



## MEMORANDUM

### City of Angels Planning Commission

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**Date:** February 13, 2025

**To:** City of Angels Planning Commissioners

**From:** Amy Augustine, AICP - City Planner

**Re:** Resolution 25-02 Conditional Use Permit New Geneva School

#### RECOMMENDATION:

The Planning Commission may take one of the following actions:

1. Approve Resolution 25-02 with the conditions as attached; or
2. Approve Resolution 25-02 with changes to the attached conditions; or
3. Deny Resolution 25-02

*Note: Appeals of planning commission decisions may be made to the city council. If the applicant or any aggrieved party is dissatisfied with the decision of the planning commission, he/she may, within ten calendar days of the date of the decision, appeal to the city council. The appeal must be filed in writing with the city clerk, stating what action is being appealed and stating the reasons for appeal. An appeal must be accompanied by the appropriate fee as established by the city council. The current fee is \$714.00. Failure to provide the fee with the appeal invalidates the appeal.*

#### PROJECT DESCRIPTION:

**OWNER:** FIRST BAPTIST CHURCH OF ANGELS CAMP

**APPLICANT:** New Geneva School by Brook Moes

**LOCATION:** 1555 Depot Road

**ASSESSOR'S  
PARCEL NO.:** 062-006-019 (0.95± acre)

**GENERAL PLAN/  
ZONING:** Single Family Residential (SFR/R-1)

**PROJECT  
DESCRIPTION:** Conditional Use Permit for a K-12 school (New Geneva School) at the Angels Camp First Baptist Church

