Planning Commission
Agenda Item

January 21, 2013

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

THRU: **Leslie Aranda Roseberry**
Planning Manager

FROM: **Chad Ortlieb**
Senior Planner

SUBJECT

PUBLIC HEARING: CUP 2846-12, Argosy University, 532 and 601 South Lewis Street and 333 City Boulevard West (Parking Lot)

SUMMARY

The applicant proposes to expand student enrollment for an existing university (Argosy University) and to provide additional required parking off-site with shuttle service to the university from the parking structure at 333 City Boulevard West for the evening class session.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 04-13 entitled:

> **A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2846-12 FOR A UNIVERSITY TO OPERATE AT 532 AND 601 SOUTH LEWIS STREET WITH ON-SITE STUDENT AND STAFF NUMBERS RESTRICTED TO 330 STUDENTS AND 25 FACULTY CONTINGENT UPON AND INCLUSIVE OF THE OFF-SITE USE AND AVAILABILITY OF 82 PARKING SPACES AT 333 CITY BOULEVARD WEST WITH SHUTTLE SERVICE TO AND FROM UNIVERSITY**

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Table 17.18.03 identifies universities (schools) as Conditionally Permitted Uses and OMC Section 17.34.100 allows shared parking facilities with an approved

Conditional Use Permit. OMC Sections 17.08.020B.2.a.i. and 17.10.030C.1. authorize the Planning Commission to review and take action on Conditional Use Permits.

PUBLIC NOTICE

On January 3, 2013, the City sent a Public Hearing Notice to a total of 616 property owners/tenants within a 300-foot radius of the 532 and 601 South Lewis Street and 333 City Boulevard West sites involved with the project, and persons specifically requesting notice. The project site was also posted in 2 locations with the notification on that same date.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project proposes to intensify use of existing facilities with the same use(s). There is no public review required.

As of the date of this staff report, no public comments have been received.

PROJECT BACKGROUND

Applicant:	Argosy University
Property Owner:	City Office LP, Attn: Roger Doebke
Property Location:	532 and 601 South Lewis Street
Existing General Plan Land Use Element designation:	Urban Mixed Use 30-60 du/ac; 1.5-3.0 FAR (UMIX), Redevelopment District
Existing Zoning Classification:	Urban Mixed Use (UMU), Redevelopment District
Old Towne:	Not Applicable
Specific Plan/PC:	Not Applicable
Site Size:	532 Lewis Street = 3,500 square feet 601 Lewis Street = 70,700 square feet
Circulation:	Access to the site occurs exclusively from Lewis Street. Shuttle service is proposed to occur from City Boulevard East to City Boulevard West to Lewis Street, a .8 mile route. (Attachment 6 - Shuttle Route)
Existing conditions:	The site at 532 Lewis Street is improved with a 20 space parking lot and landscaping but does not have any on-site buildings. The parking supports the building across Lewis Street to the south at 601 Lewis Street. 601 Lewis Street Consists of a 31,629 square foot three-story building occupied by Argosy University, a 129 space parking lot, and landscape improvements.

The parking lot at 333 City Boulevard West has 1.429 parking spaces in a parking structure. The parking structure/spaces support the high rise office building at that site.

The first floor of the university has 12 classrooms ranging between 444 and 613 square feet and some minor office and reception uses (Exhibit A - Plans). The second floor has 5 classrooms of comparable size to those on the first floor, with the majority of the floor dedicated to administrative/faculty offices, a computer lab, student lounge, and storage. The third floor has two classrooms of comparable size to those on the first floor, with the majority of the floor dedicated to administration/faculty offices and a clinic associated with the school. A total of 19 classrooms are shown on the floor plans.

Argosy University offers professional certificates, degree programs in psychology, organizational leadership, and business and education. Bachelor, masters, and doctoral degree programs are offered by the university. The university caters to people that work and therefore, is not operationally similar to a university such as Chapman University that has a significant on-campus student population. Many Argosy classes are held on-line. Argosy University is accredited by the Higher Learning Commission and is a member of the North Central Association.

