking locations and being turned away due to insufficient parking capacity.
29. **Deliveries.** Deliveries to the site shall be limited to between 6:00 a.m. and 6:00 p.m. All loading/unloading must take place in the rear parking lot, along the curb as close to the baseball field as possible. Delivery trucks may not park along the west side of the middle school building at any time.
30. **Trees.** A minimum of 52 trees shall be maintained on the school site to provide shade. In addition to the existing 46 trees in the parking lot, an additional six 24-inch box shade trees shall be planted in the parking lot to the rear of the school. The additional trees shall be distributed throughout the rear parking lot to maximize shade on the site.

31. **Emergency Plan.** An Emergency Procedures Plan shall be established identifying guidelines and procedures to be utilized in the event of fire, medical urgency, earthquake, or other emergencies to the satisfaction of the Police Department and Fire Department prior to the issuance of a certificate of occupancy. A copy of such document shall be submitted to the City Planning Department upon its approval.
32. **Security Plan.** A security plan shall be developed in consultation with the Police Department, outlining security features to be provided in conjunction with the operation of the school, prior to the issuance of a certificate of occupancy. In addition, the property owner shall provide the Commanding Officer a diagram of the site indicating access routes and any additional information that might facilitate police response. The applicant shall submit evidence of compliance to the City Planning Department.
33. **Secure Campus.** The property shall be internally secured when not in use.
34. **No Parking on Public Streets.** All administrators, teachers, volunteers, and visitors shall be expressly prohibited from parking on adjacent streets. All users and visitors shall be instructed by persons acting on behalf of the school to park at the on-site parking lot.
35. **Lighting Plan.** All lighting shall be directed onto the site. Floodlighting shall be designed and installed preclude glare to adjoining and adjacent properties. Outdoor lighting shall be designed and installed with shielding such that the light source cannot be seen from adjacent properties.
  - a. Exterior lighting for the buildings, parking lot, and the outdoor lunch areas shall be in substantial conformance with the Exterior Lighting Plan.
  - b. The parking lot shall be lit so as to create a safe and inviting environment.
36. **School Noise.**
  - a. No outdoor public address system shall be installed or maintained on the subject property. No paging system shall be installed which is audible outside the building in which it is located.
  - b. No amplified music or loud non-amplified music is permitted outside.
  - c. Compressors and other equipment which may introduce noise impacts beyond any property line shall be enclosed or otherwise attenuated so as to be inaudible off-site.
  - d. No exterior bells, horns or similar sound-emitting devices are permitted.
  - e. Staff members shall monitor the exterior corridors before and after school and between classes, and shall seek to prevent excessive noise.
  - f. Staff members shall monitor students at all times they are outside the building, including before and after school, lunch, and any breaks, to prevent excessive or unnecessary noise.
37. **Marching Bands.** There shall be no marching band or playing of marching band instruments outdoors on the subject property at any time.

38. **Complaint Log.** A complaint log shall be maintained of all complaints from nearby property owners or businesses, and a copy of the complaint log shall be made available to anyone upon request. The school administration shall be responsible for disseminating the name and phone number of the representative to the Council Office, all adjoining property owners, and the City Planning Department.
39. **Entitlement Review.** The applicant shall submit a report to the Department of City Planning detailing compliance with the conditions of this grant every two years, starting from the issuance date. The applicant shall be required to file a Plan Approval application with the Department of City Planning for any proposed change to hours of operation, structures, enrollment, or other aspect of school operations. The Plan Approval shall be determined by the Director of Planning, or the City Planning Commission on appeal. Should the Director of Planning require a public hearing, public notice shall be made to owners and occupants of properties within a radius of 500 feet.
40. **Distribution of Letter of Determination.** All school administrators, faculty, and school board members shall be provided a copy of the instant determination.
41. **Neighborhood Traffic Protection Plan.** Prior to the issuance of any certificate of occupancy for the school use, the property owner shall submit to the satisfaction of the Department of Transportation a Neighborhood Traffic Protection Plan designed to control the intrusion of school-generated traffic into the surrounding residential neighborhood and prevent on-street school-generated parking in the vicinity.
42. **Traffic Management Program.** The school shall implement a Traffic Management Program with a Trip Reduction Plan to the satisfaction of the Department of Transportation and the City Planning Department prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.

