

REPORT OF THE CHIEF LEGISLATIVE ANALYST

Assignment No. 06-04-0699

Council File No. 05-2669

Date: September 18, 2006

To: Honorable Members, Planning and Land Use Management (PLUM) Committee

From: Gerry F. Miller 
Chief Legislative Analyst

Subject: **Streamlined City Permitting Process for Charter Schools**

SUMMARY

At the meeting of April 25, 2006, your Committee instructed the Chief Legislative Analyst (CLA), as lead, to form a Task Force to report with recommendations relative to the establishment of a one stop permit office for charter schools, pursuant to a Motion (Hahn-Huizar), CF 05-2669. The intent of the Motion is to streamline and facilitate the city permitting process for the establishment of charter schools.

In response to the request, and in consultation with City staff, including the Department of Building and Safety (LADBS); Department of City Planning (DCP); Los Angeles Fire Department (LAFD); City Administrative Officer (CAO); Council District 15; and the Mayor's office, this report delineates the current City permitting process for charter schools.

The main finding of this report is that charter schools are permitted through a collaborative effort, similar to other land use legislative actions that are not permitted "by right", and whereby applicants file a discretionary land use entitlement application with the Planning Department, and LADBS issues the necessary permits, and LAFD in collaboration with LADBS conducts the public safety inspections required as part of the permit issuance and clearance process. The current permit issuance timeline for charter schools is four to eight months when a land use entitlement is not required; and six to twelve months when a land use entitlement is required.

The decision to establish a one stop permitting office for charter schools in one department is a public policy decision, which should take into account what additional staff positions and added costs would be required. As such, all members of the Task Force concur with the findings of this report and recommend that the CAO be instructed to prepare a report with the collaboration of LADBS, LAFD, and DCP that delineates the fiscal impact to the City's General Fund, or if the costs can be offset by an existing funding source.

RECOMMENDATIONS

That the City Council:

1. INSTRUCT the CAO to prepare a report within 30 days for the consideration of the Planning and Land Use Management (PLUM) Committee, in collaboration with LADBS, LAFD, and DCP, and any other applicable City department, relative to the cost to fund a one stop permitting office for charter schools in the City, and to delineate the number of position authorities needed and related costs, and the impact on the General Fund. The report should include a discussion of whether additional fees can be required as part of the development and permitting process for charter schools, and whether LADBS' Enterprise Fund, or any other existing fund, can pay for the establishment of a one stop permitting office for charter schools, and the department where it should be located.
2. INSTRUCT the CAO, to report on the cost of producing and publishing a pamphlet that will outline the permitting process for charter schools in the City. The pamphlet would be developed in collaboration with LADBS, LAFD, DCP, Department of Transportation (DOT), and Bureau of Engineering (BOE).

FISCAL IMPACT STATEMENT

There may be a fiscal impact on the General Fund for a one stop permit office for Charter Schools. The amount cannot be quantified at this time, inasmuch as it may involve additional position authorities, and the CAO has been requested to prepare a report with this information.

DETAILS

In response to the request, the CLA has compiled the charter schools permitting procedures for DCP, LADBS, and LAFD. An overview of charter schools is also provided. These procedures and overview are attached.



Roberto R. Mejia
Analyst

Attachments:

1. Motion (Hahn-Huizar, CF 05-2669).
2. May 1, 2006 City Clerk letter.
3. Attachment I, City Departments Charter Schools Permitting Procedures.
4. Attachment II, "What is a Charter School?", California Charter Schools Association (CCSA).
5. LAUSD, *Charter School Facts*.

City Departments Charter Schools Permitting Procedures

Department of City Planning:

DCP indicates in its response that charter schools require discretionary approval, when the underlying zoning does not allow for the use as a matter of right. In many instances, the discretionary approval will involve the filing of a land use entitlement application, either a Conditional Use Permit (CUP) application to the City Planning Commission (CPC), or in some unusual cases a variance to the Zoning Administrator. The CUP, (LAMC § 12.24.U 24); or zone variance (LAMC §12.27); are “quasi-judicial actions” of the CPC and ZA, respectively. The CUP is appealable to the Council and the variance to the Area Planning Commission (APC).

More specifically, the CUP is required for charter schools in the following zones: A (Agricultural); RE (Residential); RS (Suburban); R1 (One family); RU (Residential Urban); RZ (Residential zero side yard); RMP (Mobile Home Park); RW1 (One family residential waterways); R2 (Two family); RD (Restricted Density Multiple Dwelling); RW2 (Two family residential waterways); R3 (Multiple dwelling); C1 and C1.5 (Limited commercial); or M (Industrial) zones.

