

RESOLUTION NO. 2018-30

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
GRANTING A USE PERMIT FOR AFTER-SCHOOL AND MUSIC PROGRAMS  
TO OPERATE AT THE LOS ALTOS LUTHERAN CHURCH  
AT 460 S. EL MONTE AVENUE**

**WHEREAS**, the City of Los Altos received a conditional use permit application (18-UP-03) from Robert Smith with the Los Altos Lutheran Church to allow the Los Altos Chinese School to operate after-school and music programs in an existing classroom space in the church facility at 460 S. El Monte Avenue; and

**WHEREAS**, the use permit is exempt from environmental review pursuant to Section 15301 of the State Guidelines implementing the California Environmental Quality Act of 1970 (CEQA), as amended, because it involves the occupancy of an existing building; and

**WHEREAS**, the use permit application was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the use permit on July 19, 2018, at which all public comment was considered and voted to recommended approval to the City Council; and

**WHEREAS**, the City Council held a duly noticed public meeting on the use permit on August 28, 2018 at which all public comment was duly considered; and

**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 Use Permit 18-UP-03 subject to the findings and conditions attached hereto as Exhibit "A" and incorporated 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 28<sup>h</sup> day of August, 2018 by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE



\_\_\_\_\_  
Jean Mordo, MAYOR

Attest:

  
\_\_\_\_\_  
Jon Maginot, CMC, CITY CLERK

## EXHIBIT A

### FINDINGS

With regard to Use Permit 18-UP-03 to allow after-school and music programs to be located in the Los Altos Lutheran Church at 460 S. El Monte Avenue, the City Council finds in accordance with Section 14.80.060 of the Municipal Code that:

1. 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 educational use being located in an existing religious institution building that was designed to provide for this type of use;
2. 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 it is an appropriate location for a needed community facility, a preschool use, and it is an appropriate business activity to be located in an existing church facility;
3. 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 private school use is compatible with the academic, church and community service uses that are permitted within the PCF District, the classrooms are located at the rear of the building, approximately five feet below grade, with a six-foot, solid fence at the top of grade that minimizes noise impacts to the adjacent residential uses; and
4. The proposed conditional use will comply with the regulations prescribed in the PCF District, the district in which the site is located, and the general provisions of Chapter 14.02 because it is a private school use that is occupying an existing educational space in a religious institution building. The proposed conditional use will provide adequate on-site parking to support the facility, including parents, staff, visitors and other ancillary support services, and the parking lot provides sufficient short-term parking spaces for drop-off and pick-up and its design allows for significant queuing for the staggered drop-off and pick-up periods.

## CONDITIONS

1. **Use Permit**

This use permit maintains the conditions required under Use Permit 10-UP-01, approved April 26, 2016, and is based upon the plans and materials received on May 23, 2018, except as modified below.

2. **Hours of Operation**

The hours of operation shall be limited to 8:00 am to 6:00 pm, Monday through Friday, for the after-school program, and 8:00 am to 8:00 pm, Monday through Saturday, for the music program.

3. **Occupancy**

The after-school and music program shall operate with no more than 12 students on-site at any given time for each program (maximum of 24 students total).

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 this use permit.