Planning Commission
Agenda Item

February 6, 2012

TO: **Chair Steiner and**
Members of the Planning Commission

THRU: **Leslie Aranda Roseberry**
Planning Manager

FROM: **Robert Garcia**
Associate Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit No. 2847-12 – Futures in Education (Halstrom High School) located at 3111 N. Tustin Street, Suite 120.

SUMMARY

The applicant is proposing one-to-one instructional learning. The applicant provides students in grades 7th through grade 12th instruction in a full curriculum of subjects.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 09-12 entitled:

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2847-12 ALLOWING THE ONE-TO-ONE INSTRUCTIONAL LEARNING SCHOOL AT 3111 NORTH TUSTIN STREET

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.030 authorizes the Planning Commission to review and take action on Conditional Use Permits. OMC Section 17.18.030 authorizes the Planning Commission to review and take final action on requests for instructional learning facilities. The final determination by the Planning Commission on these applications may be appealed to the City Council pursuant to the time periods and requirements established in the OMC for appeals.

PUBLIC NOTICE

On January 26, 2012, the City sent a Public Hearing Notice to a total of 709 property owners/tenants within a 300-foot radius of the project site, and person's specifically requesting notice. The project site was also posted in two locations with the notification on that same date.

ENVIRONMENTAL REVIEW

Categorical Exemption: This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1, Existing Facilities) because the project consists of a new use at an existing facility with no expansion of the existing facility. There is no public review required.

PROJECT BACKGROUND

Applicant:	Futures in Education
Property Owner:	The Colton Company
Property Location:	3111 N. Tustin Street
Existing General Plan Land Use Element designation:	C-1 (Limited Business)
Existing Zoning Classification:	GC (General Commercial)
Old Towne:	No
Redevelopment Project Area:	No
Specific Plan/PC:	None
Site Size:	2.93 acres
Circulation:	The site is accessed by one driveway on Tustin Street. Tustin Street is considered a Primary Arterial with an ultimate right-of-way of 100 feet.
Existing conditions:	The property is 2.93 acres and is developed with a 52,989 square foot two-story office building with tuck under parking and associated surface parking lot. With the exception of the 1,682 square feet that will be used by the applicant the other tenants are all office professional uses.
Surrounding land uses and Zoning:	North – Strip commercial shops and residential multiple family in the City of Anaheim. West – A motel and residential single family in the City of Orange and residential multiple family in the City of Anaheim. South – State Route 55 (Costa Mesa Freeway) East – State Route 55 (Costa Mesa Freeway)
Previous Applications/Entitlements:	None

PROJECT DESCRIPTION

The applicant, Halstrom High School, is proposing one-to-one instructional learning school. The applicant provides students in grades 7th through grade 12th instruction in a full curriculum of subjects. The school is accredited by the Western Association of Schools and Colleges (WASC).

The applicant offers year round open enrollment and flexible scheduling. Some students are home schooled, actors, singers or athletes who are not able to attend a typical school or miss regular school time due to their schedule. Many students are part-time students who are attending in order to improve grades, catch up on credits, and meet college requirements.

Each student is scheduled once a week for 45 minutes per class, per subject with a 15 minute break in between sessions. Students are given 4-5 hours of homework, which is due the following week at their regularly scheduled time. The school could have up to six concurrent one-to-one sessions at any given time, plus two full time employees. The hours of operation for the school on Monday through Thursday are from 8:00 a.m. to 7:00 p.m., on Friday from 8:00 a.m. to 5:00 p.m., and on Saturday from 9:00 a.m. to 2:00 p.m.

Development Standards

No changes are proposed to the exterior of the building or site. Therefore, a comparison of the building to existing development standards has not been conducted, except for parking.

	Required	**Proposed**	**Code Section**
Parking	1 space/employee, plus 4 spaces/10 students. (8 staff members/instructors and 6 students = 11 parking spaces) 4 parking spaces per 1,000 square feet of office. (51,307 square feet = 205 parking spaces) Total of 216 parking spaces required.	The office building has a total of 231 parking spaces. A surplus of 15 parking spaces.	17.34.60

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

Conditional Use Permit: The applicant is requesting a Conditional Use Permit to establish a new school at an existing office building.

Required Findings:

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.

2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

ANALYSIS/STATEMENT OF THE ISSUES

OMC Section 17.18.030 requires a Conditional Use Permit (CUP) for school uses. The school use would occupy 1,682 square feet of the 52,989 square foot office building. The one-to-one ratio of this school operates more like a tutoring center rather than a school, however; because it is an instructional use, the CUP applies. The instructional use would consist of one-to-one instructional learning with up to six one-to-one concurrent sessions and two additional staff members for a total of eight employees and six on-site students. Based on the maximum number of eight employees (staff, instructors) and six students that would be at the school at any given time the instructional use requires 11 parking spaces. The 51,307 square feet of office uses require 205 parking spaces.

In this case the office building has 231 parking spaces and is over-parked based on the current uses. When the school use is figured into the parking tabulation the required parking spaces for the office building is 216 spaces, which is still over-parked by 15 parking spaces, therefore; in this case there is no parking issue.

ADVISORY BOARD RECOMMENDATION

None Required

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Planning Commission Resolution No. PC 09 -12
2. Vicinity Map
3. Site Photos

Exhibits provided to the Planning Commission:

A. Submitted Plans and Exhibits date labeled February 6, 2012

cc: Mike Halasz
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