



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** July 17, 2019

**TO:** Hearing Officer

**SUBJECT:** Modification to Conditional Use Permit #3278

**LOCATION:** 301 North Orange Grove Boulevard

**APPLICANT:** Neighborhood Church

**ZONING DESIGNATION:** PS (Public / Semi Public)

**GENERAL PLAN DESIGNATION:** Institutional

**CASE PLANNER:** Beilin Yu

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Modification to Conditional Use Permit #3278 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Modification to Conditional Use Permit #3278: A Modification to Conditional Use Permit #3278 was approved in August 2016, which altered the operations of an existing Religious Facility land use (Neighborhood Church); established a Private School land use (Sequoyah High School) of up to 130 students; expanded an existing Child Day Care Center land use (Fair Oaks Preschool) from 43 children to 69 children; and established a shared parking agreement between the Religious Facility, Private School, and Child Day Care Center land uses. The current application requests the following entitlements:

- 1) Modification to Conditional Use Permit: to allow religious services on weekdays and Saturdays; to modify the start time of weekday religious events from 6:30 p.m. to 5:00 p.m.; increase the maximum number of people attending religious weekday activities from 74 to 100; and modify the hours of these activities from 6:30 p.m. to 9:00 p.m. to 5:00 p.m. to 9:45 p.m. on Monday through Thursday and from 5:00 p.m. to 11:00 p.m. on Fridays.

- 2) Modification to Conditional Use Permit: to increase the Private School enrollment from 130 students to 216 students while eliminating the existing Child day Care Center. The Child Day Care Center is proposed to vacate the property in July 2020, after which the Private School enrolment is proposed to reach 216 students.

**ENVIRONMENTAL DETERMINATION:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15314, Class 14: Minor Additions to Schools). Section 15314 exempts minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption. The proposed enrollment is within the existing capacity on campus, and no physical expansion of the school facilities is proposed. Specifically, the proposed enrolment of 216 students is within the existing capacity of 296 students, which includes 189 Private School students and 107 day-care students. The existing capacity is based on the minimum City's Zoning Code requirement of 24 square feet of indoor classroom area per students. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

**BACKGROUND:**

**Site characteristics:** The subject site is an irregular shaped lot measuring 118,680 square feet in size, located on the northwest corner of North Orange Grove Boulevard and Arroyo Terrace. The site is accessed via driveway from Arroyo Terrace and a private driveway from Orange Grove Boulevard through Westmoreland Place, a private street that serves the subject property. The 2.48 acre parallelogram-shaped site consists of six contiguous lots. The site is currently developed with four structures utilized in the existing Religious Facility, Child Day Care Center and Private School operation, and 74 surface parking spaces.

**Adjacent Uses:**  
North: Public Space (The Gamble House)  
South: Single-Family Residential  
East: Multi-Family Residential  
West: Single-Family Residential

**Adjacent Zoning:**  
North: PS (Public and Semi-Public)  
South: RS-6 (Single-Family Residential, 0-6 lots/acre)  
East: RM-16 (Residential Multi-Family 0-16 Dwelling Units per Acre)  
West: RS-6 (Single-Family Residential, 0-6 lots/acre)

**Previous cases on this property:** CUP #3278 – A Conditional Use Permit to expand a religious assembly use adding a chapel and classroom buildings. Approved on November 19, 1997

Modification to CUP #3278 –

- 1) Modification of Conditional Use Permit (MCUP): to allow the alteration in the operation of an existing Religious Facility (Neighborhood Church) land use;
- 2) Conditional Use Permit: to allow the establishment of a Private School (Sequoyah High School) of up to 190 students;
- 3) Conditional Use Permit: to allow the expansion of a Child Day Care Center (Fair Oaks Preschool) land use from 43 children to 69 children; and
- 4) Minor Conditional Use Permit: to allow shared parking between the proposed Religious Facilities, Private School and Child Day Care land uses.

Approved on August 18, 2016

**PROJECT DESCRIPTION:**

On August 18, 2016, the Hearing Officer approved Modifications to CUP #3278 to alter the operation of the existing Religious Facilities land use (Neighborhood Church), establish a Private School (Sequoyah High School), and expand a Child Day Care Center (Fair Oaks Preschool) located in the PS (Public and Semi-Public) zoning district. The proposal also includes a shared parking analysis to allow these uses to share the existing parking on-site without proving separate parking facilities for each use.

As part of the approval, a total of 68 conditions of approval were included. The conditions included limiting the number of Private School students to 130 and a similar limitation of 69 children at the Child Day Care Center. Additionally, the conditions of approval limit religious services to Sundays, and regulates the hours the religious activities and events are allowed, amongst other conditions.

The current application requests the following changes to the conditions of approval:

- Condition #2: *This approval authorizes the applicant to modify the operation of the Religious Facility as conditioned below and to establish a private high school with up to 130 students. The first school year of operation shall be limited to a maximum of 50 students.*
  - Request: Increase the number of private high school students from 130 to 216, and to reduce the number of child day care facility from 69 to 0. The child day care facility is proposed to vacate the facility in July 2020.
- Condition #9: *Weekly church services utilizing the main sanctuary building shall be limited to Sundays.*
  - Request: Allow church services utilizing the main sanctuary building on Saturdays and after school hours on weekdays.
- Condition #12: *A maximum of 18 events exceeding 150 total people on site or occurrences of multiple concurrent events or activities exceeding 150 total people on site shall be permitted on the property per calendar year, with the exception of regular Sunday religious worship and regular Private School operating hours.*
  - Request: Eliminate the word Sunday to be consisted with proposed condition #9.

