

**STAFF ANALYSIS**  
**PROJECT NUMBER R2008-00040 (5)**  
**CONDITIONAL USE PERMIT 200800004 (5)**

**ENTITLEMENT REQUESTED**

The applicant is requesting to renew the Conditional Use Permit for the continued use of an early childhood educational center.

**OVERVIEW OF PROPOSED PROJECT**

The applicant, Arcadia Children's Educational Center, is requesting renewal of Conditional Use Permit 96-110 for the operation and maintenance of a day care center for 100 children. The subject lot is 39,000 square feet (100x130). The project entails 3 one story buildings and 18 parking spaces including three for accessible parking. The subject property is accessible through Lemon Avenue to the south.

**DESCRIPTION OF SUBJECT PROPERTY**

Location

The site is located at 9845 Lemon Avenue in Arcadia in the S Santa Anita – Temple City Zoned District and East Pasadena -E San Gabriel Community Standards District within the unincorporated Los Angeles County in the Community of East Pasadena – E San Gabriel.

**EXISTING ZONING**

Subject Property

The subject property is zoned R-A (Residential Agriculture).

**Surrounding Properties**

Surrounding properties are also zoned R-A to the north, east and south and Temple City to the south. The City of Arcadia is located about 100 feet to the east.

**EXISTING LAND USES**

**Subject Property**

The subject property is currently used as a day care and educational center.

**Surrounding Properties**

Single family residences and condominiums are located to the north, south, east and west of the subject property.

North: Single Family Dwelling

South: Triplex Dwelling units

East: Single Family Dwelling

West: Condominium

**PREVIOUS CASES/ZONING HISTORY**

Zone Exception Case No 3468: Established the use of the school and additions to an existing elementary school and was approved by the Regional Planning Commission on September 10, 1958.

Zone Exception Case No 7640: Allowed the construction of 2 additional classrooms and expansion of the student enrollment to 90 students on May 4, 1965.

CUP 2197: Approved by the Regional Planning Commission allowed to construct a one story building containing 5 additional classrooms and to continue the operation of the existing day nursery.

Revised Exhibit "A"- Approved a monument sign located at 15 feet from the driveway and 6 feet from the sidewalk on Lemon Avenue.

CUP 96-110: Case approved for a maximum capacity of 100 students and a minimum of 17 parking spaces with 26 feet turnaround space in the parking lot. The hours of operation for the day nursery were limited to 7:00 am to 6:00 pm Monday through Friday. The Conditional Use Permit expired on November 19, 2006. The applicant filed for a renewal on December 20, 2007.

#### **East Pasadena – East San Gabriel Community Standards District**

The existing educational center complies with the East Pasadena – East San Gabriel Community Standards District guidelines. The Los Angeles Code Section 22.44.135.D establishes the development standards for properties located within the R-A zone.

<b>FEATURES</b>	<b>CSD</b>	<b>EXISTING</b>
Minimum Street Frontage	80 feet	130 feet
Minimum Average Lot Width	100 feet	130 feet
Maximum Height	35 feet	16 feet
Minimum Rear Yard Depth	35 feet	35 feet

*The 39,000 square foot lot for the Children's Educational Center has 130 feet in and the front yard depth is 29 feet, the rear setback is 75 feet, the distance between the buildings exceeds 10 feet. However, the north setback is 4'8" to 5'5". The CSD requires a minimum setback of 5 feet or 10 percent of the width of the lot. Also, the maximum lot coverage shall not exceed 9000 square feet. However, the improvements were constructed prior to the adoption of the CSD in 2002. Staff found some inconsistencies in regards to county records and permits obtained from Building and Safety with the approval from Regional Planning.*

*Staff recommends that a new site plan be submitted showing the exact dimensions of the existing buildings and the total square footage. Also, any future additions or modifications shall be subject to Regional Planning approval.*

#### **General Plan and Zoning Standards**

The site is part of Los Angeles County General Plan under category 1. This Category is suitable for low density residential, single family detached housing units, including large

lot estates and typical suburban tract developments. The density is typically range from one to six units per gross acre. The following land use policies apply to the subject property:

1. Give priority to upgrading existing facilities and services in areas needing or undergoing revitalization or lacking adequate facilities. G.7.37.
2. Encourage the development of regional multipurpose centers that provide a diversity of public and private services to the communities they serve G.8.49
3. Improve the quality and accessibility of critical urban services including crime control, health, recreational and educational services. G.9.62

*The child care educational center provides services for working families with children under 5 years old by providing a child care and school facility for the surrounding community.*

4. Pursuant to Section 22.52.1105 "A child care center shall have one parking space for each staff member and any motor vehicle used directly in conducting such use. In addition, each child care center shall have one parking space for each 20 children for whom a license has been issued by the state of California.

