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May 14, 2024

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**PROJECT NO. PRJ2021-002810-(2)
CONDITIONAL USE PERMIT NO. RPPL2021007647
CONDITIONAL USE PERMIT MODIFICATION NO. RPPL2021007644
ENVIRONMENTAL ASSESSMENT NO. RPPL2021007648
APPLICANT: GREEN DOT PUBLIC SCHOOLS CALIFORNIA
PROJECT LOCATION: 900 EAST ROSECRANS AVENUE
METRO PLANNING AREA
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

This item is an appeal of the Regional Planning Commission’s (Commission) decision to approve a Conditional Use Permit (CUP) and a Conditional Use Permit Modification (CUP Mod) authorizing a new charter school (Project), located at 900 East Rosecrans Avenue in the unincorporated West Rancho Dominguez community (Project Site). The Commission approved the CUP on November 29, 2023. Daria Brooks (Appellant), on behalf of the West Rancho Dominguez Community Group and residents that adjoin the Project Site, appealed the Commission’s decision on December 12, 2023. The Project applicant, Green Dot Public Schools California (Applicant), also appealed one condition of Project approval on December 13, 2023.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Close the public hearing for Project No. PRJ2021-002810-(2), consisting of CUP No. RPPL2021007647, CUP Mod No. RPPL2021007644, and Environmental Assessment No. RPPL2021007648.

2. Indicate its intent to adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) associated with Environmental Assessment No. RPPL2021007648, finding that the Project will not have a significant impact on the environment with the implementation of the proposed mitigation measures.

3. Indicate its intent to deny the appeal of the Commission's approval of the Project and to uphold the Commission's approval of the Project and instruct County Counsel to prepare the necessary findings to uphold the Commission's approval of the Project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Project Site is currently occupied by a church that was authorized by CUP No. 677 on May 7, 1975. The CUP will establish a Project on the eastern portion of the Project Site, which will reduce the total area of the Project Site occupied by the church. The CUP Mod will modify Condition No. 11 of CUP No. 677 to reduce the total onsite parking for the church from 140 spaces to 80 spaces. The new onsite parking amount complies with the minimum number of required parking spaces for the church.

The Appellant raises concerns regarding the following Project issues:

- a. The Noise Section of the Initial Study (IS) failed to earnestly address any protection from the realistic daily noise generated by 600 children at play on a small campus.
- b. Inadequate cumulative impact analysis in the IS regarding air quality and traffic and misrepresentation of the traffic impacts to the local access road feeding into East Rosecrans Avenue.
- c. Lack of community outreach and proper Project notification by the Applicant.
- d. The location of the school violates the rights of students to a Safe School Zone due to current criminal elements related to recreational vehicle encampments and illegal dumping.
- e. At the Commission's public hearing, one of the Applicant's representatives was initially dishonest about the school's outdoor physical education programming, stating that the school would not have any when it is a State of California mandated program for grades K through 12.
- f. The Applicant is involved in four lawsuits related to criminal activities on its campuses and is proven to be disingenuous.
- g. Objection to CUP Finding 25, which states that the Project "...will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site..." because the Anaheim City Council granted an appeal of the Anaheim Planning Commission's approval of a charter school in that city on September 12, 2023. As part of that appeal, real estate experts noted that the addition of a charter school directly behind residential properties could potentially decrease the value of those properties by as much as an estimated \$100,000. The Project's approval constitutes an unfair financial burden on the ever-dwindling number of residential neighborhoods with Black and Latino homeowners.

The IS and MND provided evidence that, with implementation of the proposed mitigation measures, the Project will have no impact or a less than significant impact with respect to all environmental issues considered. Cumulative impacts were addressed, including air quality, greenhouse gas emissions, noise, and transportation. The IS analyzed noise impacts from school operations during daytime hours and implementation of Mitigation Measure N-2 (Outdoor Noise Attenuation Measure) will reduce operational noise from students conversing outdoors by at least 5 dBA so noise at the

nearest residential properties will not exceed the daytime standard of 50 dBA. At the Commission's public hearing, one of the Applicant's representatives acknowledged that the school would have physical education classes because they are a State of California mandated program, but they stated that there are internal spaces that can be used as opposed to outdoor spaces. The IS specifically analyzed the East Rosecrans Avenue Local Access Road in reaching its conclusion of a less than significant impact with respect to transportation, which is also noted in the letter from the Department of Public Works (Public Works) that approved the Project's Traffic Impact Analysis (TIA).

