Additional Conditions of Approval in Response to Comments from Michael Tompkins

Item J.2.b "arborist' should probably changed to "landscape architect"

Staff has modified condition of approval J.2.b.

A "monitoring" provision should be added for field use issues: it should state who at the City has responsibility for enforcement of non-compliance.

Staff has added special Condition J-5 regarding monitoring

Would permit be revoked for non-compliance?

No special revocation procedures are presently incorporated into the Conditions of Approval.

Item J-4: "Minor Modifications" should be defined and/or examples given.....or this provision should be eliminated.

Staff has modified Special Condition J-4 to specifically reference Planning and Zoning Code Section 20.100.010 J., which requires the Community Development Director to approve consider potential impact of modifications on the surrounding properties.

The main questions I have relate to what if any punitive measures exist in here if the school is out of compliance with the field use agreement. Would the annual Review simply be a gripe and grouse session?

No special punitive measures are presently incorporated into the Conditions of Approval.

The language also seems to permit the school to decide on-the-fly if they'll hold "special events", unspecified in number as long as "reasonable" notice is given.

Staff believes that the process for minor modifications is appropriate for special events, and the Community Development Department would consult with neighbors before acting on requests. With regular consultations with neighbors, staff believes that it will become clear when special events are becoming a concern, and at that point, refer the matter to the Planning and Zoning Commission.

ATTACHMENT L

Provisions also exist for the school to request changes in the agreement, but not for neighbors to request changes.

Use permit conditions of approval typically do not have provisions that allow neighboring property owners to re-open conditions of approval. There are, however, code enforcement and nuisance abatement procedures that can address violations of conditions of approval.

There's a vagueness about J-2, c , paragraph 3, that to me runs counter to the spirit of clarity that we sought in the agreement. My fears would be abated I think, if a sentence could be added to J-2, a., stating that the field use patterns (submitted by the school) shall conform to the limits and guidelines described in the field use agreement.

Staff has modified condition of approval J.2.c.3.