

RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS APPROVING A USE PERMIT MODIFICATION FOR A PRESCHOOL, DESIGN REVIEW FOR A NEW MODULAR BUILDING AND MULTIPURPOSE CLASSROOM ADDITION, AND VARIANCE FOR REDUCED SETBACKS AT THE ST SIMON CHURCH AND SCHOOL AT 1860 GRANT AND MAKING FINDINGS OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

WHEREAS, the City of Los Altos received a Conditional Use Permit Modification application (MOD19-0007) from the St Simon School, to allow a preschool with up to 54 students to operate at 1860 Grant Road; and

WHEREAS, the City of Los Altos received a Design Review application (D19-0003) from the St Simon School, to construct of a new one-story 1,320 square foot modular building and two shade structures (729 square feet) for the preschool playground area, a 1,040 square foot addition and 643 square foot covered walkway to the existing school building for a new multi-use classroom, and minor alterations to landscape, hardscape, and other associated improvements to accommodate the buildings at 1860 Grant Road; and

WHEREAS, the City of Los Altos received a Variance application (VCMF19-0003) from the St Simon School, to allow a 26-foot exterior side yard setback for the modular building, whereas a 35-foot setback is required and to allow a 29.75-foot front setback, whereas a 40-foot setback is required and a 21.75-foot exterior side yard setback, whereas a 35-foot is required for a shade structure; and

WHEREAS, the conditional use permit modification, design review and variance applications are categorically exempt from environmental review pursuant to Section 15314 (Class 14), Minor Additions to Schools of the California Environmental Quality Act Guidelines, as amended. Class 14 categorical exemptions consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The applicant requests to modify the conditional use permit which will not increase the total number of students St. Simon School under previously approvals. In addition, the applicant is seeking to provide two additional classrooms; and

WHEREAS, the conditional use Permit modification has been processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code, including without limitation Section 14.80, *et seq.*; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the conditional use permit modification, design review and variance on March 5, 2020, at which all public comment was considered, and voted to recommend approval to the City Council; and

WHEREAS, the City Council held a duly noticed public meeting on the conditional use permit modification, design review and variance on June 23, 2020 at which all public comment was duly considered; and

EXHIBIT A

FINDINGS

1. **CONDITIONAL USE PERMIT FINDINGS.** With regard to the Conditional Use Permit Modification application (MOD19-0007) from the St Simon School, to allow a preschool with up to 54 students to operate at 1860 Grant Road, based upon substantial evidence in the record before the City, the City Council finds in accordance with Section 14.80.110 of the Los Altos Municipal Code that:
 - a. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity or welfare because it is an extension of the current educational uses already located on the property;
 - b. The proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title because the site is already zoned for public and community facilities and a church and educational uses already exist on the property;
 - c. The proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the preschool will be limited to 54 students, but will maintain the total student enrollment to the school campus (preschool-8 grade) to 580 students which was previous approved; and
 - d. The proposed conditional use will comply with the regulations prescribed in Chapter 14.58, Public Facilities District because it has adequate available parking to meet the needs of the expanded use as well as the existing uses and it meets all other regulations prescribed for public and community facilities, subject to approval of a variance for setback reductions for the installation of new structures.

2. **DESIGN REVIEW FINDINGS.** With regard to Design Review Application D19-0003, the City Council finds, in accordance with Section 14.78.060 of the Los Altos Municipal Code, as follows:
 - a. The project meets the goals, policies and objectives of the General Plan and complies with any Zoning Code design criteria for the PCF District;
 - b. The project has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design;
 - c. The existing buildings and proposed project have horizontal and vertical building mass that is articulated to relate to the human scale; it has variation and depth of building elevations to avoid large blank walls.
 - d. The exterior materials convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements and reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area;
 - e. The existing landscaping is generous and inviting, and the proposed landscaping and hardscape compliments the building and is well integrated with the building

architecture. The existing streetscape will remain and the existing landscape includes substantial street tree canopy;