Figure 1: Project Location and Responding Adjoining Landowners

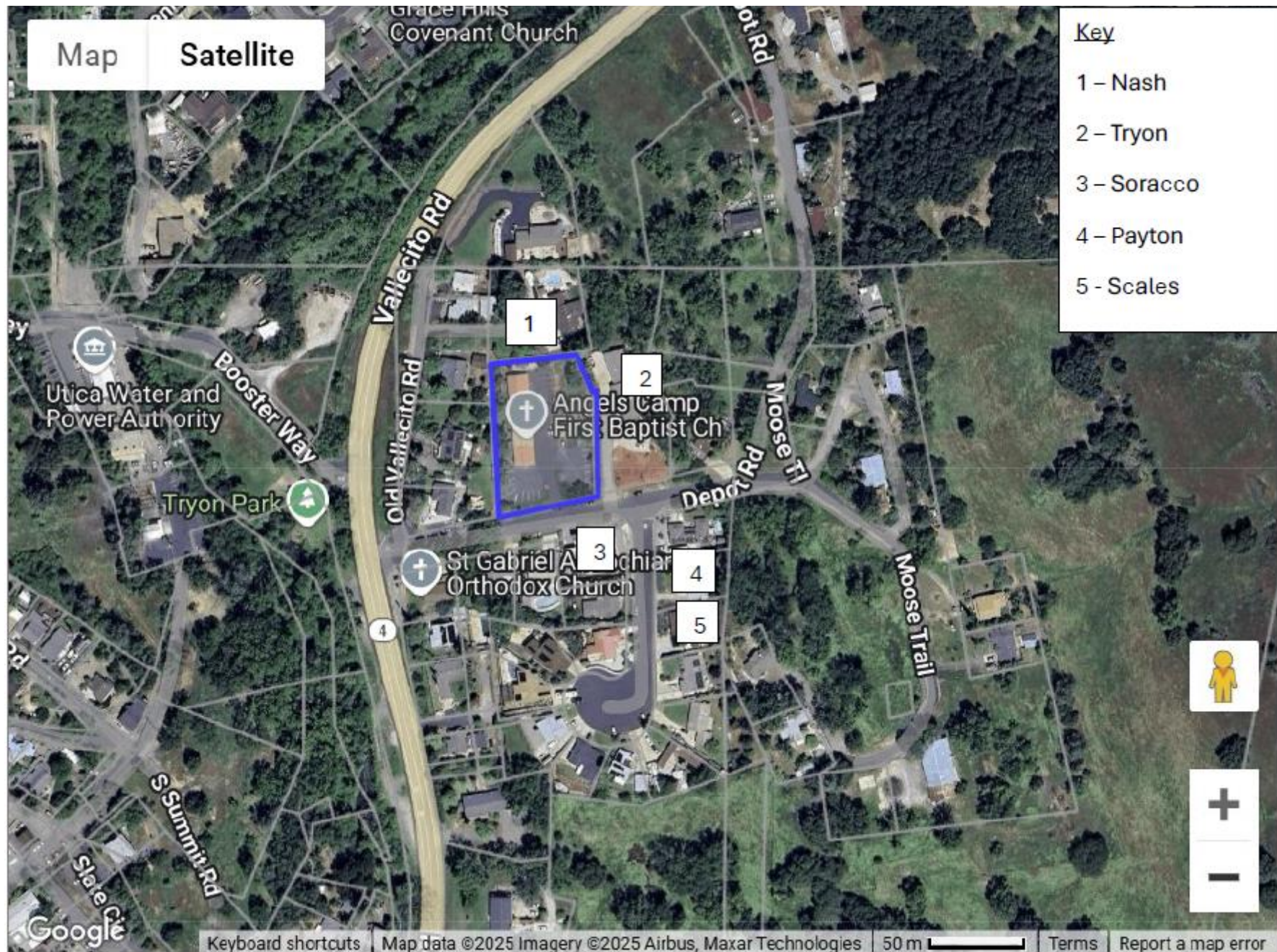




Figure 2: Site Plan



**BACKGROUND:**

Previous applications and approvals on the project site include:

1. 1976. November 4, 1976. Conditional Use Permit for First Baptist Church (1,600± square feet –) approved with three conditions per the request of neighboring properties: a) paving all driveway and parking areas, b) a four-foot-high fence “abutting residential property” and reduced by Commission from 6-feet, and c) engineered drainage. Project was completed.
2. 1979: Neighbor request for completing fence.
3. 1985. February 14, 1985: Conditional Use Permit approved to add an educational building (1,160± sq. ft.) for Sunday School classes and offices with a 4,000 square foot parking lot. Seven conditions included:
  - a) Compliance with all building and fire codes
  - b) Grading and drainage approval by City Engineer
  - c) 24-foot width driveway with standard City approach
  - d) Minimum of 28 parking spaces
  - e) Lighting to be non-glare and directed away from neighboring properties
  - f) Landscaping plan
  - g) Certificate of occupancy to be issued once all conditions met.

Application noted average Sunday attendance of 43 with maximum capacity of 80. Minutes note that a portion of the required fencing had been removed by a neighboring property owner. Application references future plans for a “larger” auditorium. Project was completed.

4. 1993. July 8, 1993. Conditional Use Permit approved for a 124-seat sanctuary addition adding 3,575± square feet. 11 conditions of project approval (43 parking spaces, sewer connection fee payment, grading and drainage plans, addition to match exterior of existing structures, pay traffic impact mitigation fees; and carry-over of conditions from prior approvals). A reduced size sanctuary was constructed.
5. 2024. Code compliance complaint received of a private school operating on the site without a conditional use permit.

Pursuant to Angels Municipal Code 17.18.030, schools and places of worship are a conditional use in the Single-Family Residential (R-1) zoning district.

A private school presently operates without a conditional use permit with 35± students in grades K-12 representing 17± families at the project site. No maximum has been set by school administrators for the number of students allowed. There are 7 teachers (not all are full-time). Operating hours are 8:30 a.m. – 3 p.m. Monday through Friday. Drop-offs may begin 30-40 minutes before school starts. Pick-ups for the youngest students occur at 2:15 p.m. with the remainder to be picked up by 3:15 – 3:30 p.m. Later pick-up for students participating in cross-country, golfing or wrestling may occur approximately 6-7 p.m. Outdoor recreation is allowed on the site in the parking lot adjacent to the building and in the fenced side yard as well as the grassy area above the parking lot.