Charter schools are permitted *by right* in the following zones: PF (Public Facilities); RAS3 and RAS4 (Residential Accessory Services); R4 and R5 (Multiple Dwelling); CR (Limited Commercial); C2, C4, and C5 (Commercial).

During the past three years the number of charter schools requiring DCP approval has averaged between 6-10 cases per year. DCP and the Department of Building and Safety (LADBS) provide case management services to charter schools through the Construction Liaison Network (CLN). The CLN is made up of various City agencies that participate in assisting applicants through the development and review process.¹ More specifically, LADBS and DCP have dedicated staff that assists charter schools through the pre-development, entitlement, and construction phases.²

DCP also indicates that recent reports and discussions suggest that the volume of charter schools will be increasing in the near future.³ Therefore, as existing charter schools expand, and new schools find sites, the number of applications processed by DCP will increase. The earlier in the process that clear land use consultation can occur, the better DCP will serve the charter school applicants.

While DCP is aware that the number of charter school applications will increase, staff does not have any specific staffing requests, but notes that they are willing and able to work with any impacted Council offices, the Mayor’s office, and California Charter Schools Association, by providing any necessary training and workshops for prospective applicants and existing charter schools.

¹ The City departments that are part of the CLN are: Planning, LADBS, LAFD, Department of Transportation (DOT), PW/ Bureau of Engineering (BOE), PW/Street Services, and the Department of Water and Power (LADWP).

² DCP has two staff members assigned to charter schools. One staff member works on entitlements and the second staff member works on overall charter schools information. There are also five case managers who assist when needed, but do not exclusively work on this issue. LADBS has one staff member working on charter schools as part of the Case Management Unit.

³ The California Charter Schools Association estimates that in FY 2006-07 there will be 111 LAUSD charter schools with a total student population of 44,400 accounting for 6% of the districtwide total, and in FY 2007-08, it is estimated that there will be 141 LAUSD charter schools with a total student population of 56,400 students, accounting for 8% of the districtwide total.

Los Angeles Fire Department (LAFD):

'E'- Occupancy Buildings:

LAFD indicates in its response that they maintain the authority to enforce fire and life safety regulations pertaining to all 'E' occupancy buildings (i.e. schools and colleges) within the City. This includes all public or Los Angeles Unified School District (LAUSD) schools, LAUSD Charter Schools, privately-funded Charter Schools, private and parochial schools, universities, vocational and adult schools.

The LAFD's involvement occurs during the approval process— the plan review phase, for newly constructed charter schools, or during the approval process for charter schools seeking to obtain a "Change of Use or Occupancy" permit.

LAFD and Newly Constructed Charter Schools:

For newly constructed LAUSD charter schools, the LAFD involvement occurs in an "advisory" capacity with the Division of the State Architect (DSA) during the plan review stage of construction. Although fire department and fire flow access (hydrants) are granted approval by the LAFD Hydrant and Access Unit, fire protection systems and equipment, and other fire related "site" and "building" plan issues are under DSA jurisdictional authority.

The LAFD's role in its "advisory" capacity is to ensure that fire and life safety regulations are adhered to, as applied to schools in the City. Ultimately, however, it is the responsibility of DSA to approve the final plans before construction begins.

Upon completion of construction, DSA will conduct a final inspection. If met with approval, DSA will issue a DSA-6 form, which stipulates that the occupancy meets the jurisdictional building requirements for its intended use. Thereafter, the LAFD will perform annual maintenance inspections of the LAUSD charter school, as it does with all 'E' occupancies in the City, to ensure requirements relating to hazardous materials, hazardous processes, and the safe operation of fire protection equipment and systems are enforced.

Privately Funded Charter Schools:

For privately funded charter schools, the LAFD involvement with the Department of Building and Safety's (LADBS) Case Management Unit and LAFD's Hydrant and Access Unit, occurs during the plan review stage of construction, since fire alarm system plans, and hydrant and access review are under LAFD jurisdictional authority. Ultimately, it is the responsibility of the LADBS to approve final plans before construction begins.

Upon completion of construction, the LADBS will conduct a final inspection. If met with approval, the LADBS will issue a Certificate of Occupancy (C of O) certificate, which stipulates that the occupancy meets the jurisdictional building requirements for its intended use. Thereafter, the LAFD will perform annual maintenance inspections of the privately funded Charter School, as it does with all 'E' occupancies in the City, to ensure requirements relating to hazardous materials, hazardous processes, and the safe operation of fire protection equipment and systems are enforced.

