

PLANNING COMMISSION

Agenda Item No.: _____

Date: January 12, 2010

CASE NUMBER: PHG 09-0046

APPLICANT: The Classical Academy

LOCATION: On the southern side of Washington Avenue, and the northern side of Woodward Avenue, between Escondido Boulevard and Broadway, addressed as 235 and 237 West Washington Avenue, and 120-146 Woodward Avenue.

TYPE OF PROJECT: Modification to Conditional Use Permit and Modification to Joint-Use Parking Agreement

PROJECT DESCRIPTION: A request for a modification to a previously approved Conditional Use Permit (PHG 08-0030) for an existing charter high school. The modification would include removing the properties at 120 Woodward Avenue and 235 West Washington Avenue from the Conditional Use Permit. In addition, the Conditional Use Permit would be expanded to include the properties at 130 and 140 Woodward Avenue. The building at 140 Woodward is proposed to be acquired by the school for use by its program, and the school proposes to utilize approximately 4,000 SF of leased space for classrooms and other assembly within the existing church at 130 Woodward Avenue. The request also includes a modification to an existing Joint-Use Parking Agreement to allow up to 47 of the required parking spaces for the high school to be provided by the North County Church of Christ, located at 130 Woodward Avenue. The maximum number of students enrolled in the school would remain 250.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Specific Planning Area #9
Tier 1-Central subarea

ZONING: Park View District of Interim Downtown Specific Plan

BACKGROUND/SUMMARY OF ISSUES: In February, 2000, the Planning Commission approved a Conditional Use Permit (99-54-CUP) allowing the Classical Academy to locate a charter elementary school within two buildings occupied by the North County Church of Christ on Woodward Avenue. The school was originally approved for up to 180 students, including 20 students per grade level (grades K-8).

In 2002, the Planning Commission approved a modification to the approved Conditional Use Permit (2002-09-CUP) to use a vacant, 4,000 SF building at 146 Woodward Avenue, west of their existing location in the church; an existing 2,609 SF office building at 120 Woodward Avenue, to the east of the church, for an administration office; and the vacant property adjacent to that parcel for an outdoor play area. The previously approved areas within the church facility would no longer be used for part of the school.

The Classical Academy moved its elementary and middle schools to an existing school site at 2950 Bear Valley Parkway for the 2006-2007 school year and modified the previous CUP (2006-30-CUP) to operate a Classical Academy charter high school at the Woodward Avenue properties. The project was approved by the Planning Commission on August 8, 2006. The school continued to accommodate up to 180 students, but required additional parking due to the age of the students. A Joint-Use Parking Agreement was approved in conjunction with the CUP modification for the use of 30

parking spaces at the North County Church of Christ during the weekdays when use of the church is limited. A 3,139 SF building located at 144 Woodward Avenue (between the church and the existing school) was approved to be utilized for additional classroom space, in addition to the existing school buildings at 120 and 146 Woodward Avenue.

A CUP modification (PHG 08-0030) was approved by the Planning Commission on October 14, 2008, to expand the school into two additional buildings and increase the maximum enrollment to 250 students. The modification allowed the school to utilize space in the existing commercial buildings at 235 and 237 West Washington, adjacent to the existing school. A modification to the existing Joint-Use Parking Agreement with the church, for a total of 40 spaces, also was approved to provide additional parking spaces for the increased number of students.

The operators of Classical Academy are requesting a modification to their CUP to remove two parcels and add two new parcels for use by the high school. The building at 120 Woodward would be eliminated from the CUP due to its recent sale by the school. In addition, the building at 235 West Washington Avenue would be removed from the CUP since the Classical Academy did not reach an agreement with its owners for its use. The Classical Academy is adding the building at 140 Woodward Avenue and the church building at 130 Woodward Avenue to its CUP. They propose to utilize 4,000 SF within the church and the entire building at 140 Woodward for school purposes. A modification to the existing Joint-Use Parking Agreement with the church also is proposed since the number of parking spaces previously provided for the school is being reduced.