The current building size is approximately 5,000 square feet.

## **ANALYSIS:**

Pursuant to 17.78.010 of the AMC, the purpose of a conditional use permit is to allow public review and City discretion in the control of certain uses which may be necessary, but which may cause public concern, affect property values or disturb the character of a neighborhood if they are not carefully located or designed. The use permit process is necessary to carry out review and exercise discretion over this category of potentially inappropriate or incompatible uses. Conditional use permits may be approved or denied by the planning commission. Finally, pursuant to AMC Section 17.78.030, the following findings are required for issuance of a conditional use permit:

- A. The proposed use is consistent with the City of Angels Municipal Code; and
- B. The proposed use is consistent with the City of Angels general plan; and
- C. The proposed use will not overburden existing municipal facilities; and
- D. The size and terrain of the parcel are suitable for the proposed use; and
- E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood;
- F. The proposed use and design are consistent with adopted city design standards, codes, adopted city short- and long-range plans, and accepted planning and engineering practices.

### **Finding A: The proposed use is consistent with the City of Angels Municipal Code**

Pursuant to Angels Municipal Code 17.18.030, schools are a conditional use in the Single-Family Residential (R-1) zoning district. Approval of this proposed conditional use permit would make the proposed use consistent with the Angels Municipal Code and Finding A could be made.

### **Finding B: The proposed use is consistent with the City of Angels general plan**

The primary issue for compatibility of the proposed land use (school) and adjoining landowners is protecting neighboring properties from school-generated noise. The primary source of noise from the school is outdoor recreation. The City does not have a noise ordinance, but the General Plan includes noise goals, policies, implementation programs, and standards.

Applicable General Plan 2020 noise goals, policies and programs include the following from General Plan 2020 Chapter 1 (Land Use Element) and 5 (Noise Element) :

#### **1.B.a. Maintain Compatible Land Uses**

*Continue to avoid locating noise-sensitive land uses near major noise sources when updating the general plan, evaluating general plan land use amendments, adopting implementing ordinances and when updating the goals, policies and implementation programs of the Angels Camp General Plan's **Noise (Chapter 5), Circulation (Chapter 3), Housing (Chapter 2) and Conservation and Open Space (Chapter 4) Elements.***

**Goal 5.A** *Maintain or reduce noise levels throughout the city as necessary to achieve compatibility between differing land uses and to maintain the city's peaceful, rural community atmosphere.*



**Policy 5.A.1** *Develop uniform, cost-effective and feasible standards for consistently and fairly mitigating temporary and permanent noise impacts associated with new development.*

**Policy 5.A.3** *Separate noise-generating and noise-sensitive land uses to the maximum extent feasible.*

**Implementation Program 5.A.a Adopt Exterior Ambient Community Noise Exposure Levels (CNEL) for New, Non-Residential Development** *Adopt the following exterior ambient community noise exposure levels (CNELs) for application to new, non-residential development in Angels Camp. New, non-residential development shall not exceed "normally acceptable" noise levels as defined in the following table, **Figure 5-1**:*

Figure 5-1 states establish noise levels of 60 dB to be maintained at the property line of residential properties with 70dB being "conditionally acceptable."

Therefore, to make a finding of consistency with the general for this project, conditions of project approval must ensure that noise levels reaching residential properties surrounding the school be reduced. Proposed Conditions 13-16, are included to ensure compatibility between the proposed school use and neighboring properties and include, fencing, acoustical barrier installation, establishing an adult yard supervisor for outdoor recreation, excluding use of the outdoor grassy hillside, and, reassessing the use of the site as a school and eliminating outdoor recreation for the school if necessary, to maintain compatibility with the general plan.

Proper implementation of these conditions would allow for Finding B to be made.