- Condition #19: *There shall be no events scheduled during Monday through Friday prior to 6:30 p.m. The Religious Facility use shall be limited to regular business office activities located only in the building identified on the approved plans as the “Neighborhood House”, except on days when the Private School is not operating on-site and for one small religious worship, pastoral, or spiritual practice activity per day not to exceed 20 attendees.*
  - Request: Modify the time events may start from 6:30 p.m. to 5:00 p.m.
  
- Condition #20: *Activities unrelated to the Private School and the Child Day Care Center, with the exception of administrative office activities for the Religious Facility, shall be limited to a maximum total of 74 people on the property and limited to the hours of 6:30 p.m. to 9:00 p.m. on Monday through Thursday when the Private School is operating on-site and from 6:30 p.m. to 10:00 p.m. on Fridays when the Private School is operating on-site.*
  - Request: Modify the maximum number of people from 74 to 100, and to modify the hours from 6:30 p.m. to 9:00 p.m. to 5:00 p.m. to 9:45 p.m. on Monday through Thursday, and from 5:00 p.m. to 11:00 p.m. on Fridays.

Neighborhood Church is categorized as a Religious Facility land use, Sequoyah High School is categorized as a Private School land use, and Fair Oaks Pre-school is categorized as a Child Day Care Center land use. Each of these uses is permitted subject to a Conditional Use Permit in the PS (Public and Semi-Public) zoning district. The request to revise the conditions of approval requires the review and approval of a Modification to the previously approved Conditional Use Permit #3278.

**ANALYSIS:**

The Conditional Use Permit process allows the City to review a project to determine if the proposed project would be compatible with the surrounding area and require adherence to specific conditions related to the operation of the proposed use. In order to approve a Conditional Use Permit, six specific findings must be made in the affirmative for each of the Conditional Use Permit requests. These findings relate to a project meeting the intent and purpose of the subject property's Zoning District and the Zoning Code, not being detrimental to the surrounding properties, and being compatible with surrounding uses among other things. The proposed modifications are considered a change to an approved project. Section 17.65.050 permits changes to an approved project subject to the same procedures as the original approval.

Modification to Conditional Use Permit: Private School Modification

As stated above, the current application requests increasing the number of Private School students from 130 to 216 students, while eliminating the Child Day Care Center, which can currently serve up to 69 children, a net gain of 17 students on site. To ensure the increase in the number of students would occur gradually, staff is recommending that the increase in enrolment occur in three phases. Specifically, during the first phase increase, the enrolment could increase up to 170 students; the second phase increase could result in up to 195 students; and the third phase increase would result in the maximum 216 students. Only one phase increase would be allowed to occur per academic school year.

Additionally, staff is recommending a condition of approval that after each phase increase and prior to the subsequent phase increase, the applicant file an application with the Planning Division for a Hearing Officer Review of this Conditional Use Permit. The review would be considered at a duly-noticed public hearing, to include written notice to all property-owners within five hundred

feet (500') of the perimeter of the subject property, as well as any parties who request to be so notified. Said applications would address how the applicant has complied with all conditions of approval.

Section 17.50.270 (Schools, Private) of the Zoning Code has the specific development standards and requirements for Private Schools. Staff's analysis is provided below:

*Indoor Classroom Area:* Per the Zoning Code, a Private School requires 24 square feet of indoor classroom space per student. Based upon the requested enrollment of 216 students maximum, a minimum of 5,184 square feet of indoor classroom area is required throughout the campus. The applicant has provided information showing a total of 7,367 square feet of classroom area proposed to accommodate the proposed student capacity. Specifically, the Private School currently occupies a two-story building containing a total of 5,785 square feet of classroom area. As part of the proposal, the existing Child Day Care Facility is proposed to vacate the site in July 2020, at which time the Private School will utilize the existing classrooms currently occupied by the Child Day Care Facility, which totals 1,582 square feet. As such, as proposed, the project exceeds the minimum indoor classroom area requirement for 216 students.

*Outdoor Play Area:* A Private School located in a non-residential zoning district requires 75 square feet of outdoor open space per student. The outdoor play area is required to be a minimum of 25 feet from residential uses and shall not be located within a required front or corner side setback area. Based upon the projected increase in the number of students of 216 students maximum, a minimum of 16,200 square feet of outdoor play area is required. The project submittal depicts outdoor play areas for students totaling 21,817 square feet. The closest residential uses to the proposed play areas are located across Scott Place, downslope from the site to the northwest. These play areas are approximately 50 feet or more from residential properties along Scott Place and are not located in a required front or corner side yard setback area. As proposed, the project exceeds the minimum requirements for outdoor play areas for 216 students.

*Hours of Operation:* The current hours of operation for the Private School is from 7:00 a.m. to 5:00 p.m. Monday through Friday. The current application does not request a modification to the hours of operation for the Private School. Currently, the child day-care center operated from 7:00 a.m. to 6:00 p.m., as such, with the elimination of the Child Day Care Center, there would be a reduction in student/children activity by one hour.

*Parking:* The parking requirement for a Private School is one parking space for every five students plus one space for every two employees or members of the faculty. For the proposed 216 students and 26 faculty members, a total of 56 parking spaces are required. The site currently has 74 parking spaces, which satisfied the parking requirement for the Private School.

However, as discussed earlier, a shared parking arrangement was approved to allow the sharing of the existing 74 parking spaces amongst the Religious Facility, Private School, and Child Day Care Center.

With the elimination of the Child Day Care Center, the existing 74 parking spaces is sufficient to accommodate the parking requirement for the Private School, and the administrative activities for the Religious Facility occurring during the day on a weekday. Additionally, current conditions of approval (condition #36) does not allow the Private School students to drive and park on campus or in the surrounding neighborhoods. The condition will remain. To allow some students to drive to school, the Private School has leased off-site parking for student at the Lincoln Avenue

Christian Church (1180 Lincoln Avenue), located approximately 1.2 miles to the north of campus. A shuttle will bring students to campus in the morning and back to the parking lot in the afternoon. The shuttle will be required to follow the traffic control plan discussed below.