Surrounding land uses and Zoning:

532 and 601Lewis Street:

Direction	Use	Zoning
North	Professional Offices	Urban Mixed Use (UMU)
South	State Route 22 Freeway	Unzoned
East	Professional Offices & The Block	Urban Mixed Use (UMU)
West	Apartments in the City of Garden Grove	Not in City Limits

333 City Boulevard West:

Direction	Use	Zoning
North	City Boulevard West and parking lots	Urban Mixed Use (UMU)
South	The City Way East and parking lots	Urban Mixed Use (UMU)

	East	City Boulevard East and parking lots	Urban Mixed Use (UMU)
	West	City Boulevard West and parking lots	Urban Mixed Use (UMU)

Previous Applications/ Entitlements:

Date	Entitlement No.	Request
11/2/05	MNSP No. 415-05	The Staff Review Committee recommended approval of the redevelopment of the existing parking lot at 601 S. Lewis Street and a new parking lot at 532 S. Lewis Street. The SRC's recommendation was subject to approval of the below variances. The project purpose was to provide replacement parking for spaces lost due to widening of the Garden Grove Freeway, which is adjacent to the southerly boundary of the 601 S. Lewis Street parcel. The widening resulted in the removal of 21 parking spaces. The project gained 20 of the lost parking spaces on an adjacent parcel. Therefore, only one space was lost.
3/1/06	Variances No. 2156-06 and 2157-06	The Zoning Administrator approved the Variances to allow the proposed parking lots to be built within the 10' street side landscaping area.
2/18/09	CUP 2729-08	The Planning Commission adopted Planning Commission Resolution No. PC 02-09 for the establishment of Argosy University with up to 789 students and 100 staff members on-campus located at 532 and 601 South Lewis Street. The CUP also facilitated a code alternate parking rate based on a parking survey that was conducted for the application.

PROJECT DESCRIPTION

Argosy University proposes to continue to operate with expanded student enrollment at the classroom building at 601 South Lewis Street with 129 parking spaces on site. The property located at 532 South Lewis Street contains 20 additional parking spaces that are across the street from the

university and are part of the university leased property. The university has leased office space at 333 City Boulevard West and will maintain that property for administrative staff only. The parking spaces allotted for daytime use at 333 City Boulevard West will be exclusively for administrative staff only. The university lease for 333 City Boulevard West includes provisions for use of 82 parking spaces after 5:30 p.m. The 82 spaces are intended for student parking with shuttle service provided. 333 City Boulevard West is located on the parcel immediately north of the Outlets at Orange (formerly the Block) and 0.8 miles north of the Argosy University campus.

University classes are offered both on-campus and online. Hours of operation are and would continue to be from 8:00 a.m. to 11:00 p.m. (Condition 4). Three class sessions are intended to remain. The sessions are from 8:00 a.m. to 12:00 p.m., 1:00 p.m. to 5:00 p.m., and 6:00 p.m. to 10:00 p.m. Multiple individual classes would be held within those class sessions. Classrooms would continue to allow a minimum of 60 minutes between class sessions to allow for students to fully vacate the building before another class session arrives (Condition 5).

A Conditional Use Permit is required for the intensification of persons on campus and for the off-site parking spaces being proposed to fulfill code parking space requirements. The applicant proposes to expand student enrollment for an existing university (Argosy University). The table on page 8 of this staff report summarizes a comparison of the existing and proposed university operations that are stated in this paragraph. The university currently operates under CUP 2729-08 with a maximum of 789 students and 100 staff members with 149 parking spaces provided on and immediately adjacent to the site (Attachment 10 – Staff Report for CUP 2729-08). Condition 7 from CUP 2729-08 limits on-campus students to no more than 112 and on-campus faculty to no more than 89 at any given time (Attachment 11 - PC Resolution 02-09). Under Condition 7 from CUP 2729-08, the number of students could be increased with a proportionate reduction of faculty and vice versa. Hence, the existing CUP could allow for 249 students, 11 faculty, and 5 administrative staff on the 601 South Lewis Site. The applicant is now proposing to operate the university with enrollment only being limited based on on-site staffing and students. During all sessions a maximum of 330 students and up to 25 faculty members are proposed on-site (15.2% increase). Administrative staff at 333 City Boulevard West would be limited only by occupancy restrictions during the day sessions since that site is parked at the office rate separately. Condition 6 is proposed to set the maximum number of student and faculty members on-site to no more than that requested by the applicant.