**Finding C: The proposed use will not overburden existing municipal facilities**

The project was reviewed by the City Engineer and public works department. Those agencies found that the proposed use would not overburden water or wastewater facilities. Similarly, in approving the 124-seat sanctuary, the access driveway was widened to 24 feet and traffic circulation for the sanctuary was approved. Because the proposed use is less intensive and the status of the roadway has not changed from a relatively low-volume, low speed road; traffic impacts from 35 students (17 families) are not anticipated. Therefore, Finding C can be made.

**Finding D: The size and terrain of the parcel are suitable for the proposed use**

The size of the parcel is sufficient for the proposed use. The flat portions of the parcel that were graded for church use and parking are suitable for the proposed school use. The relatively steep hillside between the parking area and Tryon property is less suitable for school use and high use could result in erosion along the hillside. As noted under Finding B, the hillside also allows for noise associated with the school closer to adjacent sensitive land uses (residence). Condition 13 is included to prohibit use of the hillside space for noise and erosion reasons. Proper implementation of the conditions would allow for this finding to be made.

**Finding E: Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood**

Landowners within 300 feet were notified of the proposed project. Five responses were received. Figure 1 shows the location of those responding. Attachment A includes the responses.

One respondent requested rebuilding the deteriorated 4-foot fence originally required for the church use in 1976 and reiterated in all subsequent project approvals through 1993. That requirement is included in conditions of project approval.

Three respondents supported the school. It is noted that the location of the respondents and their distance relative to the school (and especially to outdoor recreational use) was directly related to their impression of the school (those located further from the site appeared to view the school most favorably and those nearest the school felt the most impacted).

One respondent objected to the school based primarily on noise and traffic. Traffic generation is addressed under Findings D and F. Noise is addressed under Finding B.

Proper implementation of the conditions of project approval included herein relative to noise, fencing and acoustical fencing could allow for Finding E to be made.

**Finding F: The proposed use and design are consistent with adopted city design standards, codes, adopted city short- and long-range plans, and accepted planning and engineering practices.**

#### Yards, spaces, walls, fences, landscaping

Pursuant to AMC 17.18.040, site development standards in the R-1 zoning district are:

Development Standard	Complies, Does not Comply, Not Applicable (N/A)
Minimum lot area for new lots, 7,260 square feet	N/A - No new lot is proposed. Existing lot is 0.95± acre (41,382± square feet), complies.
Impervious surfaces, 80% maximum	N/A - No changes to existing building coverage are proposed, complies
Maximum building height, 35 feet	N/A No changes to existing building height are proposed, complies
Lot width: 75 feet	Lot width is 184± feet, no changes to lot size proposed, Complies
Lot depth: 100 feet	Lot is more than 200 feet deep, no changes to lot size are proposed, complies
Front setback – 20 Rear setback - 20 Side setback – 5 feet	Front – Exceeds 20 feet, complies Rear – Exceeds 20 feet, complies Sides – Exceeds 5 feet, complies

#### Parking

36± parking spaces exist on site; however, 13 of these spaces are used during the school day as a hardcourt outdoor recreation area. Since parking spaces in the recreation area are not available during school operations; 23 parking spaces are available on site. Pursuant to AMC Section 17.69.040 (Table 1), the following number of parking spaces are required for a school:

Schools (public and private)--Elementary and junior high	2 spaces per each classroom, plus 1 space for every 200 sq. ft. of assembly area in an auditorium.
Schools (public and private)--High school	3 spaces per each classroom, plus 1 space for every 6 students.

The private school operates in three separate gathering areas (e.g., elementary, junior high, high school), some with multiple grades, rather than individual classrooms. There is no auditorium. Approximately half of the students are high-school age and half are elementary school through junior

high. Given the mix of ages in the classrooms and lack of an auditorium, the more stringent standard is used.