### **Environmental Conditions**

43. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
44. **Aesthetics (Landscape Plan).** A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
45. **Aesthetics (Surface Parking).**
  - a. A minimum of one 24-inch box tree (minimum trunk diameter of two inches and a height of eight feet at the time of planting) shall be planted for every four new surface parking spaces.
  - b. The trees shall be dispersed within the parking area so as to shade the surface parking area and shall be protected by minimum 6-inch high curb, and landscape.
  - c. An automatic irrigation plan shall be approved by the Department of City Planning.
  - d. Palm trees shall not be considered in meeting this requirement.

- e. The genus or genera of the tree(s) shall provide a minimum crown of 30'-50'. Please refer to City of Los Angeles Landscape Ordinance (Ord. No. 170, 978), Guidelines K – Vehicular Use Areas.

46. **Aesthetics (Vandalism).**

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from debris, rubbish, garbage, trash, overgrown vegetation and other similar material, pursuant to Municipal Code Section 91.8104.
- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code 91.8104.15.

47. **Aesthetics (Signage).**

- a. On-site signs shall be limited to the maximum allowable under the Municipal Code.
- b. Multiple temporary signs in store windows and along building walls are not permitted.

48. **Aesthetics (Signage on Construction Barriers).**

- a. The applicant shall affix or paint a plainly visible sign, on publicly accessible portions of the construction barriers, with the following language: "POST NO BILLS".
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publicly accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.

49. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.

50. **Aesthetics (Glare).** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

51. **Air Pollution (Demolition, Grading, and Construction Activities).**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduced dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- b. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- d. All direct/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

- e. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- f. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- g. Trucks having no current hauling activity shall not idle but be turned off.

**52. Objectionable Odors (Commercial Trash Receptacles).**

- a. Open trash receptacles shall be located a minimum of 50 feet from the property line of any residential zone or use.
- b. Trash receptacles located within an enclosed building or structure shall not be required to observe this minimum buffer.

**53. Habitat Modification (Nesting Native Birds, Non-Hillside or Urban Areas)**

- a. The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit the take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- b. Proposed project activities (including disturbances to native and non-native vegetation, structures, and substrates) should take place outside of the breeding season which generally runs from March 1-August 31 (as early as February 1 for raptors) to avoid take (including disturbances, which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- c. If project activities cannot feasibly avoid the breeding birds season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
  - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience on conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
  - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the next shall be

established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.

- The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

54. **Tree Report.** Prior to the issuance of a grading or building permit, the applicant shall prepare and submit a Tree Report, prepared by a Tree Expert as defined in Section 17.02, indicating the location, size, type, and condition of all existing trees on the site. Such report shall also contain a recommendation of measures to ensure the protection, relocation, or replacement of affected trees during grading and construction activities.

55. **Tree Removal (Non-Protected Trees).**

- a. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- b. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- c. Removal or planting of any tree in the public right-of-way requires approval of the Boards of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public works, Bureau of Street Services.

56. **Erosion/Grading/Short-term Construction Impacts.**

- a. The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside Areas. The application of Best Management Practices (BMPs) includes but is not limited to the following mitigation measures:
  - Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
  - Stockpiles, excavated and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a biodegradable soil stabilizer.

57. **Greenhouse Gas Emissions.** Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.
58. **Explosion/Release (Existing Toxic/Hazardous Construction Materials).**
- a. (Asbestos). Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no asbestos-containing materials (ACM) are present in the building. If ACMs are found to be present, they will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
  - b. (Lead Paint). Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
59. **Land Use/Planning (Air Quality).** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11, to the satisfaction of the Department of Building and Safety.
60. **Increased Noise Levels (Landscape Buffer).**
- a. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
  - b. A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.
61. **Increased Noise Levels (Demolition, Grading, and Construction Activities).**
- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 163,574, if any.
  - b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels in violation of Ordinance No. 144,331 and subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically feasible.
  - c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
62. **Increase Noise Levels (Parking Wall).** A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists.
63. **Public Services – Fire.** The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design



