



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

April 4, 2012

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Thomas P. Clarke  
41 West Santa Clara Avenue  
Arcadia, CA 91006

**REGARDING: PROJECT NUMBER R2008-00985-(5)  
CONDITIONAL USE PERMIT NUMBER 201100002  
183 AND 205 EAST PALM STREET, ALTADENA**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, April 4, 2012, **DENIED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings relating to the denial.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, April 18, 2012.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

For further information on appeal procedures or any other matter pertaining to this project, please contact Anita Gutierrez of the Special Projects Section at (213) 974-4813 or by e-mail at [agutierrez@planning.lacounty.gov](mailto:agutierrez@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director

Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

Enclosures: Findings

c: BOS; Zoning Enforcement

SD:AG  
Hearing Footage: 04/04/2012-Item #6

# **FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2008-00985-(5)  
CONDITIONAL USE PERMIT NUMBER 201100002**

## **REQUEST**

The applicant, Thomas P. Clarke (Arroyo Pacific Inc.) proposes to establish a College Preparatory High School (9<sup>th</sup> through 12<sup>th</sup> grade), with a maximum of 200 students, 16 full-time teachers, and four administrative staff on a 3.4-acre site in the R-1-7,500 (Single-Family Residence, 7,500 sq. ft. minimum lot area) Zone. The applicant (Arroyo Pacific Academy) currently operates a campus in the City of Arcadia and the proposed Altadena campus would be an expansion beyond the school's current operation. The subject property is currently developed with an existing facility that was originally authorized to house a maximum of 84 children, age newborn to five years old with siblings up to eight years old in a group home setting. There are eight existing buildings on the project site, of which seven are proposed to be used as classrooms, the remaining building would be rented as a residence (currently a teacher from Arroyo Pacific's Arcadia campus rents the residence). No new construction is proposed, except for minor interior improvements.

**REGIONAL PLANNING COMMISSION HEARING DATE: April 4, 2012**

## **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

A duly noticed public hearing was held on April 4, 2012 before the Regional Planning Commission. All Commissioners were present, no Commissioners were absent. The applicant Phillip Clarke and his representatives, Elizabeth Hanks and Giancarlo Ganddini presented testimony in favor of the request and answered questions presented by the Commission.

Twenty-five people spoke in opposition to the project citing concerns with increased traffic and pedestrian safety on Palm Street, impacts to the enjoyment of their property from increased noise level in the community, impacts to the quality of life, and change in character to the neighborhood.

Three representatives from the Altadena Town Council spoke in opposition to the project citing conflicts with the applicant's proposal and the policies and intent of the Altadena Community Plan and the intensification of an incompatible institutional use in a low density residential neighborhood.

Fifteen people spoke in favor of the project stating benefits of the proposal and the excellent track records of the operator and that there are not traffic and noise problems at the existing campus in the City of Arcadia. Other reasons for support included: the site is already built out for an institutional use, traffic concerns have been addressed by on-site queuing for effective for drop-off and pick-up.

The Commission asked the applicant questions about the side yard setbacks, proximity of buildings to residences, number of student drivers, traffic levels at pick-up time, queuing capacity with 250 students and staggered start times. The applicant and staff provided responses.

There being no further testimony, the Regional Planning Commission, after discussion regarding the impacts and benefits of the proposal, finds that the applicants request to develop a school for 200 students to be incompatible with the existing land use patterns of the community, closed the public hearing and voted to deny the permit.

### **FINDINGS**

1. The subject property is located at 183-205 East Palm Street, Altadena. The two closest major cross streets are Fair Oaks Avenue to the West and Marengo Avenue to the East. The project site is comprised of two separate parcels (APNs 5833-019-035 and 5833-019-031, approximately 2.8 acres and 0.59 acres respectively).
2. The case history for the project site is as follows: A Zoning Conformance Review (ZEC NO. 8401) authorizing a day camp (for the YMCA) and a conference center with a corral and swimming pool on 2.8 acres was approved on May 9, 1967. A maximum of 75 children were permitted to use the site at any one time; A Conditional Use Permit ("CUP") authorized a group home for up to 84 children, age newborn to five years old with siblings up to eight years old was approved in October 1992 (CUP NO. 92-023). The permit was subsequently limited to 46 children as a result of input from the community and concerns regarding the proposed number of children on the site. The limited was documented by a covenant recorded against the property by the then-property owner in October 1995. In September 2008, a private high school operating under different ownership than the current applicant opened on the subject property without the required CUP. A Notice of Violation (RFS 08-0027077 /EF021907) was issued, and the school ceased operation in June 2009. The property was subsequently acquired by the current property owner/applicant who applied for the CUP at issue to operate a high school on the site.
3. The proposed project includes the establishment of a College Preparatory High School (9<sup>th</sup> through 12<sup>th</sup> grade), with a maximum of 200 students, 16 full-time teachers, and four administrative staff on a 3.4-acre site in the R-1-7,500 (Single-Family Residence, 7,500 sq. ft. minimum lot area) Zone. The proposed school (Arroyo Pacific Academy) currently operates a campus in Arcadia and the proposed Altadena campus would be an expansion beyond the school's current operation. The subject property is currently developed with an existing facility that was originally authorized to house a maximum of 84 children, age newborn to five years old with siblings up to eight years old in a group home setting. There are eight existing buildings on the project site, of which seven are proposed to be used as classrooms, the remaining building would be rented as a residence (currently a