The existing 74 on-site parking spaces would continue to accommodate the 26 faculty members, as well as the church staff who works at the site during the weekdays, similar to the current situation.

*Drop-Off and Pick-Up:* As part of the 2016 Modification approval, the applicant submitted a traffic control plan, which requires parents dropping off or picking up students to enter the site via a driveway on the northern end of the site, along Orange Grove Boulevard onto Westmoreland Place, a private street located on the property. The 74 parking spaces are located along Westmoreland Place, and parents are required to utilize these spaces while dropping off and picking up students. Parents are then required to exit the site via a driveway along the southern portion of the site onto Arroyo Terrace, wherein only a left turn towards Orange Grove Boulevard is permitted. Parking monitors are required to be present during drop-off and pick-up times to ensure parents do not turn right onto Arroyo Terrace, toward the adjacent residential neighborhoods.

Morning drop-off for the Private School occurs between 7:30 a.m. and 8:20 a.m., while the afternoon pick-up occurs between 3:00 p.m. and 5:00 p.m. due to the after school activities. To reduce the number of cars at the school at the same time during afternoon pick-up, the Private School is proposing to implement a staggered pick-up system, one group picking-up from 3:00 p.m. to 3:20 p.m., and the second group picking-up after 3:25 p.m.

Dropping-off and picking-up of school age students is different from dropping-off and picking-up of day-care children, as most school age students can be dropped-off and picked-up at the curb, while day-care children requires the parents to park in a designated space and walk the children to the classroom. As such, with the elimination of the day-care center, cars dropping-off and picking-up school students is expected to be more efficient and be on-site for shorter periods of time.

*Noise:* As discussed above, the site exceeds the minimum required outdoor open space for a Private School. Unlike a typical Private School campus, the applicant has informed City staff that the school will not contain any outdoor sports court, and all sports activities will occur off-site. The Private School is also not proposing to hold any sporting events on campus nor band/musical events. Currently, the Child Day Care Center utilized an outdoor play area located between the parking lot and the building occupied by the Child Day Care Center. It is not expected that the Private School students would utilize the outdoor play areas as often as the existing Child Day Care Center, therefore it is expected that the noise level would be similar or less than the current use of the site.

Based on the analysis above, staff finds that the increase in the number of Private School students from 130 to 216 would comply with the applicable Zoning Code requirements and with the recommended conditions of approval would not result in an adverse impact on the surrounding uses. The operation of a Private School is consistent with the other institutional uses existing on this blockface of Orange Grove Boulevard, specifically The Gamble House and Westmorland Academy.

## Modification to Conditional Use Permit: Religious Facility Modification

As described earlier in the report, the current application requests changes to four conditions of approval related to the Religious Facility operations, as discussed below. Please note that the numbering of the recommended conditions has been changed due to added conditions of approval.

- Condition #9: *Weekly church services utilizing the main sanctuary building shall be limited to Sundays.*
  - Request: Allow church services utilizing the main sanctuary building on Saturdays and after school hours on weekdays.

In analyzing this request, staff finds that church services could occur on Saturdays without conflict with other activities occurring on the subject property, as the Private School is not in operation on Saturdays. However, it is staff's position that church services occurring after school hours on weekdays have the potential to conflict with existing church activities. Specifically, one small religious worship, pastoral, or spiritual practice activity not to exceed 20 attendees is currently allowed during the weekdays. Additionally, activities unrelated to the Private School and Child Day Care Center with a maximum total of 74 people are currently allowed after 6:30 p.m. To minimize such conflicts, staff is recommending a condition of approval that church services may occur on the weekdays when no church-related activities are scheduled.

Recommended Condition #12: *Weekly church services utilizing the main sanctuary building shall be limited to Sundays, Saturdays, and after school hours on weekdays. Church services shall only occur on the weekdays when no other Religious Facility event/activity is occurring on-site, after school hours.*

- Condition #12: *A maximum of 18 events exceeding 150 total people on site or occurrences of multiple concurrent events or activities exceeding 150 total people on site shall be permitted on the property per calendar year, with the exception of regular Sunday religious worship and regular Private School operating hours.*
  - Request: Eliminate the word Sunday to be consistent with proposed condition #9.

In analyzing this request, staff agrees with the request to eliminate the word "Sunday" from the condition.

Recommended Condition #15: *A maximum of 18 events exceeding 150 total people on site or occurrences of multiple concurrent events or activities exceeding 150 total people on site shall be permitted on the property per calendar year, with the exception of regular religious worship and regular Private School operating hours.*

- Condition #19: *There shall be no events scheduled during Monday through Friday prior to 6:30 p.m. The Religious Facilities use shall be limited to regular business office activities located only in the building identified on the approved plans as the "Neighborhood House", except on days when the Private School is not operating on-site and for one small religious worship, pastoral, or spiritual practice activity per day not to exceed 20 attendees.*
  - Request: Modify the time events may start from 6:30 p.m. to 5:00 p.m.

The applicant is requesting this modification since the Child Day Care Center will vacate the site, whose hours of operation currently ends at 6:00 p.m. The Private School hours of operation would end at 5:00 p.m., Monday through Friday, and the proposed start time of 5:00 p.m. for the

events would not conflict with the Private School hours of operation. As such, staff finds that the start time for the after school events can start at 5:00 p.m.