features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

64. **Public Services – Police.** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high foot-traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to “Design Out Crime Guidelines: Crime Prevention through Environmental Design”, published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1<sup>st</sup> Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
65. **Increased Vehicle Trips/Congestion.** Implementing measures detailed in the Department of Transportation’s communication to the Planning Department dated October 22, 2013 shall be complied with.
66. **Safety Hazards.**
  - a. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
  - b. Project involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
  - c. All haul route hours shall be limited to off-peak hours as determined by Board of Building and Safety Commissioners.
  - d. The Department of Transportation shall recommend to the Building and Safety Commission Office the appropriate size of trucks allowed for hauling, best route of travel, the appropriate number of flag people.
  - e. The Department of Building and Safety shall stagger haul trucks based upon a specific area’s capacity, as determined by the Department of Transportation, and the amount of soil proposed to be hauled to minimize cumulative traffic and congestion traffics.
  - f. The applicant shall be limited to no more than two trucks at any given time within the site’s staging area.
  - g. The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.
67. **Emergency Access.** The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.
68. **Utilities (Local Water Supplies – All New Construction).**
  - a. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate.
  - b. Install high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.

- c. Install restroom faucets with a maximum flow rate of 1.5 gallons per minute.
- d. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.
- e. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
- f. All restroom faucets shall be of a self-closing design.

**69. Utilities – Solid Waste Recycling.**

- a. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable materials. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
- b. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract waste disposal services with a company that recycles demolition and/or construction-related wastes.
- c. To facilitate on-site separation and recycling of demolition- and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and the contents recycled accordingly as a part of the project's regular solid waste disposal program.

**Administrative Conditions**

- 70. **Approval, Verification, and Submittals.** Copies of any approvals, guarantees, or verification of consultations, reviews or approval, plans, etc. as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the case file.
- 71. **Code Compliance.** All area, height, and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
- 72. **Definition.** Any agencies, public officials, or legislation referenced in these conditions shall mean those agencies, public offices, legislation, or their successors, designees, or amendment to any legislation.
- 73. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 74. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.

75. **Corrective Conditions.** 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 City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
76. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
77. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
- (i) 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.
  - (ii) 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.
  - (iii) 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 \$50,000. 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 (ii).
  - (iv) 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 in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, 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, commissions, 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.

## FINDINGS

### AUTHORITY FOR PLAN APPROVAL

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

M. Development of Uses (Amended by Ord. No. 173,992, Eff. 07/06/01)

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

### 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 operation of a school to be authorized in the RA-1-K Zone, certain designated findings must be made.

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on December 14, 2020, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

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.**

For the past five years, Partnerships to Uplift Communities (PUC) has operated three charter schools on the subject property, pursuant to a conditional use granted by the City Planning Commission January 23, 2014. In the letter of determination for that case, the Zoning Administrator cited the large number of school-age children in Sylmar (per the 2010 Census) as one of the bases for approving the conditional use. The demographics of the area have not changed significantly since then. The single-family residential development pattern that dominates in Sylmar continues to draw families with children. According to Census data from 2018 (American Community Survey, 5-year estimates), in the census tract where the school is located and the four surrounding tracts, the average percentage of households with a child under the age of 18 is 44.5 percent, compared to 29.9 percent for Los Angeles as a whole. PUC has expanded options for families in an area with a concentration of school-age children, and granting the plan approval will enable the campus, which has become an integral part of the community, to continue to be a desirable educational alternative for families in Sylmar.

PUC is now requesting modification of the operating conditions under which the original conditional use permit was granted, as follows:

Enrollment: Under the conditional use permit, PUC is limited to a maximum enrollment of 1,250 students: 450 in each high school and 350 in the middle school. The instant request is for an increase of 50 students, to 1,300 (across all three schools on site). In the 2019-2020 school year, enrollment was 1,284, indicating that there is additional demand from the community for the educational services provided by PUC. The schools have been able to serve this demand without any discernible impact on its operations, infrastructure, or the surrounding neighborhood.

Facility rental: Although about 15 percent of the land in the Sylmar Community Plan area is designated as public facilities, space that can be accessed by community members and local groups is scarce. This is especially true for indoor space. Allowing PUC to rent out both indoor and outdoor facilities, subject to certain conditions in alignment with its location in a residential community, will expand the number of venues available to the local community and enable PUC to generate income to support its educational purpose.