Staff feels that the issues are as follow:

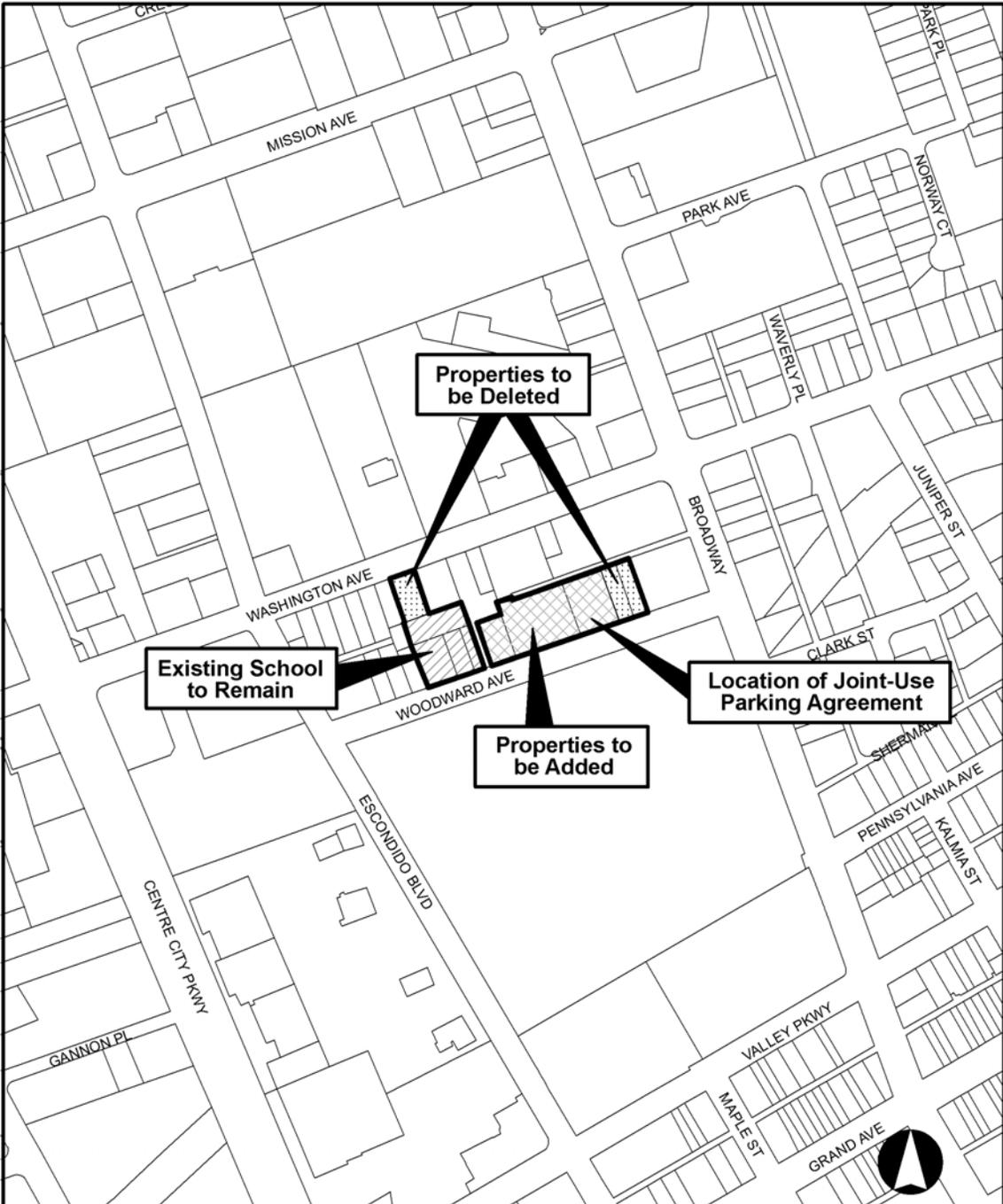
1. Whether there would be adequate parking available for the high school with the proposed modification to the Conditional Use Permit.

REASON FOR STAFF RECOMMENDATION:

1. The Zoning Code would require a total of 103 parking spaces for a maximum of 250 high school students and 20 employees. With the proposed reconfiguration of the school properties there are a total of 36 parking spaces on-site in addition to 40 spaces that were previously approved through a Joint-Use Agreement with the church, for a total of 76 spaces devoted to the high school. The church continues to have minimal staffing on weekdays when the school would be open. An Amendment to the Joint-Use Parking Agreement would add seven additional spaces for a total of 83 available spaces. The operators of the Classical Academy have provided information indicating that although the maximum enrollment is 250 students, there are no more than 180 students on the campus at any time. Based on a maximum of 180 students, the overall parking requirement would be 80 spaces, which is less than the 83 spaces provided for the school. Staff recommends modifying the Joint-Use Agreement because there have been no issues with the existing joint-use arrangement and adequate church spaces remain available for their weekly office staff.