Recommended Condition #22: *There shall be no events scheduled during Monday through Friday prior to 6:30 p.m. After the Child Day Care Center has vacated the site, no events shall be scheduled during Monday through Friday prior to 5:00 p.m. The Religious Facility use shall be limited to regular business office activities located only in the building identified on the approved plans as the "Neighborhood House", except on days when the Private School is not operating on-site and for one small religious worship, pastoral, or spiritual practice activity per day not to exceed 20 attendees.*

- *Condition #20: Activities unrelated to the Private School and the Child Day Care Center, with the exception of administrative office activities for the Religious Facility, shall be limited to a maximum total of 74 people on the property and limited to the hours of 6:30 p.m. to 9:00 p.m. on Monday through Thursday when the Private School is operating on-site and from 6:30 p.m. to 10:00 p.m. on Fridays when the Private School is operating on-site.*
  - Request: Modify the maximum number of people from 74 to 100, and to modify the hours from 6:30 p.m. to 9:00 p.m. to 5:00 p.m. to 9:45 p.m. on Monday through Thursday, and from 5:00 p.m. to 11:00 p.m. on Fridays.

The applicant is requesting to modify the number of people attending the activities from 74 to 100. The limit of 74 people was based on the number of parking spaces available on-site. According to the applicant, people attending the activities on the subject property often times carpool to the site. Staff's review of activities which have occurred on-site after school hours, such as educational camp, religious ceremony, and music recital, amongst other activities, indicate that people attending these events are likely to carpool. Therefore, increasing the number of attendees would not result in a parking impact. Additionally, since these activities occur indoors within the existing buildings, increasing the number of attendees from 74 to 100 would not result in a significant noise impact.

Regarding the proposal to extend the hours of these activities, from 6:30 p.m. to 9:00 p.m. to 5:00 p.m. to 9:45 p.m. on Monday through Thursday, and from 6:30 p.m. to 10:00 p.m. to 5:00 p.m. to 11:00 p.m. on Fridays, staff finds that the proposed starting time is appropriate given that the Private School ceases all its activities before 5:00 p.m.

Staff also finds that the proposed end time of 9:45 p.m. Monday through Friday would not result in a significant impact to the surrounding neighborhoods since this end time is consistent with Section 17.40.070 (Limited Hours of Operation) of the City's Zoning Code. Specifically, Section 17.40.070 of the City's Zoning Code limits the hours of operation for businesses located within 150 feet of a residential zoning district to 7:00 a.m. to 10:00 p.m. Public and Semi Public land uses such as religious facilities are exempt from the limited hours of operation, however it is useful to note that the proposed end time from Monday through Thursday is consistent with the hours of operation permitted for nonresidential uses located adjacent to residential neighborhoods.

Based on that same analysis, staff finds that the proposed end time of 11:00 p.m. on Fridays is not consistent with the hours of operation that would be allowed for nonresidential uses located near residential neighborhoods. As such, staff recommends that the end time for activities occurring on Fridays end at the current end time of 10:00 p.m.



Recommended Condition #23: *Activities unrelated to the Private School, with the exception of administrative office activities for the Religious Facility, shall be limited to a maximum total of 100 people on the property and limited to the hours of 6:30 p.m. to 9:45 p.m. on Monday through Thursday when the Private School is operating on-site and from 6:30 p.m. to 10:00 p.m. on Fridays when the Private School is operating on-site. After the Child Day Care Center has vacated the site, these activities are limited to the hours of 5:00 p.m. to 9:45 p.m. on Monday through Thursday when the Private School is operating on-site and from 5:00 p.m. to 10:00 p.m. on Fridays when the Private School is operating on-site.*

### Conditions of Approval

Since the 2016 Modification approval, the City has received complaints from the neighbors that during events where parking attendants were required per Condition #14, only one attendant was provided and the parking attendant was not efficient in directing traffic. Staff is recommending modifying the condition to require a minimum of two attendants and that the attendants be easily identifiable (e.g. clothing, vest, etc.) so vehicles are more likely to follow the parking attendants directions.

Recommended Condition #17: *Whenever events or occurrences of multiple concurrent events or activities are scheduled for which the attendance is anticipated to be greater than 150 people, at least two parking attendants shall be provided to direct vehicles to approved parking areas. The parking attendants shall be easily identifiable (e.g. clothing, vest, etc.). Duties of the parking attendants shall include but not be limited to directing vehicles to parking spaces, ensuring efficient flow of vehicles within the parking lots, maximizing the utilization of the parking lots and directing vehicles to alternative off-street parking lots when alternatives are available. Parking for said events shall not occur in the surrounding neighborhoods.*

Similarly, the neighbors have complained that during events where an event coordinator and a security officer were required per Condition #25, the event coordinator and the security officer were not easily identifiable. Staff is recommending modifying the condition to ensure the security officer is easily identifiable (e.g. clothing, vest, etc.) to ensure neighbors know who to contact in order to resolve concerns.

Recommended Condition # 28: *For events where music is provided or where beer and wine is served, an event coordinator and a security officer shall supervise the event and ensure compliance with noise and alcohol restrictions. The event coordinator and the security officer shall be easily identifiable (e.g. clothing, vest, etc.).*

Lastly, Condition #38 requires that the applicant conduct one community meeting annually. The neighbors have complained that not sufficient notification was provided for the community meeting held this year (2019) and that representatives from the Private School were not present at the community meeting. Staff is recommending that the condition be amended to require a 14-day notification prior to the annual community meeting, and that representative of Neighborhood Church and from Sequoyah School be present at the annual community meeting.