Filming for commercial purposes: Filming for movies and television is a significant driver of Los Angeles' economy and depends often on the ability of the industry to secure filming locations within the city that meet its needs. Although allowing PUC to lease facilities for commercial filming, subject to conditions designed to minimize impacts, would not directly benefit the community, it would provide an indirect benefit by generating funding to further the educational mission of the three schools that serve approximately 1,300 local families.

Operating hours: PUC is requesting an expansion of its operating hours to accommodate a greater range of activities. During the regular school year, the earlier start time (7:40 a.m.) will enable PUC to stagger school start times by 20 minutes, such that the middle school will start at 7:40 a.m., Triumph Charter HS will start at 8:00 a.m., and Lakeview Charter HS will start at 8:20 a.m. These staggered entry times are expected to reduce the amount of traffic congestion at the school during the morning. Allowing special event activities as conditioned to extend until 10:00 p.m. Monday through Thursday (events must end by 9:00 p.m.; only PUC staff may remain for post-event clean-up until 10:00) and 11:00 p.m. on Friday and Saturday (events must end by 10:00 p.m.; only PUC staff may remain for post-event clean-up until 11:00) will enable the school to accommodate its monthly parent-teacher meetings. Expanding Saturday and summer school hours will enable PUC to expand its educational offerings and make more efficient use of the existing facilities.

Deliveries: PUC has requested an extension of the morning hours during which delivery trucks may be present on site from 7:00 a.m. to 6:00 a.m. This request is intended to reduce the likelihood that delivery trucks will be present when morning drop-off occurs, when traffic congestion around the school is at its peak. The delivery area on site is located in the parking lot behind the middle school, 50 feet from the nearest adjoining residential use.

Bicycle racks: The original conditional use required on-site bicycle parking in compliance with LAMC Section 12.21 A.16. Pursuant to that section, the school is required to provide four spaces per classroom for a total of 140 spaces. According to PUC representatives, the number of students who ride bicycles to school is small, due to the lack of safe bicycle routes in the surrounding neighborhood. Thus, the existing bicycle parking rack, with capacity for 10 bicycles, is typically sufficient to meet demand. However, the presence of a largely full bicycle parking rack may discourage other students from riding bicycles to school.

Special events: The applicant requests to increase the number of “special events” permitted on the subject property from five per month to 10 per month, to allow such events to be held until 11:00 p.m., and to expand the types of events to include graduation ceremonies and family meeting nights. The applicant states that they have not received noise or parking complaints in relation to special events, which are currently limited to the hours of 9:00 a.m. to 9:00 p.m., Monday through Saturday. As conditioned, the applicant will be permitted to hold a maximum of six special events per calendar month during the school year (August-May) and three special events per calendar months during the summer (June-July). Special events will also be limited to a maximum of three per week and one per day, which will limit the number of people on campus at any one time while enabling PUC to synchronize important annual events such as Back to School night among the three schools.

With three schools co-located on the same campus, the need for such special events may occur more frequently than on a single-school campus. However, while PUC reports that it has not received complaints about such events, that could change if there were more frequent events, so how these events are distributed over time should be considered. This is especially true since the campus is located in a residential area, where property owners and occupants should reasonably be able to expect special events to be limited during the week, with more intensive use on weekends. Thus, hours for such events are not permitted to extend beyond 10:00 p.m. Monday through Thursday and 11:00 p.m. on Friday and Saturday.

Compliance review: PUC has requested removal of the compliance review condition, whereby it must submit a plan approval application on an annual basis to demonstrate compliance with the conditional use permit. PUC was required to submit annual reports starting within two years of the date on which the conditional use was approved but the instant request is the first time it has done so. However, the applicant, in addition to providing an essential service for the residents of Sylmar, has done so in a manner that is largely compatible with the surrounding uses. Department of City Planning staff have visited the site and verified that it is maintained in excellent condition, with no evidence of debris, graffiti, or other maintenance issues. In addition, PUC states that it has responded promptly to neighbor complaints and while certain issues such as traffic have persisted, the school has shown itself to be a good neighbor.

The changes to the conditions of approval requested by PUC will not substantially change its operations and will enable it to offer additional services to the community in the form of facility rentals, thus providing essential educational services and benefits to the community.