Parking requirement per code	Parking requirement for Project	# of parking spaces required
3 per classroom	Three classrooms	9
1 per every 6 students	35 students/6	6
Total Required		15

Based on the preceding, 15 spaces are required for the school for 35 students and 23 are provided. Therefore, adequate parking for 35 students exists. In order to accommodate drop-off and pick up, however, it should be assumed that up to 8 of the spaces are not available for use and that only 15 would be available for current and future use. Therefore, parking becomes a limiting factor to total school attendance. Based on the preceding; total school enrollment should be limited to 36 until and unless additional parking can be identified or provided.

#### Landscaping

Generally, there are no landscaping requirements for a single-family residential parcel. However, in conjunction with issuance of a conditional use permit for the church, landscaping was required. Existing landscaping remains in good condition therefore, additional landscaping is not proposed. However, a condition of project approval has been added to ensure that landscaping required by previous project approvals is maintained throughout the life of the project.

#### Fencing

Pursuant to the prior project approvals for the church, a four-foot fence has been required since 1976 between the church and residences. As previously stated and based on notifications to landowners within 300 feet, the Nash's have requested replacement of the deteriorating 4-foot fence along the northern project border as required by the project site's original 1976 conditions which remain applicable. This is included as a condition of project approval.

It is noted that the Tryon home did not exist at that time and, therefore, a fence was likely not required on that side to separate the home from the church. The Tryons and the church, over the years, have added shrubbery. In general, fencing must be solid and thick enough and high enough to provide for noise attenuation. Because noise and not privacy is an issue between the Tryons and the school site; acoustical fencing rather than wood fencing has the potential to provide more substantial noise attenuation. However, given the high cost associated with acoustical fencing; conditions of project approval include a six-month "trial" allowing for outdoor recreation using proposed conditions 13-16, before considering acoustical fencing.

Proper implementation of the proposed conditions could allow for Finding F to be made.

#### **ENVIRONMENTAL ANALYSIS**

The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state and City guidelines for the implementation of CEQA Section 15303, Class 3 (Conversion of small structures) and 15332, Class 32 (in-fill development) and none of the exceptions in Section 15300.2(a-f) apply as described in the following:

The site already is used as a church for a congregation approved up to at least 80 individuals. The addition of a school increases the site use by five weekdays and the hours of that use. The site has seen a series of uses grow over the years; but this has been incremental and, as shown; a project larger than the proposed project was approved in 1993 (for a 124-seat sanctuary) and is therefore not considered cumulatively significant. The project is not adjacent to a scenic highway, the site is not listed or otherwise identified as a hazardous waste site, no demolition or alteration of existing structures or grading will occur,



therefore, no alterations to historical resources are anticipated. As noted in the preceding discussion, the project may be found consistent with the applicable general plan and zoning, is on a site of less than five acres substantially by urban uses, has not value for habitat for rare, threatened, or endangered species, and is adequately served by utilities and public services. As noted herein, the addition of outdoor noise to the site could be considered a potential noise impact on one neighbor which, given the number of residences surrounding the site, the level of significance may be considered less-than-significant; and, with proper implementation of design features, could be eliminated even for the single resident.

**ATTACHMENTS:**

- A. Adjoining Landowner Responses
- B. Planning Commission Resolution 25-02 with conditions of project approval

Attachment A  
Adjoining Landowner Responses



COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: Depot Road School

Date : 12-18-2024

Contact Person : Clyde Nash and Nancy Nash

Contact Phone/E-mail 209-753-9713 209-743-6606 nancynash77@yahoo.com

Comments: The Fence that adjoins our properties is old and in disrepair. We recommend replacement of a taller, more secure, safer fencing.





COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: Depot Road School

Date: December 10, 2024

Contact Person: Denise Tryon

Contact Phone/E-mail tdtryon@gmail.com 209.743.0849

Comments: Please see attached letter, for comments in opposition to application for conditional use permit.