teacher from Arroyo Pacific's Arcadia campus rents the residence). No new construction is proposed, except for minor interior improvements.

4. The proposed school would operate 180 days per calendar year with regular school instruction hours extending from 8:30 a.m. to 2:30 p.m. The campus is proposed to be open passed the regular instruction hours and would close at 6:00 p.m. Afternoon activities, which would extend until 5:30 p.m., would take place on campus; these activities would be related to arts programs, various indoor clubs, and activity planning. The school would also operate an additional 25 summer school classes per calendar year (25 days of instruction) with half-day hours from 8:30 a.m. to 12:30 p.m. during the summer months). Although no organized athletic activities or sport facilities are proposed, a volleyball and basketball court would be included at the center of the project site and used for pick-up games. Additional weekend use of the property is proposed for Saturdays for occasional activities such as testing or classes. Evening use of the school would include parent meetings (8 per year from 7:00 p.m. to 8:00 p.m.) and afternoon and occasional evening use for rehearsals for upcoming plays or performances. No performances are to be held on the project site. There are 12 mature oak trees on-site, although no encroachments or removals are proposed.
5. A CUP required to establish a school in the R-1-7,500 (Single-Family Residence, 7,500 sq. ft. minimum lot area) Zone. The applicant is requesting approval of a CUP to operate a College Preparatory High School (9th through 12th grade), with a maximum of 200 students on the 3.4-acre site.
6. The project site is approximately 3.4-acres and is currently developed with eight freestanding, one story buildings, which were originally approved for a group home to house foster youth ages newborn to eight years old in a residential setting. The rectangular shaped project site is approximately 267 linear feet in width (fronting East Palm Street) and 604 linear feet in length. Internal paved driveways currently exist on the project site for both vehicular and pedestrian circulation. Main access to the site is taken from East Palm Street via two driveways at the front of the property. Emergency access is located in the rear of the property. The classroom buildings are oriented along the west, north and east edges of the property lines, abutting the rear yards of the adjacent residents. A five (5) foot side yard setback runs the length of the western property boundary and setbacks vary from 15 to 25 feet on the rear and eastern property boundaries.
7. The project site is located within the Altadena Community Plan ("Community Plan"). As stated in the Community Plan, "*foremost among the principal objectives of the Community Plan is the preservation of the existing residential character of the community*". The project site is designated Category 2- Low Density Residential (1 to 6 dwelling units per gross acre). This land use designation corresponds to the suburban type of residential development common in the area. The purpose of this category is to maintain existing single-family neighborhoods and ensure the continuation of the low intensity residential nature of the neighborhoods with this

designation. The project site was intended for development with a use that would be consistent in character and compatible with the residential development in the area. The project site is surrounded by single-family residences to the north, east, south, and west, and there are fourteen residential properties directly adjoining the subject property's boundaries.

8. The proposed project conflicts with several key goals and policies of the Community Plan related to preventing the inappropriate intensification of uses in residential neighborhoods and ensuring compatibility with neighborhood character. Policy 4.3, under SECTION FOUR: GOALS, POLICIES AND PROGRAMS states: *"allow for the intensification of land uses only as it does not adversely impact existing uses, neighborhoods, and the prevailing low density character of the Altadena Community."*
9. The last approved use on the subject site was the Bienvenidos Children Center, which obtained a CUP in 1992 to operate a group home for children age newborn to five years old with siblings up to eight years old. The group home use was approved in 1992 for 82 children, and it was intended to provide residential accommodations to the children that it served. Nevertheless, in 1995, after recognizing the potential impacts such a facility could have on the surrounding community and neighborhood character because of the intensity and size, the operator volunteered to restrict the maximum number of children allowed to be housed on-site to 46. Subsequently, the facility ceased operation in 2005.
10. The project proposes a maximum operating capacity of 200 students, which would equate to a 434% increase from the last approved use on the site (46 children). The change in use to a high school serving teenagers, some of whom drive to and from school is a sharp departure from a group home providing residential care for young children, which required infrequent transportation and generally adhered to the low-profile community nature of this primarily single-family neighborhood. Aside from with the sheer change in maximum capacity and age of the children on-site, a school it-self is a dramatic change in use from an otherwise quiet single-family residential neighborhood, altering established patterns of noise and traffic. According to the traffic analysis, Palm Street currently carries an estimated 800 vehicle trips; an additional 496 vehicle trips would be added with a 200 student school. While the traffic analysis demonstrates that the increased trips would not affect the level of service for traffic effectiveness and that Palm Street has sufficient capacity for up to 1,600 vehicle trips, the additional vehicle trips associated with the proposed school would be a 62% increase from the traffic that currently exits. This increase in volume drastically alters the circulation pattern and traffic types and amounts that would normally or reasonably be expected in this residential neighborhood. Additionally Palm Street is only a partially improved street. There are no sidewalks or curbs. Cars currently park on both sides of the street, making it difficult for cars traveling in opposite directions to pass each other at the same time as well as creating potential safety issues for any pedestrians who may be