As previously mentioned, the applicant is proposing to utilize an additional 82 off-site parking spaces (55% increase) and a shuttle service to and from the parking structure at 333 City Boulevard West. The shuttle need would be mostly to accommodate anticipated increased student enrollment, meet the City's parking code, and to offset occasional parking deficits for existing on-site evening operations. A draft "Memorandum of Lease" for use of parking at 333 City Boulevard West is shown in Attachment 8 and must be approved to form by the City Attorney pursuant to Condition 9 prior to recordation and must be recorded pursuant to OMC Section 17.34.120B. In its current draft, the form is not acceptable to the City Attorney's Office. The shuttle route is shown in Attachment 6. No additional parking is proposed for the potential increase in day session enrollment because the 82 parking spaces at 333 City Boulevard West are only available after 5:30 p.m. However, the university operates most like a continuing education establishment where

evening classes draw the largest attendance and associated parking needs. The proposed increase in students is not anticipated to cause daytime use intensification beyond the capacity of the on-site parking lots. The applicant has stated that the businesses that use the building at 333 City Boulevard West do not use the building after 5:30. Staff visits to 333 City Boulevard West during the week of December 9, 2012, seem to confirm the applicant's claim. Therefore, approval of shared parking associated this project after 5:30 p.m. is not anticipated to conflict with existing uses in the 333 City Boulevard West building. However, as explained in Issue Item 7, if the operational hours of uses at 333 City Boulevard West change to extend into evening hours and parking availability is reduced beyond surplus levels, the university will need to reduce their on-site staff and student counts commensurately (Condition 10). With the shared parking, the applicant is proposing to maintain a 74 parking space surplus to accommodate the proposed number of potential students and staff for the university. A summary of required and provided parking spaces is described below in the development standard analysis.

Development Standards

No changes are proposed to the exterior of the university building or parking sites. Therefore, the only development standard analyzed is parking.

	Required Minimum	**Proposed**	**Code Section**
Parking (non-residential)	**University Rate:** 1 parking space per employee, plus 4 spaces per 10 students based on maximum classroom capacity. Parking for on-campus student housing may be deducted from requirements if commuter-only lots are not available to student residents. Also, due to unique needs of colleges, a conditional use permit may be granted by the Planning Commission where different parking standards may be justified. **All Sessions:** 157 parking spaces are required for the proposed 330 students and 11 faculty members or the Planning	**Day Sessions:** 149 parking spaces are proposed for the proposed 330 students and 25 faculty members. **Evening Session:** 231 parking spaces are provided for the proposed 330 students and 25faculty members.	Orange Municipal Code, Table 17.34.060.B

	Commission may justify a different standard. **Trade School Rate (for comparison purposes):** 1 parking space per 35 square feet of instructional area (Gross Floor Area) 9,985 square feet of instructional area equates to 285 parking spaces required if the use were considered a trade school. This is 54 parking spaces more than proposed for the university during the most intense evening hours. This parking ratio does not account for the other 23,495 square feet that also exist in the building for office and support uses and corridor and common use areas.		

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

Conditional Use Permit: The applicant is requesting a Conditional Use Permit to accommodate additional persons on- campus at an existing university and to use off-site parking to fulfill parking obligations based on the Orange Municipal Code.

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.

REQUIRED INFORMATION FOR SHARED PARKING

Pursuant to Orange Municipal Code Section 17.34.100 – "Parking Requirements for Shared Use. The owner or lessee of any property may apply via the conditional use permit process to establish shared parking facilities. The application shall be considered by the Planning Commission, subject to review of the following information: "

A. "The applicant shall provide a description of the proposed and existing uses and the project relationship to the surrounding area. "

   The applicant has provided Attachment 4 "Project Description" in which they describe their proposed use and relation to the surrounding area. The applicant has fulfilled this code obligation.

B. "The applicant shall provide an assessment of the square footage and/or number of rooms/seats for all uses within the project."

   The applicant has provided Attachment 5 "Statement of Operational Use" in which they disclose the hours of operation, class sessions, number of students and faculty, and characteristics of the use. Given that student and faculty is the basis for the parking counts, the applicant has fulfilled the intent of this code obligation. The square footage and number of classrooms is disclosed within this staff report and is on-file in association with existing CUP 2729-08 for the university.

C. "The applicant shall provide an assessment of the peak parking demand times for each use, the proximity to mass transit, and the impact of on-site market support."

