



AGENDA

Planning Commission September 21, 2020

7:00 PM Regular Session

Various Teleconference Locations

Anna Pehoushek
Assistant Community
Development Director

Mary Binning
Sr. Assistant City Attorney

Jessica Wang
Administrative Specialist

DAVE SIMPSON
Chair

ERNEST GLASGOW
Vice Chair

RICK MARTINEZ
Commissioner

DAVID VAZQUEZ
Commissioner

DOUG WILLITS
Commissioner

SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19)

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Please be advised that some, or all, of the City of Orange Planning Commissioners and staff will participate in meetings via teleconference.

In response to the Governor's Executive Orders, and to ensure the health and safety of our residents by limiting contact that could spread the COVID-19 virus, the public is not permitted to convene in person for this public meeting.

Public Participation

In place of in-person person attendance, members of the public are encouraged to watch from the safety of their homes in one of the following ways: Spectrum Cable Channel 3 and AT&T U-verse Channel 99, or streamed live and on-demand on the City's website at www.cityoforange.org.

Members of the public can submit their written comments electronically for the Planning Commission's consideration by emailing them to PCpubliccomment@cityoforange.org with the subject line "Public Comment Item # (insert the item number relevant to the comment) or "Public Comment Non-agenda Item" for general public comments. Please submit all written comments before 11:00 a.m. prior to the commencement of the meeting. Written comments received by 11:00 a.m. may be read aloud by staff at the meeting during the appropriate agenda item. Comments shall be limited to 3 minutes per person; any portion of the comment that exceeds 3 minutes will not be read aloud. Off-agenda comments shall be limited to a cumulative 30 minutes for all comments unless changed at the discretion of the Planning Commission. Written comments received after 11:00 a.m. and during the meeting prior to the call for public comment for each agenda item will be available to the Planning Commission as part of the public record, but will not be read aloud during the meeting.

The public can also record their comments by calling (714) 744-7271 no later than 4:00 p.m. before the meeting. All public comments will be provided to the Planning Commission and compiled as part of the record. Contact the City Clerk's Office at (714) 744-5500 with any questions.

NOTE: Any public record that is distributed less than 72 hours prior to the Planning Commission meeting will be made available at the City Clerk's Office and posted on the City's website.

1. OPENING**1.1 CALL TO ORDER****1.2 PLEDGE OF ALLEGIANCE TO THE FLAG****1.3 ROLL CALL****1.4 PUBLIC COMMENTS**

Opportunity for members of the public to address the Commission on matters not listed on the Agenda. Members of the public can submit their comments in writing for the Commission's consideration by sending them to PCpubliccomment@cityoforange.org or by calling (714) 744-7271.

1.5 Continued or Withdrawn Items**1.6 Assistant Community Development Director Reports****1.7 Announcement of Appeal Procedures (details found on last page of this agenda)****2. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine by the Planning Commission and will be enacted by one motion. There will be no separate discussion of said items unless members of the Planning Commission, staff or the public request specific items removed from the Consent Calendar for separate action.

2.1. Approval of meeting minutes of the Planning Commission of the City of Orange for the September 9, 2020, Regular Meeting.**Recommended Action:**

Approve minutes as presented.

Attachments: [September 9, 2020, Regular Meeting minutes](#)

3. COMMISSION BUSINESS**4. CONTINUED HEARINGS****5. NEW HEARINGS****5.1. Public Hearing: Conditional Use Permit No. 3120-20, Futures Academy, 3111 N. Tustin Street, Suite 240****Recommended Action:**

Adopt Planning Commission Resolution No. 24-20 entitled:

A Resolution of the Planning Commission of the City of Orange Approving Conditional Use Permit 3120-20 Allowing an Increase of Student and Staff Capacity at an Existing One-to-One Instructional Learning School to Allow up to 32 Students, Eleven

Instructors, and Five Staff Members at 3111 North Tustin Street, Suite 240

Attachments: [Draft Planning Commission Resolution No. 24-20](#)
 [Vicinity Map](#)
 [Applicant's Visual Study of Existing Conditions](#)
 [Submitted Plans labeled August 11, 2020](#)

6. **ADJOURNMENT**

The next Regular Planning Commission Meeting will be held on Monday, October 5, 2020, at 7:00 PM.

I, Kim Kinsler, Administrative Assistant, of the City of Orange, hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Police facility at 1107 North Batavia, and uploaded to the City's website www.cityoforange.org. Under the declaration of a local emergency, the City of Orange attempted to post at the following location, but due to their closure, was unable to: Orange Main Public Library, 407 E. Chapman Avenue.

Date posted: September 16, 2020

In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the Clerk's office at (714) 744-5500. Notification at least 48 hours prior to the meeting will enable the City to make arrangements to assure accessibility to this meeting.

APPEAL PROCEDURE

Any final determination by the Planning Commission may be appealed, and such appeal must be filed within 15 calendar days after the Planning Commission action. This appeal shall be made in written form to the Community Development Department, accompanied by an initial appeal deposit of \$1,000.00.

The City Clerk, upon filing of said appeal, will set petition for public hearing before the City Council at the earliest date. All owners of property located within 300 feet of the project site will be notified by the City Clerk of said hearing. For additional information, please call (714) 744-7220.

If you challenge any City of Orange decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on this agenda or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



Agenda Item

Planning Commission

Item #: 2.1.

9/21/2020

File #: 20-143

TO: Chair and Members of the Planning Commissioners

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Kim Kinsler, Administrative Assistant

1. SUBJECT

Approval of meeting minutes of the Planning Commission of the City of Orange for the September 9, 2020, Regular Meeting.

2. SUMMARY

Submitted for your consideration and approval are the minutes of the above meeting.

3. RECOMMENDED ACTION

Approve minutes as presented.

4. ATTACHMENTS

- September 9, 2020, Regular Meeting minutes

Approval Date:**Draft Minutes**

Planning Commission
City of Orange

September 9, 2020
7:00 p.m.

STAFF PARTICIPATION VIA TELECONFERENCE:

Mary Binning, Senior Assistant City Attorney
Anna Pehoushek, Assistant Community Development Director
Monique Schwartz, Associate Planner
Doug Keys, Transportation Analyst
Jessica Wang, Administrative Specialist
Simonne Fannin, Recording Secretary

REGULAR SESSION

- 1.1 CALL TO ORDER:** Chair Simpson called the meeting to order at 7:02 p.m.
- 1.2 FLAG SALUTE:** Chair Simpson led the flag salute.
- 1.3 ROLL CALL: Present:** Chair Simpson, Vice-Chair Glasgow, Commissioners Martinez, Vazquez, Willits
- 1.4 PUBLIC PARTICIPATION:**

Chair Simpson opened the public hearing.

Jessica Wang, Administrative Specialist read a letter from John Crowell who opposes the Union 76 Gas Station project on the corner of Cannon and Chapman approved by the Planning Commission in 2019 due to the potential for increased noise levels.

- 1.5 ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR REPORTS:** None
- 1.6 ANNOUNCEMENT OF APPEAL PROCEDURES (details found on last page of this agenda)**
- 2. CONSENT CALENDAR: 2.1**
- 2.1** A motion was made to approve the August 17th and 24th, 2020 minutes as written.

Approval of August 17, 2020 Minutes:

MOTION: Vice-Chair Glasgow
SECOND: Commissioner Willits
AYES: Chair Simpson, Vice-Chair Glasgow, Commissioners Willits and Vazquez.
NOES: None
ABSTAIN: Commissioner Martinez

2.2 Approval of August 24, 2020 Minutes:**MOTION:** Vice-Chair Glasgow**SECOND:** Commissioner Willits**AYES:** Chair Simpson, Vice-Chair Glasgow, Commissioners Martinez, Willits, and Vazquez.**NOES:** None**MOTION CARRIED****3. NEW HEARING:****3.1 Conditional Use Permit No. 3065-18, Design Review No. 4939-18, and Minor Site Plan Review No. 0938-18 – Orange Express Car Wash, 387 N Tustin Street.**

The applicant proposes to redevelop an existing full-service car wash site with a new 6,809 square foot automated express car wash and related site improvements.

RECOMMENDED ACTION:

Adopt Planning Commission Resolution No. PC 22-20 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT NO. 3065-18, DESIGN REVIEW NO. 4939-18, AND MINOR SITE PLAN REVIEW NO. 0938-18, TO REDEVELOP AN EXISTING FULL-SERVICE CAR WASH SITE WITH A NEW 6,809 SQUARE FOOT AUTOMATED EXPRESS CAR WASH AND RELATED SITE IMPROVEMENTS, LOCATED AT 387 N. TUSTIN STREET.

NOTE: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15303 (Class 3 – New Construction or Conversion of Small Structures) because the project consists of the construction of a new, small (<10,000 square foot in urbanized area) structure zoned for such use, not involving the significant use of hazardous substances, where all necessary public services are available, and where the area is not environmentally sensitive. There is no environmental public review or notice required for a categorical exemption.

Monique Schwartz, Associate Planner, provided an overview of the project consistent with the staff report. She stated that staff received emails expressing concerns about potential noise impacts from the following:

- Schlomo Goldin
- Jamie and Dorothy Brown
- Michael Gomez

Ms. Schwartz indicated that conditions of approval included in the Planning Commission Resolution address their concerns.

Jefferson Choi, architect spoke on behalf of the project. James Kim, Tom Huang, Jacob Lesir and Roma Stromberg were also available to answer questions.

