

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
July 10, 2017**

Planning Application 2017-7411

539 East Weddell Drive

Use Permit to allow the extension of the use of the modular classrooms in the front parking lot for two years (2017-2019 school years).

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

<p>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</p>

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. USE EXPIRATION:

The approved Use Permit shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not

exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-4. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

GC-5. NOTICE OF FEE PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING/OCA]

AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. MAXIMUM CAPACITY:

The use permitted by this application shall comply with the following capacity limits at all times:

- a) The maximum number of students permitted on-site at any time is 400 for the 2017 to 2019 school year and 300 students for the years after;
- b) Any proposed modification to the site's capacity shall be subject to review and approval by the City at a public hearing. [COA] [PLANNING]

AT-2. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a) The school hours are limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. Extended hours shall require separate approval by the City. Minor modifications may be approved by the Director of Community Development; major modifications may require approval at a public hearing. The Director of Community Development shall determine whether requested modifications are major or minor.
- b) Middle school (6th through 8th grade) start time shall be 8:00 a.m.
- c) 9th grade start time shall be 9:00 a.m. for one year.
- d) Intermittent student events and performances are permitted during evening hours and on weekends. The school shall engage the adjacent churches and other nearby properties to secure sufficient parking for all participants prior to the event. [COA] [PLANNING]

AT-3. MODULAR CLASSROOMS

The modular classrooms shall be removed from the south parking lot after the 2018-2019 school year.

AT-4. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime (period from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (period from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

AT-5. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-6. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times except for emergency notification use. [COA] [PLANNING]

AT-7. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-8. PARKING LOT MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Maintain all parking lot striping and marking.

- b) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
- c) Require signs to direct vehicles to additional parking spaces on-site, as needed. [COA] [PLANNING]

AT-9. UNENCLOSED STORAGE (PROHIBITED):
Unenclosed storage of any kind shall be prohibited on the premises.
[COA] [PLANNING]

AT-10. SOLID WASTE RECYCLING MANAGEMENT:
The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks, and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [PUBLIC WORKS]

AT-11. DROP-OFF AND PICK-UP PLAN
The applicant shall continue to adhere to the drop-off and pick-up plan prepared by Kimley Horn and Associates, Inc. (dated August 18, 2016).

AT-12. WALKING AND BICYCLE PLAN
The applicant shall continue to adhere to the walking and bicycle plan prepared July 2016.

END OF CONDITIONS