Respectfully submitted,

Kristina Owens
Assistant Planner II

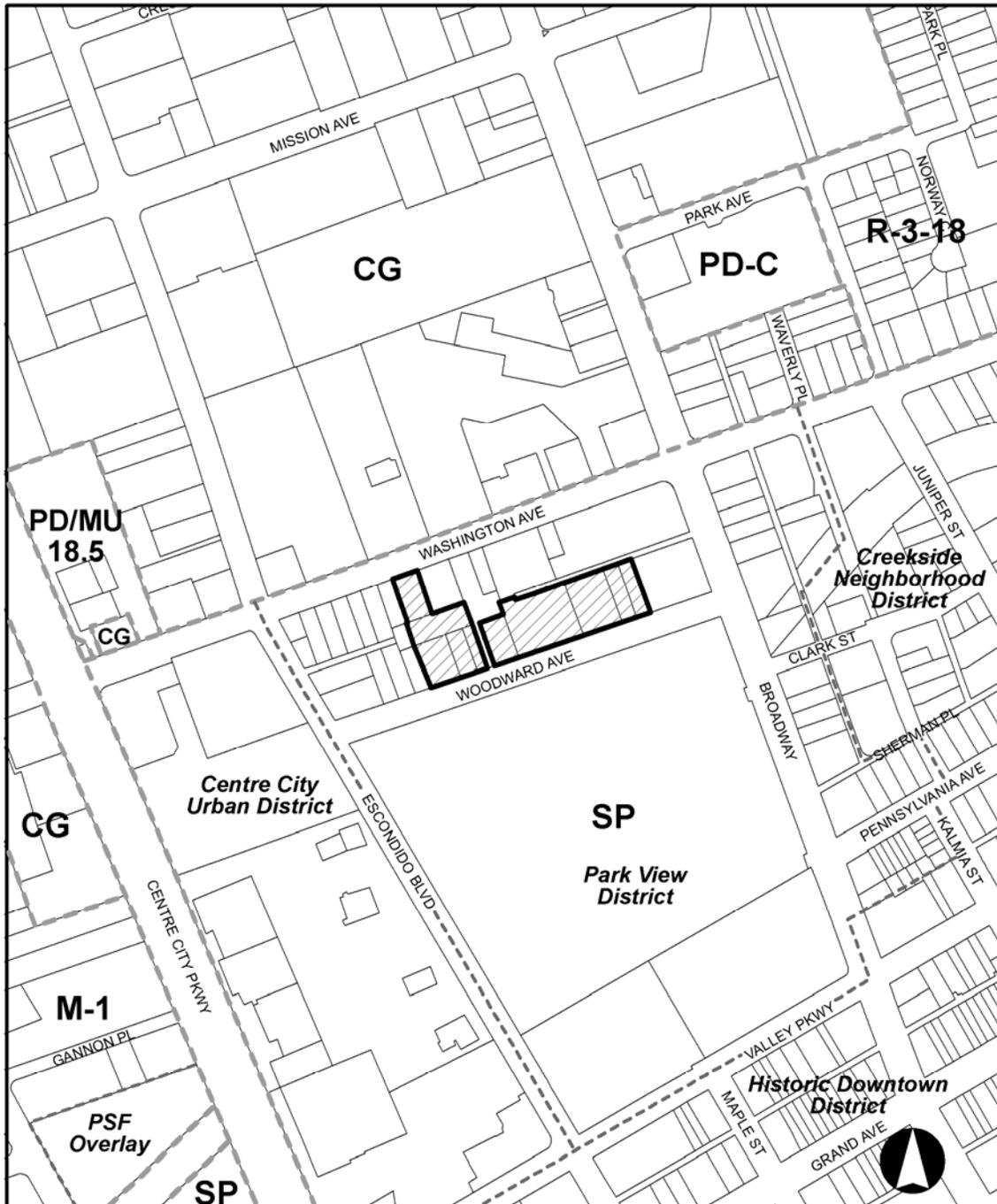


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**PROPOSED PROJECT
PHG 09-0046**