The Commissioners had questions and comments on the following:

- Confirmed that the applicant was agreeable to removing a vacuum stall to accommodate two trees.
- If the intent of the 10' wall is strictly for tunnel noise reduction?
- Will wheel stops be sufficient to keep cars from accidentally going into the queuing area from the eastern edge of the vacuum area?
- The maximum number of cars allowed in queuing area at one time and the anticipated time from entering to exiting the tunnel?
- Is there a contingency plan to keep cars off Tustin Street in the event of an overflow in the queuing area?
- Are expediting services available for membership clientele?
- The effectiveness of the wall on the eastern property line and Podocarpus hedge in buffering noise impacts.
- The number of stories and window orientation of the adjacent residences in relation to the car wash vacuum stalls and equipment enclosure.
- Is height of south wall sufficient to reduce noise impacts to the Mexican restaurant?
- The construction material and noise buffering potential of the vacuum processing center.
- The Commission recommended moving the side vent on the vacuum processing center to the west side of the building in order to reduce noise impacts to the residences on the east side.
- Confirmation that the safety of left turns on to Tustin when exiting the car wash has been considered.
- The Commission acknowledged the challenges with planting trees on the easement due to underground utilities and expressed its preference for retaining a vacuum stall rather than removing it in order to plant two additional trees.
- The Commission agreed that this is a good project and will revitalize the area.

Mary Binning, Sr. Assistant City Attorney presented alternative language modifying Condition 40 to include "if two trees in the easement cannot be planted, applicant shall work with the Community Development Director to determine an alternative planting or location."

Chair Simpson opened the public hearing and asked staff if any public comments were received for this item in addition to those presented with the staff report. No comments were received. The public hearing was closed.

A motion was made to adopt Planning Commission Resolution No. PC Adopt Planning Commission Resolution No. PC 22-20 entitled: a Resolution of the Planning Commission of the City of Orange approving Conditional Use Permit No. 3065-18, Design Review No. 4939-18, and Minor Site Plan Review No. 0938-18, to redevelop an existing full-service car wash site with a new 6,809 square foot automated express car wash and related site improvements, located at 387 N. Tustin Street with a modification to Condition40.

MOTION: Vice-Chair Glasgow

SECOND: Commissioner Willits

AYES: Chair Simpson, Vice-Chair Glasgow, Commissioners Willits, Vazquez, Martinez

NOES: None

MOTION CARRIED

4. ADJOURNMENT: 8:21 p.m.

The next Regular Planning Commission Meeting will be held on Monday, September 21, 2020, at 7:00 p.m.

Anna Pehoushek, Assistant Community Development Director



Agenda Item

Planning Commission

Item #: 5.1.

9/21/2020

File #: 20-097

TO: Chair and Members of the Planning Commission

THRU: Anna Pehoushek, Assistant Community Development Director

FROM: Tiffany Chhan, Planning Aide

1. SUBJECT

Public Hearing: Conditional Use Permit No. 3120-20, Futures Academy, 3111 N. Tustin Street, Suite 240

2. SUMMARY

The applicant proposes to increase the total number of students, faculty, and staff to 32 students, eleven instructors, and five staff members at an existing office suite. The applicant provides primarily one-to-one and small group instruction for middle and high school students.

3. RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 24-20 entitled:

A Resolution of the Planning Commission of the City of Orange Approving Conditional Use Permit 3120-20 Allowing an Increase of Student and Staff Capacity at an Existing One-to-One Instructional Learning School to Allow up to 32 Students, Eleven Instructors, and Five Staff Members at 3111 North Tustin Street, Suite 240

4. AUTHORIZING GUIDELINES

Orange Municipal Code (OMC) Section 17.10.030 authorizes the Planning Commission to review and take action on Conditional Use Permits. OMC Section 17.13.050.BB requires Planning Commission approval of Conditional Use Permit requests for instructional learning facilities in commercial zones involving shared parking.

5. PROJECT BACKGROUND

<i>Applicant:</i>	Futures Academy
<i>Property Owner</i>	AG Tustin Owner LP
<i>Property Location</i>	3111 N. Tustin Street, Suite 240
<i>Existing General Plan Land Use Element Designation</i>	GC (General Commercial)
<i>Existing Zoning Classification</i>	C-1 (Limited Business)
<i>Old Towne</i>	No
<i>Specific Plan/PC</i>	No

<i>Site Size</i>	2.93 acres
<i>Circulation</i>	The site is accessed by one driveway on Tustin Street. Tustin Street is considered a Primary Arterial with an ultimate right-of-way of 100 feet.
<i>Existing Conditions</i>	The property is 2.93 acres and developed with a 52,989 square foot, two-story office building with tuck under parking and an associated surface parking lot. The previous Conditional Use Permit (CUP) issued for the one-to-one instructional facility associated with the property will be surrendered with the approval of the new 3,758 square foot private school. All other tenants are all office professional uses.
<i>Surrounding Land Uses and Zoning</i>	North - Strip commercial shops and residential multiple family in the City of Anaheim West - A motel and residential single family in the City of Orange and residential multiple family in the City of Anaheim South - State Route 55 (Costa Mesa Freeway) East - State Route 55 (Costa Mesa Freeway)
<i>Previous Applications/Entitlements</i>	CUP No. 2847-12

6. PROJECT DESCRIPTION

The applicant proposes to increase the total number of students, faculty, and staff to 32 students, eleven instructors, and five staff members. The applicant provides primarily one-to-one and small group instruction for middle and high school students in grades 6 through 12.

The applicant provides flexible schedules for students and staff and offers instruction periods between 8 a.m. to 8 p.m., Mondays through Fridays. Weekend activities are limited to infrequent accessory administrative uses such as parent-teacher conferences and standardized testing. Students are able to begin and end their school day based on a personalized schedule with classes offered year-round. Some students prefer a faster or slower pace than a traditional classroom, some students prefer individualized instruction, and some students have non-academic commitments such as health and wellness, acting and music, family business and travel, or sports and training, which require a flexible school schedule.

Futures Academy is fully accredited by the Western Association of Schools and Colleges (WASC) and focuses on a micro-learning environment, which purposely creates a small learning community. Consequently, each student has their own schedule and no two students have the exact same schedule. Instruction runs for 50 minutes followed by a ten minute break for students and instructors to exit or prepare for the next instruction period on a staggered schedule (Mon-Wed-Fri or Tues-Thurs). For each instructional period, a student will have a corresponding hour of guided study. Classes are taught primarily through one-to-one instruction where there is one teacher and one student per one workstation. A classroom may contain up to three workstations. Small group, class settings are provided with one teacher and up to five students. Students also participate in a guided study hall which can accommodate up to ten students at a time where they can find support in all content areas.

Development Standards

There are no changes proposed to the exterior of the building, therefore a comparison of the building to the existing development standards has not been conducted, except for parking.

	Required	Proposed	Code Section
<i>Parking (non-residential)</i>	1 space/employee, plus 4 spaces/10 students (11 instructors, 5 staff, and 32 students = 29 parking spaces) 4 parking spaces per 1,000 square feet of office. (49,231 square feet = 197 parking spaces)	The office building has a total of 229 parking spaces. A surplus of three parking spaces.	17.34.060

7. ANALYSIS AND STATEMENT OF THE ISSUES

Issue 1: History and Past Entitlement, CUP No. 2847-12

The previous CUP No. 2847-12 was issued by the Planning Commission in 2012 for a one-to-one instructional school and tutoring facility for six students and eight staff members on site at any given time in a 1,682 square foot suite on the first floor in suite number 120. In 2014, Futures Academy relocated from suite number 120 to suite number 240 due to the suite's larger size of 3,758 square feet. At the time, Futures Academy was not increasing student capacity and, as such, staff had determined the move from suite 120 to 240 had been consistent with the approval of CUP No. 2847-12. Futures Academy is now requesting to increase student, instructor, and staff capacity due to an increase in demand. Futures Academy will continue to operate most similarly to an instructional use and will not offer outdoor recreation, food service, or assembly uses.

Issue 2: Parking Requirement

For Futures Academy, a class generally consists of one instructor and one student. Small group sessions may consist of one instructor and up to five students. The guided study hall can accommodate up to ten students at a time; however, each student keeps their own schedule and, at hourly intervals, are able to freely move in and out of guided study. The intensity of the educational use and the movement of the student body is not that of a traditional school. The middle and high school parking requirements based on the number of classrooms would not be an appropriate requirement in this operation because the number of classes is not representative of the actual parking demand and the use operates more similarly to a tutoring facility. As such, Futures Academy is parked based on the "Instructional Use" parking requirement. This was also applied to the previously issued CUP No. 2847-12. The previous CUP had allocated eleven parking spaces to the instructional use. Since the proposed project will require additional parking spaces (see discussion below), the applicant will voluntarily surrender CUP No. 2847-12 in order to allow for a greater availability of parking spaces.

Issue 3: Circulation and Parking Availability

The existing office building has 229 parking spaces available for the entire site and is over-parked based on the current uses. The instructional learning facility has been in operation at this office building since 2012 and in the current suite 240 since 2014. Due to the staggered schedules of students and staff along with the varied arrival and departure times, there is never a peak of arrivals and departures, which effectively mitigates all queuing issues. Over the past eight years, Futures Academy has had no issues with parking availability nor any circulation issues with other tenants.

Based on the maximum number of 32 students and sixteen instructors and staff that would be at the school at any given time, the instructional use requires 29 parking spaces. The general office uses requires 197 parking spaces. This totals a parking requirement of 226 parking spaces for the entire complex, which leaves a surplus of three parking spaces. Therefore, in this case there is no parking deficit for the proposed increase in student and staff capacity.

Issue 4: Tenant Compatibility

The increased presence of students and staff will not disrupt the enjoyment of the surrounding land uses. Futures Academy has established rules and regulations with their staff and students for behavior outside of the suite and in any common areas inside or outside the property. There is one lunch break scheduled between 11:30 a.m. and 12 p.m. Students on-site at this time may have lunch within the tenant suite or, if they have been granted off-campus privileges, they will walk to a nearby shopping center for lunch. Students do not congregate in common areas outside the suite and loitering onsite before or after class schedules is prohibited, except for students waiting for caregiver transportation to arrive. Amplified sound of any kind is not audible outside of the tenant suite.

