

PLANNING COMMISSION – May 22, 2019
CONDITIONS OF APPROVAL

16548 Ferris Avenue
Conditional Use Permit U-19-003

Requesting approval of a modification to an existing Conditional Use Permit for an increase in student enrollment in a nursery school (Mariposa Montessori School) on property zoned R-1:8. APN 532-07-127.

PROPERTY OWNER: Faith Lutheran Church
APPLICANT: Hillari Zighelboim

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the application is vested.
2. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below. Any minor changes or modifications made to the approved plans shall be approved by the Director of Community Development other changes will be approved by the Planning Commission, depending on the scope of the change(s).
3. PREVIOUS CONDITIONS OF APPROVAL: Any applicable Conditions of Approval from Town Council Resolution 2000-45 for the previous approval, not carried forward, are still in effect.
4. CONDITIONAL USE PERMIT REVOCATION/AUTHORIZED USES. Any violation of the conditions imposed by this permit may constitute grounds for revocation of the Conditional Use Permit in the same manner in which it was approved.
5. CHURCH SANCTUARY USE/HOURS. The property owner/church shall limit worship services in the main church sanctuary to a maximum of 220 people at any given time. The hours of services shall be limited to the following times:
 - Monday - Saturday 5:00 p.m. to 10:00 p.m.
 - Sunday 7:00 a.m. to 5:00 p.m.
 - Special Events (As allowed with 30-day prior approval of the Planning & Police Departments)

The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.

6. CHURCH WEDDINGS/FUNERALS USES/HOURS. The property owner/church shall limit Weddings and Funerals on-site to the hours of 8:00 a.m. to 10 p.m. daily. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.

7. CHURCH OFFICE USE/HOURS. The property owner/church shall limit the Office uses on-site to the following hours:
 - Monday - Saturday 8:00 a.m. to 5:00 p.m.
 - Sunday 7:00 a.m. to 12:00 Noon
8. CHURCH COMMUNITY SERVICES/OUTREACH USES/HOURS: The property owner/church shall limit Community Service/Outreach uses (e.g. 12 step meetings., counseling services, Girl Scout activities, Youth Gatherings, Social Meetings, misc. classes, choir practices, Volunteer Days, etc.) to the hours of 7:00 a.m. to 10:00 p.m., daily. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.
9. CHURCH COMMITTEE MEETING USES/HOURS. The property owner/church shall limit Committee Meetings to the hours of 3:00 p.m. to 12:00 Midnight, daily. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance.
10. VACATION BIBLE SCHOOL EVENT. Once per year the property owner/church shall be allowed to conduct a vacation bible school event for parents and students. The vacation bible school event shall be allowed to continue for a maximum duration of 14 days and is limited to the hours of 8 am to 8 p.m., daily.
11. CHURCH SPECIAL EVENT USES/HOURS. The property owner/church may have Special Events (i.e. any on-site activity exceeding 100 people that is not specifically authorized by this use permit) with at least 90 days prior notice and preapproval of the Town Police and Planning Departments. The property owner/church shall provide the Police and Planning Departments the purpose, proposed uses, dates, times, duration, and number of persons to attend the event. The property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.
12. CHURCH SPECIAL EVENTS TRAFFIC/PARKING CONTROL. If the Town determines that an on-site Special Event will generate more parking demand than can be reasonably accommodated by the existing on-site facilities, the property owner/church shall provide additional overflow parking which meets Town standards, stagger or modify activities/event times or days, provide an off-site park-n-ride program, and /or other measures to mitigate the parking impacts as required by the Town. The property owner/church shall provide uniformed sworn officers for traffic control during special events as required by the Chief of Police or Town designee.
13. CHURCH CARETAKER/PASTOR'S QUARTERS. The existing Caretaker/Pastor's quarters located in the church offices adjacent to the central play area shall not be expanded without obtaining prior approvals from the Town.
14. MONTESSORI SCHOOL USE/HOURS. The property owner/school operator shall limit the number of Montessori school students on-site to a maximum of ~~50~~ 70 students at any given time. Any increase in enrollment will require amendment of the Conditional Use Permit for the entire facility. The property owner/school operator shall limit the school's operation to the hours of: 8:15 a.m. - 4:15 p.m., Monday through Friday. No weekend hours are permitted. The property owner/school operator shall limit school classes to the hours of

9:15 a.m. - 4:00 p.m.. Once per month the school shall be permitted to conduct parent meetings between the hours of 4:00 p.m. and 10 p.m. Four times per month the teachers and administrative staff shall be permitted extended staff hours (7:30 a.m. to 8:00 p.m.) to prepare for seasonal or holiday school programs that will occur during normal school hours (8:15 a.m. - 4:15 p.m.).

15. MONTESSORI SCHOOL-CIRCULATION PLAN. The property owner/school operator shall provide the designated student drop-off area and circulation plan noted on the development plans submitted.
16. MONTESSORI SCHOOL PLAY AREA & FACILITY FENCES. The property owner/school operator shall construct the 4 ft. & 6 ft. wooden fences noted on the development plans submitted and shall repair damaged sections of the existing wood fence surrounding the property prior to final inspection approvals or occupancy.
17. SCREENING: The school shall provide screening plantings between room 13 and the adjacent neighbors.
18. SAFE DRIVING LETTER: The school shall provide a letter to all current and future parents regarding safe driving.
19. SAFE ROUTES TO SCHOOL: The school shall engage in the Safe Routes to School Program.
20. PUBLIC OUTREACH: Within one month of the date of this approval, the school shall conduct a public outreach meeting to engage its neighbors.
21. COMPLIANCE REVIEW: One year after the date of this approval, the Planning Commission shall conduct a one-time review to review any impacts of the increased enrollment. This compliance review shall be completed at the school's expense.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

22. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
23. STATE LICENSE REQUIREMENTS. Reapply to the State of California Department of Social Services for an increase in the number of students.
24. FIRE ALARM SYSTEM: Provide inspections, testing, and maintenance for existing fire alarm system to keep it in an operative condition at all times.
25. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advanced. [CFC, Ch. 1, 105.3.6].