December 18, 2024

Dear Members of the Angels Camp City Council and Planning Commission,

We are writing to express our strong opposition to the proposed conditional use permit that would allow a school to operate at the Angels Camp First Baptist Church property.

Since the Fall of 2023, a school has been operating at this location in clear violation of the current zoning regulations, which designate the property as residential. During this unauthorized period of operation, we have experienced firsthand significant negative impacts that make this location wholly inappropriate for a school. Our objections center on three primary concerns: safety, noise, and the overall welfare of our residential neighborhood.

### **1. Safety Concerns**

The church property was never designed to accommodate the substantial daily traffic generated by a school. The increase in vehicles during drop-off and pick-up times creates congestion on our small residential street, posing serious safety risks to pedestrians, cyclists, and residents. Vehicles frequently enter, idle, and exit throughout the day, adding not only to the noise but also creating hazards that endanger our neighborhood's safety and peaceful nature. Additionally, the property itself lacks adequate infrastructure, such as designated drop-off zones and safe outdoor recreation areas, further exacerbating these risks.

### **2. Noise Disruption**

The noise levels associated with a school are disruptive and incompatible with a residential neighborhood. Our home, built in 1981, sits approximately thirty feet from the church property line, with only a hedge we planted years ago serving as a buffer. Since the school began operating in 2023, we have been subjected to constant, loud outdoor activity just feet from our home. This includes shouting, playing, bouncing balls, musical instruments, whistle-blowing, and general playground noise that can be heard not only in our yard but also inside our home throughout the day. Such noise has severely impacted our ability to enjoy our property, particularly during school hours.

### **3. General Welfare of the Neighborhood**

The current zoning regulations exist to protect the character and welfare of residential neighborhoods like ours. Permitting a school to operate on this property represents a fundamental shift in use that is incompatible with both the original intent of the church property and the surrounding community. While churches are permitted to conduct customary activities and services, the operation of a full-time school significantly exceeds these parameters and introduces continuous, disruptive activity. Moreover, the outdoor recreation area referenced in the application includes an unsuitable hillside and parking lot, further underscoring the property's lack of fitness for a school.

For over forty years, we have lived in this neighborhood and experienced the church's moderate activity without issue. However, the addition of a school has transformed our daily lives in ways that are both distressing and unacceptable. The increase in traffic, noise, and activity is not only

unsafe and disruptive but detrimental to the peaceful and residential character of our community.

We urge the City to deny this application for a conditional use permit. Doing so will ensure that the safety, welfare, and livability of our neighborhood remain protected under the current zoning regulations.

Thank you for your time and consideration.

Sincerely,

Denise and Tom Tryon  
1639 Depot Road PO Box 1177 Angels Camp, CA 95222  
[tdtryon@gmail.com](mailto:tdtryon@gmail.com) 209.743.0849







COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: Depot Road School

Date: DECEMBER 11, 2024

Contact Person: LORETTA SORACCO

Contact Phone/E-mail: (209) 765-0245

Comments: I live right across the street from  
the church. I have had no problems with  
the school there.



COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: Depot Road School

Date : 12/11/24

Contact Person :

Contact Phone/E-mail

Comments: I enjoy hearing the sound of children's voices in the neighborhood. God bless you all and your teachings.

Please submit your comments by December 18, 2024, to the following:

Amy Augustine, AICP – Contract City Planner  
City of Angels Camp  
200 Monte Verda, Building B  
P.O. Box 667  
Angels Camp, CA 95222  
[planning@angelscamp.gov](mailto:planning@angelscamp.gov)  
(209) 736-1736 / (209) 743-2323 (cell)



HOME OF THE JUMPING FROG

Payton





COMMUNITY DEVELOPMENT

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

PROJECT: Depot Road School

Date: 12-5-24

Contact Person: Jim or Colette Scales

Contact Phone/E-mail 209-840-8352<sup>65</sup> / 209 795 5020

Comments: fireskyer 511@gmail.com colettes66@hotmail.com

We are OK with the Baptist Church running a school on their property. Please keep us updated on the process.