8. PUBLIC NOTICE

On September 11, 2020, the City sent a Public Hearing Notice to a total of 287 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The project site has been posted in two locations with the notification on that same date.

9. ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 - Existing Facilities) because the project consists of a new use at an existing facility with no expansion of the existing office building. No public review is required.

10. ADVISORY BOARD ACTION

Streamlined, Multi-disciplined, Accelerated Review Team (SMART):

SMART reviewed the project on August 19, 2020 and recommended approval with conditions.

11. ATTACHMENTS

- Draft Planning Commission Resolution No. 24-20
- Vicinity Map
- Applicant's Visual Study of Existing Conditions
- Submitted Plans labeled August 11, 2020

CONDITIONAL USE PERMIT 3120-20

RESOLUTION NO. PC 24-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE APPROVING CONDITIONAL USE PERMIT 3120-20 ALLOWING AN INCREASE OF STUDENT AND STAFF CAPACITY AT AN EXISTING ONE-TO-ONE INSTRUCTIONAL LEARNING SCHOOL TO ALLOW UP TO 32 STUDENTS, ELEVEN INSTRUCTORS, AND FIVE STAFF MEMBERS AT 3111 NORTH TUSTIN STREET, SUITE 240

APPLICANT: FUTURES ACADEMY

Moved by Commissioner _____ and seconded by Commissioner _____ that the following resolution be adopted:

WHEREAS, the Planning Commission has authority per Orange Municipal Code (OMC) Section 17.10.030 to make a final determination on an application for a Conditional Use Permit; and

WHEREAS, OMC Table 17.13.030 identifies schools as Conditionally Permitted Uses in specified zones; and

WHEREAS, the application for Conditional Use Permit 3120-20 was processed in the time and manner prescribed by state and local law; and

WHEREAS, Conditional Use Permit No. 3120-20 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1- Existing Facilities) because the project consists of a new use at an existing facility with no expansion of the existing facility; and

WHEREAS, Futures Academy is requesting to establish an instructional school with one-to-one instruction, small group instruction with one instructor and up to five students, and a guided study hall which can accommodate up to ten students for a total of thirty-two students, eleven instructors, and five staff members on-site at any one time; and

WHEREAS, the Planning Commission conducted a duly advertised public hearing on September 21, 2020 at which time interested persons had an opportunity to testify either in support of or opposition to an instructional school at a property described in Exhibit A to this Resolution and currently addressed as 3111 North Tustin Street, City of Orange, Orange County, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves Conditional Use Permit 3120-20 to allow the applicant to operate an instructional learning school providing students in grades 6th through 12th instruction in a full curriculum of subjects at 3111 N. Tustin Street, based on the following findings:

SECTION 1 – FINDINGS

General Plan Findings:

1. *The project must be consistent with the goals and policies stated within the City's General Plan.*

The project contributes to a balanced and functional mix of uses in the City. The use provides new employment and educational opportunities for residents in the City. Additionally, it strengthens business in the area by allowing school students and staff to shop and do business in the City. The proposed use is not in conflict with existing development or insensitive to the use, scale or character of existing development.

Conditional Use Permit Required Findings:

1. *A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.*

The existing instructional school is increasing capacity in an existing office building based on increased demand for such services. The building and school are located in an urban area with transit services adjacent to major transportation corridors. The school could provide education and training to the surrounding community, including City residents.

2. *A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.*

The school will occupy an existing developed site and provide education in a business setting that is consistent with the existing office look and function of the site. Pursuant to the parking analysis, adequate parking is provided for the proposed use. The use is within proximity to public transit which also serves the adjacent commercial and residential uses.

3. *A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.*

The proposed school will provide educational opportunities for the surrounding community in a business office setting. Direct access to the site is provided from Tustin Street. The existing office building is surrounded by mature landscaping that buffers views of the building. Noise generated by the proposed school would be no more intense than noise that could occur from office occupancy of the existing building.

4. *A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.*

The project is subject to conditions to ensure the operation of the facility will not have an adverse impact on the general welfare. Such conditions include having a minimum of 10 minutes between instructional sessions to allow for students to fully vacate the building before another session arrives (Condition No. 5); no more than 11 on-site instructors and 5 administrative staff and no more than 32 on-site students may be on the subject site (Condition No. 6). The conditions are provided to ensure that adequate parking is maintained.

SECTION 2 – ENVIRONMENTAL REVIEW

Categorical Exemption: This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1, Existing Facilities) because the project consists of a new use at an existing facility with no expansion of the existing facility. There is no public review required.

SECTION 3 – CONDITIONS OF APPROVAL

BE IT FURTHER RESOLVED that the following conditions are to be imposed with approval:

1. The project shall conform in substance and be maintained in general conformance with plans and exhibits date labeled August 11, 2020, including any modifications required by conditions of approval, and as approved by the Planning Commission. Any future expansion in area or in the nature and operation of the use approved by Conditional Use Permit No. 3120-20 shall require an application for a new or amended Conditional Use Permit.
2. In conjunction with the operation of the business, any proposed increase in students, faculty, or building area, or in nature and operation of the use approved by Conditional Use Permit No. 3120-20 shall require an application for a new or amended Conditional Use Permit.
3. The applicant at all times shall provide the required number of parking spaces based on the uses on the site.
4. In conjunction with the operation of the business, school operations may occur daily from 8:00 a.m. to 8:00 p.m. Exceptions for special events may be made with the prior written approval of the Community Development Director. Requests should be made in writing at least two weeks prior to the event.
5. In conjunction with the business, a minimum of 10 minutes shall be maintained between instructional sessions to allow for students to fully vacate the building before other students arrive for their instructional sessions.

6. In conjunction with the operation of the business, no more than 11 on-site instructors, 5 administrative staff and no more than 32 on-site students may be present at the instructional school at any given time.
7. No amplified sound shall be allowed to be used inside the tenant suite that is audible from the outside of the suite.
8. In conjunction with the operation of the business, should parking issues arise on the site or the surrounding neighborhood, the applicant shall work with the Community Development Department to resolve any issues. If such issues are not resolved to the City's satisfaction, the Conditional Use Permit shall be presented to the Planning Commission for their consideration of further conditions, modifications or revocation.
9. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permits, save and except that caused by the City's active negligence. The City shall promptly notify the applicant of any such claim, action, or proceedings and shall cooperate fully in the defense.
10. Prior to the operation of the business the applicant shall file for or, if applicable, amend a business license with the Business License Division. Failure to obtain the required business license will be cause for revocation of this approval.
11. Prior to issuance of business license, the applicant shall ensure compliance with the California Fire Code to the satisfaction of the City of Orange Fire Department.
12. Conditional Use Permit 3120-20 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060.
13. These conditions shall be reprinted on the second page of the construction documents when submitted to the Building Division for the plan check process.
14. The applicant shall comply with all federal, state and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
15. Prior to the issuance of building permits, the applicant shall pay all applicable development fees including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.
16. Construction permits shall be obtained for all construction work, as required by the Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required building permits will be cause for revocation of this permit.

17. In addition to the above conditions, the applicant shall comply with the procedural requirements contained in Attachment B to this Resolution.

I hereby certify that the foregoing Resolution was adopted on September 21, 2020 by the Planning Commission of the City of Orange by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Simpson, Planning Commission Chair

Date

ATTACHMENT A
LEGAL DESCRIPTION

PARCEL 1:

BEGINNING AT A POINT IN THE WEST LINE OF TUSTIN AVENUE, SAID POINT BEING THE NORTHEASTERLY TERMINUS OF A CURVE, HAVING A RADIUS OF 3050.00 FEET, AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 777, PAGES 21 OF OFFICIAL RECORDS, THENCE TANGENT TO SAID CURVE NORTH 50° 11' 05" EAST, 51.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EASTERLY LINE OF JEFFERSON STREET, THE FOLLOWING COURSES AND DISTANCE; NORTH 6° 27' 56" WEST, 140.07 FEET TO A POINT; THENCE NORTH 19° 29' 40" WEST 202.96 FEET TO A POINT; THENCE NORTH 9° 07' 39" EAST, 103.13 FEET TO A POINT IN THE COMPROMISE LINE AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 4, PAGE 3 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA; THENCE ALONG SAID COMPROMISE LINE THE FOLLOWING COURSES AND DISTANCES:" SOUTH 82° 03' 29" EAST 54.56 FEET TO A POINT; THENCE SOUTH 71° 30' 28" EAST 360.59 FEET TO A POINT; THENCE NORTH 72° 51' 10" EAST 72.28 FEET TO A POINT IN THE NORTHWESTERLY LINE OF TUSTIN AVENUE, AS DESCRIBED IN THE ABOVE-MENTIONED DEED RECORDED IN BOOK 777, PAGE 21 OF OFFICIAL RECORDS; THENCE SOUTH 50° 11' 05" WEST, 518.07 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THENCE FROM THAT PORTION GRANTED IN DEED FROM PERALTA INN COMPANY, A PARTNERSHIP TO JAMES A. CARTER, AND OTHERS, RECORDED DECEMBER 22, 1971 IN BOOK 9935, PAGE 788, OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE LAND ALLOTTED TO LEANDRO SERRANO, AS DESCRIBED IN THE FINAL DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, WHICH WAS ENTERED SEPTEMBER 12, 1868 IN BOOK "B", PAGE 410 OF JUDGEMENTS OF THE DISTRICT COURT OF THE 17TH JUDICIAL DISTRICT IN AND FOR LOS ANGELES COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

A TRIANGULAR PARCEL OF LAND BEING A PORTION OF THE LAND DESCRIBED IN DEED TO PERALTA INN COMPANY, RECORDED MARCH 16, 1964 IN BOOK 6964, PAGE 131, OFFICIAL RECORD OF ORANGE COUNTY, CALIFORNIA, BOUNDED NORTHERLY AND SOUTHERLY BY THOSE CERTAIN COURSES CITED AS:

"NORTH 72° 51' 10" EAST 72.28 FEET" AND "SOUTH 50° 11' 05" WEST, 518.07 FEET RESPECTIVELY IN SAID DEED TO PERALTA INN COMPANY, AND BOUNDED WESTERLY BY A LINE THAT EXTENDS SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM THAT CERTAIN COURSE MENTIONED ABOVE, HAVING A LENGTH OF 72.28 FEET SAID WESTERLY BOUNDARY LINE TO INTERSECT SAID LAST MENTIONED COURSE AT ITS WESTERLY TERMINUS.

