

## 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.