

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

JUNE 5, 2018

TITLE:

PUBLIC HEARING – APPEAL NO. 2018-02 OF
CONDITIONAL USE PERMIT NO. 2018-01 TO
APPROVE THE CONDITIONAL USE PERMIT
ALLOWING THE OPERATION OF A K-12 SCHOOL
FOR CITRUS SPRINGS CHARTER SCHOOL
LOCATED AT 2121 NORTH GRAND AVENUE,
CITRUS SPRINGS CHARTER SCHOOL –
APPLICANT {STRATEGIC PLAN NO. 3, 2}

A handwritten signature in black ink, appearing to read "C. McLaughlin", is written over a horizontal line.

CITY MANAGER

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For _____

CONTINUED TO JUN 19 2018

FILE NUMBER _____

RECOMMENDED ACTION

Review the following options:

1. Approve Appeal No. 2018-02 and adopt a resolution approving Conditional Use Permit No. 2018-01 as conditioned (staff recommendation), or
2. Approve Appeal No. 2018-02 and adopt a resolution approving Conditional Use Permit No. 2018-01 with additional conditions, or
3. Deny Appeal No. 2018-02 and adopt a resolution denying Conditional Use Permit No. 2018-01.

PLANNING COMMISSION ACTION

At its regular meeting on March 12, 2018, the Planning Commission motion to approve Conditional Use Permit (CUP) No. 2018-01 failed by a vote of 2:4 (Bacerra, McLoughlin, Mendoza and Verino opposed, Alderete absent) thereby denying the application to allow the operation of a K-12 School located at 2121 North Grand Avenue. The Planning Commission made no changes to the recommendation outlined in the attached staff report (Exhibit A) however the Commission referenced an increase in traffic to be detrimental to the health, safety, and welfare of the people residing in the vicinity (Finding #2) as the reason for denial as set forth in the attached resolution.

DISCUSSION

Dave Black, representing Citrus Springs Charter School, filed an appeal (Exhibit B) pursuant to Santa Ana Municipal Code Section 41-645 and is requesting approval of Conditional Use Permit No. 2018-01 to allow the operation of a K-12 School located at 2121 North Grand Avenue. Citrus Springs Charter School currently operates a K-6 school, which has been an ancillary operation to the church since the original conditional use permit allowed a school component in the 1960s. As part of the services the charter school provides, 7th-12th graders are offered online courses and support through home schooling. The school believes that certain courses are better taught in a classroom setting and is pursuing the CUP to allow the home schooled students to attend on-campus classes. The school does not intend to increase the number of students, but only allow the 7th-12th graders the opportunity to visit the North Grand Campus on alternating schedules throughout the week, in order to enhance the learning environment.

At the Planning Commission public hearing, staff provided an overview of the applicant's request. During the public comment portion of the public hearing, two members of the public spoke in opposition of the conditional use permit, citing concerns regarding the over concentration of charter schools in the City. Conversely, two members of the public spoke in support of the conditional use permit, stating that students who reach the 7th grade would be able to attend classes on campus with the approval of the CUP. After deliberating on the matter, the Planning Commission denied the applicant's request. The Commission found that an increase in traffic would arise due to the increased number of students attending the campus and by default, that the additional trips generated adversely affect the community and its residents.

The appeal in question is based on the fact that the decision made by the Planning Commission was considered unjust, and the official reason for the denial (traffic congestion), was not part of the discussion prior to the decision. The staff recommendation to the Planning Commission was to approve the applicant's request to allow the expansion of the existing K-6 charter school to include grades K-12. The proposed school expansion was reviewed by the City's Design Review Committee prior to the public hearing. The Design Review Committee performed a complete review of the project and analyzed the proposed schedule for attendance of each grade level for the week. This review fully assessed the on-site and off-site traffic impacts that the older student population may cause due to new attendance. According to the schedule provided by the applicant, attendance will not go beyond the total number of students the school currently allows. The 9th-12th graders, some of which will have the ability to drive to school, are only projected to be on-campus twice a week.

By granting the approval of the conditional use permit, the City is also promoting a service to the community. Currently, the entitlement for the property only allows K-6 on-site which persuades the 7th-12th graders to commute to other schools outside of Santa Ana. By bringing in students to Santa Ana, those students and parents are also shopping locally, thereby promoting an economic benefit to the community and its retailers. Based on staff's review and analysis of the

project, the project's benefit to the community by providing a K-12 education, and the operator's history of compliance with City codes, staff recommends that the City Council overturn the Planning Commission's decision and approve Appeal No. 2018-02 and adopt a resolution approving Conditional Use Permit No. 2018-01 as conditioned.

Staff continues to recommend approval of the project pursuant to SAMC 41-645.

STRATEGIC PLAN ALIGNMENT

Approval of this item supports the City's efforts to meet Goal #3 - Economic Development, Objective #2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).

FISCAL IMPACT

There is no fiscal impact associated with this action.



Minh Thai
Executive Director
Planning and Building Agency

IO:rb

S:\RFCA\2018\06-05-18\75C_Citrus Springs Charter School-Appeal

- Exhibits:
- A. Planning Commission Staff Report
 - B. Appeal Application received March 23, 2018
 - C. Resolution for Approval of Conditional Use Permit No. 2018-01
 - D. Resolution for Approval of Conditional Use Permit No. 2018-01 with additional conditions
 - E. Resolution for Denial of Conditional Use Permit No. 2018-01

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

MARCH 12, 2018

TITLE:

**PUBLIC HEARING – CONDITIONAL USE PERMIT
NO. 2018-01 TO ALLOW THE OPERATION OF A
K-12 SCHOOL FOR CITRUS SPRINGS CHARTER
SCHOOL LOCATED AT 2121 NORTH GRAND
AVENUE {STRATEGIC PLAN NO. 3, 2}**

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

Prepared by Ivan Orozco

[Signature]

Acting Executive Director

[Signature]

Acting Planning Manager

RECOMMENDED ACTION

Adopt a resolution approving Conditional Use Permit No. 2018-01 as conditioned.