   The applicant has provided Attachment 5 "Statement of Operational Use" which, combined with operational observations, is the basis for staff to determine that peak parking demand would be tied to the maximum number of students (330) and faculty (25) proposed with the provided 231 parking spaces. Hence, since the university is the only use that would be using the parking areas at 532 and 601 Lewis Street and the 82 parking spaces at 333 City Boulevard West after 5:30, the peak parking demand is defined by the university and its code obligated parking requirement which is 157 parking spaces or any other standard established by the Planning Commission. The shuttle service is a transit option under the proposal and it is known by staff that mass transit bus routes serve all around the vicinity of the site. There would be no on-site market support for the shared parking facilities since the only use that would benefit from the shared parking facility in the evening is the university.

D. "The applicant shall calculate the peak parking demand for each use, including peak hours of a weekday or evening, and/or weekend."

   The applicant has provided Attachment 5 "Statement of Operational Use" which, combined with operational observations, is the basis for staff to determine that peak parking demand would be tied to the maximum number of students (330) and faculty (25) proposed with the

provided 231 parking spaces. Hence, since the university is the only use that would be using the parking areas at 532 and 601 Lewis Street and the 82 parking spaces at 333 City Boulevard West after 5:30, the peak parking demand is defined by the university and its code obligated parking requirement which is 157 parking spaces or any other standard established by the Planning Commission.

E. "The applicant shall sum hourly parking demands, as calculated above, to arrive at a total peak hour parking demand volume."

The applicant has provided Attachment 5 "Statement of Operational Use" which, combined with operational observations, is the basis for staff to determine that peak parking demand would be tied to the maximum number of students (330) and faculty (25) proposed with the provided 231 parking spaces. Hence, since the university is the only use that would be using the parking areas at 532 and 601 Lewis Street and the 82 parking spaces at 333 City Boulevard West after 5:30, the peak parking demand is defined by the university and its code obligated parking requirement which is 157 parking spaces or any other standard established by the Planning Commission.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Code Required Parking Versus Actual Parking Need

Using the university parking rate of 1 parking space per employee, plus 4 spaces per 10 students, the university would provide less parking than is required by the Orange Municipal Code (OMC) if it is assumed that daytime sessions will ever reach 330 students and 25 instructors. 157 parking spaces are required under strict application of the code for the daytime uses but only 149 parking spaces would be available from on-site parking during the day. However, in practice the university operates more like an extended education teaching facility where day classes are generally limited due to lesser demand because most enrollees attend in the evening after tending to daytime duties. Observationally, staff has not witnessed problems with daytime parking for the university. Therefore, under authority of the OMC, the Planning Commission could find that a more lenient parking rate is merited for the university during the day and may find that the 149 on-site parking spaces will suffice. If approved, Condition 7 could offer administrative relief by giving the Community Development Director authority to seek modification of class schedules in association with the Conditional Use Permit if daytime parking problems were ever to arise.

Using the university parking rate, the university would provide 74 surplus parking spaces after 5:30 p.m. when the additional 82 parking spaces are available with shuttle service at 333 City Boulevard West. Given that the student increase to the university would be 15.2 percent and the increase in parking would be 55%, staff believes that the greater increase in parking may effectively reduce any parking problems the site may be experiencing while also accommodating for the increase needs.

Staff's initial concern was that the 4 spaces per 10 students ratio of the code may not apply well for a commuter college such as Argosy University and the reality may be that many more students will each drive their own car to the university rather than carpool, take the bus, ride a bike, or walk.

Under a scenario where the maximum number of proposed students and faculty drives to the site, based on the number of students and faculty proposed, a parking deficit of 99 parking spaces could theoretically exist. The deficit would be inclusive of the proposed off-site parking lot.
OMC Table 17.34.060.B provides for special considerations of colleges with on-campus student housing in the university proposed parking rate as follows:

> "Parking for on-campus student housing may be deducted from requirements if commuter-only lots are not available to student residents. Also, due to unique needs of colleges, a conditional use permit may be granted by the Planning Commission where different parking standards may be justified."