*The applicant's agent provided a letter from the school stating that the number of students fluctuates between 85 to 90 students and that there are between 12 to 13 staff members on site during the day. This requires about 17.5 parking spaces and Arcadia's Children Educational Center has currently 17 parking spaces. Also, previous condition required a minimum of 17 parking spaces and it appears parking has not been an issue.*

#### **SITE PLAN**

The submitted site plan depicts the existing 8,029 square feet of three school buildings separated by concrete pavements within a total of 39,000 (130X300) square foot lot. The site plan indicates some inconsistencies in terms of built area. Staff requests that the applicant provide new plans to show the total built area and the existing floor area as built for each building.

The site has 17 parking spaces including three for accessible use. The access to the site is via Lemon Avenue and has 29 feet in width providing an egress and ingress access. The parking plan has been revised to allow more turn around space and is consistent with the previous condition #9.b requiring "not less than 17 parking spaces shall be provided with 26 feet for turnaround space." The site has play area on the north side including sand box, play equipment, play house, and two portable sheds surrounded by landscaping and concrete pavements. The trash enclosure is behind the parking area next to the play house.

**BURDEN OF PROOF**

Conditional Use Permit

Pursuant to Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer, the following facts:

- A. That the requested use at the location proposed will not:
  - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  - 2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached.

**ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary Resources or by local guidelines. A class 1-Existing Structures is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

**SITE VISIT**

Staff visited the site on November 20, 2008. Parking spaces number 2, 3, and 4 have been modified and replaced by one parking space situated at the continuity of parking number 1 and at a 90 degree angle from parking space number 5. As per the applicant this allows the facility to have greater vehicle circulation. There are a total of 17 parking spaces on the site including one accessible parking. It appears parking has not been an issue in the past.

The day care center has 9 classrooms and most parents bring their children at 7:30 am and pick up between 3 to 5 pm. There is no drop off area, as children are 5 years old or younger and each parent is required to sign in/out everyday. The staff at the school stated that a few children leave the center at 6:30 pm. Staff requests that the operation

time to be extended to 6:30 pm. Also, that the outside play time starts between 9:15 to 9:30 am until 4:30 and until 5:00 pm during summer time.

There are three separate buildings each with 3 classrooms. According to school staff the classrooms are between 270 to 350 square feet and a total of 90 children are enrolled. The trash container is located behind the gate and it appears that is a convenient location. The facility contains restrooms, kitchen, eating area, lounge for employees and office space. There are solid masonry walls around the site at 5 feet to 5'8" in height to the north, west and south and a chain link fence to the east separating the school from the residential areas.

Also, staff found that the play ground equipment location has been changed but the total play area remains the same as shown on the site plan. Staff suggests that the hours of operation to be extended to 6:30 to allow parents to pick up their children after work.

### **PUBLIC COMMENTS**

Staff has received one phone call from a parent that had general concerns about the notice that was posted. Staff has not received any public comments in favor or against this project.

### **STAFF EVALUATION**

The applicant is requesting to renew the Conditional Use Permit for continued use of an existing day care center. The Conditional Use Permit expired on November 19, 2006 and the applicant applied for the renewal on December 20, 2007.

The child care center has 90 students currently enrolled between the ages of 2 and 5 years old. The existing parking configurations changed providing 17 parking spaces instead of 18 as shown in approved Exhibit "A." As per the school staff this new arrangement provides greater flexibility for cars to move and meets the required standards. A child care center is subject to a Conditional Use Permit in the R-A zone. The school is currently licensed by the State of California effective as of November 3, 2003. (See attached a copy).

The previous permit hours of operation for the day nursery was from 7:00 am to 6:00 pm, Monday – Friday; however; staff found that the school operates until 6:30 pm as a few parents pick up their children later in the afternoon. Staff requests that the previous condition be modified allowing school operation until 6:30 pm.

The existing site was established as an elementary school in 1958. The use has since been changed to day care nursery. There has been one violation in 1998 in regards to exceeding the number of students allowed to enroll. A letter dated January 19, 2009 from the Arcadia Children's Educational Center indicates that the enrollment of students in 2008 fluctuated between 85 to 90 students. Also, the school is open 11 hours per day and there are a maximum of 12 to 13 staff members on site at any given time.

**STAFF RECOMMENDATION**

Staff recommends approval of R2008-00040-(5) Conditional Use Permit 200800004 subject to the attached conditions.

Prepared by Jeantine Nazar, Regional Planning Assistant II

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits Section II

Attachments:

Draft Conditions

Draft Findings

Staff Report

Previous conditions

Environmental Documentation

Burden of Proof statements

Site Photographs