Executive Summary

Dave Black, representing Citrus Springs Charter School, is requesting approval of Conditional Use Permit No. 2018-01 to allow the operation of a K-12 School located at 2121 North Grand Avenue. Staff is recommending approval of the applicant's request due to the community benefits of a K-12 school, the operator's history of compliance with City codes, and regulations that will require the facility to continue to operate as a school.

Table 1: Project and Location Information

Item	Information	
Project Address	2121 North Grand Avenue	
Nearest Intersection	Grand Avenue and Santa Clara Avenue	
General Plan Designation	Low-Density Residential (LR-7)	
Zoning Designation	Single-Family Residential (R-1)	
Surrounding Land Uses	North	Commercial and Single-Family Residential
	East	Single-Family Residential
	South	Institutional and Single-Family Residential
	West	Commercial
Property Size	4.21 acres	
Existing Site Development	The subject site is developed with a church facility and accessory buildings, and an existing K-6 private charter school.	
Use Permissions	Private school uses require approval of conditional use permit.	
Zoning Code Sections Affected	Uses	SAMC Section 41-232.5 (c)
	Operational Standards	SAMC Section

EXHIBIT A

75B-5

Project Description

Citrus Springs Charter School is proposing to modify the grade levels offered to include junior high and high school as part of the school's existing operations. The site has been recently improved with new parking. The classrooms now provide new heating and air conditioning units, and new roofing materials have also been installed as part of the overall site improvements. As part of the review by the City, a new vehicular entrance and exit will be constructed to provide enhanced vehicular circulation, thereby avoiding any potential traffic back-up which may occur driving on and off the property. A portion of the sidewalk will also be reconstructed. At this time, no addition to or physical expansion of the campus or its buildings is proposed.

Table 2: Development Standards

Standards	Required by SAMC	Provided
Parking (Elementary/Junior High)	36 Spaces	Complies
Parking (High School)	28 Spaces	Complies

Project Background

In 1956, the Santa Ana United Methodist Church was constructed at the subject site. The original variance, which allowed for the church use, identified a number of individual buildings such as the sanctuary building, a chapel, and several administrative buildings. In the 1960s, an elementary school was also constructed on the site. Through the following years, the school required additional classroom space and in 1988 filed a new conditional use permit to include the expansion of classroom space and a new youth center to replace the previous one that was destroyed in a fire. The school and church uses have co-existed and operated successfully on the same site for more than 50 years.

Currently, the site layout includes the original church buildings, a fellowship hall, the one-story and two-story school buildings, a playground and field area at the rear, and parking towards the south of the property. School drop-off and pick-up has been designed to flow around the parking area in order to avoid any on-site or off-site congestion.

Project Analysis

Conditional use permit (CUP) requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the conditional use permit. Conversely, the inability to make these findings would result in a denial. Staff has prepared the following analysis, which in turn forms the basis for the recommendation contained in this report.

For more than 50 years, the Santa Ana United Methodist Church has operated with an elementary school facility at this location, providing early education opportunities to children attending kindergarten to sixth grade classes. Both activities have co-existed without any major issues, with

the church generating the most on-site vehicle and pedestrian traffic on the weekends, while the school activities occur during the weekdays, primarily between the hours of 8:00 a.m. and 3:00 p.m.

Staff has reviewed the applicant's request to expand the school use to offer high school level education and is supportive of the request. To avoid potential adverse impacts associated with the services being offered by the charter school, a number of conditions are proposed. It is not anticipated that the expansion in grade levels being offered, in conjunction with the conditions, will adversely affect the surround commercial and residential community. The total number of students attending the school will not change, only the grade levels. Parking for the school use has been accounted for and meets the requirements of the SAMC, with 64 spaces required and a total of 122 spaces currently provided on-site. In addition, upgrades will be made to the site, including a new driveway and approach and the partial repair of the sidewalk and the planting of new City trees. Along with the recent improvements to the site, the site will meet all necessary code requirements.

The expansion of grade levels and overall site improvements will provide a long-term social benefit to the community as the facility will offer additional educational opportunities to children in the area and provide a supportive and safe learning environment. These services will serve to increase the safety and welfare of the children in the area. Additionally, no adverse impacts are anticipated as a result of the project's approval. The site will continue to operate in compliance will all applicable regulations and conditions imposed on a school pursuant to Chapter 41 of the SAMC. The CUP will be consistent with several goals and policies of the General Plan, including Policy 1.8 which encourages the development of nonprofit services and Policy 3.1 supports development which provides a positive contribution to the neighborhood character and identity. Finally, Policy 5.5 of the Land Use Element encourages development that is compatible with and supporting of surrounding land uses. The subject facility is located within similar land uses and the operation of a K-12 facility will continue to be compatible with the surrounding land uses.