Pursuant to the above code excerpt, two separate interpretations of the code may be made. The Planning Commission may find that all universities, regardless of operational characteristics, start with parking being considered by the minimum code parking rate of 1 parking space per employee, plus 4 spaces per 10 students based on maximum classroom capacity and that even fewer parking spaces may be authorized for colleges with on-campus student housing. Alternatively, the Planning Commission may interpret the above code requirement as showing intent of applicability to more traditional types of colleges and universities such as a local community college (Santiago Canyon College) or university (Chapman University) that has greater daytime attendance, has ability to stagger a greater number of classes, has larger land area to average parking needs and, has a larger enrollment with a greater full time student population dedicated to spending larger spans of time on campus to make mass transit, carpooling, or non-motorized travel more incentivized. The Planning Commission is authorized under the OMC to justify a different parking standard for the university other than the bare minimum standard of 1 parking space per employee, plus 4 spaces per 10 students. Based on observations of operational characteristics of the university, staff believes that the 149 on-site parking spaces will be adequate for daytime enrollment at the site and that the applicant-offered additional 82 off-site parking spaces (555 increase) with shuttle service will help offset any existing parking problems plus accommodate the 36 additional students and 9 additional faculty (15.2 % increase) that could exist on the site in the evening hours.

If the Planning Commission finds that the university parking ratio of the OMC does not fit Agrosy University's operational model, the Planning Commission may wish to take into account the next most applicable available parking ratio in the OMC for comparison purposes which is "Trade School, Business School, Adult Education" with a "1 space/35 sq. ft. of instructional area GFA." A comparison of the university parking rate and the "Trade School, Business School, Adult Education" rate is provided in the table that follows.

For the existing CUP that the university is operating under, a parking analysis was conducted and projected that the university would comply with City parking code requirements. The below table includes a comparison of parking approved for the existing CUP and parking now proposed.

Comparison	Existing CUP	New Proposed CUP
Number of students on-site at any time.	112 students and 89 staff. The number of students could be increased with a proportionate reduction of faculty and vice versa. With 16 faculty, a total of 294 students could occur.	**All Sessions:** 330 students and 25 staff at any time. (15.2% increase)
Number of parking spaces provided	149 on-site	231 on- and off-site spaces (55% increase)
Number of parking spaces required using the university rate of 4 spaces per 10 students and 1 space per faculty *****The Planning Commission may utilize any alternative parking rate they can justify.	Not Applicable 149 per the approved parking analysis/existing CUP	**Day Sessions*:** 157 parking spaces are required for the proposed 330 students and 25 faculty members. A condition could further limit students and instructors on-site for code compliance with the university parking rate. However, staff did not provide a condition because indications are that the use does not have intensive day operations with regard to parking needs. **Evening Session*:** 157 parking spaces are required for the proposed 330 students and 25 faculty members.
Number of parking spaces required using the trade school rate of 1 space/35 square feet of instructional area gross floor area	Not Applicable 149 per the approved parking analysis/existing CUP	**All Sessions:** The existing approved plans under CUP 2729-08 for Argosy University show 9,985 square feet of instructional area. This equates to 285 parking spaces as being required. This is 54 parking spaces more than proposed for the university during the most intense evening hours. This parking ratio does not account for the other 23,495 square feet that also exist in the building for office and support uses and corridor and common use areas.
Parking surplus or deficit	15 parking spaces projected per parking study	74 space surplus per university rate 54 space deficit per the trade school rate
Method of Parking Conclusion	Parking Analysis based on a sampling of a comparison site. Data scaled to forecast project parking needs of the existing site.	Since the OMC authorizes the Planning Commission to use any justified parking rate for universities, staff recommends justifying the applicant's proposal based on a hybrid of the university parking rate, trade school parking rate, affirmation of

		staff observations of non-intensive daytime operations, and acknowledgement that the percentage of parking gained (55% increase) to students and faculty increased (15.2% increase) would likely effectively reduce any parking problems the site may be experiencing and will also accommodate increased parking needs.

Ideally, for a university expansion project, the applicant would conduct a parking survey of the existing site that then used the findings of existing operations to project parking needs of the increased students proposed. Staff was unable to obtain such a parking survey because we have no such authority under the code to require the applicant to provide a parking survey of existing conditions. However, staff asked if the applicant would voluntarily provide the desired parking survey. The applicant did not wish to conduct a parking survey and maintains that off-site parking spaces and shuttle service will comply with the code and will alleviate any problems of future parking intensity. Based on staff's on-site observations shown in the table that follows, staff believes that the applicant had indications that a parking survey of existing site operations would be fruitless because it would reveal that parking assumptions from the existing CUP parking survey are under estimated and a parking problem exists on impact days and times. However, as stated previously, staff supports the applicant's proposal since the applicant proposes only a 15.2% increase in on-campus students and faculty and a greater increase in parking (55% percent increase). Since the project is discretionary, the Planning Commission may find differently. Pursuant to the code excerpt on the preceding page, the Planning Commission may identify a unique parking need and require a higher (or lower) parking standard for the university.