ALSO EXCEPTING AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS, MINERALS, PETROLEUM, AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND BUT WITHOUT THE RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND FOR DRILLING, BORING, REMOVING, EXTRACTING, STORING, MARKETING OR PROSPECTING FOR SAID SUBSTANCES, AS RESERVED IN THE DEED FROM DONLEY BOLINGER TO MARJORIE W. BOLINGER, HUSBAND AND WIFE, RECORDED DECEMBER 30, 1969 IN BOOK 5572, PAGE 564 OFFICIAL RECORDS.

ALSO EXCEPTING THE REMAINING UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS, MINERALS, PETROLEUM AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 VERTICAL FEET FROM THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND FOR DRILLING, BORING, REMOVING EXTRACTING, STORING, MARKETING OR PROSPECTING FOR SAID SUBSTANCES AS RESERVED IN THE DEED FROM ACACIA, INC., A CALIFORNIA CORPORATION AND THOMAS L. SIMS AND KATHRYN G. SIMS, HUSBAND AND WIFE RECORDED DECEMBER 30, 1960 IN BOOK 5572, PAGE 577 OF OFFICIAL RECORDS.

PARCEL 2:

THAT PORTION OF PARCEL 4 DELINEATED AND SHADED ON A MAP RECORDED ON MAY 10, 1974 IN STATE HIGHWAY MAP BOOK NO. 9, PAGES 15 THROUGH 18, INCLUSIVE RECORDS OF ORANGE COUNTY, AND AS DESCRIBED IN RELINQUISHMENT REQUEST NO. 639 RECORDED JULY 08, 1974 IN BOOK 11190, PAGE 656 OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF SANTA ANA CANYON ROAD AND JEFFERSON STREET, NOW KNOWN AS TUSTIN STREET, AS SHOWN ON A MAP OF TRACT NO. 5158, RECORDED IN BOOK 211, PAGES 47 AND 48 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, THENCE ALONG THE CENTER LINE OF TUSTIN STREET, AS SHOWN ON SAID MAP OF TRACT NO. 5158, SOUTH 17° 52' 31" WEST 70.03 FEET TO A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 500.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 2° 39' 12 SECONDS AN ARC LENGTH OF 23.15 FEET TO A POINT ON SAID CURVE, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 74° 46' 41" WEST SAID POINT ALSO BEING ON THE COMPROMISE LINE, AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 4, PAGE 3 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, THENCE SOUTH 82° 03' 29" EAST ALONG SAID COMPROMISE LINE 40.32 FEET TO

A POINT ON A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 460.00 FEET, SAID POINT BEING THE TRUE POINT OF BEGINNING, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 74° 10' 21" WEST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20° 45' 26" AN ARC LENGTH OF 166.65 FEET TO A TANGENT LINE; THENCE SOUTH 4° 55' 47" EAST 216.79 FEET TO A POINT ON A TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 440.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 24° 13' 14" AN ARC LENGTH OF 186.00 FEET TO A POINT OF CUSP, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 70° 42' 33" EAST; THENCE NORTH 44° 10' 07" EAST 44.07 FEET; THENCE NORTH 37° 25' 26" EAST 123.00 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF THE LAND DESCRIBED IN A DEED TO HERIBERSON LAGUNAS AND OTHERS, RECORDED IN BOOK 11878, PAGES 1089 AND 1090, OFFICIAL RECORDS OF ORANGE COUNTY, THENCE ALONG THE WESTERLY LINE OF SAID LAND THE FOLLOWING BEARINGS AND DISTANCES; NORTH 6° 27' 56" WEST 140.07 FEET; THENCE NORTH 19° 29' 40" WEST 202.96 FEET; THENCE NORTH 9° 07' 39" EAST 103.13 FEET TO THE SAID COMPROMISE LINE AS SHOWN ON SAID RECORD OF SURVEYS; THENCE NORTH 82° 03' 29" WEST ALONG SAID COMPROMISE LINE 18.30 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THENCE FROM THAT PORTION LYING SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN A DEED RECORDED SEPTEMBER 06, 1935 TO THE STATE OF CALIFORNIA AND RECORDED IN BOOK 777, PAGE 21 OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA.

EXCEPT AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS, MINERALS, PETROLEUM AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 VERTICAL FEET FROM THE SURFACE OF SAID LAND BUT WITHOUT THE RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND FOR DRILLING, BORING, REMOVING, EXTRACTING, STORING, MARKETING OR PROSPECTING FOR SAID SUBSTANCES AS RESERVED IN THE DEED EXECUTED BY DONLEY BOLINGER AND MARJORIE W. BOLINGER, RECORDED DECEMBER 30, 1960 IN BOOK 5572, OF OFFICIAL RECORDS.

ALSO EXCEPT THE REMAINING UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS, MINERALS, PETROLEUM, AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND FOR DRILLING, BORING, REMOVING, EXTRACTING, STORING, MARKETING OR PROSPECTING FOR SAID SUBSTANCES AS RESERVED IN THE DEED FROM ACACIA INC., A CALIFORNIA CORPORATION AND THOMAS L. SIMS AND KATHRYN G. SIMS, HUSBAND AND WIFE, RECORDED DECEMBER 30, 1960 IN BOOK 5572, PAGE 577 OF OFFICIAL RECORDS.

PARCEL 3:

THAT PORTION OF SECTION 9, T4S, R9W, SEM, ACQUIRED BY THE STATE OF CALIFORNIA BY HIGHWAY EASEMENT DEED (STATE PARCEL 32) RECORDED SEPTEMBER 06, 1935 IN BOOK 777, PAGE 21 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDED OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF SAID EASEMENT DEED, SAID POINT BEING THE SOUTHERLY TERMINUS OF THAT COURSE DESCRIBED AS NORTH 5° 33' 08" WEST, 140.07 FEET IN PARCEL 1 OF DEED (STATE PARCEL A8724) RECORDED NOVEMBER 27, 1961 IN BOOK 5923, PAGE 333 OF SAID OFFICIAL RECORDS, SAID POINT ALSO BEING IN THE GENERAL EASTERLY LINE OF PARCEL 4 OF SATE HIGHWAY RELINQUISHMENT NO. 639, RECORDED JULY 08, 1974 IN BOOK 11190, PAGE 656 OF SAID OFFICIAL RECORDS, AND SHOWN ON MAP RECORDED IN BOOK 9, PAGE 18 OF STATE HIGHWAY MAPS IN SAID OFFICE THENCE ALONG THAT COURSE SHOWN AS "SOUTH 38° 20' 13" WEST, 199.77 FEET" IN SAID PARCEL 4, SOUTH 38° 20' 13" WEST, 130.33 FEET; THENCE SOUTH 80° 56' 07" EAST 27.95 FEET; THENCE NORTH 48° 26' 05" EAST, 58.55 FEET; THENCE NORTH 8° 31' 24" EAST, 30.00 FEET; THENCE NORTH 46° 54' 49" EAST 363.53 FEET TO SAID NORTHWESTERLY LINE; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 51° 05' 54" WEST 334.74 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

THE PORTION OF THE LAND ALLOTTED TO THE HEIRS OF LEONDR0 SERRANO IN DECREE OF PARTITION OF THE RANCHO SANTIAGO DE SANTA ANA, RECORDED IN BOOK "B" OF JUDGEMENTS OF THE 17TH JUDICIAL DISTRICT COURT OF CALIFORNIA, IN THE COUNTY OF ORANGE STATE OF CALIFORNIA, ALSO KNOWN AS A PORTION OF PARCEL 4 OF PROPOSED RELINQUISHMENT NO. 639 FILED MAY 10, 1974 IN THE STATE HIGHWAY MAP BOOK 9;

BEGINNING AT A POINT BEING THE NORTHEASTERLY TERMINUS OF A CURVE HAVING A RADIUS OF 3050.00 FEET AS DESCRIBED IN A DEED TO THE STATE OF CALIFORNIA RECORDED ON SEPTEMBER 06, 1935 IN BOOK 777, PAGE 21, OFFICIAL RECORDS OF SAID COUNTY, AND BEING SOUTH 50° 11' 05" WEST 51.13 FEET FROM THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED AS NORTH 05° 33' 05" WEST, 140.07 FEET IN PARCEL 1 OF DEED (STATE PARCEL A8724) RECORDED NOVEMBER 27, 1961 IN BOOK 5923, PAGE 333 OF THE OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHWESTERLY ALONG SAID TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3050.00 FEET A CENTRAL ANGLE OF 01° 16' 01" AND AN ARC DISTANCE OF 67.44 FEET TO A POINT NON-TANGENT ON THE EASTERLY LINE OF TUSTIN AVENUE, A CURVE CONCAVE WESTERLY FROM WHICH A RADIAL LINE BEARS NORTH 77° 51' 23" WEST AND HAVING A RADIUS OF 440.00 FEET; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID TUSTIN AVENUE AND SAID CURVE CONCAVE WESTERLY HAVING A RADIUS OF 440.00 FEET A CENTRAL ANGLE OF 07° 08' 50" AN ARC LENGTH OF 54.89 FEET TO A POINT NON-TANGENT TO SAID CURVE; THENCE NORTH 45° 30' 29" EAST 36.80 FEET THENCE NORTH 37° 25' 26" EAST 130.33 FEET; THENCE SOUTH 50° 11' 05" WEST 51.13 FEET TO THE POINT OF BEGINNING.