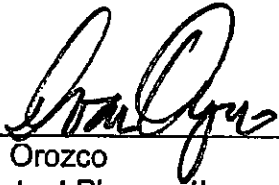
Table 5: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach	
CEQA	
CEQA Type	Categorical Exemption – Section 15301
Reason(s) Exempt or Analysis	Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Categorical Exemption Environmental Review No. 2018-21 will be filed for this project.
Strategic Plan Alignment	
Goal(s) and Policy(s)	Approval of this item supports the City's efforts to meet Goal No.3 (Economic Development) Objective No. 2 of creating new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies.
Public Notification & Community Outreach	
Required Measures	A public noticed was posted on the project site on March 1, 2018.
	Notification by mail was mailed to all property owners and occupants within 500 feet of the project site on March 1, 2018.

CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach	
	Newspaper posting was published in the Orange County Reporter on March 1, 2018.
Additional Measures	The Fairhaven and Portola Park Neighborhood Associations were contacted to identify any areas of concern due to the expansion of grade levels. At the time this report was printed, no issues of concern were raised regarding this application.

Conclusion

Based on the analysis provide within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2018-01 as conditioned.



Ivan Orozco
Assistant Planner II

IO: sb

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- Exhibits
1. Resolution
 2. Vicinity Zoning and Aerial View
 3. Site Photo
 4. Site Plan
 5. Floor Plans

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SANTA ANA APPROVING CONDITIONAL
USE PERMIT NO. 2018-01 AS CONDITIONED TO ALLOW
THE OPERATION OF A K-12 SCHOOL FOR CITRUS
SPRINGS CHARTER SCHOOL LOCATED AT 2121 NORTH
GRAND AVENUE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds,
determines and declares as follows:

- A. Dave Black (Applicant), representing Citrus Springs Charter School is requesting approval of Conditional Use Permit No. 2018-01 to allow the operation of a K-12 school for Citrus Springs Charter School for the property located at 2121 North Grand Avenue.
- B. Santa Ana Municipal Code Section 41-232.5 (c) requires approval of a conditional use permit for private schools and colleges in the Single-Family Residential Zoning District.
- C. On March 12, 2018, the Planning Commission held a duly noticed public hearing on Conditional Use Permit No. 2018-01.
- D. The Planning Commission determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code (SAMC) Section 41-638, have been established for Conditional Use Permit No. 2018-01 to allow the operation of a K-12 school:
 - 1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or community.

The proposed K-12 school will provide a service to the community. The school is a use that will support the adjacent church, residential, and school uses in the vicinity. Citrus Springs has been offering the children of the community the opportunity to attend a K-6 school for more than 50 years. The proposed expansion of grade levels being offered at this campus will continue to contribute to the general well-being of the neighborhood and its children.

EXHIBIT 1

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed K-12 school at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the use is compatible with the neighborhood and has been a use that has co-existed with the church use for more than 50 years. Additionally, the proposed conditions of approval will ensure that the use will not create any new negative or adverse impacts on the neighborhood or the community.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area. The proposed expansion of the school grade levels being offered will result in a positive addition to the surrounding area by providing educational opportunities currently not being offered. The existing K-6 school and the Santa Ana United Methodist Church have recently undergone improvements to the site and will continue to provide additional on-site and off-site improvements as part of the project, therefore creating positive economic investment into the community.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed K-12 school will be in compliance with all applicable regulations and provisions of Chapter 41 of the Santa Ana Municipal Code and all other provisions that are applicable to a private school. No physical expansion of the campus is proposed at this time and on-site improvements have already brought the parking and driveway into compliance with all applicable standards.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed use will not adversely affect the General Plan. The granting of this conditional use permit supports several policies contained in the General Plan. Policy 1.8 encourages the development of nonprofit services, Policy 3.1 supports development which provides a positive contribution to the neighborhood character and identity, and

Policy 5.5 encourages development that is compatible with and supporting of surrounding land uses. The R-1 zoning district allows private schools subject to a conditional use permit, making the proposed use consistent with the zoning and the Land Use Plan in the Land Use Element. The expansion of the school to offer an education from K-12 will provide additional educational opportunities for the surrounding neighborhoods and its residents.

Section 2. In accordance with the California Environmental Quality Act (CEQA) the recommended action is exempt from CEQA per Section 15301. This Class 1 exemption allows the repair, maintenance and permitting of existing structures that are consistent with the zoning and general plan designations. The proposed project involves occupying an existing building, without any square footage addition or building expansion. Categorical Exemption Environmental Review No. 2018-01 will be filed for this project.

Section 3. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2018-01 as conditioned in Exhibit A attached hereto and incorporated herein. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated March 12, 2018, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 12th day of March, 2018.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Commission Secretary, do hereby attest to and certify the attached Resolution No. 2018-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on March 12, 2018.

Date: _____

Commission Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval

Conditional Use Permit No. 2018-01 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

A. Planning Division

1. All proposed site improvements must conform to the Site Plan Review approval of DP No. 2015-69 and the staff report exhibits.
2. The site shall be maintained free from litter and graffiti, including the landscaping areas and playground areas.
3. The premises shall be maintained as per approved plans. Any damage to the existing structures, walls, parking areas, or landscaping must be repaired.