Department of Building and Safety (LADBS):

The Permitting of Charter Schools:

The LADBS indicates that charter schools located on LAUSD property are exempt from local zoning and building code requirements; however, most charter schools are located in privately owned buildings that are subject to local regulations. The zoning and building code requirements relative to school use are complex, therefore, charter operators need expert assistance when constructing new school buildings or converting existing buildings to charter school use.

LADBS' Case Management Unit

LADBS' Case Management Unit (CMU) provides assistance with a wide variety of construction projects ranging from high-rise projects to multi-family housing. CMU staff members have a broad knowledge of code requirements and construction processes, and use this expertise to provide information, assistance, and coordination services during the entire development process. In April 2004, LADBS management assigned one staff-person within CMU to provide full time facilities development assistance to charter school operators. This 'specialist' works closely with charter school operators, architects, and contractors to guide and assist them through the charter school development and inspection process from beginning to end.

LADBS' Charter School Assistance Process

LADBS' charter school assistance process is divided in three phases: (1) the zoning/building code requirements stage; (2) the preliminary plan check analysis stage; and (3) the final plan check inspection/ certificate of occupancy permit stage, as specifically delineated below:

Phase I:

When necessary, LAUSD's Charter School Division refers operators to the LADBS CMU charter school specialist. After a case file is opened, the next step in the process is to determine whether the property meets the zoning requirements for a proposed charter school use. If not, the operator is provided with information regarding the need for the required land use entitlement from the Planning Department. Then, after the operator has retained a licensed professional architect to assist with the school design, basic construction plans are prepared and reviewed during a "preliminary" plan check meeting, where all zoning and/or building code requirements are analyzed.

Phase II:

The preliminary plan check meeting is an analysis of all the major zoning code requirements (i.e., land use; parking; required yards; height restrictions; etc.) and building code requirements (i.e., type of construction; exiting; fire sprinklers). Major cost items are considered and discussed with the charter school operator and the architect, and possible code-based construction alternatives are explored for consideration by all departments involved at this point.

Subsequent to the preliminary plan check meeting, a full set of construction plans is developed by the architect and submitted to the LADBS for a full plan check analysis. Additional zoning code requirements are specified as needed; corrections necessary to meet all building code requirements are issued; and required clearances from other agencies (LAFD; Public Works; DOT) are listed. The LADBS CMU charter school specialist assists this process by providing technical and procedural information to the architect and coordinates meetings with various agency representatives as needed.

Once all zoning and building code requirements have been met and agency clearances obtained, a building permit is issued by LADBS authorizing the construction of the charter school's project.

Phase III:

The CMU charter school specialist provides assistance during the construction process by coordinating final plan check inspections between the contractors and the LADBS, or other City department inspection staff. The specialist also helps in resolving difficult construction issues. After all construction has been completed and approved, LADBS insures that a Certificate of Occupancy is issued authorizing use of the building for school purposes.

LADBS Charter Schools Statistical Data:

In its September 18, 2006 report, LADBS provided the following statistical caseload and permit activity for charter schools during Fiscal Year (FY) 2004-05 and FY 2005-06. The chart illustrates that there has been a 39% increase in the number of cases assisted by LADBS' CMU from FY 2004-05 to FY 2005-06; and a 63% increase in the number of students added to the charter school system.

CATEGORY	FY04-05	FY05-06	Increased
Proposed Charter School Filed at LAUSD			
All Charter Schools Processed by LAUSD	98	109	+11%
Total Cases Referred to LADBS by LAUSD	98	87	
Cases Cancelled by Charter Operator ⁴	57	34	
Remaining Cases Processed by LADBS	41	53	+29%
Cases Processed at LADBS -Case Management Unit (CMU)			
Cases in design phase	0	16	
Cases in plan check ⁵	5	19	
Cases in construction phase	6	8	
Cases with construction completed	23	5	
Cases involving private schools converted to charter schools with no construction ⁶	7	9	
Total cases assisted by CMU	41	57	+39%
Total students added to charter school system⁷	+6,855	+11,170	+63%

⁴ These cases reflect Charter schools whereby the operators have abandoned the project due to project infeasibility.

⁵ It is anticipated that building permits will be issued on 3 of these 19 projects for September openings.

⁶ Depicts conversion of existing private schools to charter school use with verification sent to LAUSD.