Staff observed the site in the evenings during the week of December 9, 2012. The table that follows summarizes staff observations:

Staff Parking Observations Of Argosy University Existing Operations, Week Of December 9, 2012			
Day of Week	601 South Lewis Street (129 spaces)	532 South Lewis Street (20 spaces)	On-Street Parking
Monday	Parking Lot 99% utilized	Parking Lot 0% utilized	100% utilized (minus temporary parking)
Tuesday	Parking Lot 100% utilized*	Parking Lot 95% utilized	100% utilized (minus temporary parking)
Wednesday	Parking Lot 70% utilized	Parking Lot 0% utilized	100% utilized (minus temporary parking)
Thursday	Parking Lot 50% utilized	Parking Lot 0% utilized	80% utilized (minus temporary parking)

On Tuesday, staff observed a portable sign on the site designating a shuttle service embarking and debarking area. Hence, it appears that a parking issue already exists necessitating the need for additional parking.

Staff is recommending Condition 6 to limit the number of students and faculty to the applicant requested amount. Condition 7 would allow the Community Development Director to request that the university provide a list of class schedules, student enrollment, and a parking count in the event that staff observations or complaints are received regarding parking problems generated by the university. In the event that the information provided shows that a parking problem exists, the university shall implement measures approved by the Community Development Director such as class schedule modifications, to eliminate the parking problem. Failure on behalf of the university to provide the requested information may result in Conditional Use Permit revocation proceedings. Condition 8 is recommended to require the university to submit to the Community Development Director, an annual report for the first two years detailing the hours of operation, course schedule, student enrollment at the facility and per course, the number of faculty and employees, and schedules for faculty and employees. The report must document any impacts the University might have on the parking on-site and surrounding neighborhood

Under the existing CUP, not all classrooms are utilized in a continuous manner. Condition 5 is proposed to remain to ensure that the university continues to operate with a minimum of 60 minutes between class sessions.

Condition 11 is proposed to cause surrender/voiding of existing CUP 2729-08 since the proposed CUP would replace/supersede it. Applicable conditions from CUP 2729-08 have been transferred to this CUP via inclusion in the Planning Commission Resolution No. 04-13.

Issue 2: Student and Faculty Safety in the Parking Lots

The 20 space parking lot at 532 S. Lewis Street maintains parking lot lighting in accordance with current parking lot safety illumination requirements. However, the 129 space parking lot at 601 S. Lewis Street has parking lot lighting may have met code standards when the site was developed but probably does not meet current parking lot illumination requirements of the City's crime prevention ordinance. Furthermore, the applicant has not disclosed who would be responsible for the safety of students, facility, and their respective vehicles in the parking structure at 333 City Boulevard West while classes are in session. Argosy University has previously stated that they will maintain their own campus security. Therefore, the burden of parking lot crime prevention is the responsibility of the university. City police services, including routine patrols of the area, shall continue to be a service available to the site. Police service to the site would likely be more of a reactive than preventative security measure.

Issue 3: Prior Complaint and Anticipated non-support by the City of Garden Grove

On September 28, 2010, the City received correspondence from the City of Garden Grove on behalf of residents residing in the multiple family housing located west of Argosy University. The housing units are located in the City of Garden Grove. The complaint alleged that the university was taking up street parking previously enjoyed by the residents. Staff did not hear of complaints past that initial complaint and, on December 10, 2012, staff had a conversation with City of Garden Grove traffic engineering staff who stated that, to their knowledge, no further complaints have been registered with them. Initially, the applicant proposed about 200 more students under this

application. Upon disclosure of the previously proposed application/greater amount of students, the City of Garden Grove indicated they would oppose the project due to potential exacerbating effects to on-street parking for their residents by the university intensification. Staff observed that the westerly side of South Lewis Street adjacent to the project has large areas posted by the City of Garden Grove for 15 and 20 minute parking only. The jurisdictional lines between Orange and Garden Grove are down the middle of South Lewis Street. Staff did not contact the City of Garden Grove for their opinion on the reduced proposal now before the Commission.