**CUP 2018-01, Citrus Springs Charter School
2121 North Grand Avenue**

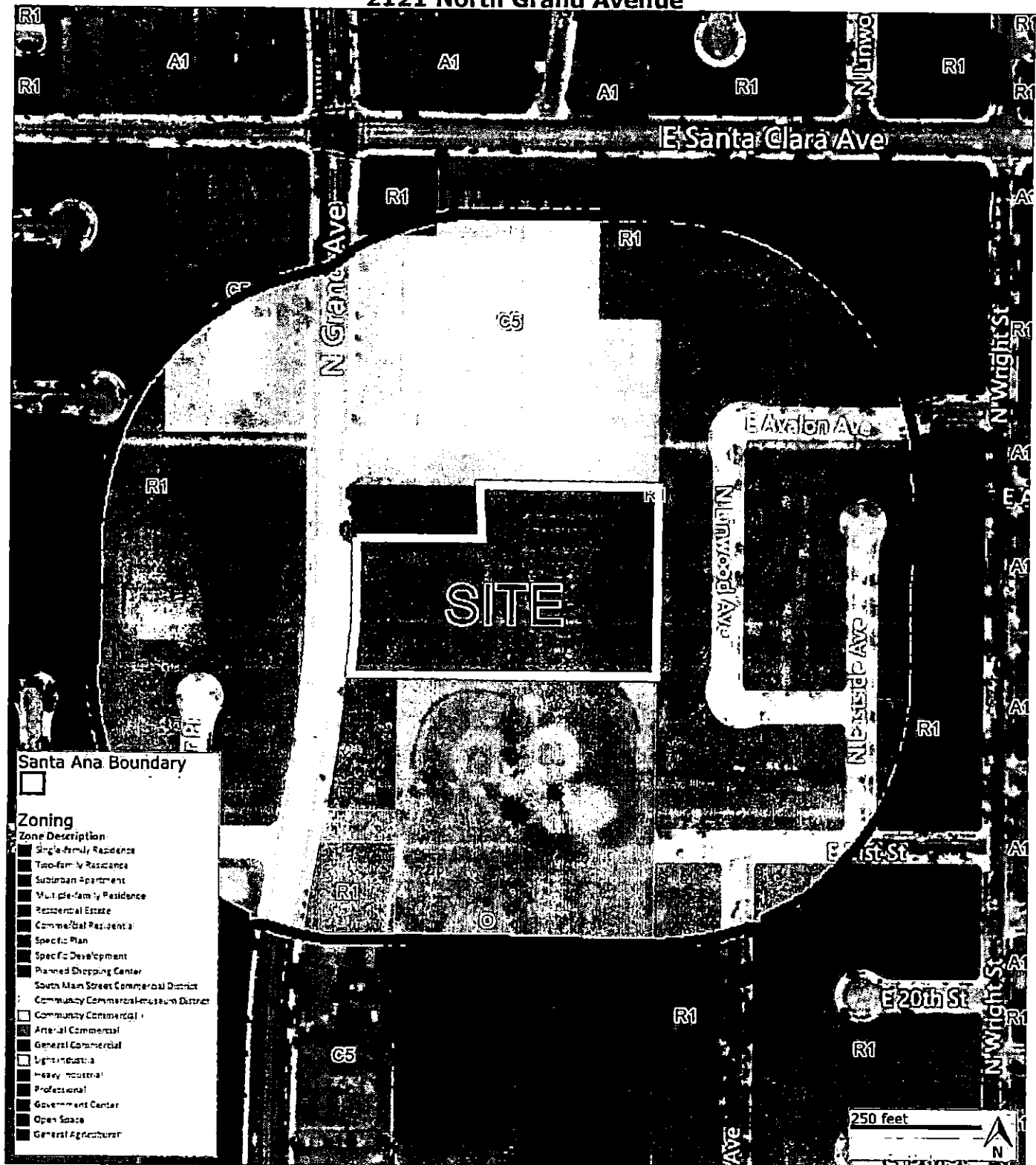


Exhibit 2 - Vicinity Zoning and Aerial View



CUP No. 2018-01 for Citrus Springs Charter School