LOCATION

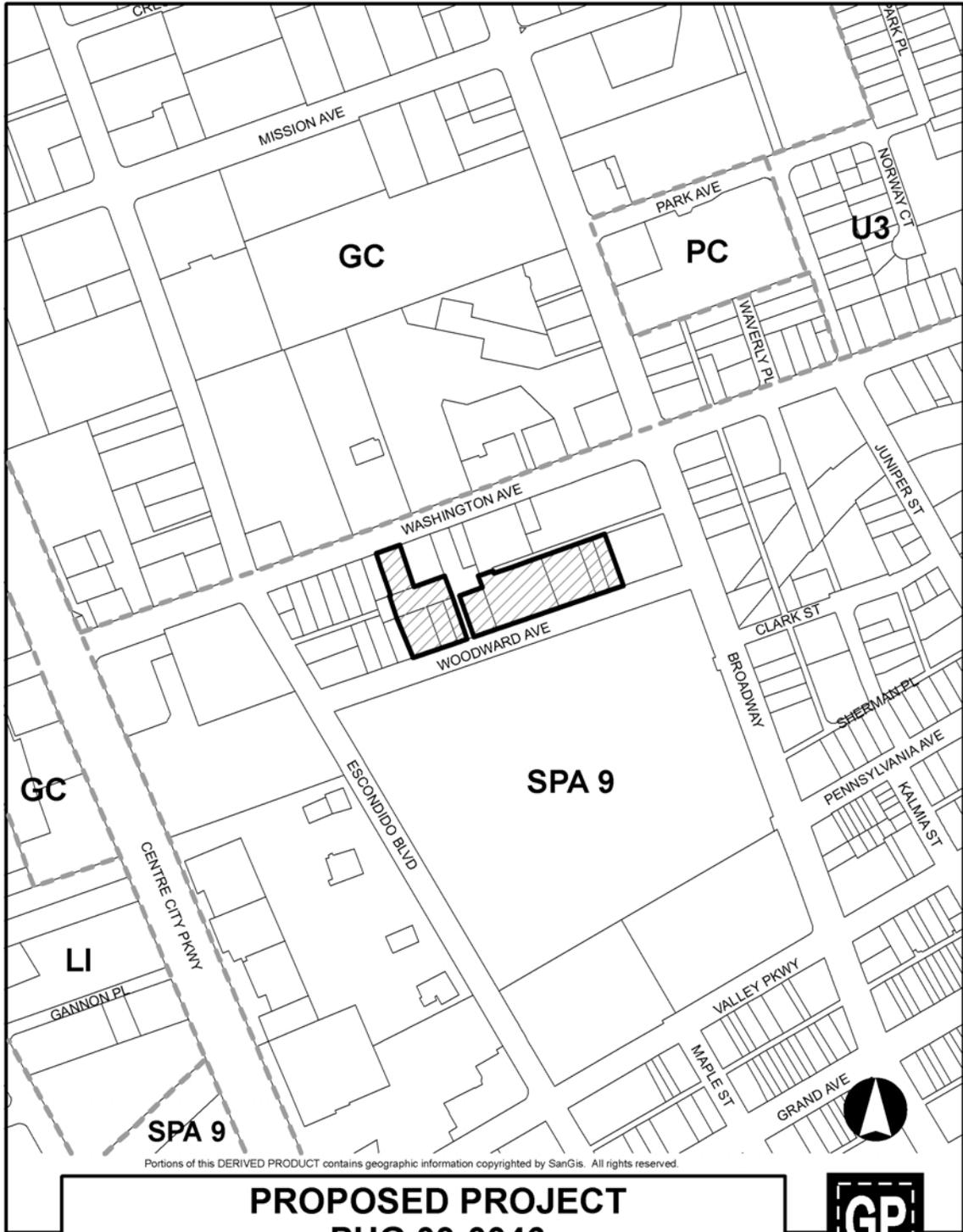


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**PROPOSED PROJECT
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LOCATION/ZONING



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**PROPOSED PROJECT
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ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH –Park View District of the Interim Downtown Specific Plan and CG (General Commercial) zone/ Existing commercial buildings are located north of some of the school buildings, on the south side of Washington Avenue. An existing commercial shopping center is located farther to the north of the site, across Washington Avenue.