ATTACHMENT B PROCEDURAL REQUIREMENTS

Planning:

1. Prior to building permit issuance, the applicant shall obtain approval from the Planning Division for any and all signage associated with the proposed project and/or business.

Fire:

1. Plans submitted for Building Plan Review shall comply with the California Fire Code as amended by the City and as frequently amended and in effect at the time of application for Building Permit.

Police:

1. Prior to building permit issuance, construction plans shall show that all structures shall comply with the requirements of OMC Chapter 15.52, Building Security Standards, which relates to the use of specific hardware, doors, windows, lighting, etc. Architect drawings shall include sections of the Ordinance that apply under “Security Notes”. An “Approved Products List 1/08” of hardware, windows, etc. is available upon request.
2. Any graffiti on the property shall be removed within 72 hours from the time the City of Orange Notice of Violation is received by the applicant/property owner.

Water Quality:

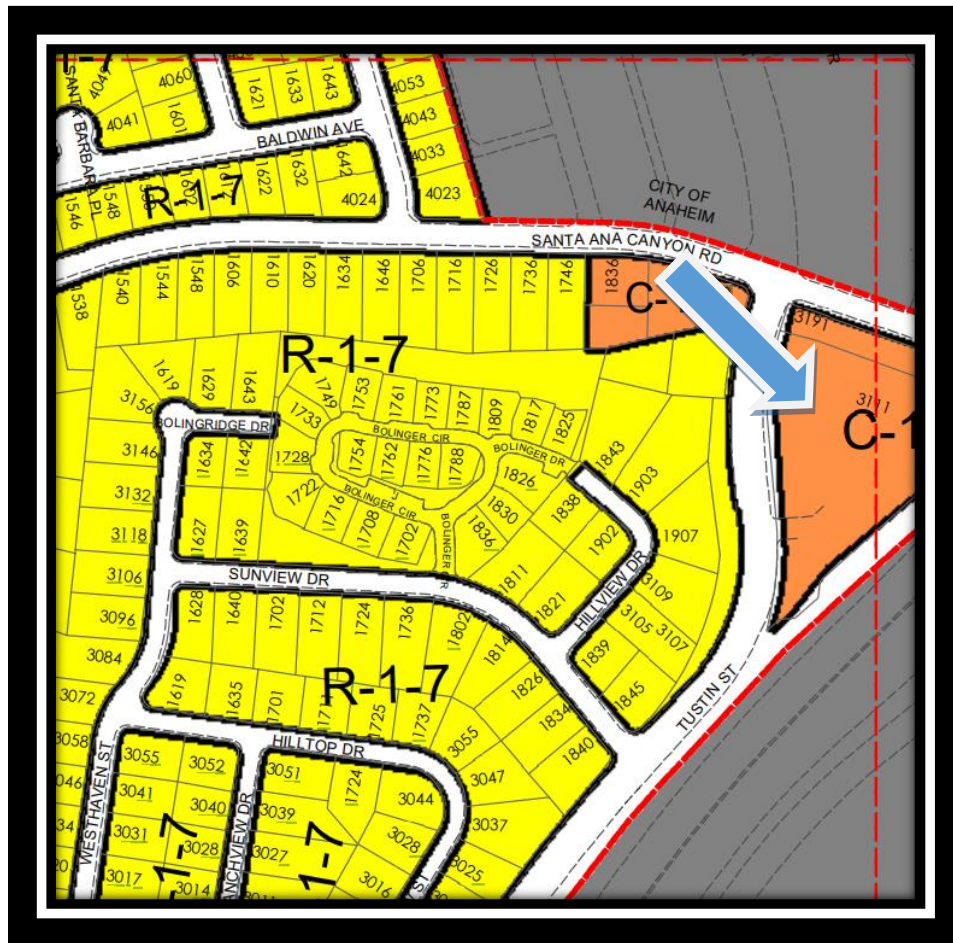
1. All exterior areas shall be kept clean of trash and debris at all times.
2. Property maintenance shall include the mechanical sweeping of the parking lot and drive aisles on a regular basis to ensure the proper removal of pollutants generated by vehicles. Sweeping must also occur immediately prior to the rainy season (October 1st).
3. The use of water to wash down any exterior impervious areas and/or the disposal of wash water to the storm drain system is prohibited.
4. During construction, on-going normal operations, and any maintenance on-site; the project shall be in compliance with the OMC Chapter 7.01, Water Quality and Storm Water Discharges.

Vicinity Map

Conditional Use Permit No. 3120-20

Futures Academy

3111 North Tustin Street, Suite 240



CITY OF ORANGE
COMMUNITY DEVELOPMENT DEPARTMENT

VISUAL STUDY EXISTING CONDITIONS

FUTURES ACADEMY

TO SUPPORT THE CUP APPLICATION

Project Site:

**3111 N. Tustin Avenue, Suite 240
City of Orange, CA 92865**

Prepared for:

***City of Orange*
Community Development Department**

March 26, 2020

Prepared by:

David Moss & Associates, Inc.
Land Use – Environmental Consultants
1009 Wilshire Blvd., Suite 224
Santa Monica, CA 90401
Tel (310) 395-3481

Introduction

Nine photographs are provided to assist City Staff with review of existing conditions of the two story, multi-tenant commercial office building on a single lot with no other buildings. Review of the photographs in combination with multiple application exhibits should enable staff to recommend approval of the CUP requested by Futures Academy for the continued use of a tenant suite as a local-serving one-to-one and small group instructional learning school and tutoring facility. Futures has been operating without land use impacts for 8 years under a 2012 CUP approved by the Planning Commission.

Site Description

Futures Academy operates within a 3,758 sq. ft. second-floor suite No. 240 in this two-story, 61,326 sq. ft. building within the C-1 – Limited Business zone. The Futures land use consists of middle and high school (MS, HS) students matriculating for degrees consistent with the State Department of Education and class-for-credit tutoring – all conducted with very low student to instructor ratios. The Futures land use is defined as “institutional use” (OMC S. 17.04.028) and is a permitted use with approval of a CUP by the Planning Commission (Personal Communication, Anna Pehoushek, Asst. Comm. Dev. Director, 8/12/19).

CUP History and Current CUP Request

Futures was granted a CUP by the Planning Commission in 2012 (Case No. 2847-12) to operate a One-to-One Instructional School and Tutoring Facility to be occupied by up to 6 students and 8 instructors at any time in the first floor 1,682 sq. ft suite No. 120.

The consistent, increased demand to accommodate additional students in the City of Orange and Anaheim areas is why Futures seeks an increase in student and staff occupancy beyond what was approved in the 2012 CUP. In 2014, Futures relocated from the 1,682 sq. ft suite No. 120 to the current location - the 3,758 sq. ft suite No. 240.

Land Use Impact Mitigation/CEQA Categorical Exemption

Futures will continue to operate entirely within its 3,758 sq. ft. located in the second-floor tenant suite secured by electronic key entry only, and without outdoor recreation, food service or assembly uses. Due to Futures' unique, personalized approach to education, no two students have the same schedule; therefore, not all students or staff arrive and depart at the same time. Futures offers classes and tutoring from 8:00 am – 8:00 pm which results in substantial spread of vehicle trips and decreased parking demand.

- a) Most students are picked-up and dropped-off by a caregiver and students' schedules are staggered, which ensures that there are no unmitigated impacts on circulation and parking to other tenants.
- b) Futures operates entirely within the tenant suite. There are no outdoor recreation or assembly uses. Futures utilizes its staff to insure there are no unmitigated impacts on circulation and parking, or on other tenants.
- c) Pickup and drop-off of students and parking takes place in the open parking areas or near the front of the building. Some staff and students have gated key access to the underground garage and can enter the building directly from the lower level elevator.
- d) Futures emphasizes to caregivers and any high school students that drive that they must be respectful of other tenants and visitors while circulating and parking. All parking is open with the exception of some marked visitor spaces, and there are wide drive aisles that enable easy pickup/drop-off without impeding other circulating vehicles.
- e) The Application Attachment summarizes these built-in measures that mitigate potential land use impacts.
- f) It is expected that the proposed CUP will again be deemed Categorical Exempt as a Class 1 Exemption – Existing Facilities.

Site and Area Photographs

Approximate distances between the vantage point and the subject are shown in () in text under each photograph.

View Vantage Map – Exterior Views 1-7



Exterior Photographs



View 1

- View looking northeast towards the two-story office building from the dedicated 231-space parking lot (200 ft.).
- The parking lot has ample parking and wide drive aisles that ensure fluid circulation.



View 2

- View looking southeast towards subject office building and an offsite commercial building from E Santa Ana Canyon Rd. (120 ft.).
- The subject office building sits on an elevated 2.93 ac. parcel and is well buffered from adjacent uses.



