



Planning Commission

Staff Report

DATE: October 27, 2021

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: Second Review of Conditional Use Permit (CUP 9813-2018) to operate a boarding school on the 8.75 acre property located at 2322-2370 S. Garey Avenue

Entitlement History

On November 14, 2018, the Planning Commission approved a Conditional Use Permit (CUP 9813-2018) for Grand Sequoia Holding Corp. (the Applicant) to operate a boarding school on the 8.75 acre property located at 2322-2370 S. Garey Avenue.

On October 3, 2019, the Applicant submitted their first Tenant Improvement application to Building and Safety for "Oak Crest Academy," which is the name of the boarding school proposed. On October 29, 2019, the Applicant submitted a Time Extension application to the Planning Division (EXT 12919-2019) to extend the approved entitlement from the original one-year expiration date of November 14, 2019 to November 14, 2020. On December 11, 2019, the Planning Commission approved the time extension. The entitlement is currently considered active as it complies with Condition No. 4 of Resolution No. 18-042, namely that "some form of construction pursuant to issuance of a building permit has commenced." The permits associated with the kitchen remodel were obtained prior to expiration.

Summary of First Review

On July 28, 2021, the Planning Commission reviewed CUP 9813-2018 as a scheduled Discussion item.

The Planning Division called for the review of CUP 9813-2018 by the Planning Commission as a discussion item due to repeated concerns and code enforcement actions related to exterior property maintenance and the quality of construction associated with various site improvements, such as fencing and landscaping. The most significant items are as follows:

- On April 27, 2020, a code enforcement case was created in response to a complaint about repeated instances of trash and debris on site attracting vermin, and a chain link fence erected around the perimeter of the site. While the chain link fence was determined to be allowable as temporary construction fencing, Staff has received repeated complaints about trash and debris.
- On June 15, 2020, a Fence and Wall Permit (FENCE-013853-2020) was issued by the Planning Division. On March 10, 2021, an extension was requested by the Applicant to complete the fence. On May 11, 2021, Staff observed that the fence was erected out of compliance with the approved design and informed the Applicant of the need to revise the constructed fence to remain in compliance.

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- Staff also spoke with the Applicant about the timeline to open the proposed boarding school, as entitled. The Applicant indicated the potential intent of opening up the school in the Fall to educational organizations. This raised concerns of the entitlement potentially not being used as intended, requiring either a modification of the existing Conditional Use Permit (CUP) or submitting an application for a new CUP.

Anita Gutierrez, Development Services Director, facilitated a presentation on this item, which included a summary of actions taken by the property owner to make significant improvement to the site to address several of the City's identified concerns. After hearing the presentation, updates, public comment, including comment from the property owner and their representative, the Commission generally agreed that progress was being made on the site, but that additional reviews would be required to ensure that the Conditional Use Permit was being used in the manner originally approved. The Commission unanimously approved a motion for City Staff to monitor the boarding school and to report in three months on the progress, at the closest regularly scheduled Planning Commission meeting, which is October 27, 2021.

Second Review

On Tuesday, September 7, 2021, from approximately 2:00 P.M. to 4:00 P.M., the Development Services Director and Planning Manager conducted a site visit at the subject property with the property owner and representative. The property owner provided a complete interior and exterior walk-through of the facility. City Staff raised concerns about the condition of the exterior maintenance of the site, in particular, the southern and eastern portion of the lot require significant clean-up and removal of junk and debris to bring the site into a condition that is consistent with the approved Conditional Use Permit.

The following photos were taken at this site visit.



















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Commission Consideration

Staff recommends that the Planning Commission receive and file this report and provide a third review at the January 26, 2022 Planning Commission meeting. The Planning Commission may also consider other actions beyond receiving and filing the report, such as directing staff to provide additional information on one or more aspects of the approved entitlement and the satisfactory completion of the project, or directing staff to review the need to pursue revocation of the entitlement.

Respectfully Submitted:



Ata Khan
Planning Manager

ATTACHMENTS:

Attachment 1 – PC Resolution No. 18-042