2121 N. Grand Avenue

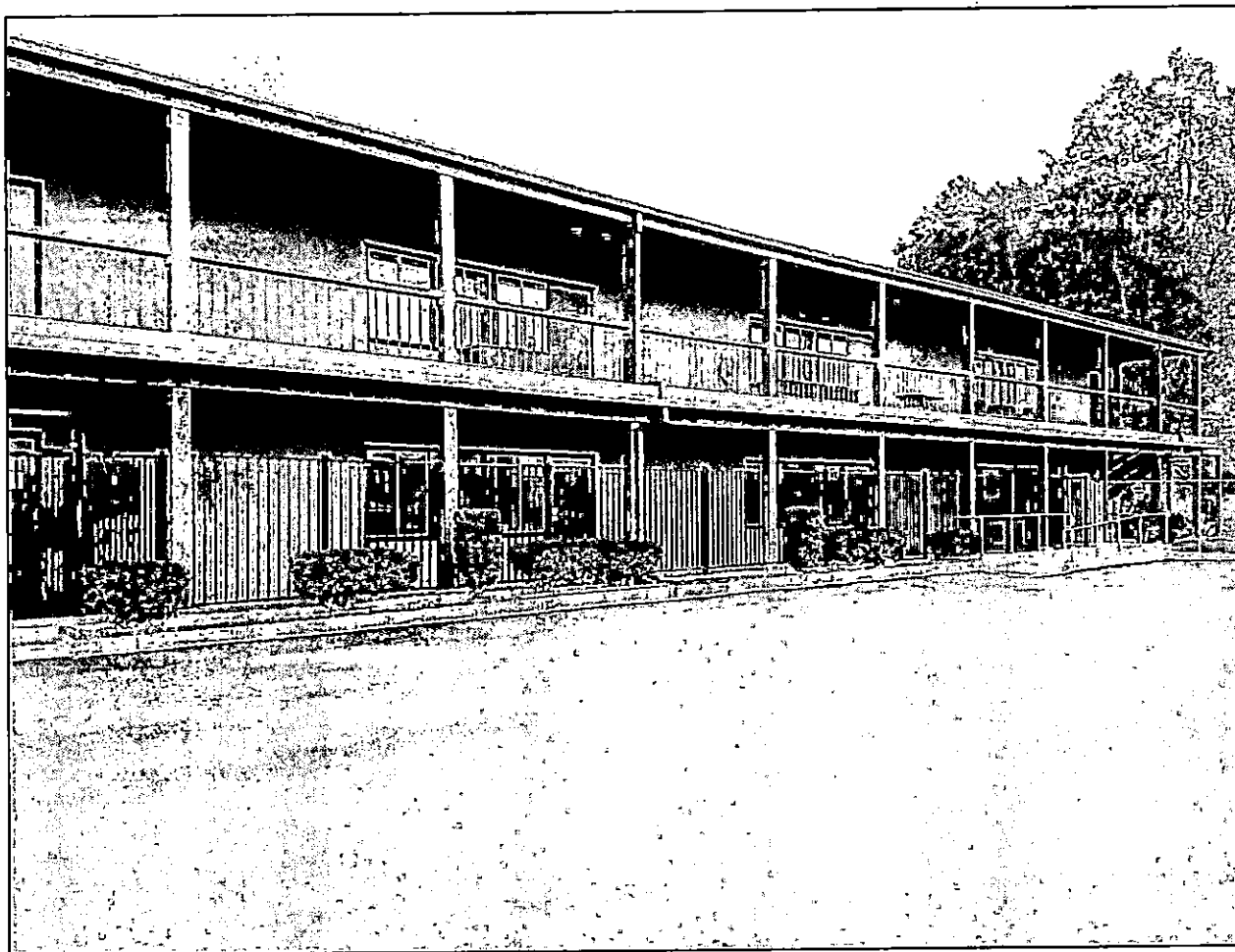


Exhibit 3 – Site Photo

2121 N. Grand Avenue

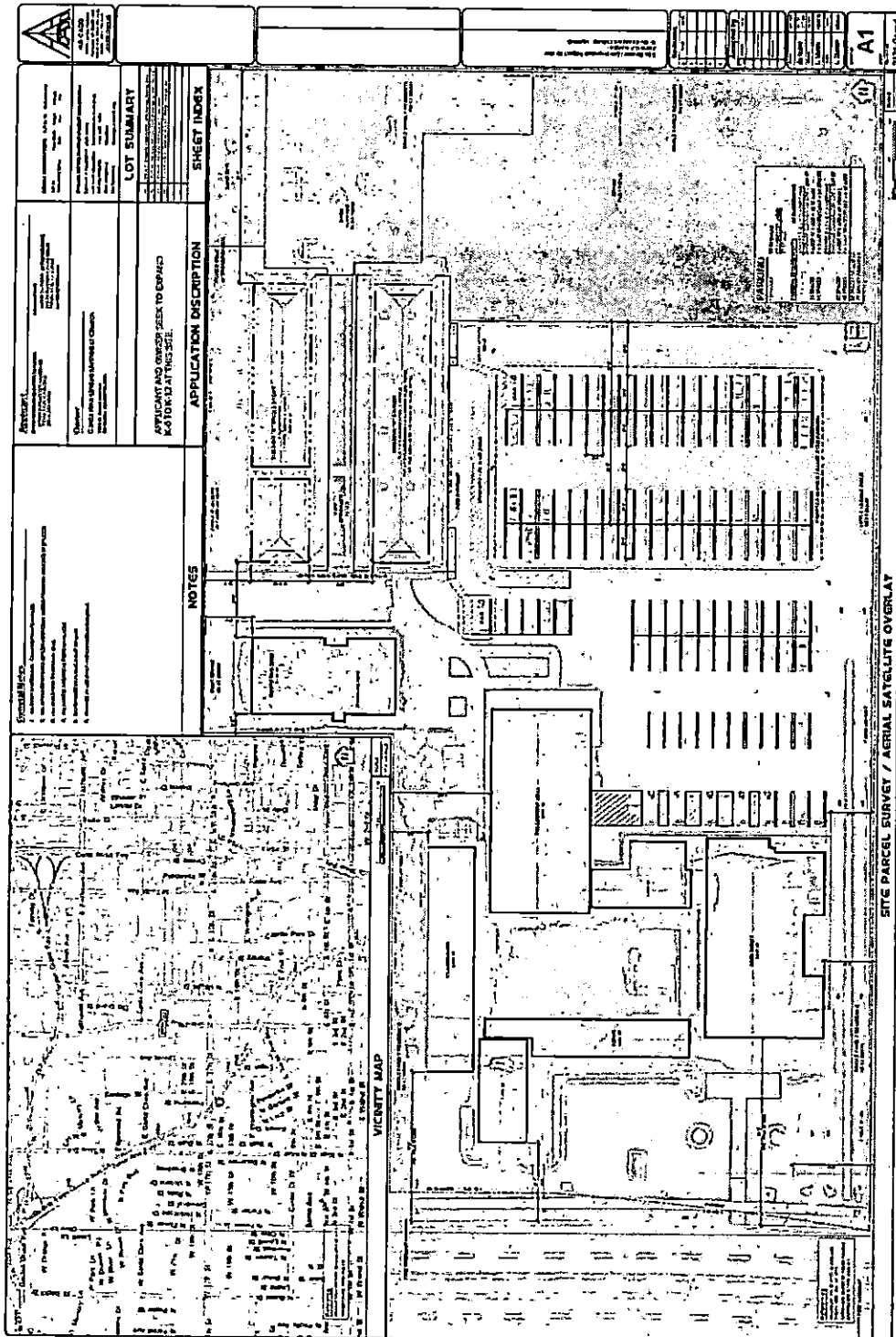
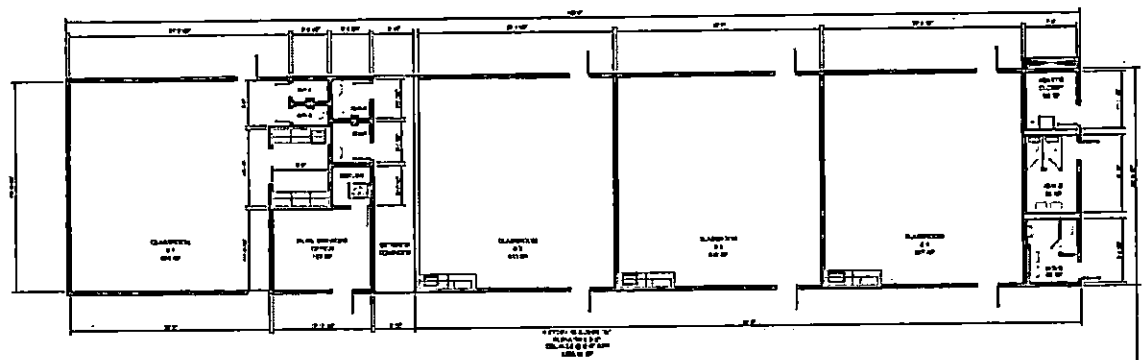