SOUTH – Park View District of the Interim Downtown Specific Plan zoning/ A public parking lot, swimming pool, and City Hall are located to the south of the site, on the south side of Woodward Avenue.

EAST - Park View District of the Interim Downtown Specific Plan zoning/ Existing commercial businesses are located to the east of the site.

WEST - Park View District of the Interim Downtown Specific Plan zoning/ Existing commercial uses are located to the west of the site.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has expressed no concern regarding its ability to provide service to the site.

2. Effect on Fire Service – The site is served by Fire Station No. 1 at 310 North Quince Street, which is within the response time specified for urbanized areas in the General Plan. The modification to the Conditional Use Permit would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that the existing gate between 146 Woodward and 235-237 West Washington Avenue would be required to remain open during school hours or have a Fire Department approved Knox box. All buildings used for classroom purposes will be required to upgrade to an “E” occupancy for educational facilities, to the satisfaction of the Fire Department. The Fire Department has indicated that adequate services can continue to be provided to the site and the proposed project would not impact levels of service.

3. Traffic – The school fronts on and takes access from Woodward Avenue, which is unclassified in the City’s General Plan Circulation Element. The proposed Conditional Use Permit modification would not add any additional Average Daily Trips (ADTs) to the roadway, since there would be no increase in the number of students or teachers. According to the Engineering Services Division, the project does not materially degrade the levels of service on adjacent streets.

4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining street or easement. The project does not materially degrade the levels of service of the public sewer or water systems.

5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. Runoff from the project will continue to be directed into a series of BMP treatment swales and/or inlet filter systems to separate targeted pollutants from the runoff before it leaves the site. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. In accordance with CEQA Section 15301, Class 1, “Existing Facilities”, a Notice of Exemption was issued on December 28, 2009.

2. In staff’s opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan land use designation on the site is Specific Planning Area #9, which allows for a wide variety of commercial, residential, and mixed-uses through implementation of the Interim Downtown Specific Plan. The proposed Conditional Use Permit modification would be consistent with the General Plan, since secondary education facilities are permitted in the Park View District with a Conditional Use Permit and an existing high school is located on the site.

Downtown Specific Plan

City staff has been evaluating the Interim Downtown Specific Plan (IDSP) and recommending revisions that reflect the current vision for downtown. One of the recommendations is to expand Grape Day Park to Washington Avenue, potentially closing or partially closing Woodward Avenue, which would be further analyzed as part of the Citywide General Plan update. If approved, the expansion could provide opportunities for new uses within and surrounding the park. There is no intent to condemn properties, but there could be a limitation on physical expansions of existing buildings. Approving the proposed Conditional Use Permit would not be in conflict with potential revisions to the IDSP, since the CUP would involve utilization of existing buildings and no large capital expenditures on new facilities. In addition, a school is listed as a conditionally permitted use in the Park View District and that is not expected to change.

Whether There Would be Adequate Parking Available for the High School with the Proposed Modification to the Conditional Use Permit

The Classical Academy has operated its charter high school on Woodward Avenue since 2006, encompassing various buildings at different times. The Classical Academy operated a charter elementary and middle school for several years at the site prior to that. The maximum number of students enrolled at the high school is 250, with 20 staff members. The proposed Conditional Use Permit modification involves removing and adding buildings to the school and the CUP. The building at 235 West Washington Avenue is being removed from use by the school since an agreement between property owners for its use was never reached. The building at 120 Woodward Avenue also is being removed from the CUP due to its sale by the Classical Academy. In order to maintain adequate space for the school functions the Classical Academy also is proposing to add space to the school. They would utilize the entire building at 140 Woodward Avenue and would lease approximately 4,000 SF within the existing church at 130 Woodward Avenue. It is anticipated that both buildings would be used for classrooms and other assembly space.