using the street. There is no opportunity for expansion or improvement of Palm Street because of limited road right-of-way.

11. The Community Plan under the PUBLIC SERVICES SECTION, states: *"Provide school facilities to serve the community's social, cultural, vocational, and recreational, as well as educational needs which are compatible with the character and local interests of Altadena."* Although a College Preparatory high school in general would be a benefit to the community, the location of the proposed project would create an incompatible use with the existing character of the quiet single-family neighborhood that surrounds the project site. As built, there are insufficient buffers areas separating the single-family homes surrounding the project site from the use itself. Because the site is already built out, the placement of existing buildings precludes the consideration of project alternatives such as increased buffers between the classroom or other school buildings and neighboring residences, the construction of school buildings without windows on the facades facing residences, or the relocation of buildings towards the center of the property to decrease the impacts of the project on adjacent properties. The buildings on-site are oriented toward the outer edge of the site, many of the buildings are within five feet of the property line, and one house on Raymond Avenue is surrounded by the school on three sides. The configuration of the buildings and proposed operation of the school creates privacy issues for the adjacent properties and impairs the use and enjoyment of such neighboring properties.
12. The proposed project is not consistent with the adopted Altadena Community Plan for the area as it conflicts with several key goals and policies related to preventing the inappropriate intensification of uses in residential neighborhoods and ensuring compatibility with neighborhood character.
13. The project site provides several constraints, and makes it an inappropriate site for a proposed 200-student school. The project site is long and narrow, and as a result, development is clustered at the rear of the property closer to adjacent homes. Over seventy-five residents that live in close proximity to the project site and would be directly impacted have opposed the project because they believe the project would disrupt the existing circulation pattern of the neighborhood and create additional noise that would be disruptive to the enjoyment of the their home and yard; many of which have a direct view into the project site. A high school use immediately adjacent to homes without proper separation is incompatible and conflicts with the residents' peace, comfort and enjoyment of their property.
14. The project site is within the Altadena Community Standards District and is zoned R-1-7,500.
15. Pursuant to County Code Section 22.52.1200, parking for secondary grade school is calculated at one space for every five persons based on the occupant load of the auditorium or largest assembly room. The occupant load for the largest assembly area on-site is 120 persons as determined by the Los Angeles County Department

of Public Works. Twenty-four (24) parking spaces are required under this standard ( $120/5=24$ ), Fifty one (51) parking spaces are provided on-site.

16. Pursuant to Code Section 22.44.127, the Altadena Community Standards District (CSD) requires minimum yard setbacks of 20 feet for front yard, 35 feet back yard and 5 feet side yards for lots 40,000 square feet or larger. The proposed project site is approximately 3.4 acres and currently is developed with a 67-foot front yard, 5-foot side yard on the east, and 10- to 25-foot side yard on the west. The rear side yard is approximately 15 feet. The rear yard does not comply with current development standards, which require a 35-foot rear yard setback. However at the time the subject property was approved and developed in 1992, the development standard was 15 feet for rear yards. The 35-foot rear yard requirement in the CSD was adopted by Ordinance 98-0043 on August 4, 1998, effective September 4, 1998. The proposed project does not propose any additional structural expansion, therefore the property is legal non-conforming for the rear yard and meets all other yard requirements. Nevertheless, the yard setback requirements were intended to ensure sufficient setbacks and separation for single-family residences built in the area. Although the project site may comply with the minimum required setbacks for the R-1 (Single-Family Residence) zone, these minimum setback requirements do not ensure that the proposed school use will not adversely impact the use, comfort, and enjoyment of the neighboring homes.
17. The proposed site is not physically suitable to accommodate the development features required in order to integrate the proposed use with the uses in the surrounding area due to current configuration of the buildings (along perimeter of property), lack of adequate buffers or screening between proposed use and adjacent residents.
18. The subject property is surrounded in all directions by single-family homes and shares a property boundary with fourteen residential lots. The neighborhood currently functions as a quiet suburban neighborhood with peak traffic in the mornings as people leave to work and in the evening as people return home. The proposed high school would be a substantial intensification of any use previously approved on the subject site and would create different patterns of use than what is currently experienced, for example: the school will generate additional traffic in the morning as cars drop off students and as they leave and likewise in the afternoons into the early evening as parents pick up students and then leave to head home. Such a traffic pattern is different than what one would expect in a similar single-family neighborhood. Currently the Palm Street has minimal traffic and many people currently walk on the edges of the street (there are no sidewalks), for exercise or leisure. Additional traffic generated from the project would also impact the walkability of neighborhood that the residents currently enjoy. There are insufficient buffers such as streets or setbacks to adequately separate the surrounding residences from school site. There are fourteen properties that immediately adjoin the subject property, and these properties have little to no screening between the homes located on such properties and the subject site. Due

to the reasons above, the proposed school would have a significant impact on the neighborhood as it currently exists and therefore is not a compatible use with the dominant single-family residential character of this neighborhood.

19. The proposed project at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing in the immediate and surrounding area due to the proximity to neighboring properties to the subject site, increased traffic trips and increased noise in a neighborhood that otherwise enjoys a low-density quiet neighborhood atmosphere. The impacts will be materially detrimental to the use and enjoyment of property of other persons located in the vicinity of the site.
20. The Altadena Town Council ("Town Council") at its meeting on February 21, 2012, recommended denial of the proposed project with a vote of 11-3. This was the second time the Town Council considered the project and voted to recommend denial (the project was first heard and denied at the September 20, 2011 Town Council meeting). The Town Council cited the following reasons for the basis of their decision: 1) The proposed use is not consistent with Altadena's general plan because it would generate increased traffic and congestion and would change the character of the neighborhood; 2) The proposed use is not compatible with the surrounding neighborhood due to the site being surrounded by single-family homes and the fact that the lots are close together and the neighborhood is densely populated and; 3) Acceptance by the community, the Town Council received a large number of letters, petitions, and testimony in favor and in opposition, however it was clear that the residents of the neighborhood that surround the subject property and who would be directly affected virtually unanimously oppose the project. As a policy, the Town Council has always given the greatest weight to the needs and rights of the affected residents and in this case the Town Council stated the potential cost to the affected neighborhood far outweighs and potential "greater good" or convenience to other residents or the community at large.
21. Approximately 766 pieces of correspondence for the proposed project have been received as of the date these findings were prepared. Approximately 477 in opposition and approximately 283 in support, below is a summary of the key issues raised

**In Opposition**

- Increased noise from vehicles
- Increased human noise from project site
- Increased traffic
- Increased traffic would create dangerous conditions for pedestrians and children who walk on road as there are no sidewalks
- Too close in proximity to other residences
- Queuing problems from on-site traffic, doubtful circulation plans will function according to plan

- Inappropriate location for a school with 200 students
- Disruptive to surrounding properties
- Narrowness of road makes it difficult for two vehicles to pass each other, additional traffic would make traffic worse

**In favor**

- School will be asset to the community
  - No organized outdoor sports proposed
  - Better to use site than have it sit vacant
  - Type of students attending would be respectful
  - High praise the educational experience provided by Arroyo Pacific Academy
  - No bells or amplified sound equipment would minimize noise
  - Circulation plan for pick-up and drop-off would minimize traffic
22. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
23. The Department of Regional Planning prepared a Negative Declaration pursuant to California Environmental Quality Act (CEQA) reporting requirements. The Initial Study concludes that based on the project design and implementation of proposed programming there would be no significant impacts.
24. A Negative Declaration has been prepared for the proposed project; however, the action to deny the applicant's request is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resource Code Section 21080(b)(5) and California Code of Regulations Section 152270. The determination to deny is an activity undertaken that will not have a significant effect on the environment as the request is not to allow the continued operation of an existing use on the subject property.
25. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That the proposed use is not consistent with the adopted Altadena Community Plan for the area; and

- B. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is not adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing did not substantiate the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION**

In view of the findings of fact and conclusions presented above, Project Number R2008-00985-(5) with associated Conditional Use Permit Number 201100002 is denied. The action to deny the applicant's request is not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resource Code Section 21080(b)(5).

c: Each Commissioner, Zoning Enforcement

**VOTE 3-2**

Concurring: Modugno, Valadez and Pedersen

Dissenting: Helsley and Louie

Abstaining: None

Absent: None

Action Date: April 4, 2012

SD:ag  
04/04/12