Exhibit 4 – Site Plan

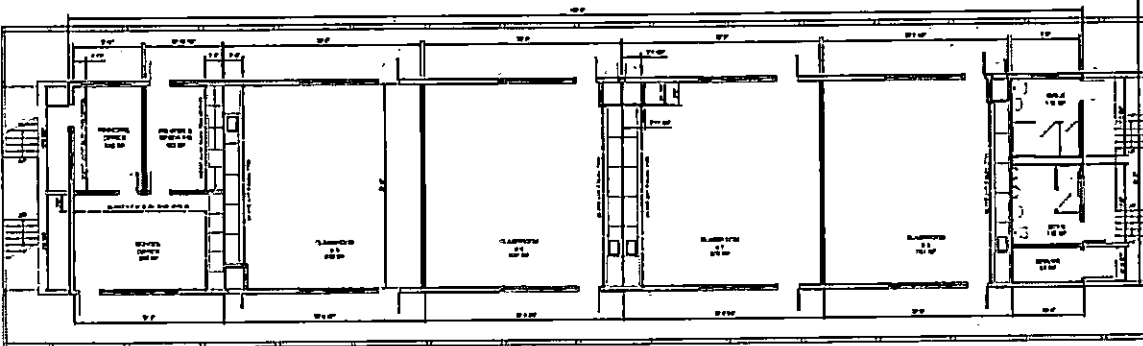
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CUP No. 2018-01 for Citrus Springs Charter School

2121 N. Grand Avenue



First Floor



Second Floor

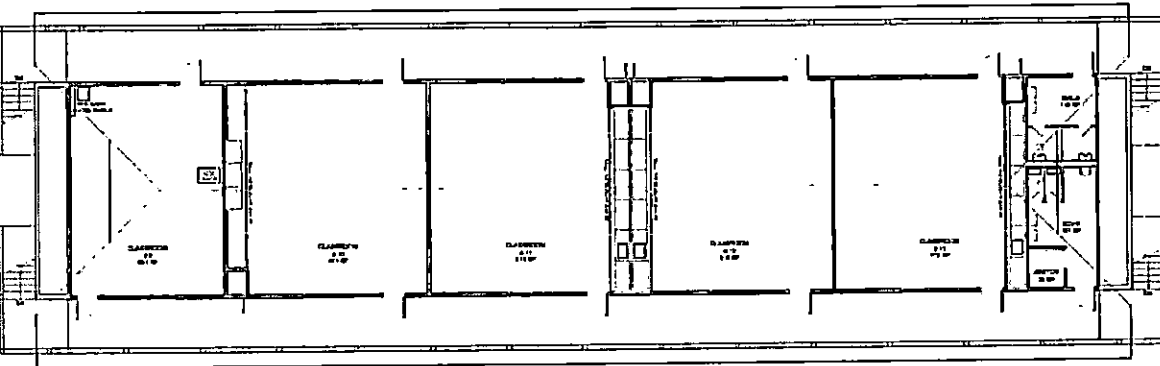


Exhibit 5 – Floor Plans



March 22, 2018

Mayor & Councilmembers
City of Santa Ana
20 Civic Center Plaza
P.O. Box 1988, M31
Santa Ana, CA 92701

Re: Citrus Springs Charter School Appeal Application

Dear Honorable Mayor Pulido,

Citrus Springs Charter School (Citrus Springs) currently operates a K-6 student center at 2121 N. Grand Avenue in Santa Ana, serving 167 students locally and throughout the surrounding communities over the last four years.

Citrus Springs is authorized by the Orange County Office of Education to serve the students of Santa Ana and is fully accredited by the Western Association of Schools and Colleges. Citrus Springs offers students and their parents a variety of learning programs, including the opportunity to work closely with a California credentialed Education Specialist to choose the right combination of personalized learning programs. Students can work independently and attend meetings with the Education Specialist weekly, while selecting academy classes, online foreign language, internships, and CTE courses.