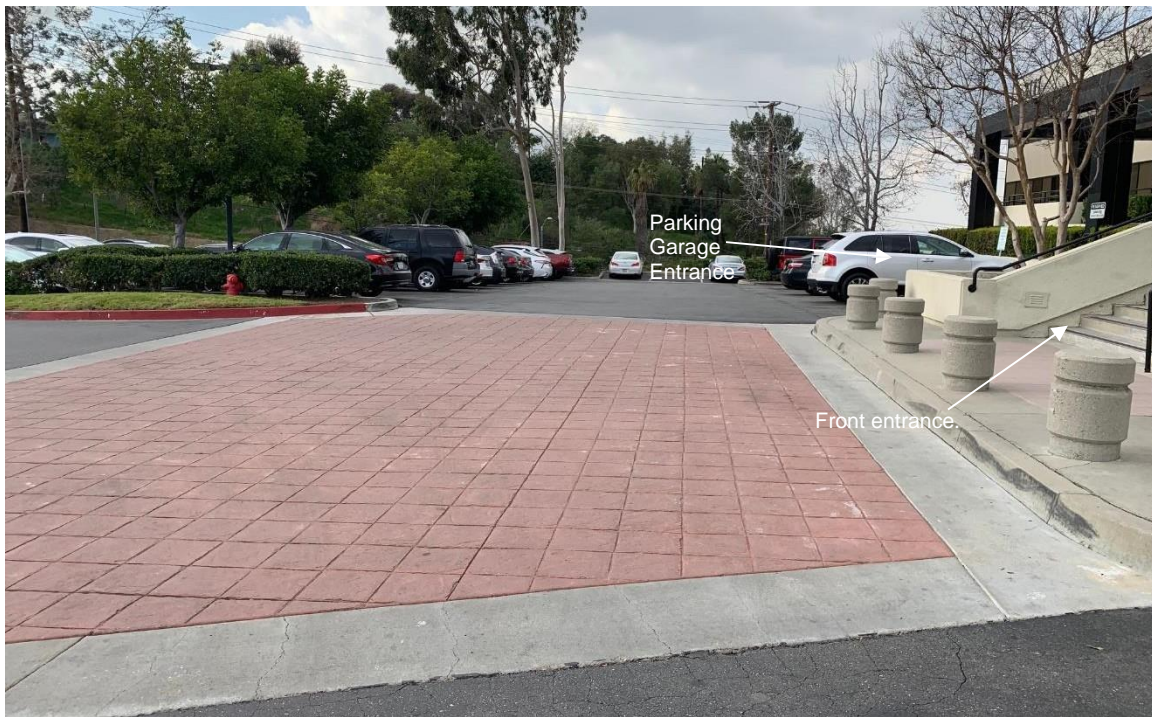
View 3

- View looking east across the subject parking lot – showing abundant light standards and ample parking.
- The on-site parking lot has mature landscaping; well positioned lighting throughout the parking lot provides a safe path of travel for staff and students from parked cars to the subject building.



View 4

- View looking north towards the office building from the N Tustin Ave (290 ft.) shows good line of sight for ingress/egress.
- Large, well maintained parking lot with abundant spaces and clearly identified circulation has enabled Futures to have seamless parking and pick-up/drop-off circulation for parents, HS students who are allowed to drive, teachers and administrative staff.



View 5

- View looking west across the building's front entrance (30 ft.).
- Caregivers are able to pick-up/drop-off by the front entrance though there is no specific pickup/drop-off location needed due to the low number of arrivals and departures throughout the day.



View 6

- View looking towards the front pedestrian and underground parking garage entrances.
- The building has an overall parking demand less than the number of the 231 total spaces, and very few of the spaces (13 visitor and 4 handicap) are restricted.



View 7

- View looking east across visitor and handicap parking areas.
- Wide drive aisles and consistently low overall parking demand help maintain smooth vehicular circulation throughout the parking lot.



View 8

- Typical small scale and low occupancy classroom.
- Classrooms are designed to facilitate one-to-one and small group instruction having low student/instructor ratio for MS and HS students with diverse and mostly non overlapping schedules.



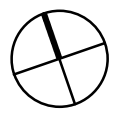
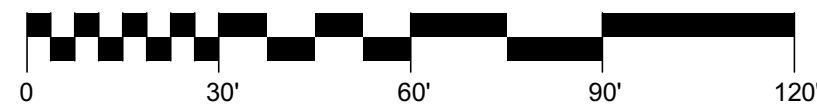
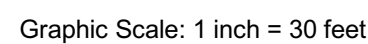
View 9

- Lobby, stairway and corridor leading to second floor and Futures suite.
- The wide stairway enables easy access to the suite; the spacious lobby and lobby seating (not in view) provide a relaxed office atmosphere.

INDIVIDUALIZED INSTRUCTIONAL LEARNING SCHOOL AND TUTORING FACILITY



1. ALL IMPROVEMENTS ARE EXISTING AND TABLE DATA IS FOR EXISTING AS NO CHANGES ARE PROPOSED
2. COMPREHENSIVE OPERATIONS INFORMATION IS INCLUDED IN THE APPLICATION ATTACHMENT, VISUAL ANALYSIS AND FINDINGS (SEE LETTER OF JUSTIFICATION)



CONTACT INFORMATION - APPLICANT	<p>LINDESEY LEBLANC, REAL ESTATE MANAGER EDUCATION GROUP (FUTURES ACADEMY) 72 MONROE CENTER ST. NW SUITE B GRAND RAPIDS, MI 49503 616-301-1221 LLEBLANC@FUSIONACADEMY.COM</p>
CONTACT INFORMATION - CONSULTANT	<p>LAND USE/ENVIRONMENTAL CONSULTANTS DAVID MOSS & ASSOCIATES, INC. 1009 WILSHIRE BLVD., STE. 224 SANTA MONICA, CA 90401 310-395-3481 JPANGILINAN@DMAPERMITS.COM DMOSS@DMAPERMITS.COM</p>
SITE INFORMATION - ADDRESS	3111 N. TUSTIN AVENUE, SUITE 240, CITY OF ORANGE, CA 92685
SITE INFORMATION - APN	360-291-04
SITE INFORMATION - EXISTING ENTITLEMENTS	CUP NO. 2847-12 - CUP ENTITLING A 1-ON-1 "INSTRUCTIONAL LEARNING SCHOOL" FOR SITE 120 IN THE SAME BUILDING.
SITE INFORMATION - LOT NUMBER/TRACT NUMBER	LOT 4/TRACT 4105
ZONING	C-1 (LIMITED BUSINESS)
GENERAL PLAN LU DESIGNATION	PUBLIC FACILITIES AND INSTITUTIONS
LAND USE	INSTRUCTIONAL LEARNING SCHOOL
LOT SIZE	2.94 ACRES
FLOOR AREA - SUITE 240	3,758 SQFT
DENSITY (FAR)	0.48
CONSTRUCTION TYPE (I-IV, A OR B)	V-A (ONE HOUR)
OCCUPANCY TYPE	"B" TO "E" (CONVERTING TO AN "E" OCCUPANCY)
TYPE OF CONSTRUCTION	CONCRETE & WOOD (TBD)
ADA COMPLIANCE	HANDICAP SPACES AND POT APPEAR COMPLIANT
REQUIRED PARKING SPACES	28 - CITY CODE [OMIC 17.34.060.B] REQUIRES TRADITIONAL SCHOOLS TO PROVIDE 1.8 SPACES/MIDDLE SCHOOL CLASSROOM AND 8 SPACES/HIGH SCHOOL CLASSROOM. SINCE FUTURES IS A NON-TRADITIONAL SCHOOL WITH ONLY 2-3 STUDENTS PER CLASSROOM WITH STAGGERED CLASS SCHEDULES, THESE REQUIREMENTS ARE NOT APPLICABLE.
PROVIDED PARKING SPACES	28 - 21 BY LEASE AND >7 ON AN AS-NEEDED BASIS, 231 TOTAL ON SITE
NUMBER OF ACCESSIBLE SPACES	3 EXTERNAL SPACES + UNDERGROUND PARKING SPACES
TRASH ENCLOSURES	TWO FULLY WALL-ENCLOSED OUTSIDE AREAS WITH ONE RECEPTACLE EACH

ELEVATORS SERVING SUITE FLOOR	2
BATHROOMS ON SUITE FLOOR	1 MENS, 1 WOMENS
WATER FOUNTAINS ON SUITE FLOOR	1
EXIT STAIRWAYS ON SUITE FLOOR	2
EVACUATION PLAN ON SUITE FLOOR	YES
TENANTS IN BUILDING	22
TENANTS ON SUITE FLOOR	13

SCOPE OF WORK:	<p>CONVERT SUITE FROM CURRENT 'B' OCCUPANCY TO AN 'E' OCCUPANCY. SCOPE OF WORK INCLUDES: NEW 2ND EXIT DOOR, MODIFY AUTOMATIC SPRINKLER SYSTEM AND PROVIDE NEW WALL MOUNTED FIRE EXTINGUISHER.</p>
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EXISTING SITE PLAN

SCALE:	1
1" = 30'-0"	