Recommended Condition # 41: *The applicant shall conduct one community meeting annually, the purpose of which is to solicit input concerning the impacts of activities conducted on-site upon surrounding residents. The location, date, and time of each community meeting shall be in consultation with, and subject to the approval of, the Zoning Administrator. The operator of the Religious Facility shall notify all neighboring property owners on Arroyo Terrace, Bellmore Way, Scott Place, the Gamble House, Westmoreland Academy, Orange Grove Village residents, the*

*Zoning Administrator and all interested parties 14 days in advance of the annual community meeting. The meeting shall be attended by representatives of the Religious Facility and the Private School.*

#### **GENERAL PLAN CONSISTENCY:**

As conditioned, the requested modification to increase the number of students for the Private School is consistent with General Plan Land Use Element Policy 2.9 (Institutional Uses), which promotes accommodation of the development of educational, religious, cultural, and similar facilities that enrich the lives of Pasadena's residents. The increase in enrolment for the Private School would allow for the development of a four-year high school curriculum on campus, which is consistent with the General Plan Land Use Policy 2.9.

Additionally, the increase in enrolment is consistent with Goal 16 (Superior Services), which encourages a superior level of services meeting the needs of Pasadena's diverse residents, including schools, hospitals, parks, child and senior facilities and programs, libraries, shelters, public auditoriums, health services, social clubs and recreation centers. The increase in enrolment would accommodate the increasing needs of the Pasadena's residents.

The operation of a four-year high school on campus is consistent with Goal 17 (Educational System), which endorses a strong and diverse educational system that is responsive to the life-long needs of the community and related to maintaining high quality of life and a strong economy.

The proposed modification to the Religious Facility operation is consistent with Policy 16.7 (Shared Facilities), which encourages the sharing of facilities between various public service providers, as well as those offered by private entities, such as the joint use of school play areas for recreation, school facilities for child and after school day care, and libraries for civic and cultural events. The proposed hours for the Religious Facility events and activities coincide with the hours of the Private School, which maximizes the joint use of the shared campus.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15314, Class 14: Minor Additions to Schools). Section 15314 exempts minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption. The proposed enrollment is within the existing capacity on campus, and no physical expansion of the school facilities is proposed. Specifically, the proposed enrolment of 216 students is within the existing capacity of 296 students, which includes 189 Private School students and 107 day-care students. The existing capacity is based on the minimum City's Zoning Code requirement of 24 square feet of indoor classroom area per students. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

## **REVIEW BY OTHER CITY DEPARTMENTS:**

The proposal was reviewed by the Department of Transportation, Department of Public Works, Fire Department, Building and Safety Division, and Design and Historic Preservation Section. The Fire Department, and Design and Historic Preservation Section had no comments. The Department of Transportation, Department of Public Works, and Building and Safety Division have provided conditions of approval, which are incorporated in Attachment B of this report.

## **CONCLUSION:**

It is staff's assessment that the findings necessary for approval of the Modification to Conditional Use Permit #3278 to increase the number of students at a Private School from 130 to 216, and to allow changes to the operation of a Religious Facility can be made.

The increase in the number of students for the Private School from 130 to 216 would result in a net increase of 17 students on-site since the existing Child Day Care Center with a maximum capacity of 69 students will vacate the site in July 2020. The interior classroom size and the outdoor play area existing at the site complies with the minimum requirements for the proposed enrolment. The operation of a Private School is consistent with other institutional uses located on this blockface of Orange Grove Boulevard.

The operational changes to the Religious Facility, including allowing church services on Saturdays and weekdays after school hours, allowing for earlier start time and later end time for church activities, and increasing the number of people allowed in the church activities, would not conflict with the Private School use of the campus. The earlier start time would coincide with the end time of the Private School. The proposed end time, as conditioned, would be consistent with the hours allowed for other nonresidential uses located near residential districts. The existing 74 parking spaces is able to accommodate the proposed 100 attendees for the weeknight activities, as some attendees are likely to carpool. With the proposed condition that church services and church activities do not occur on the same evening, staff is of the opinion that church services occurring during weeknights would not result in additional impacts.

Therefore, staff recommends that the Hearing Officer approve the application to allow the increase in the number of enrollment for the Private School from 130 to 216 students, and to allow operational changes to the Religious Facility with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MODIFICATION TO CONDITIONAL USE PERMIT #3278**

Modification of Conditional Use Permit #3278 – To allow the increase in Private School enrolment from 130 to 216 students

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The existing Private School was established on the subject site with the approval of Modification to Conditional Use Permit #3278 in August 2016. The requested modification to increase the number of enrolment of the Private School requires the approval of a modification to the previously approved Conditional Use Permit #3278. The existing Private School is subject to the development standards in Section 17.50.080.B of the City's Zoning Code. As proposed and conditioned, the Private School complies with all the applicable developments standards.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The property is located within the PS (Public and Semi-Public) zoning districts, where Private Schools uses are permitted with the approval of a Conditional Use Permit. The PS zoning district is intended to provide a base zoning district for large public and semi-public uses such as religious facilities, day care centers and private schools. The modification of the Conditional Use Permit as conditioned is consistent with the development standards for Private Schools, including parking, classroom and playground area, and traffic circulation. The existing Private School is consistent with the zoning district and all development standards related to private schools.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The Institutional land use designation provides for public and semi-public land uses including religious facilities, private schools, and child day care centers. As conditioned, the requested modification to increase the number of students for the Private School is consistent with General Plan Land Use Element Policy 2.9 (Institutional Uses), which promotes accommodation of the development of educational, religious, cultural, and similar facilities that enrich the lives of Pasadena's residents. The increase in enrolment for the Private School will allow for the development of a four-year high school curriculum on campus, which is consistent with the General Plan Land Use Policy 2.9.

Additionally, the increase in enrolment is consistent with Goal 16 (Superior Services), which encourages a superior level of services meeting the needs of Pasadena's diverse residents, including schools, hospitals, parks, child and senior facilities and programs, libraries, shelters, public auditoriums, health services, social clubs and recreation centers. The increase in enrolment will accommodate the increasing needs of the Pasadena's residents.