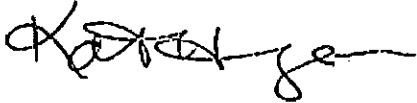
Citrus Springs was created to serve students from kindergarten through 12th grade and provide a number of at home options for 7-12th grades. However, parents and students have expressed the need for 7-12th grade classes to be offered at the student center. This is particularly necessary for our students that are English language learners and who require English language development from a qualified teacher, students with disabilities who require special education services, and those students who are struggling to meet grade level standards. Prohibiting their access to the student center denies them their right to an appropriate, free educational program.

On January 4, 2018, Citrus Springs processed an application to the City of Santa Ana to modify its existing K-6 CUP to a K-12 CUP. Citrus Springs' staff has worked diligently with City staff to ensure all appropriate steps are taken to successfully serve Santa Ana residents and the surrounding communities in a K-12 capacity. Santa Ana planning department staff recommended approval without reservation.

However, on March 12, 2018, the Planning Commission failed to approve the CUP application in a split 2:4:1 vote.

On behalf of all Citrus Springs' students, parents, and staff, I respectfully request the Santa Ana City Council accept our Appeal Application to allow our student center to continue educating and preparing Santa Ana students for the future.

Thank you for your consideration.



Dr. Kathleen Hermsmeyer
Superintendent
Citrus Springs Charter School

RESOLUTION NO. 2018-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENYING APPEAL NO. 2018-02 AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 2018-01 TO ALLOW THE OPERATION OF A K-12 SCHOOL FOR CITRUS SPRINGS CHARTER SCHOOL LOCATED AT 2121 NORTH GRAND AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Dave Black ("Applicant"), representing Citrus Springs Charter School, is requesting approval of Conditional Use Permit No. 2018-01 to allow the operation of a K-12 school for Citrus Springs Charter School at the property located at 2121 North Grand Avenue. It has been operating as a K-6 grade school at the property with a conditional use permit since the 1960's.
- B. Santa Ana Municipal Code Section 41-232.5 (c) requires approval of a conditional use permit for private schools and colleges in the Single-Family Residential Zoning District.
- C. On March 12, 2018, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral, and adopted a resolution denying Conditional Use Permit No. 2018-01.
- D. The Planning Commission's decision to deny Conditional Use Permit No. 2018-01 was appealed to the City Council by the Applicant, contending that the project is appropriate at this location (Appeal No. 2018-02). Santa Ana Municipal Code Section 41-645 allows any interested party, individual or group to file an appeal.
- E. The City Council of the City of Santa Ana agrees with the Planning Commission decision and determines that all of the findings required for granting Conditional Use Permit No. 2018-01 pursuant to Santa Ana Municipal Code (SAMC) Section 41-638, could not be made. Instead, the City Council determines that the following finding has been established for Conditional Use Permit No. 2018-01 regarding the operation of a K-12 school:

1. That the proposed use will under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed K-12 school at this location will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The proposed addition of 7-12 grade levels will be responsible for additional traffic congestion to and from the subject site onto Grand Avenue.

Section 2. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 3. The City Council of the City of Santa Ana after conducting the public hearing hereby denies Appeal No. 2018-02, and denies Conditional Use Permit No. 2018-01. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Council Action, the Request for Planning Commission Action dated March 12, 2018, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this ____ day of _____, 2018.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 
Lisa Storck
Assistant City Attorney

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTENTIONS:	Councilmembers:	_____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2018-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2018.

Date: _____

Clerk of the Council
City of Santa Ana

RESOLUTION NO. 2018-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING APPEAL NO. 2018-02 AND REVERSING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 2018-01 AS CONDITIONED AND ADDING ADDITIONAL CONDITIONS TO ALLOW THE OPERATION OF A K-12 SCHOOL FOR CITRUS SPRINGS CHARTER SCHOOL LOCATED AT 2121 NORTH GRAND AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Dave Black ("Applicant"), representing Citrus Springs Charter School, is requesting approval of Conditional Use Permit No. 2018-01 to allow the operation of a K-12 school for Citrus Springs Charter School at the property located at 2121 North Grand Avenue. It has been operating as a K-6 grade school at the property with a conditional use permit since the 1960's.
- B. Santa Ana Municipal Code Section 41-232.5 (c) requires approval of a conditional use permit ("CUP") for private schools and colleges in the Single-Family Residential Zoning District.
- C. On March 12, 2018, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral, and adopted a resolution denying Conditional Use Permit No. 2018-01.
- D. The Planning Commission's decision to deny Conditional Use Permit No. 2018-01 was appealed to the City Council by the Applicant, contending that the project is appropriate at this location (Appeal No. 2018-02). Santa Ana Municipal Code Section 41-645 allows any interested party, individual or group to file an appeal.
- E. The City Council of the City of Santa Ana determines that the following findings, which must be established in order to grant this Conditional Use Permit pursuant to Santa Ana Municipal Code (SAMC) Section 41-638, have been established for Conditional Use Permit No. 2018-01 to allow the operation of a K-12 school:
 1. That the proposed use will provide a service or facility which will contribute to the general well-being of the neighborhood or community.