Several parking spaces currently used by the school would be lost with the removal of properties from the school CUP, including 24 spaces at 120 Woodward Avenue and 23 spaces at 235-237 West Washington Avenue. Article 39 of the Zoning Code (Off-Street Parking) requires one parking space per employee and faculty member, and one space for every three students for a high school, due to the age of students and their ability to drive. Previously, a total of 103 parking spaces were required for 250 students and 20 staff. 106 spaces were provided for the use of the school, including 40 spaces through a Joint-Use agreement with the adjacent church. Now, ten spaces are available at 146 Woodward Avenue, 16 spaces are available at 144 Woodward, and one space is available at 237 West Washington. Nine spaces would be available at 140 Woodward, for a total of 36 spaces provided on-site. The existing Joint-Use Parking Agreement between the school and the church allows the school to use up to 40 parking spaces. The church has agreed to amend the agreement to allow the school to utilize up to 47 parking spaces, for a total of 83 spaces provided for the school.

A charter high school typically does not have the same large facilities, such as athletic fields and auditoriums, as a traditional high school, and is smaller in nature. The focus at the Classical Academy High School is personalized, individual learning. Some students attend an on-site workshop program, some participate in full-time home study and some incorporate a combination of both learning methods. The students have the option of attending workshops on campus four days per week, attending some workshops combined with some classes at a local community college, or doing full-time independent study. For all of these reasons the Classical Academy indicates that although the registered enrollment is 250 students, there are never more than 180 students on the campus at any time. They have provided enrollment information from their registrar showing an average of 120-165 students on the campus at any time throughout the day. For this reason they are requesting the flexibility to provide parking based on the maximum number of students

on campus at any time, rather than the maximum enrollment. Staff is recommending approval of this parking concept, provided an on-site cap of 180 students is established as shown in the attached conditions of approval.

Section 33-773 of the Zoning Code and the Interim Downtown Specific Plan allow the Planning Commission to approve a Joint Use Parking Agreement. A portion of the number of spaces required for a use may be provided by another facility when one use is considered to be primarily a daytime use and the other primarily a nighttime use, or when one use is considered to be primarily a Sunday use. There shall not be a substantial conflict in principal operating hours of the building or uses, and the parking facilities shall be located within 0.25 mile of the building or use in need of the agreement. The North County Church of Christ has church services on Sundays, and Wednesday evenings from 7:00 p.m. 9:00 p.m. They also have business hours Monday-Friday from 8:00 a.m. to 5:00 p.m. During the week, the church indicates that it would have approximately seven employees on-site. A Joint-Use Agreement was approved by the Planning Commission and executed by the parties in 2008 for the use of 40 parking spaces on the church property by the Classical Academy. The church is offering an additional seven spaces for a total of 47 spaces through a revised Joint-Use Agreement. There are 54 parking spaces available on the church property. Approximately 7 parking spaces would remain available on the property on weekdays, in addition to those used by the school, leaving an adequate number of spaces available for weekday uses at the church. With the amended agreement, the school would have the use of 83 total parking spaces where 80 are required.

Staff feels that the flexible parking calculation is appropriate for the charter school due to its unique characteristics and the existence of the Joint-Use Parking agreement with the church.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The subject site is fairly level and has been developed with various, existing commercial buildings, associated paved parking, and ornamental vegetation. Access to the site is from multiple driveways on Woodward Avenue, and access is available to 237 West Washington Avenue from a driveway on Washington Avenue. The site is surrounded on three sides by commercial properties and on the south by Grape Day Park, City Hall and associated parking. There is no native vegetation on any of the subject sites.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size (Approx.):	130 Woodward:	56,195 SF
	140 Woodward:	10,500 SF
	144 Woodward:	11,900 SF
	146 Woodward:	13,300 SF
	237 Washington:	13,690 SF

2. Building Size:

237 W Washington (offices)	1,400 SF
130 Woodward (classrooms/assembly)	4,000 SF (w/i church)
140 Woodward (classrooms)	1,600 SF
144 W. Woodward (classrooms/offices):	3,139 SF
146 W Woodward (classrooms/offices):	4,075 SF

3. Hours of Operation: Monday-Friday, 7:30 a.m.-5:00 p.m.

4. Employees: 20

5. Number of Students: 250 maximum enrollment
180 maximum on campus at any time

C. CODE COMPLIANCE ANALYSIS:

	<u>Required</u>	<u>Provided</u>
1. Parking:	1/employee = 20	10 existing (146 Woodward)
		16 existing (144 Woodward)
	1/ 3 students = 180/3 = 60	9 existing (140 Woodward)
	(Maximum on site at	1 existing (235 & 237 W Washington)
	Any time)	<u>47 Joint-Use adjacent church*</u>
	Total: 80 spaces	83 spaces

*The school and church have an existing "Joint Use" agreement for parking (which would be modified) to benefit the school, due to the staggered hours of the uses.