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.**

PUC has operated three schools on the subject property for five years, with no discernible impact on adjacent properties, and presented no threats to public health, welfare and safety. School administration has been responsive to neighbor concerns about traffic and property damage caused by students. The campus is secured by 8-foot-high security fencing facing Glenoaks Boulevard and 8-foot masonry walls on all other property boundaries, protecting student safety and also preventing the campus from becoming a magnet for crime when school is not in session.

Enrollment: To meet increasing demand for its services, PUC is requesting that the enrollment maximum be increased to 1,300 students, a modest 4 percent increase. While enrollment levels fluctuate year to year, in the 2019-2020 school year there were 1,284 students enrolled in the three schools, with no discernible impacts on neighboring properties. According to the complaints log, most complaints are related to traffic during the drop off and pick-up times, with parents waiting in their cars on Cobalt Street rather than on Glenoaks Boulevard. The school has met with Cobalt Street neighbors and has placed traffic cones and monitors to direct traffic away from Cobalt Street.

Facility rental: Rental of school facilities will intensify use of the site and has the potential to create nuisances that have not arisen while the use was limited to PUC activities. However, in terms of direct impacts on adjacent residential uses to the west and south, these will be minimal as most activities will take place inside the school buildings, which are located in the northeastern portion of the subject property. Any impacts caused by third parties using the baseball field will be attenuated by existing security conditions (8-foot masonry wall, etc.) and the conditions of approval, including prohibitions on amplified sound, noise-generating equipment, open flames or barbecues, alcohol, etc. Facility rentals will also be limited to hours when school is not in session, to prevent cumulative traffic impacts.

Filming for commercial purposes: All activities related to filming on the PUC campus will be contained to the campus, which shall remain secured while such activities are taking place. To prevent cumulative traffic or parking impacts on the surrounding neighborhood, filming will be limited to hours when educational activities are not taking place and all associated equipment and vehicles will be required to park on site.

Operating hours: The complaint log maintained by PUC does not include any neighbor complaints regarding operating hours. Limitations on the location of outdoor activities have thus far prevented impacts on adjacent properties to the south and west; these limitations will be maintained even with the expansion of hours. Events taking place during these expanded hours will therefore largely occur indoors.

Deliveries: As mentioned in the previous finding, the delivery area on site is located in the parking lot behind the middle school, 50 feet from the nearest adjoining residential use. Allowing deliveries to begin at 6:00 a.m. rather than 7:00 a.m. is expected to reduce the likelihood that delivery trucks will arrive at the campus during peak student drop-off times, helping to mitigate traffic impacts on the surrounding neighborhood.

Special events: Increasing the number of special events on campus from a maximum five to 10 per month will intensify use of the site, which could potentially increase impacts on adjacent properties. However, it should be noted that PUC has not received complaints about special events thus far. Also, such events will be limited to a maximum of three per week and one per day and will also be subject to the limitations on operating hours.

Compliance review: PUC now has a track record of five years of operations that have been demonstrated to be compatible with the surrounding residential uses. This is due in part to the site plan, which provides buffers (parking lot, baseball field) between the school buildings and the properties located to the south and west of the site. It is also due to the limitations on operating conditions. This plan approval represents an attempt to make certain modifications to those operating conditions that reflect PUC's experience at this site and its sensitivity to those issues of greatest concern to adjoining neighbors. These modifications are minor and although some conditions are being removed, others are being added to



ensure that a more intense use of the site does not negatively impact what until now has been a largely compatible existence in this neighborhood. Thus, these changes will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlement described herein, the project does not propose to deviate from any LAMC requirements.

The General Plan is comprised of the Framework Element and 11 additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Table 3-1 of the Framework Element, "Land Use Standards and Typical Characteristics", lists schools as a supporting use in single-family residential neighborhoods, along with parks and churches. Furthermore, the granting of a plan approval to allow a minor expansion of enrollment, hours of operation, added special events, third party rentals, as well as slight modifications of some operating conditions, for the three schools that have been operating for half a decade in in the RA-1-K Zone is substantially consistent with the following Framework Goals, Objectives, and Policies:

**Goal 3A:** "A physically balanced distribution of land that contributes toward and facilitates the...equitable distribution of public resources" and the "enhancement of recreation and open space opportunities".