The proposed K-12 school will provide a service to the community. The school is a use that will support the adjacent church, residential, and other school uses in the vicinity. Citrus Springs has been offering the children of the community the opportunity to attend a K-6 school for more than 50 years. The proposed expansion of grade levels being offered at this campus will continue to contribute to the general well-being of the neighborhood and its children.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed K-12 school at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the use is compatible with the neighborhood and has been a use that has co-existed with the church use for more than 50 years. Additionally, the proposed conditions of approval will ensure that the use will not create any new negative or adverse impacts on the neighborhood or the community.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed use will not adversely affect the economic stability of the area. The proposed expansion of the school grade levels being offered will result in a positive addition to the surrounding area by providing educational opportunities currently not being offered. The existing K-6 school and the Santa Ana United Methodist Church have recently undergone improvements to the site and will continue to provide additional on-site and off-site improvements as part of the project, therefore creating positive economic investment into the community.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed K-12 school will be in compliance with all applicable regulations and provisions of Chapter 41 of the Santa Ana Municipal Code and all other provisions that are applicable to a private school. No physical expansion of the campus is proposed at this time and on-site improvements have already brought the parking and driveway into compliance with all applicable standards.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed use will not adversely affect the General Plan. The granting of this conditional use permit supports several policies contained in the General Plan. Policy 1.8 encourages the development of nonprofit services, Policy 3.1 supports development which provides a positive contribution to the neighborhood character and identity, and Policy 5.5 encourages development that is compatible with and supporting of surrounding land uses. The R-1 zoning district allows private schools subject to a conditional use permit, making the proposed use consistent with the zoning and the Land Use Plan of the Land Use Element. The expansion of the school to offer an education from K-12 grade will provide additional educational opportunities for the surrounding neighborhoods and residents.

Section 2. In accordance with the California Environmental Quality Act (CEQA) the recommended action is exempt from CEQA per Section 15301. This Class 1 exemption allows the repair, maintenance and permitting of existing structures that are consistent with the zoning and general plan designations. The proposed project involves occupying an existing building, without any square footage addition or building expansion. Categorical Exemption Environmental Review No. 2018-21 will be filed for this project.

Section 3. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 4. The City Council of the City of Santa Ana after conducting the public hearing hereby approves Appeal No. 2018-02, and approves Conditional Use Permit No. 2018-01, as conditioned in Exhibit A, which includes additional conditions added by the City Council, attached hereto and incorporated herein. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Council Action, the Request for Planning Commission Action dated March 12, 2018, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this ____ day of _____, 2018.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: *Lisa Storck*
Lisa Storck
Assistant City Attorney

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTENTIONS:	Councilmembers:	_____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2018-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2018.

Date: _____

Clerk of the Council
City of Santa Ana

EXHIBIT A

Conditions of Approval

Conditional Use Permit No. 2018-01 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code and all other applicable regulations.

The Applicant must comply in full with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

A. Planning Division

1. All proposed site improvements must conform to the Site Plan Review approval of DP No. 2015-69 and the staff report exhibits.
2. The site shall be maintained free from litter and graffiti, including the landscaping areas and playground areas.
3. The premises shall be maintained as per approved plans. Any damage to the existing structures, walls, parking areas, or landscaping must be repaired.

ADDITIONAL CONDITIONS ADDED BY CITY COUNCIL:

4.

5.

RESOLUTION NO. 2018-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENYING APPEAL NO. 2018-02 AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 2018-01 TO ALLOW THE OPERATION OF A K-12 SCHOOL FOR CITRUS SPRINGS CHARTER SCHOOL LOCATED AT 2121 NORTH GRAND AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Dave Black ("Applicant"), representing Citrus Springs Charter School, is requesting approval of Conditional Use Permit No. 2018-01 to allow the operation of a K-12 school for Citrus Springs Charter School at the property located at 2121 North Grand Avenue. It has been operating as a K-6 grade school at the property with a conditional use permit since the 1960's.
- B. Santa Ana Municipal Code Section 41-232.5 (c) requires approval of a conditional use permit for private schools and colleges in the Single-Family Residential Zoning District.
- C. On March 12, 2018, the Planning Commission of the City of Santa Ana held a duly noticed public hearing and at that time considered all testimony, written and oral, and adopted a resolution denying Conditional Use Permit No. 2018-01.
- D. The Planning Commission's decision to deny Conditional Use Permit No. 2018-01 was appealed to the City Council by the Applicant, contending that the project is appropriate at this location (Appeal No. 2018-02). Santa Ana Municipal Code Section 41-645 allows any interested party, individual or group to file an appeal.
- E. The City Council of the City of Santa Ana agrees with the Planning Commission decision and determines that all of the findings required for granting Conditional Use Permit No. 2018-01 pursuant to Santa Ana Municipal Code (SAMC) Section 41-638, could not be made. Instead, the City Council determines that the following finding has been established for Conditional Use Permit No. 2018-01 regarding the operation of a K-12 school:

1. That the proposed use will under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed K-12 school at this location will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The proposed addition of 7-12 grade levels will be responsible for additional traffic congestion to and from the subject site onto Grand Avenue.

Section 2. The Applicant agrees to indemnify, hold harmless, and defend the City of Santa Ana, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this project, and any approvals associated with the project, including, without limitation, any environmental review or approval, except to the extent caused by the sole negligence of the City of Santa Ana.

Section 3. The City Council of the City of Santa Ana after conducting the public hearing hereby denies Appeal No. 2018-02, and denies Conditional Use Permit No. 2018-01. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Council Action, the Request for Planning Commission Action dated March 12, 2018, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this ____ day of _____, 2018.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 
Lisa Storck
Assistant City Attorney

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTENTIONS:	Councilmembers:	_____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2018-xx to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2018.

Date: _____

Clerk of the Council
City of Santa Ana