**FINDINGS OF FACT
PHG09-0046
EXHIBIT "A"**

Conditional Use Permit

1. Granting the proposed Conditional Use Permit would be based upon sound principles of land use and in response to services required by the community since the site is zoned for commercial uses, including a secondary school with a Conditional Use Permit. A school has been located on Woodward Avenue since 2000 with no problems noted. The modification involves adding and removing parcels from the CUP, and relocating space used for classrooms and offices for the school to other buildings. The maximum enrollment is not proposed to change. Utilization of proposed structures would allow the Classical Academy High School to continue to provide the community with an alternative to a traditional high school. Adequate parking would be available to support the use on the site and on an adjacent property, and the use would comply with all Building, Fire and Zoning Code requirements.
2. The proposed use would not cause a deterioration of bordering land uses or create special problems in the area in which it is located, since the site and the surrounding area are zoned commercial and the capacity of the school is not changing. There is adequate parking available within the site and adjacent to the site to accommodate the existing number of students and staff, with approval of the proposed modification to the Joint-Use Parking Agreement with the adjacent church. The modification to the Agreement would be appropriate since the parking at the church is adjacent to the school, there is no conflict in the hours of operation between the two uses, and adequate parking would remain for church uses during the weekdays. In addition, the area used for the school would continue to be required to meet all Zoning, Fire and Building Codes.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood and has been determined to be compatible with the surrounding properties. The site and surrounding properties are zoned commercial and portions of the site have been used for a school since 2000. Adequate parking would be available on and adjacent to the site and the building and site would be upgraded to meet Fire and Building Code requirements.

**CONDITIONS OF APPROVAL
PHG09-0046
EXHIBIT "B"**

General

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
5. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to Building Permit issuance. The ordinance requires that a public art fee be added at the time of the Building Permit issuance for the purpose of participating in the City Public Art Program.
6. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage shall conform to the Escondido Sign Ordinance (Article 66, Escondido Zoning Code) and the Interim Downtown Specific Plan.
7. As proposed, a minimum of 36 striped parking spaces shall be provided on the school properties, as well as 47 spaces on the church property, as specified in the Details of Request. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces and access aisle) in full compliance with section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
9. Prior to utilization of this CUP modification to utilize additional properties for the high school or issuance of any building permits for tenant improvements at 130 and 140 Woodward Avenue, a revised Joint-Use Parking Agreement between the Classical Academy and North County Church of Christ for the use of 47 parking spaces by the Academy shall be executed to the satisfaction of the Planning Division.
10. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
11. All new utilities shall be underground.
12. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
13. This CUP shall become null and void unless utilized within twelve months of the effective date of this approval.
14. The uses and design of the project shall conform to the exhibits and references in the staff report, and the Details of Request and Conditions of Approval contained within this report, to the satisfaction of the Planning Division.

15. All existing vegetation required as part of previous project approvals, shall be maintained in a flourishing manner and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All existing irrigation shall be maintained in fully operational condition.
16. Approval of this Conditional Use Permit does not supercede any previous approval or conditions for the Classical Academy. All previous conditions for those cases still apply. Unless modified herein, all previous conditions of 99-54-CUP, 2002-09-CUP, 2006-30-CUP and PHG 08-0030 shall remain in effect.
17. All trash enclosures on the school site shall meet the City's Stormwater Management requirements, including a cover and/or a connection to the sewer system, to the satisfaction of the Engineering Division. The design, materials and location of the enclosures shall be to the satisfaction of the Planning Division. Trash enclosures shall be of a size capable of containing recyclables, to the satisfaction of Escondido Disposal Inc.
18. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.
19. As proposed, no more than 180 students are permitted on the campus at any time.

Building Division Conditions

1. Prior to expansion of the school into 140 Woodward Avenue, a Change of Occupancy to school use shall be obtained from the Building Division, to the satisfaction of the Building Official.

Fire Department Conditions

1. The gate between 146 Woodward Avenue and Washington Avenue (and any other gated entrances on the site) shall be locked open during the hours the school is open, or a Knox box shall be installed, and shown on the plans. A sign shall be posted at the site indicating this requirement.