Issue 4: Effectiveness of Shuttle Parking

The proposed shuttle service would operate from 333 City Boulevard West. This location is 0.8 mile away via the route it would take. Per the applicant "The shuttle van holds 7 students. The schedule varies depending on the night/need. A shuttle roundtrip takes 8-10 minutes and the van would continue to go back to pick up the students and drop off students so no student is left walking to or from the parking lot." Parking for the university could occur in greater intensification on South Lewis Street or other parking lots in closer proximity if students fear they may be late for class by having to wait for a shuttle. Although the applicant has provided a sample letter that notifies students to park in Argosy designated parking areas (Attachment 9), parking in other parking lots could create a monitoring burden for staff and a parking enforcement problem for owners of parking lots located between the shuttle service lot and the university. To staff's knowledge, the City does not have a precedent for use of a parking lot so far away that shuttle service is necessary. Therefore, the proposed shuttle service is untested in the City for a permanent use and may set a precedent.

Issue 5: Parking Over 300 Feet Away

Orange Municipal Code (OMC) Section 17.34.120B. states in part "For all non-residential uses, required off-street parking shall be provided on the same lot or parcel of land as the use the parking spaces are required to serve, on a contiguous site, or on a site located within 300 feet of the subject use." The proposed off-site parking at 333 City Boulevard West is .8 of a mile away." The City's former Community Development Director and City Attorney opined early on in the processing of this project that the applicant may apply for a Conditional Use Permit for shared parking facilities more than 300 feet away. Staff recollection of the basis for the decision is not certain however; it could be argued that OMC Section 17.34.120B. applies to sites that will comply to code provisions without need for a Conditional Use Permit. Associatively, OMC Section 17.34.100 states in part "The owner or lessee of any property may apply via the conditional use permit process to establish shared parking facilities." Notably, there is no provision under OMC Section 17.34.100 that would limit a Conditional Use Permit from being sought for shared parking facilities over 300 feet away.

Issue 6: Inability to Project Actual Parking Needs of On-campus Students

Since the university has a large percentage of students completing coursework online and the CUP is only restrictive with regards to on-campus students it is unknown if, during the first and final weeks of school, the on-line students are also on campus for class initiation, finals, and use of clinic facilities on-site. The application does not include a plan to limit such scenarios and staff does not

see how such scenarios can be conditioned and monitored beyond Condition 7 which is a reactive condition to require the university to produce parking data and work with staff to reduce the problem in the event that problems are observed. Since Condition 7 is reactive, implementing corrective actions would take time since any realized over enrollment would not likely be corrected in a timely manner by cancelling classes mid way through the year and cancelling classes for the next semester that students have already registered for.

Issue 7: Elimination of Parking at 333 City Boulevard West

The applicant's lease agreement for use of 82 parking spaces at 333 City Boulevard West could be terminated at the agreement of both parties or upon completion of the lease. Under such circumstances, the City will not want the university to continue to operate without code required parking. Furthermore, if the operational hours of uses at 333 City Boulevard West change to extend into evening hours and parking availability is reduced beyond surplus levels, the university will need to reduce their on-site staff and student counts commensurately. Therefore, Condition 10 is proposed to require the university to reduce the number of staff and students commensurate to the loss of parking spaces and in accord with the Orange Municipal Code parking ratio in effect at that time for universities.

ADVISORY BOARD RECOMMENDATION

Staff Review Committee:

The Staff Review Committee reviewed the project on December 9, 2012, and recommended that the project proceed before the Planning Commission as a complete application.

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Planning Commission Resolution PC 04-13
2. Vicinity Map
3. Site Photos
4. Applicant Provided Project Description
5. Applicant Provided Statement of Operational Use
6. Shuttle Route Map
7. Shuttle Drop Off and Pick up Location
8. Applicant Provided Memorandum of Lease
9. Applicant Provided Notice of Designated Parking Areas for Students
10. Staff Report for CUP 2729-08
11. PC Resolution 02-09
12. List of Uses Occupying 333 City Boulevard West

Exhibits provided to the Planning Commission:

A. Submitted Plans and Exhibits date stamped January 21, 2013
(Floor Plan of the University, Site Plan of 333 City Boulevard West, Site Plan of 532 and 601 South Lewis Street)

cc: Danielle Jacobs/Sheldon Group
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Newport Beach, CA 92660

Argosy University
601 South Lewis Street
Orange, CA 92868