The operation of a four-year high school on campus is consistent with Goal 17 (Educational System), which endorses a strong and diverse educational system that is responsive to the life-long needs of the community and related to maintaining high quality of life and a string economy.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The increase in the Private School enrolment will not adversely impact surrounding persons residing or working in the surrounding neighborhood since the facility is already constructed and will not be expanded.

The enrolment increase will result in a net increase of 17 students on campus, and the operation of a Private School offering a four-year high school curriculum is consistent with other institutional uses existing on this blockface of Orange Grove Boulevard. The Private School will not hold any sporting events, band/musical events, nor will other schools be coming on campus for extracurricular events. Students will not be allowed to drive to and park on-site.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The request to increase the enrolment of the Private School has been conditioned to ensure that the Private School operations will not be detrimental or injurious to property or improvements in the neighborhood. No new construction is proposed with this application, as such, the proposal will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. The traffic circulation plan associated with the land use will minimize traffic and parking issues and protect the surrounding neighborhood and the general welfare of the city.
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection in that the proposal does not convey an overdeveloped appearance in this area.* The current request will allow the increase in the enrolment of a Private School. The existing infrastructure on site will provide adequate space to accommodate the proposed modification, and no new construction is proposed. As conditioned, the proposal will be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
7. *There are changed circumstances sufficient to justify the modification to the original approval.* The existing Child Day Care Center will vacate the site in July 2020, at which time the Private School will utilize the building currently occupied by the Child Day Care Center. With the elimination of the Child Day Care Center, which has a maximum capacity of 69 children, the proposed increase in enrolment for the Private School from 130 students to 216 students, would result in a net increase of 17 students on-site.

Modification to Conditional Use Permit #3278 – To allow changes to the Religious Facilities operations

8. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The existing Religious Facility land use was established on the subject site with the approval of Conditional Use Permit #3278 in December 1997, and modified in August 2016. The requested modification to modify the days for religious services, the hours of Religious Facility activities, and the number of people permitted in the activities requires the approval of a modification to the previously approved Conditional Use Permit #3278. The proposed modifications, as conditioned, will continue to be consistent with provisions of the Zoning Code.
9. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The property is located within the PS (Public and Semi-Public) zoning districts, where Religious Facilities uses are permitted with the approval of a Conditional Use Permit. The PS zoning district is intended to provide a base zoning district for large public and semi-public uses such as religious facilities, day care centers and private schools. The modification to the Religious Facility operations, as

conditioned, will not conflict with the Private School land use located on-site, while allowing for services, activities, and events that are consistent with a Religious Facility use.

10. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The Institutional land use designation provides for public and semi-public land uses including religious facilities, private schools, and child day care centers. As conditioned, the proposed modification to the Religious Facility operation is consistent with Policy 16.7 (Shared Facilities), which encourages the sharing of facilities between various public service providers, as well as those offered by private entities, such as the joint use of school play areas for recreation, school facilities for child and after school day care, and libraries for civic and cultural events. The proposed hours for the Religious Facility events coincide with the hours of the private school, which maximizes the joint use of the shared campus.
11. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The modified operation of the Religious Facility will ensure religious services and Religious Facility events do not occur simultaneously on the property. Additionally, as conditioned, the Religious Facility would not operate while the Private School is in operation on-site. A Religious Facility land use has operated at the subject site for approximately 45 years and the request to modify the Religious Facility land use, will not adversely impact surrounding persons residing or working in the surrounding neighborhood since the facility is already constructed and will not be expanded.
12. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The request to modify the Religious Facility land use has been conditioned to ensure so its operations will not be detrimental or injurious to property or improvements in the neighborhood. Specifically, the request to provide religious services during the weekday has been conditioned to occur only on the days when no Religious Facility services are occurring. Additionally, the Religious Facility activities have been conditioned to end at a time consistent with the time other nonresidential uses would allow to operate when located near a residential district. No new construction is proposed with this application, as such, the proposal will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
13. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection in that the proposal does not convey an overdeveloped appearance in this area.* The current request will allow the modification of an existing Religious Facility land use. The existing infrastructure on site will provide adequate space to accommodate the proposed modification of a Religious Facility land use, and no new construction will occur with this modification. As such, the proposal will be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.
14. *There are changed circumstances sufficient to justify the modification to the original approval.* The existing Child Day Care Center will vacate the site in July 2020, at which time the daytime hours of operation will be reduced by one hour and end at 5:00 p.m. The proposal to start the Religious Facility events and activities at 5:00 p.m. will not conflict with the Private School hours of operation.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MODIFICATION OF CONDITIONAL USE PERMIT #3278**

The applicant or successor in interest shall meet the following conditions:

General

1. The site plan and floor plans shall substantially conform to the site plan and floor plans stamped "Approved at Hearing July 17, 2019," except as modified herein.
2. This approval authorizes the applicant to modify the operation of the Religious Facility as conditioned below.
3. This approval also authorizes the Private School to increase student enrollment up to a maximum of 216 students. The enrolment of the Private School shall occur in three phases, occurring at the beginning of the academic year, and as follows:
  - Phase 1: Enrolment increase up to 170 students
  - Phase 2: Enrolment increase up to 195 students
  - Phase 3: Enrolment increase up to 216 students
4. Nine months after the initiation of Phases 1 and 2, and prior to initiating the subsequent Phase, the applicant or successor in interest shall file an application with the Planning Division for a Hearing Officer Review of this Conditional Use Permit. The review shall be considered at a duly-noticed public hearing, with written notice to all property-owners within five hundred feet (500') of the perimeter of the subject property, as well as any parties who request to be so notified. Said applications shall provide evidence of the applicant's compliance with all conditions of approval herein. For the purposes of this condition, the initiation of each Phase shall mean the first day of the academic year.
5. The Phase 2 student increased shall be occur only after the existing Child Day Care Center completely vacates the site.
6. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
7. Pursuant to Chapter 17.61.040.J (Post-Approval Procedures) of the Zoning Code, the Zoning Administrator can call for a review of the approved conditions if it can be reasonably shown that there are grounds for revocation or modification of this Conditional Use Permit. These conditions may be modified or new conditions may be added to reduce any impacts of the use.
8. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
9. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit, except as allowed by Section 17.64.050 (Changes to an Approved Project) of the Zoning Code.
10. The proposed project, Activity Number **PLN2018-00496**, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a

Certificate of Occupancy. Contact the Planning Case Manager, Beilin Yu, at (626) 744-6726 to schedule an inspection appointment time.