⁷ In addition to these results, with CMU assistance many more seats will be added to the charter school educational system during the upcoming (July through October) school construction season.

AN OVERVIEW OF CHARTER SCHOOLS

The following information was obtained from the California Charter Schools Association (CCSA) at the following site: www.charterassociation.org

What are Charter Schools and how are they created:

Charter schools are public schools, and therefore, they do not charge tuition, and provide instruction from kindergarten through 12th grade. Charter schools are typically created by a group of parents, teachers, administrators, community leaders or a local community-based organization who petition a local school board or county board of education for a charter to open an independent school in their community.

Charter school operators set forth their goals and operating procedures in a contract that is reached with the local school district, county board of education or the state. This contract is called a "charter."

Who pays to operate Charter Schools/ How are they Governed:

The tax payers pay for charter schools, and receive their funding directly from the state of California. Charter schools have their own boards of education and operate independently of local school districts. Local schools districts and county boards of education, however, have an oversight responsibility over charter schools and review the progress of charter schools. Local school districts, county boards of education and the state can revoke charters.

A charter school is generally exempt from most laws governing school districts, except where specifically noted in the law.

Student Assessment and Charter Schools:

Charter schools in California are required to participate in the statewide assessment test, called the STAR (Standardized Testing and Reporting) program. Charter schools are accountable to their sponsor, usually a state or local school board, to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability.

Charter Schools are Nonsectarian:

Charter schools must be nonsectarian in their programs, admission policies, employment practices, and all other operations, and the charter law prohibits the conversion of a private school to a charter school.

Estimated Number of Charter Schools in California/Nationwide:

There are currently more than 470 charter schools operating in California, serving about 170,000 students. There are more than 700,000 students attending 3,000 charter schools nationwide. The number of students attending charter schools is increasing nationwide at a rate of about 15% a year.

PLANNING and LAND USE MGT.

MOTION

Charter schools have proven to be of great help in re-invigorating our educational systems.

As more charter schools are formed and struggle to establish themselves, the City can do its part to facilitate as much as possible the various administrative and permitting hurdles which these schools have to overcome.

City departments should facilitate this process. The best way for the City to help in the establishment of charter schools would be to create a "one-stop" office or unit in the appropriate department to help charter schools navigate through the variety of city requirements they need to fulfill in order to get established.

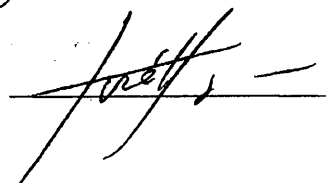
I THEREFORE MOVE that the Department of Building and Safety with the assistance of the Planning Department, Fire Department, CAO, and any other affected departments be directed to report to the Planning and Land Use Development Committee with recommendations to establish a one stop permit office for Charter Schools which would streamline and facilitate the City permitting process for the establishment of charter schools.

PRESENTED BY:


JANICE HAHN

Councilwoman, 15th District

SECONDED BY:



December 2, 2005

ak

05-2669

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CF 05-2669

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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May 1, 2006

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City Administrative Officer
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Attn: Victoria Villa-Agustin

ESTABLISH A ONE STOP PERMIT OFFICE FOR CHARTER SCHOOLS

At its meeting held April 25, 2006, the Planning and Land Use Management (PLUM) Committee considered the Motion (Hahn - Huizar) that the Department of Building and Safety with the assistance of the Planning Department, Fire Department, City Administrative Officer and any other affected departments be directed to report to the PLUM Committee with recommendations relative to the establishment of a one stop permit office for Charter Schools which would streamline and facilitate the City permitting process for the establishment of charter schools.

The Committee instructed that the attached Motion be referred to staff; and requested Chief Legislative Analyst, (CLA), as lead, to form a task force to review this matter. The task force is to be comprised of the above-mentioned Offices/City Departments, and staff from Council District 15. The Committee also requested a status report back in 30 days (May 30, 2006) to the PLUM Committee.

Barbara Greaves
Legislative Assistant
Planning and Land Use
Management Committee, 213-978-1068

attachment:

cc: Councilmember Janice Hahn
Council District 15
Attn: Jenny Chavez

Mayor Antonio R. Villaraigosa
Attn: Kellie Hawkins

#052669ltr



AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



WHAT IS A CHARTER SCHOOL?

WHAT IS A CHARTER SCHOOL?

A charter school is a public school.

A charter school can provide instruction from kindergarten through 12th grade.

Charter schools are typically created by a group of parents, teachers, administrators, community leaders or a local community-based organization.