Both the noise and transportation analyses considered cumulative increases in traffic under existing plus Project conditions and concluded that impacts would be less than significant with respect to noise and Vehicle Miles Traveled.

Mitigation Measure N-2 (Outdoor Noise Attenuation Measure) has been incorporated into the conditions of Project approval. The Project will be subject to additional conditions of approval that address some of the issues raised by the Appellant, including the following:

- a. All school building windows facing the adjoining residential uses along the Project Site's eastern property line must be fixed and inoperable.
- b. The Applicant must submit a Yard Modification application to raise and build the portions of the walls along the Project Site's western and eastern property lines that adjoin residential uses to eight feet in height.
- c. Exterior loudspeakers cannot be pointed towards adjacent residential uses and must only be used to mark the beginning and end of class periods and during emergency situations.
- d. The Applicant must prohibit students from driving to the school.

The Applicant has also appealed one of the conditions of Project approval imposed by the Commission. Condition 26 requires that the portions of the walls along the Project Site's western and eastern property lines that adjoin residential uses be raised and built to eight feet in height. Condition 26 also requires the Applicant to submit a Yard Modification application to allow eight-foot-tall walls because the Project Site is in the R-1 (Single-Family Residence) Zone, which has a six-foot height limit for walls in the required side yard setbacks. The Applicant has requested that the wording of Condition 26 be changed to remove the requirement to submit a Yard Modification application and to only require the portion of the wall along the Project Site's eastern property line that adjoins the property located at 14317 South Cahita Avenue to be raised and built to eight feet in height.

The Applicant states that a Yard Modification is not required because the Commission made the required findings in County Code Section 22.158.050.B.3, which mentions walls and fences, and because County Code Section 22.158.060.A.2 allows the Commission to impose conditions related to fences and walls to ensure that an approval is in accordance with the required findings. However, the Commission's ability to make the required findings and to impose conditions to ensure that an approval is in accordance with the required findings does not provide the Commission with the authority to waive or modify all required development standards. County Code Section 22.158.080 states that the Commission may modify building bulk provisions, i.e. the development standards related to a building's height limit, maximum lot coverage, or floor area ratio, but does not state that the Commission may modify any other development standards. To use another example, County Code Section 22.158.060.A.3 allows the Commission to impose conditions related to parking facilities but does not provide the Commission with the authority to waive or modify parking requirements, as that would require a Minor Parking Deviation or a Parking Permit.

Staff believes the Commission's intent was to have Condition 26 apply to all portions of the walls along the Project Site's western and eastern property lines, and not just the portion of the wall along

the Project Site's eastern property line that adjoins the property located at 14317 South Cahita Avenue, because this condition was added in response to testimony at the Commission's public hearing from two neighbors who directly adjoin the Project Site to the west and east, respectively. Both neighbors expressed concerns about objects coming over the existing six-foot-tall walls and security concerns related to the influx of new school students and one neighbor recommended that raising the walls to eight feet in height would contribute towards addressing security and noise issues. The Commission supported this recommendation and directed Staff to incorporate it into the conditions of Project approval.

Implementation of Strategic Plan Goals

The Project promotes Goal 1: Make Investments that Transforms Lives.

The Project is a proposal for a new charter school in the unincorporated West Rancho Dominguez-Victoria community. Schools are community serving uses that benefit communities by providing youth with safe spaces to pursue academics and to also be engaged with their peers and mentors, be challenged, and be healthy. Schools can operate as vital nodes in neighborhoods to foster civic engagement and a sense of belonging, which is important in creating vibrant and resilient communities. Therefore, investing in schools is critical in transforming lives. However, the siting of schools should implement good planning practices and each school should be appropriate for its location.