11. This approval hereby supersedes all operational conditions of approval of the previously approved Modification to Conditional Use Permit #3278 that was approved by the Hearing Officer on August 18, 2016.

#### Planning Division

12. Weekly church services utilizing the main sanctuary building shall be limited to Sundays, Saturdays, and after school hours on weekdays. Church services shall only occur on the weekdays when no other Religious Facility event/activity is occurring on-site, after school hours.
13. Activities in the chapel and activities in the main sanctuary shall not occur simultaneously unless they are religious-related activities of the church or the attendance combined at both locations does not exceed 150 persons. During church services in the sanctuary the chapel will not be used for additional or alternate worship, in person or via broadcast.
14. The maximum number of people attending all events on campus occurring at any one time shall not exceed 390 adults.
15. A maximum of 18 events exceeding 150 total people on site or occurrences of multiple concurrent events or activities exceeding 150 total people on site shall be permitted on the property per calendar year, with the exception of regular religious worship and regular Private School operating hours.
16. No more than one of the events or occurrences of multiple concurrent events or activities exceeding 150 attendees shall be scheduled on a single day.
17. Whenever events or occurrences of multiple concurrent events or activities are scheduled for which the attendance is anticipated to be greater than 150 people, at least two parking attendants shall be provided to direct vehicles to approved parking areas. The parking attendants shall be easily identifiable (e.g. clothing, vest, etc.). Duties of the parking attendants shall include but not be limited to directing vehicles to parking spaces, ensuring efficient flow of vehicles within the parking lots, maximizing the utilization of the parking lots and directing vehicles to alternative off-street parking lots when alternatives are available. Parking for said events shall not occur in the surrounding neighborhoods.
18. The operator of the Religious Facility shall obtain a quarterly schedule of events occurring at the Gamble House and Westmoreland Academy for which attendance is anticipated to be greater than 150 people.
19. The operator of the Religious Facility shall not schedule an event or of multiple concurrent events or activities exceeding 150 people when the Gamble House or Westmoreland Academy schedule an event for which attendance is anticipated to be greater than 150 people.
20. The operator of the Religious Facility shall publish a monthly schedule of scheduled events and shall make the schedule available to all neighboring property owners on Arroyo Terrace, Bellmore Way, Scott Place, the Gamble House, Westmoreland Academy and all interested parties at no cost.



21. The operator of the Religious Facility shall notify all neighboring property owners on Arroyo Terrace, Bellmore Way, Scott Place, the Gamble House, Westmoreland Academy, Orange Grove Village residents, the Zoning Administrator and all interested parties 14 days in advance of any events anticipated to exceed 150 people, with the exception of religious ceremonies related to death or sudden tragedy, in which case notice is required as soon as reasonably possible.
22. There shall be no events scheduled during Monday through Friday prior to 6:30 p.m. After the Child Day Care Center has vacated the site, no events shall be scheduled during Monday through Friday prior to 5:00 p.m. The Religious Facility use shall be limited to regular business office activities located only in the building identified on the approved plans as the "Neighborhood House", except on days when the Private School is not operating on-site and for one small religious worship, pastoral, or spiritual practice activity per day not to exceed 20 attendees."
23. Activities unrelated to the Private School, with the exception of administrative office activities for the Religious Facility, shall be limited to a maximum total of 100 people on the property and limited to the hours of 6:30 p.m. to 9:45 p.m. on Monday through Thursday when the Private School is operating on-site and from 6:30 p.m. to 10:00 p.m. on Fridays when the Private School is operating on-site. After the Child Day Care Center has vacated the site, these activities are limited to the hours of 5:00 p.m. to 9:45 p.m. on Monday through Thursday when the Private School is operating on-site and from 5:00 p.m. to 10:00 p.m. on Fridays when the Private School is operating on-site.
24. The operator of the Religious Facility use shall provide a map identifying approved parking areas. To the extent feasible, the operator shall provide all visitors, members and non-member groups a copy of the map at no cost. A copy of the map shall be provided to the Zoning Administrator.
25. Distilled spirits shall not be served at any event on the site. Beer and wine may be served at events provided that the service of beer and wine shall terminate at 10:00 p.m.
26. Music in the outdoor gardens shall be terminated at 9:00 p.m., and shall be directed away from the southern and western property lines.
27. Indoor amplified music shall be terminated at 11:00 p.m. on Saturdays, and any other day that the events are permitted to operate until 11:00 p.m.
28. For events where music is provided or where beer and wine is served, an event coordinator and a security officer shall supervise the event and ensure compliance with noise and alcohol restrictions. The event coordinator and the security officer shall be easily identifiable (e.g. clothing, vest, etc.).
29. All off-street parking requirements shall conform to the requirements of Chapter 17.46 (Parking and Loading) of the Zoning Code.
30. Vehicle circulation and vehicle loading and unloading for the Private School and land use shall only occur as depicted in the approved site plan stamped "Approved at Hearing August 18, 2016", unless and only as modified by the final traffic management plan reviewed and approved by the Department of Transportation.

