

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A K-12 PRIVATE SCHOOL ON AN EXISTING CHURCH SITE AT 2499 HOMESTEAD AVENUE, SANTA CLARA, CALIFORNIA

PLN2017-12593 (Conditional Use Permit)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on April 2, 2017, Salvatore Caruso Design Corporation (“Applicant”) submitted an application for a Use Permit to allow a K-12 private school (Live Oak Academy) to operate on an existing church site at 2499 Homestead Road (the “Project”);

WHEREAS, the property is zoned Public, Quasi-Public, and Public Park or Recreation (B) and is developed with an existing church (“Project Site”);

WHEREAS, pursuant to Santa Clara City Code (“SCCC”) Section 18.52.040(a), the B zoning designation of the Project Site permits public or private general educational facilities such as elementary, intermediate or high schools, junior colleges, and universities, subject to a conditional use permit;

WHEREAS, the conditional use permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and general locations, could have a detrimental effect on the community in specific instances;

WHEREAS, pursuant to SCCC Section 18.110.040, in order to grant a Use Permit, the Planning Commission must first make specific findings related to the effect of the Project on health, safety, peace, comfort, and general welfare;

WHEREAS, a Mitigated Negative Declaration (MND) and Mitigation Monitoring or Reporting Program (MMRP) was adopted by the City’s Planning Commission on May 25, 2011;

WHEREAS, mitigation measures were identified and incorporated into the original Project to reduce potential impacts to less than significant levels under the adopted (MMRP);

WHEREAS, on May 25, 2011, the Planning Commission approved a temporary Use Permit to allow a K-8 school to operate on the Project Site for a period of two years, subject to conditions of approval and mitigations in the MMRP;

WHEREAS, on May 14, 2013, the City Council upheld the Planning Commission's approval of the Use Permit to allow a K-12 school for a period of four years, subject to conditions of approval and mitigations in the MMRP;

WHEREAS, on July 26, 2017, the Planning Commission approved a one year time extension to the prior 2013 four year temporary approval to allow the school to operate during the review of the subject permanent Use Permit Project;

WHEREAS, the Applicant requests a Use Permit to permanently allow the operation of a K-12 private school (Live Oak Academy) at the Project Site;

WHEREAS, on June 1, 2018, the notice of public hearing for the June 13, 2018 meeting date for this item was posted, and mailed to all property owners of parcels within 500 feet of the Project Site; and,

WHEREAS, a duly noticed public hearing was held before the Planning Commission on June 13, 2018 to consider the application. At the public hearing, the Planning Commission invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that approving the requested Use Permit to allow a K-12 private school (Live Oak Academy) to continue operating indefinitely on the

existing church site on a property zoned Public, Quasi-Public, and Public Park or Recreation (B) is compatible with the Project Site's current land use designations (General Plan and Zoning) based on the following findings:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare, in that the proposed Use Permit would allow a unique private school use to continue operation on an existing underutilized public/quasi-public site.

B. The proposed use permit will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposed use will continue to be fully contained within the existing building. The current enrollment is well below what was previously analyzed and will not be detrimental to the public health, safety or welfare, and will not be materially injurious to properties in the vicinity.

C. The proposed use will not be detrimental to property or improvements in the neighborhood of such propose use, in that no significant changes to the property or improvements on the subject site or in the neighborhood are proposed with the use permit amendment.

D. The proposed use would not be detrimental to the general welfare of the City, in that the proposed use would allow a unique private school use to continue operation on an existing underutilized public/quasi-public site.

E. The proposed use will not impair the integrity and character of the zoning district, in that the existing public/quasi-public school use will continue on an existing developed parcel, with adequate on-site parking, and properly designed ingress and egress points provided.

F. The proposed use would be in keeping with the purpose and the intent of Title 18 of the Santa Clara City Code, in that the proposed school use is permitted with Use Permit approval.

4. That the Planning Commission hereby approves this Conditional Use Permit (PLN2017-12593) to allow a K-12 private school to continue operating indefinitely at the Project Site, subject to the conditions of approval as set forth in the Exhibit "CoA-CUP," attached hereto and incorporated herein by this reference.

5. A Mitigated Negative Declaration (MND) and Mitigation Monitoring or Reporting Program (MMRP) was adopted by the City's Planning Commission on May 25, 2011.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13th DAY OF JUNE, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference: None

1. Conditions of Approval
2. Development Plans

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