FISCAL IMPACT/FINANCING

Approval or denial of the appeal is not expected to result in any new significant costs to the County, as the proposed Project is a private development. Any construction costs and operating costs will be incurred by the permittee. Existing infrastructure and public services are adequate to accommodate the proposed Project, as confirmed by the County Departments of Public Works, Fire, Public Health, and Parks and Recreation.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Commission held a duly noticed public hearing regarding the Project on November 29, 2023. After the Staff's presentation, Chair Hastings opened the public hearing and the Applicant's representatives provided presentations and answered questions regarding the Project and other Green Dot School locations. Afterwards, 15 individuals testified. Twelve of the testifiers were in favor of the Project. Those in favor of the Project cited the necessity of having a permanent location for their school and supported Green Dot Schools' work at their temporary facility in the City of Compton. The remaining three testifiers were opposed to the Project. Those in opposition to the Project cited concerns involving home safety and security, noise, and traffic impacts, which were all related to the influx of a new school population. In addition, two of these testifiers, who live in residences that adjoin the Project Site to the west and east, respectively, stated that objects have come over the existing six-foot-tall walls, indicating that the current height of the walls adjoining the Project Site posed a safety and security concern with the siting of a new school with 600 students.

The Applicant's representatives then answered questions from the Commissioners regarding the school's day and evening programming, noise impacts, drop-off and pick-up plan, and potential local street impacts. At the end of the questioning, Commissioner Louie asked if the Applicant had conducted any community outreach. One of the Applicant's representatives stated that they were

unable to conduct community outreach due to the COVID-19 pandemic and instead reached out to community stakeholders for support. However, after the COVID-19 restrictions were lifted, the Applicant still did not conduct any community outreach. Commissioner Louie asked the Applicant's representatives if, in moving forward, the school is open to having discussions with the community members to enhance relationships and one of the Applicant's representatives confirmed that they would be open to engaging with the community.

Chair Hastings then closed the public hearing and the Commissioners directed questions to Staff. Commissioner Duarte-White asked Staff a few questions, including if there was flexibility to increase the wall height from six feet to eight feet to mitigate the potential noise impacts raised by some of the testifiers and if Staff coordinated with Public Works regarding traffic calming measures. Staff clarified that the appropriate method to require a wall height increase would be through a Yard Modification application and was instructed to add a condition of Project approval regarding the wall height increase and the Yard Modification. Chair Hastings then asked specific questions regarding East Rosecrans Avenue's vehicle capacity and a potential signaling system at the intersection of East Rosecrans Avenue and Cahita Avenue. Staff deferred the questions to the Applicant's traffic consultant, who replied that their analysis determined that a signal was not necessary and that the City of Compton did not want an additional signal at this intersection. The Applicant's traffic consultant could not answer the question regarding East Rosecrans Avenue's vehicular capacity. A representative of Public Works' Land Development Division did not have the answer at hand but noted that Public Works reviewed and cleared the TIA, indicating that there was not a significant impact on normal traffic patterns.

Afterwards, there were no other comments or questions. Commissioner Louie shared concerns about the lack of community outreach; however, he stated that he believed that the community did show its support through the testimonies of parents, students, and school staff and he moved to close the public hearing, adopt the MND and MMRP, and approve the CUP and CUP Mod. There were two votes against approving the Project and three votes in favor of approving the Project, resulting in the approval of the Project with the last day to appeal being December 13, 2023.

ENVIRONMENTAL DOCUMENTATION

Staff completed an IS to evaluate the potential environmental impacts of the above-mentioned Project. The IS determined that the Project could potentially result in significant adverse effects on the environment, but those effects will be avoided or reduced to a less than significant level through Project design modifications and/or implementation of the MMRP, which details how compliance with its measures will mitigate or avoid potential adverse impacts to the environment from the Project. As such, Staff recommends that an MND is the appropriate environmental documentation under the California Environmental Quality Act.

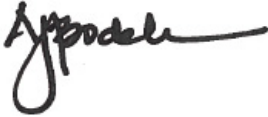
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the CUP is not anticipated to have a negative impact on current services or projects.

CONCLUSION

For further information, please contact Christina Nguyen of the Metro Development Services Section at (213) 262-1325 or cnguyen@planning.lacounty.gov.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy Bodek". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amy J. Bodek, AICP

Director

AJB:DJD:MG:CS:lm

- c: Executive Office, Board of Supervisors
- Assessor
- Chief Executive Office
- County Counsel
- Public Works