31. All staff and visitors of the Private School shall park in the intended parking on site or in the designated offsite location for special events. Staff and visitors of the Private School shall not park in the surrounding residential neighborhoods.
32. Informational packets shall be distributed to the parents of all students of the Private School and posted on the school website stating instructions for drop-off/pick-up procedures to direct parents to remain in the queue until the car in front of them pulls away. Students shall be directed to exit and enter vehicles quickly. Parents who arrive early for pick-up shall be directed to turn off their engines while waiting. A copy of the information packet shall be submitted to Zoning Administrator to verify compliance.
33. A carpooling program shall be implemented for the Private School, and a carpooling coordinator shall be designated by the school to coordinate and oversee the implementation and operation of the carpooling program, including providing assistance in matching families and students for carpooling purposes. An ongoing address-matching database shall be in place in the school office throughout the school year. A copy of the carpooling program shall be submitted to Zoning Administrator to verify compliance.
34. Prior to the start of each school year, the Private School shall distribute information packets to each student family fully describing the carpooling program. This information shall be included in all enrollment packages, parent/student orientation and back-to-school night events.
35. The maximum number of staff employed by the Private School on-site shall not exceed 26 without modification of the Conditional Use Permit.
36. The applicant and all user of the site shall adhere to the City's noise regulations as specified in Section 9.36 of the Pasadena Municipal Code.
37. The hours of operation for the Private School shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday.
38. Private School students shall be prohibited from driving to school and shall not park on site, or in the surrounding residential neighborhood or any public street offsite within one half mile. This shall be a component of the contract between the Private School and students enrolled in the school.
39. The Religious Facility operator shall require that any smoking on-site shall occur a minimum of 100 feet from any residential property line. Signs shall be posted throughout the site to the satisfaction of the Zoning Administrator.
40. The applicant shall conduct one community meeting annually, the purpose of which is to solicit input concerning the impacts of activities conducted on-site upon surrounding residents. The location, date, and time of each community meeting shall be in consultation with, and subject to the approval of, the Zoning Administrator. The operator of the Religious Facility shall notify all neighboring property owners on Arroyo Terrace, Bellmore Way, Scott Place, the Gamble House, Westmoreland Academy, Orange Grove Village residents, the Zoning Administrator and all interested parties 14 days in advance of the annual community meeting. The meeting shall be attended by representatives of the Religious Facility and the Private School.

41. On its website, the applicant shall provide a telephone number (or telephone numbers) which individuals can call to express concerns about events or activities on the subject property. During all events on the subject property, the applicant shall have a live person answering this telephone.
42. The applicant shall maintain a schedule of events, which it shall post on its website. The website shall indicate whether amplified music and/or sound is permitted for each event. The schedule of events on the website shall be updated regularly, but no less than once per week.
43. The applicant shall maintain a written record of all complaints. This record shall identify the complainant, the date and time the complaint was received, the nature of the complaint, how the complaint was addressed or resolved, and the date and time the complainant was notified of how the complaint was addressed/resolved. A copy of this record shall be provided to the Planning and Community Development Department on a quarterly basis.
44. The applicant shall cooperate in good faith, and not oppose, any and all efforts by its neighbors to secure approval of a preferential parking district (or districts), or equivalent, on any of the streets near the subject property (this includes, but is not limited to, Arroyo Terrace, Scott Place, Orange Grove Boulevard, Bellmore Way, and Walnut Street).
45. Until the Child Day Care Center vacates the site, the applicant shall provide signage restricting the 14 parking spaces devoted to short-term drop-off and pickup parking only during the designated drop-off and pickup parking times (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).

#### Department of Transportation

46. Within 90 days of the effective date of this approval, the applicant shall submit a traffic management plan analyzing the proposed student drop-off and pick-up activities for the school.
  - a) The plan should identify a traffic/parking coordinator and provide a contact phone number in order for the public to communicate any particular school-related traffic issues and parking questions.
  - b) The traffic management plan shall lay out the vehicle path to and from the site. Appropriate stacking length shall be accommodated on-site. Drop off and pick-up activities shall not interrupt traffic on City streets.
  - c) The applicant shall coordinate the restriping of Orange Grove Blvd between Walnut Street and Prospect Blvd to allow for a northbound left turn lane providing access to the Westmoreland Place Driveway at Orange Grove Blvd. The applicant shall be responsible for the design and installation of the northbound left turn lane.
  - d) The traffic management plan shall be reviewed and approved by the Department of Transportation.

#### Building and Safety Division

47. Governing Codes: Current Edition of 2016 California Residential Code, 2016 California Building Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, 2016 California Energy Code, California Green Building Standard Code.& the City of Pasadena Municipal Code

The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.

48. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Description of use, Occupancy, whether separated or un-separated, number of stories, type of construction, sprinklers, floor area, height, and allowable floor area.
49. Means of Egress (Exiting):
  - a) Show an exit plan that labels and clearly shows compliance with all required egress features such as, but not limited to, common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc. [CBC 1001.1]
  - b) Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings
  - c) Primary accessible path of travel shall include a primary entrance to the building or facility; toilet and bathing facilities serving the area; drinking fountains serving the area; public telephones serving the area, and signs. CBC 2016 chapter 11A
50. Low Impact Development (LID) Plan / Standard Urban Stormwater Mitigation Plan (SUSMP) and Stormwater Pollution Prevention Plan (SWPPP): See attached city of Pasadena guideline for LID/SUSMP requirements. For more details, see City link for LID: <http://cityofpasadena.net/Planning/LID/>
51. Parking Spaces: Where parking spaces are provided, accessible parking spaces shall be provided in number and kind required per CBC 2016 11A
52. Permit (s): Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Others.

#### Public Works Department

53. A separate permit from the Department of Public Works is required for all construction in the public right-of-way. Please contact 626-744-4195 for the general process.