- f. Any new signage will be appropriately designed to complement the building architecture;
 - g. Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing; and
 - h. No new service, trash and utility areas are proposed.
3. VARIANCE FINDINGS. With regard to Variance Application VCMF19-0003, the City Council finds, in accordance with Section 14.78.070 of the Los Altos Municipal Code, as follows:
- a. The granting of the variance will be consistent with the objectives of the zoning plan because the setbacks variation still ensures a harmonious, convenient relationship among land uses;
 - b. The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
 - c. The variance for reduced setback standards are granted because of the location and surroundings of the property are unique considering the width of Foothill Expressway and Grant Road and the separation they provide to properties in the immediate vicinity, the substantially lower elevation of the property relative to Foothill Expressway, and the unique triangular shape of the property. For these reasons, the strict application of the setback standards deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

CONDITIONS

GENERAL

1. **Approved Plans**

The use permit approval is based upon the plans and materials received on February 19, 2020, except as modified by these conditions and as specified below.

- a All mechanical equipment (including A/C units) will be screened from public view.

2. **Statement of Operations**

The preschool and multi-purpose classroom will maintain operations including hours of operation, staffing, and activity locations consistent with the statement of operations submitted on October 29, 2019 and attached hereto as "Exhibit B".

3. **School Enrollment**

The preschool is limited to no more than 54 students. The combined student enrollment between the St Simon School and the preschool shall not exceed 580 students (preschool-8 grade).

5. **Preschool Location**

The preschool shall operate in the modular buildings shown on the approved set of plans.

4. **Indemnification**

The applicant agrees to indemnify, defend, protect and hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging any of the City's action with respect to the conditional use permit, design review, and variance.

5. **Encroachment Permit**

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.

6. **Circulation Plan**

The St. Simon School will actively implement the student drop-off/pick-up as shown on the approved set of plans and resolve any concerns expressed by the City in a timely manner. The St. Simon School shall be responsible for paying for or reimbursing the City for the total cost of installation of any traffic control device within the public right-of-way along Grant Road due to the operations of the school.

7. **Public Utilities**

The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

8. **Americans with Disabilities Act**

All improvements shall comply with Americans with Disabilities Act (ADA).

9. Municipal Regional Stormwater Permit

The project shall be in compliance with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015.

10. Transportation Permit

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

PRIOR TO SUBMITTAL OF BUILDING PERMIT

11. Green Building Standards

The applicant shall provide verification that the project will comply with the City's Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

12. Property Address

The applicant shall provide an address signage plan as required by the Building Official.

13. Water Efficient Landscape Plan

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations.

14. Pollution Prevention

The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.

15. Storm Water Management Plan

The Applicant shall submit a Storm Water Management Plan (SWMP) in compliance with the MRP. The SWMP shall be reviewed and approved by a City approved third party consultant at the Applicant's expense. The recommendations from the Storm Water Management Plan (SWMP) shall be shown on the building plans.

16. Public Utility Dedication

The applicant shall dedicate public utility easements as required by the utility companies to serve the site.

PRIOR TO ISSUANCE OF BUILDING PERMIT

17. Payment of Fees

The applicant shall pay all applicable fees, including but not limited to sanitary sewer connection and impact fees, traffic impact fees, public art impact fee.

18. Grading and Drainage Plan

The Applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading or building pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Division.

19. Construction Management Plan

The Applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. The plan shall provide specific details with regard to how construction vehicle parking will be managed to minimize impacts on nearby single-family neighborhoods. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

PRIOR TO FINAL OCCUPANCY

20. Landscape and Irrigation Installation

All on-site landscaping and irrigation shall be installed and approved by the Community Development Director. Provide a landscape WELO Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

21. Green Building Verification

The applicant shall submit verification that the structure was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

22. SWMP Certification

The Applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The Applicant shall submit a maintenance agreement to City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement.

23. Label Catch Basin Inlets

The Applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo as required by the City.

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision was made are located in the Office of City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves Conditional Use Permit modification (MOD19-0007), Design Review (D19-0003) and Variance (VCMF19-0003) subject to the findings and conditions attached hereto as "Exhibit A" and incorporated herein by this reference.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 23rd day of June, 2020 by the following vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor and Mayor Pepper
NOES: None
ABSENT: None
ABSTAIN: None



Janis C Pepper, MAYOR

Attest: 

Andrea M. Chelemengos, MMC, CITY CLERK