Charter schools are created when a group of parents, teachers and community leaders petition a local school board or county board of education for a charter to open an independent school in their community.

WHY ARE THESE SCHOOLS CALLED “CHARTERS?”

Charter school operators set forth their goals and operating procedures in a contract that is reached with the local school district, county board of education or the state. This contract is called a “charter.”

*Source: charterassociation.org
CA Charter Schools Association,*

WHAT IS A CHARTER SCHOOL?

WHO PAYS TO OPERATE CHARTER SCHOOLS?

You do, through the taxes you pay. Charter schools receive their funding directly from the state of California.

HOW ARE CHARTER SCHOOLS GOVERNED?

Charter schools have their own boards of education and operate independently of local school districts. Local school districts and county boards of education, however, have an oversight responsibility over charter schools and review the progress of charter schools. Local school districts, county boards of education and the state can revoke charters.

A charter school is generally exempt from most laws governing school districts, except where specifically noted in the law.

HOW DO WE KNOW IF THE STUDENTS ARE DOING WELL AT CHARTER SCHOOLS?

Charter schools in California are required to participate in the statewide assessment test, called the STAR (Standardized Testing and Reporting) program. Charter schools are accountable to their sponsor—usually a state or local school board—to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability.

ARE CHARTER SCHOOLS PRIVATE SCHOOLS?

No. All charter schools are public schools. The charter law prohibits the conversion of a private school to a charter school.

CAN CHARTER SCHOOLS TEACH RELIGION?

No. Charter schools must be nonsectarian in their programs, admission policies, employment practices, and all other operations.

DOES IT COST EXTRA TO SEND MY CHILD TO A CHARTER SCHOOL?

No. Charter schools may not charge tuition and may not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability.

HOW MANY CHARTER SCHOOLS ARE THERE?

There are currently more than 470 charter schools operating in California, serving 170,000 students. There are more than 700,000 students attending 3,000 charter schools nationwide. The number of students attending charter schools is increasing at a rate of about 15 percent a year in the United States.

WHAT IS A CHARTER SCHOOL?

WHY CHARTER SCHOOLS?

Public charter schools offer an important and timely public school option to address the challenges facing our traditional education system. Charter schools are an exciting and high-potential alternative for the following reasons:

Most efforts to reform high-need public schools in California have failed. Charter schools provide parents the opportunity to offer real input in their child's education.

Charter schools give educators freedom to try new strategies to inspire student achievement.

Charters schools, less encumbered by the bureaucratic barriers that face other public schools, have the potential to spark system-wide change.



Facts

Charter Schools Home[Policy](#)[Roster](#)[Facts](#) ►[Orientation](#)[CDE Website](#)[Other Resources](#)**Charter School Facts**

Charter School Facts

The Los Angeles Unified School District (LAUSD) views charter schools as integral to the District's offerings and an opportunity to teach both students and educators. Currently, there are 86 charter schools under the jurisdiction of the LAUSD, serving approximately 33,000 students in kindergarten through 12th grade

Types of Charters

There are two types of charter schools in the district: Conversion and Start-up

- A conversion charter is an existing district school that later becomes a charter
- A start-up is a charter school that is created "from scratch" by any member of the public - educators, parents, foundations and others.

These charters can be fully independent, or district-affiliated which have closer ties to the district. Both must have their board approved charter proposal and both are held to a high level of accountability.

Charter Schools Basics

The Charter School act of 1992 is the legislation that gave origin to charter schools. The subsequent AB 544 legislation established further guidelines and requirements for charter schools. The legislation is also intended to shift toward a performance-based system and provide competition within the public school system.

A charter is granted by the LAUSD Board of Education and approved by the state, for a period of up to five years. Charter schools are open to any child who wishes to attend, from any part of the city. Although certain attendance preferences may be given, enrollment is conducted by lottery.

Charter schools may not be a conversion of a private school, must be non-sectarian, may not

Charter Schools

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Director

[Andrew Johnsen](#)

Coordinators(4)

vacant

[Peter Misseijer](#)

[Stephanie Schulman](#)

[Linda Watts](#)

Central Business Advisor

[Aaron Fairleywine](#)

Fiscal Services Manager

Portia Ilagan

Financial Analyst

Susan Yee

Accounting Analyst

Jerry Tarango

Luisito Iya

Administrative Secretary

vacant

Senior Office Assistant

Renee Taylor

discriminate, may not charge tuition, must achieve a racial and ethnic balance reflective of the District population and may not compel students to attend nor teachers to be employed at the charter.

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