1. **PROJECT PROVIDING:** FUTURES ACADEMY ("FUTURES" OR "APPLICANT") IS AN INNOVATIVE, FULLY ACCREDITED PRIVATE SCHOOL AND TUTORING FACILITY PROVIDING SIMULTANEOUS ONE-ON-ONE AND SMALL GROUP INSTRUCTION FOR MIDDLE AND HIGH SCHOOL (MS, HS) STUDENTS IN GRADES 6-12. FOR MANY STUDENTS, THE TRADITIONAL INSTITUTIONAL SCHOOL MODEL DOESN'T FIT HOW THEY LEARN BEST. FUTURES ACADEMY WAS CREATED TO PROVIDE EACH OF THESE STUDENTS THE IDEAL STUDENT/TEACHER RATIO TO THRIVE.
 - A. FUTURES' MODEL INCLUDES INSTRUCTION TAUGHT PRIMARILY ONE-TO-ONE, ONE STUDENT AND ONE TEACHER PER WORKSTATION, WITH 2 TO 3 WORKSTATIONS PER CLASSROOM. INSTRUCTION IS ALSO PROVIDED IN SMALL GROUPS OF 5 OR LESS STUDENTS, AND THE "GUIDED INDEPENDENT STUDY ROOM" MAY INCLUDE UP TO 10 STUDENTS AND ONE TEACHER. FOR EACH HOUR OF INSTRUCTION STUDENTS RECEIVE AT FUTURES ACADEMY, THEY PARTICIPATE IN ONE HOUR OF GUIDED INDEPENDENT STUDY IN THE GUIDED STUDY ROOM, WHERE UP TO 10 STUDENTS CAN RECEIVE ADDITIONAL ACADEMIC SUPPORT IN ALL CONTENT AREAS.
 - B. FUTURES OPERATES 16 OF THESE SMALL PRIVATE SCHOOL AND TUTORING FACILITIES IN CALIFORNIA.
2. **NATIONWIDE GOVERNANCE:** EDUCATION GROUP, THE PARENT COMPANY TO FUSION ACADEMY ("FUSION"), PURCHASED ALL 16 FUTURES ACADEMIES IN SPRING 2019. FUSION ACADEMY ADDED FUTURES TO THE 60 NATIONALLY LOCATED ALTERNATIVE PRIVATE SCHOOLS AND TUTORING FACILITIES FOR MS AND HS STUDENTS.
3. **ENTITLEMENT HISTORY:** FUTURES WAS GRANTED A CUP BY THE PLANNING COMMISSION IN 2012 (NO. 3847-12) TO OPERATE A "ONE-TO-ONE INSTRUCTIONAL LEARNING SCHOOL" AND TUTORING FACILITY TO BE OCCUPIED BY UP TO 65 STUDENTS AND 8 INSTRUCTORS AT ANY GIVEN TIME IN A TWO-STORY TALL OFFICE BUILDING IN THE C-1 LIMITED BUSINESS ZONE, IN A FIRST FLOOR, 1,682 SQ. FT. SUITE NO. 120. FUTURES MOVE TO THE SECOND FLOOR 3,758 SQ. FT. SUITE NO. 240 AND THE CONSISTENT, INCREASED DEMAND TO ACCOMMODATE ADDITIONAL STUDENTS IN THE CITY OF ORANGE AND ANAHEIM HILLS AREAS ARE WHY FUTURES SEEKS AN INCREASE IN STUDENT AND STAFF OCCUPANCY ON SITE AT ONE TIME BEYOND WHAT WAS APPROVED IN THE 2012 CUP.
4. **CUP ENTITLEMENT REQUESTED:** AT THE DIRECTION OF CITY STAFF (PERSONAL COMMUNICATION, ANA PEOUSHEK, ASST COMM DEV DIV, 08/21/21) A "NEW" CUP IS REQUIRED TO CLARIFY THE LAND USE FROM A "ONE TO ONE INSTRUCTIONAL LEARNING SCHOOL" TO AN "INDIVIDUALIZED INSTRUCTIONAL LEARNING SCHOOL AND TUTORING FACILITY" BECAUSE (I) THE LOCATION OF THE SUITE CHANGED FROM THE FIRST FLOOR SUITE 120 TO THE SECOND FLOOR SUITE 240, (II) MAXIMUM NUMBER OF STUDENTS PROPOSED ON SITE AT ANY TIME IS 32, (III) THE SUITE SIZE INCREASED FROM 1,682 SQ. FT. TO 3,758 SQ. FT. AND (IV) MAXIMUM NUMBER OF STAFF ON SITE AT ONE TIME IS 16.
 - A. FUTURES REQUESTS A CUP FOR AN EXISTING "INDIVIDUALIZED INSTRUCTIONAL LEARNING SCHOOL AND TUTORING FACILITY" (OMC S. 17.04.028) FOR A MAXIMUM OF 32 MS AND HS STUDENTS, 11 TEACHERS AND 5 ADMINISTRATIVE STAFF IN AN EXISTING 3,758 SQ. FT. SECOND FLOOR SUITE NO. 240 WITH 21 UNRESERVED PARKING SPACES, IN USE OF AVAILABLE GUEST PARKING SPACES, IN A 61,326 SQ. FT., TWO-STORY COMMERCIAL OFFICE BUILDING IDENTIFIED AS 3111 N. TUSTIN AVE. ON 293 AC IN THE COMMERCIAL LIMITED BUSINESS ZONE 1 ("C-1"). THE SUITE HAS 4 CLASSROOMS, 1 GUIDED STUDY ROOM, 1 NON-GUIDED STUDY AREA/LIBRARY, 2 OFFICES, 1 LAB, 1 BREAKROOM, 1 STORAGE ROOM, 1 TELEPHONE DATA UTILITY ROOM AND A RECEPTION AREA.
 - B. FUTURES INTENDS TO DO SOME MINOR MODIFICATIONS TO THE INTERIOR OF THE SUITE AND/OR COMMON AREAS OF THE MULTI-TENANT BUILDING TO ENSURE THE BUILDING CAN SUPPORT AN E (EDUCATIONAL) OCCUPANCY, NO EXTERIOR MODIFICATIONS INCLUDING EXTERIOR PARKING, PEDESTRIAN OR OTHER PUBLIC AREAS ARE PROPOSED. THIS IS A FULLY DEVELOPED SITE WITH MATURE LANDSCAPING AND WELL-MAINTAINED IMPROVEMENTS.
5. **ARRIVALS/DEPARTURES - PARKING DEMAND MITIGATION:**
 - A. FUTURES DOES NOT HAVE UNIFORM START/END TIMES WHERE ALL STUDENTS OR STAFF ARRIVE AND DEPART AT THE SAME TIME OR THAT COINCIDE WITH "STANDARD" BUSINESS-TENANT HOURS OF 8:00 AM - 6:00 PM. STUDENTS ARE PRIMARILY DRIVEN BY PARENTS/CAREGIVERS, HOWEVER UP TO 5 STALLS, OF THE 21 PROVIDED TO FUTURES PER ITS LEASE, MAY BE DEDICATED TO FUTURES' DAILY HIGH SCHOOL STUDENT POPULATION WHO DRIVE THEMSELVES. INSTRUCTIONS ARE PROVIDED AT AN ORIENTATION AT THE BEGINNING OF EACH SEMESTER REGARDING DROP-OFF, PICK-UP AND CIRCULATION TO PREVENT BACK-UPS IN THE PARKING LOT AND AVOID IMPACTS TO OTHER TENANTS.
 - B. THE FIRST CLASS IS OFFERED AT 8:00 AM; HOWEVER, MOST STUDENTS ARE SCHEDULED LATER IN THE MORNING AND END CLASSES BY 3:00 PM BEFORE THE PM PEAK DEPARTURE HOURS OF BUSINESS TENANTS OR HAVE STAGGERED DEPARTURES AFTER 3:00 PM RELATED TO AFTER-SCHOOL TUTORING, OR OFFSITE ACCELERATE, WORK AND FAMILY COMMITMENTS.
 - a. REQUIRED PARKING FOR A "TRADITIONAL" PRIVATE SCHOOL IS 1.8 SPACES PER MS CLASSROOM AND 8 SPACES PER HS CLASSROOM (OMC S. 17.34.060.B). FUTURES' EXPERIENCE AT THEIR 16 CALIFORNIA-BASED SCHOOLS IS THAT (I) THE LACK OF TRADITIONAL CLASSROOMS AND SCHEDULES MITIGATES THE NEED TO PROVIDE PARKING BASED ON THE CTE CODE, AND (II) DAILY PARKING DEMAND WILL CONTINUE TO BE LESS THAN THE 21 SPACES ALLOCATED TO FUTURES.
 - b. SITE VISITS BY ARCHITECTURAL, LAND USE CONSULTANTS, AND FUTURES STAFF VERIFIED THAT THE SITE HAS AMPLE AVAILABLE PARKING AND THAT VERY FEW SPACES ARE RESTRICTED OUT OF THE TOTAL OF 231 APPROXIMATELY ON SITE. THERE IS NO INDICATION THAT PARKING DEMAND OVERSHADOWS AVAILABLE SPACES NOR OF PARKING IMPACTS ON OTHER TENANTS, OFFSITE PUBLIC RIGHTS OF WAY OR THE ADJACENT SHOPPING CENTER TO THE SOUTH.
6. **ARRIVALS/DEPARTURES - ACCESS AND CIRCULATION MITIGATION:** THE STAGGERED SCHEDULES AND SPREAD-OUT DURATION OF ARRIVAL/DEPARTURE TIMES ARE ALREADY PART OF THE PROJECT DESCRIPTION THAT EFFECTIVELY MITIGATES QUEUING, CIRCULATION AND ACCESS IMPACTS TO A DEGREE OF INSIGNIFICANCE.

360-29

PORT. N.W. 1/4, SEC. 9, T.4S., R.9W.

SANTA AND CORRAL-CREEK CANYON ROAD

J.D. TAYLOR TRACT NO. 4163

PRIVATE STREET

2.93 AC.

PROJECT LOCATION

J.D. TAYLOR TRACT NO. 4163

L.A. 3-41-42-43

M.M. 155-4-5,6

* PRIVATE STREET

NOTE - ASSESSOR'S BLOCK & PARCELS NUMBERED SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 380 PAGE 29

COUNTY OF GRANGE

MARCH 1976

FUTURES ACADEMY
FUTURES ACADEMY
ANAHEIM HILLS (CITY
OF ORANGE)

3111 N. TUSTIN ST
SUITE 240
ORANGE, CA 92865



6083 Bristol Parkway T 310.553.3252
Culver City, CA 90230

18600 MacArthur Blvd., Suite 100 T 949.724.8958
Irvine, CA 92612

515 South Flower Street T 213.929.1400
Los Angeles, CA 90071

535 Mission St., Suite 105
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485C US Rt. 1 South, Suite 105 T 848.200.1200
Iselin, NJ 08830

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ENTITLEMENT REQUEST

A NEW CUP TO ENTITLE AN EXISTING INDIVIDUALIZED INSTRUCTIONAL LEARNING SCHOOL" AND TUTORING FACILITY PER TABLE 17.18.030

AND USE/ENVIRONMENTAL CONSULTANT:

DAVID MOSS & ASSOCIATES, INC
1009 WILSHIRE BLVD. SUITE 224
ANTA MONICA, CA 90401

DRAWINGS ISSUE

DATE	DESCRIPTION	DELTA
1/3/20	DRAFT ZONING DRAWINGS	1
1/29/20	DRAFT ZONING DRAWINGS	2
2/5/20	DRAFT ZONING DRAWINGS	3
2/25/20	DRAFT ZONING DRAWINGS	4
8/3/20	UPDATED ZONING DRAWINGS	5

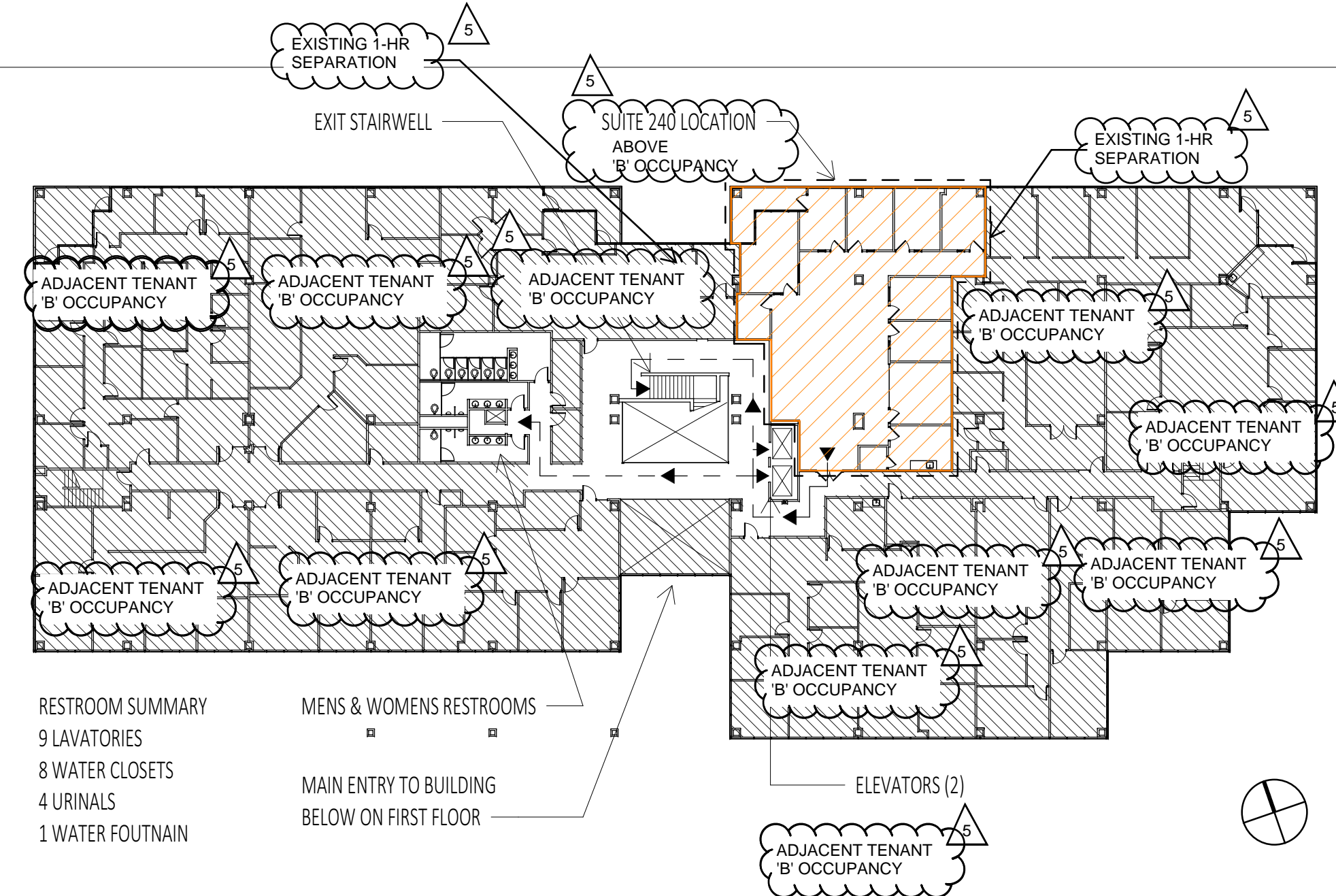
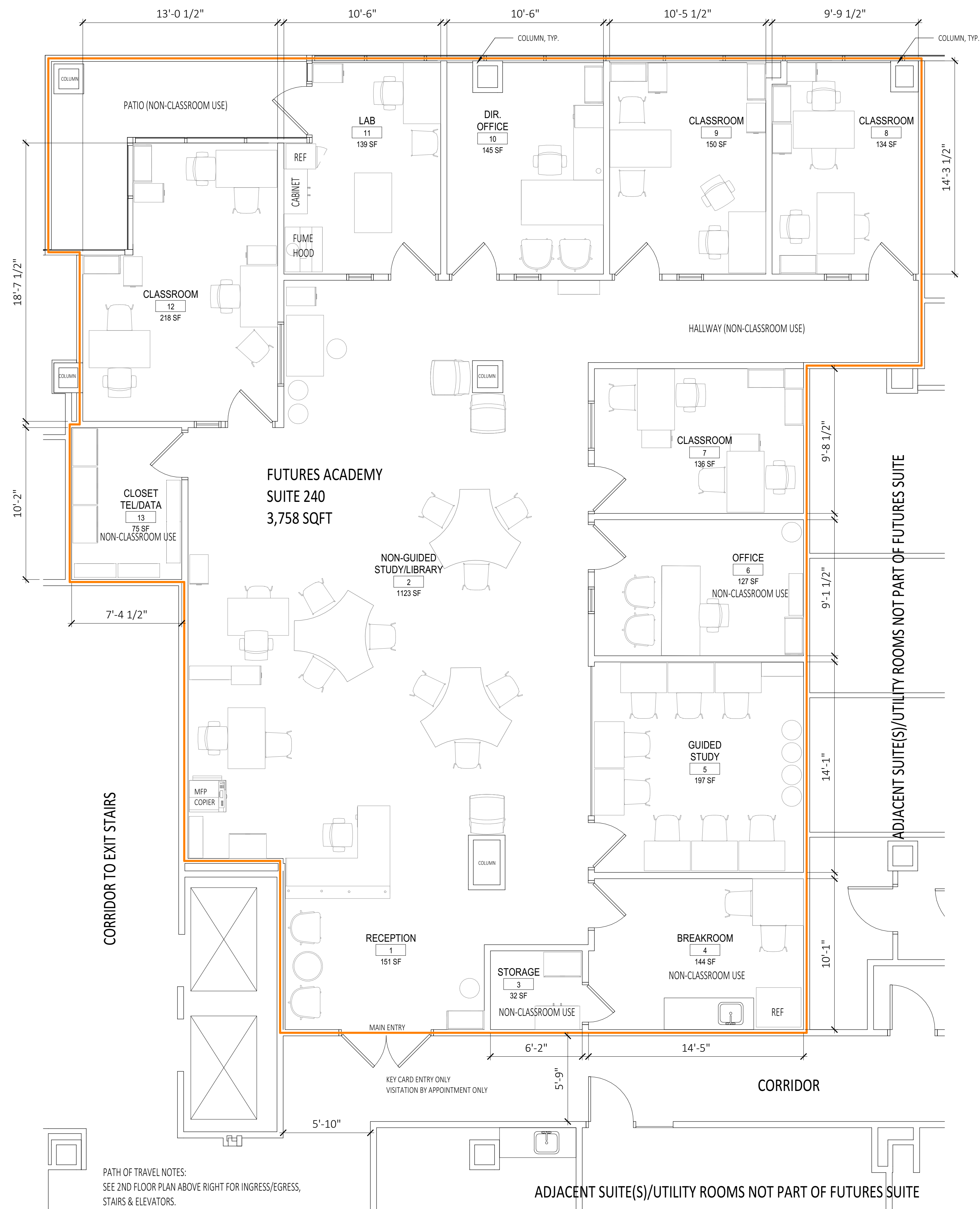
OWNERSHIP AND USE OF DOCUMENTS

DATE:	1/13/2021
DRAWN:	ZW
REVIEWED:	D
PROJECT NO:	62642
SCALE:	As indicated
SHEET TITLE:	

EXISTING/PROPOSED SITE PLAN

SHEET NO

A-100



PROJECT:

FUTURES ACADEMY
FUTURES ACADEMY
ANAHEIM HILLS (CITY
OF ORANGE)

3111 N. TUSTIN ST
SUITE 240
ORANGE, CA 92865



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ENTITLEMENT REQUEST

A NEW CUP TO ENTITLE AN EXISTING
"INDIVIDUALIZED INSTRUCTIONAL
LEARNING SCHOOL" AND TUTORING
FACILITY PER TABLE 17.18.030

LAND USE/ENVIRONMENTAL CONSULTANT:

DAVID MOSS & ASSOCIATES, INC.
1009 WILSHIRE BLVD. SUITE 224
SANTA MONICA, CA 90401

DRAWINGS ISSUE

DATE	DESCRIPTION	DELTA
1/3/20	DRAFT ZONING DRAWINGS	1
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2/5/20	DRAFT ZONING DRAWINGS	3
2/25/20	DRAFT ZONING DRAWINGS	4
8/3/20	UPDATED ZONING DRAWINGS	5

OWNERSHIP AND USE OF DOCUMENTS

DATE: 1/29/2020

DATE: 11/20/2020

DRAWN: ZW

DRAWN:	ZW
REVIEWER:	SA

REVIEWED: _____ DA _____

PROJECT NO: 626426

SCALE: As indicated

SHEET TITLE: _____

EXISTING/PROPOSED
FLOOR PLAN - SUITE 240

SHEET NO:

A-200