**Objective 3.1:** "Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors".

**Policy 3.1.2:** "Allow for the provision of sufficient public infrastructure and services to support the projected needs of the City's population and businesses within the pattern of uses established in the community plans as guided by the Framework Citywide Long-Range Land Use Diagram".

The continued operation of the school and the proposed changes to the operating conditions are consistent with the goal, objective and policy listed above by supporting the location of essential public services, such as public education, in Sylmar. As noted earlier, according to Census data about 44.5 percent of households in Sylmar include children under 18, about 15 percentage points more than the city as a whole (American Community Survey, 2018 5-year estimates). In the 2019-2020 school year, enrollment at the three schools on the subject property was 1,284 students, 34 more students than are permitted under the current CUP, indicating that there continues to be strong demand for the educational services provided.

Under current conditions, PUC Triumph is prohibited from renting or leasing the facilities to third parties and specifically prohibited from allowing filming for commercial purposes and organized athletic events, except for league events involving students at the school. According to the Los Angeles Countywide Comprehensive Parks & Recreation Needs

Assessment, Sylmar has a “moderate” need for more open and recreational space. To make better use of the facility, the applicant requests that such activities be allowed, which would expand both the range of activities as well as the groups that could obtain access to the site.

The Framework Element specifically points to the potential for shared use of existing public facilities, specifically schools, to expand the open space available to Los Angeles residents:

**Goal 6A:** “An integrated citywide/regional public and private open space system that serves and is accessible by the City’s population and is unthreatened by encroachment from other land uses”.

**Objective 6.4:** “Ensure that the City’s open spaces contribute positively to the stability and identity of the communities and neighborhoods in which they are located or through which they pass”.

**Policy 6.4.7:** “Consider as part of the City’s open space inventory of pedestrian streets, community gardens, shared school playfields, and privately-owned commercial open spaces that are accessible to the public, even though such elements fall outside the conventional definitions of “open space.” This will help address the open space and outdoor recreation needs of communities that are currently deficient in these resources (see the Recreation and Parks section in Chapter 9: Infrastructure and Public Services)”.

**Policy 6.4.10:** “Provide for the joint use of open space with existing and future public facilities, where feasible”.

The Health and Wellness Element of the Los Angeles General Plan, known as the Plan for a Healthy Los Angeles, was updated in 2015 and also addresses the key role that existing school campuses should play in providing Angelenos with access to open space and promoting the health of the city’s residents. The project is consistent with the following goals of the Health and Wellness Element:

**Goal 2: A City Built for Health**

**Objective 2.5:** Schools as centers of health and wellbeing. “Support strategies that make schools centers of health and well-being by creating economic, environmental, social, and physical conditions in and around local schools that are safe, abundant in healthy goods and services, and offer opportunities for physical activity and recreation”.

**Goal 3: Bountiful Parks and Open Spaces**

**Objective 3.8:** Support public, private, and nonprofit partners in the ongoing development of new and innovative active spaces and strategies to increase the number of Angelenos who engage in physical activity across ages and level of abilities.

Finally, the Sylmar Community Plan recognizes that school facilities are best located in areas with complementary uses (such as residential neighborhoods). It also expresses the community’s desire to see improvements and increased capacity at existing educational facilities rather than expansion of the number of school sites in the community. The proposed project reflects both of these priorities, in that it serves the residential community surrounding it and is currently underutilized. Expansion of operating hours and of the range

of activities and users who can access the property will result in more efficient use of an existing facility, in addition to providing more options for those organizing recreational activities for the community.

**Goal CF4.1 Existing Facilities.** Place a high priority on the repair and replacement of any inadequate structural components that threaten the integrity and/or function of instructional buildings. Expansion of existing schools is preferred over the acquisition of new sites, when feasible.

**Goal CF4.3 Facility Location.** Locate new schools in areas with complementary land uses, access to transit, and recreational opportunities. Encourage the siting of schools in locations which can utilize topography and landscaping, as well as building design, to provide noise and air quality buffering, when necessary.

#### **ADDITIONAL MANDATORY FINDINGS**

4. 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.

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](http://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

**Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment