

AGENDA ITEM: 2.

DATE: 07-18-11

STAFF REPORT

CONDITIONAL USE PERMIT NO. 89-37 Amended

DATE: July 18, 2011

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Desert Montessori Academy

LOCATION: 44503 Fern Avenue

REQUEST: Expansion of Desert Montessori School by 700 square feet and modify number of students and hours of operation in the R-7,000 Zone

RECOMMENDATION: Adopt Resolution No. 11-08 approving Conditional Use Permit No. 89-37 Amended.

BACKGROUND:

- Zone Exception Case No. 8704-(5) was approved by the Los Angeles County Regional Planning Commission in 1968, giving the applicant approval to operate a child care facility in a residential zone.
- In 1973, the County approved Conditional Use Permit 246-(5), which allowed continued operation of the facility.
- On June 12, 1978, the City of Lancaster Planning Commission approved Conditional Use Permit No. 5, providing permission to continue operation of the facility for ten more years.
- On January 22, 1990, the Planning Commission approved Conditional Use Permit No. 89-37 for the continued operation of a child care facility, subject to review every five years. Conditions of approval included limiting number of children to a maximum of 22, and hours of operation between 7:30 a.m. to 5:30 p.m. Added Condition No. 12 that the project is subject to review every five years.
- On August 25, 1992, staff approved 252 square-foot garage conversion for storage use only.
- On January 8, 1996, the Planning Commission heard a report that staff had spoken to a neighbor concerned about vehicular traffic generated during peak times for the academy; however, it was determined that there was sufficient on-street parking available during the rest of the day. The Planning Commission added condition that the project is subject to review every five years.
- On January 20, 2001, the Planning Commission heard a report that only one complaint had been received regarding vehicular traffic generation since 1996. Staff continued to find

adequate on-street parking during the rest of the day and that traffic generated for a maximum of 22 children did not significantly impact the residential neighborhood.

- February 19, 2008, the Planning Commission Review modified Condition No. 12 to read as follows “This Conditional Use permit shall be subject to periodic review based on a complaint basis, and returned to the Planning Commission as determined by the Planning Director.”
- September 2009, Montessori school expanded into 258 square-foot storage space turned into office space, added 18 extra students, and modified hours of operation to 6:00 a.m. to 6:00 p.m. without Planning Commission approval.
- February 2011, Code Enforcement received a complaint regarding unpermitted construction.
- June 30, 2011, Staff received a complaint indicating that the increase of the number of students to 40 children is incompatible with the existing neighborhood.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject property is designated UR (Residential) by the General Plan and is zoned R-7,000 (Single family residential on 7,000 square-foot lot). The site is developed with an existing Montessori school. The General Plan designation, zoning and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
North	UR	R-7,000	Single family residential
East	UR	R-7,000	Single family residential
South	UR	R-7,000	Single family residential
West	UR	R-7000	Vacant

PUBLIC IMPROVEMENTS: Fern Avenue is fully dedicated and improved at a 60-foot right-of-way.

ENVIRONMENTAL REVIEW: The proposed project is categorically exempt from California Environmental Quality Act (CEQA) per Class 1, Section 15301 Existing Facilities of the State CEQA Guidelines.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 500-foot radius of the project, posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant is requesting to expand the existing child care & kindergarten facility by 700 square feet, increase the number of students enrolled by 18 students to a total of 40 students, add first through third grade, and change the hours of operation permit from 6:00 a.m. to 6:00 p.m. (to include early and late day care), to serve the Montessori School. This request would amend Condition Nos. 10 and 11 of Conditional Use Permit No. 89-37.

The expansion to the existing school would include a previously converted 252 square-foot garage to a group work classroom area and bathroom, plus the construction of an additional 448 square-foot

classroom, for a total expansion of 700 square feet for classroom and work area. This area would be called the Gessel House, first through third grade, for up to 16 children. The other part of the house would be called the Children's House for preschool to kindergarten.

Access to the site would be provided by an 18-foot wide driveway that would allow four tandem parking spaces (9' x 18' each), for up to four staff members, a two-foot-wide landscape buffer, a new four-foot-wide pedestrian access to the house, and a four-foot-wide ramp to meet ADA requirements, with modification to the entryway. The Zoning Code requires five parking spaces for 100 students for day care, plus one parking space per teacher. The Montessori school would have five staff that would include administrators, teachers and aides. Staff feels that the expansion of additional parking on the site through additional pavement would not be consistent with the physical character of the neighborhood. No complaints have been received from the neighborhood regarding traffic or parking on Fern Avenue prior to project notification.

The applicant indicates that with this approval, the school hours would be staggered to minimize impacts to the surrounding neighbors. Children's House (Preschool through Kindergarten) would be in session from 8:30 a.m. to 3:30 p.m. Gessel House (first through third grade) would be in session from 8:00 a.m. to 3:30 p.m. The staggered school hours and the expansion of the day care from 6:00 a.m. to 6:00 p.m. would spread the drop-off and pick-up time over a longer period of time; thereby diminishing the concentration of vehicles and increasing the compatibility with the existing neighborhood.

The elevations of the single story unit would be compatible with the existing building and garage with the height no taller than 14 feet, and would meet the regulations of the zone.

Should the Planning Commission choose not to approve the expansion, the Montessori School would continue to operate as previously approved by Conditional Use Permit No. 89-37, limiting number of children to a maximum of 22, and hours of operation between 7:30 a.m. to 5:30 p.m.

The applicant has been operating with 38 students for the past two years. There have not been any complaints from the neighbors regarding noise or traffic. In April, staff observed the traffic and parking patterns on Fern Street during the morning hours, and did not notice a significant amount of traffic on the street. The project is in conformance with the General Plan, and is consistent with the provisions of the R-7,000 Zone. Therefore, staff is recommending the Commission approve the request to expand the existing school facility by 700 square feet, increase the number of students enrolled from 22 to 40 students, and change the hours of operation from the original conditional use permit to 6:00 a.m. to 6:00 p.m.

Respectfully submitted,

Silvia R. Donovan
Principal Planner

RESOLUTION NO. 11-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 89-37 AMENDED

WHEREAS, a conditional use permit has been requested by Desert Montessori School to expand by 700 square feet, modify the number of students and hours of operation in the R-7,000 Zone, as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on July 18, 2011; and

WHEREAS, the proposed project is categorically exempt from California Environmental Quality Act (CEQA) per Class 1, Section 15301 Existing Facilities of the State CEQA Guidelines; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. The proposed expansion to the Montessori School (to expand the use by 700 square feet, extend hours of operation, and to add first through third grade for an additional 16 students) will be in conformance with the General Plan land use designation of UR (General Residential) for the subject property, because child care facilities and schools are subject to permit in the residential zones, and the residential character of the neighborhood will not be compromised.
2. The requested use at the location proposed will not:
 - a. Adversely affect health, peace, comfort, or welfare of persons residing or working in the surrounding area because all activities are held indoors or in the backyard, which is surrounded by a block wall.

- b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because the number of children is limited to 40 with five staff members, and hours of operation are restricted to 6:00 a.m. to 6:00 p.m., and no excessive traffic has been noticed on the residential street.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because staggered school hours and expansion of the day care from 6:00 a.m. to 6:00 p.m., would disperse traffic from 6:00 a.m. to 6:00 p.m.
3. The proposed site is adequate in size and shape to accommodate the Montessori School (day care and first through third grade) existing site, including yards, landscaping, setbacks, walls; on-site parking of four spaces in a tandem arrangement can be accommodated with additional driveway widening in a manner compatible with the physical appearance of the neighborhood.
4. The proposed site is adequately served:
 - a. By Fern Avenue which is improved to a sufficient width to carry the kind and quality of traffic such use would generate.
 - b. By adequate sewer, water and other urban services which exist or can be provided to the site.
5. The proposed expansion to the use is categorically exempt from the requirements of the California Environmental Quality Act, as noted in the environmental review section of the staff report prepared for this project.

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NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 89-37 Amended, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 18th day of July 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 11-08
CONDITIONAL USE PERMIT NO. 89-37 AMENDED
CONDITIONS LIST
July 18, 2011**

1. All previous conditions set forth in Conditional Use Permit No. 89-37 shall apply with amended Conditions, as follows:
 - (10) The hours of operation shall be restricted to 6:00 a.m. to 6:00 p.m.
 - (11) Enrollment shall be restricted to a maximum of 40 children, five staff and volunteers.
2. The proposed shall comply with all requirements of Ordinance No. 907 (Water Efficient Landscaping Requirements).
3. Any new air conditioning units shall not be placed closer than five feet to the adjoining neighbors.

**ATTACHMENT TO STAFF REPORT OF
CONDITIONAL USE PERMIT NO. 89-37
MODIFIED CONDITION NO. 12
February 19, 2008**

12. ~~This Conditional use permit shall be subject to review by the City every five years.~~
(Added by P.C. 1/22/90) This conditional use permit shall be subject to periodic review based on a complaint basis, and returned to the Planning Commission as determined by the Planning Director. **(Modified by PC 02/19/08).**