1663 Tryon Court

**Attachment B**  
**Resolution 25-02 and Conditions of Project Approval**

**CITY OF ANGELS  
PLANNING COMMISSION**

**Resolution No. 25-02**

**RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING  
COMMISSION FOR**

**CONDITIONAL USE PERMIT FOR NEW GENEVA SCHOOL  
APN: 062-006-019 (0.95± ACRE)  
1555 DEPOT ROAD AT THE ANGELS CAMP FIRST BAPTIST CHURCH**

**WHEREAS**, the City received an application for a private school at the Angels Camp First Baptist Church; and

**WHEREAS**, the City of Angels Municipal Code requires that such development requires a conditional use permit; and

**WHEREAS**, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project;

**WHEREAS**, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state and City guidelines for the implementation of CEQA Section 15301, Class 1 (Existing Structures);

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Angels hereby approves the Administrative Conditional Use Permit based on the following findings and subject to the attached conditions:

- A. The proposed use is consistent with the City of Angels Municipal Code; and
- B. The proposed use is consistent with the City of Angels general plan; and
- C. The proposed use will not overburden existing municipal facilities; and
- D. The size and terrain of the parcel are suitable for the proposed use; and
- E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood;
- F. The proposed use and design are consistent with adopted city design standards, codes, adopted city short- and long-range plans, and accepted planning and engineering practices.

The foregoing resolution was introduced and moved for adoption February 13, 2025, by

\_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_.

PASSED AND ADOPTED THIS 13<sup>th</sup> day of February, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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John Broeder, Chairman

ATTEST:

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Caytlyn Schaner, City Clerk

City of Angels

## CONDITIONS OF PROJECT APPROVAL

### CONDITIONAL USE PERMIT FOR NEW GENEVA SCHOOL

APN: 062-006-019 (0.95± ACRE)

1555 DEPOT ROAD AT THE ANGELS CAMP FIRST BAPTIST CHURCH

## THIS IS NOT A BUILDING PERMIT

1. This permit is issued to allow for: A private school for up to 36 students in grades K-12 with operating hours of 8:30 a.m. – 3 p.m. Monday through Friday. Drop-offs may begin 30-40 minutes before school starts. Pick-ups for the youngest students occur at 2:15 p.m. with the remainder to be picked up by 3:15 – 3:30 p.m. Later pick-up for students participating in cross-country, golfing or wrestling may occur approximately 6-7 p.m. Outdoor recreation is allowed on a temporary basis on the site in the parking lot adjacent to the building and in the fenced side yard in accordance with Conditions 13-16. This permit does not include approval for a cafeteria. Increases in school capacity shall require an amendment to this permit and creation of additional on-site parking and drop-off/pick-up areas.
2. To the fullest extent permitted by law, Applicant shall defend, indemnify, and hold harmless City and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, any applicable Permit, or subsequent City approvals. Applicant's duty to indemnify and hold harmless shall not extend to any claim, action, or proceeding arising from the gross negligence or willful misconduct of City or City's Agents.

Upon receiving notice of a claim, action, or proceeding, Applicant shall assume the defense of the claim, action, or proceeding through the prompt payment of all attorneys' fees and costs, incurred in good faith and in the exercise of reasonable discretion, of City's counsel in defending such an action. City shall have the absolute and sole authority to control the litigation and make litigation decisions, including, but not limited to, selecting counsel to defend City and settlement or other disposition of the matter. The modification of a proposal by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

3. Communicable Disease Waiver and Release: Applicant waives and releases the City from any and all claims, causes of action, allegations, or assertions that may arise relating to infection of any person by COVID-19 or other communicable disease that occurs, or is alleged to occur, during any activities undertaken at the project site. Applicant also agrees to defend, indemnify, and hold City harmless from any and all claims, causes of action, allegations, or assertions made against City or City's employees arising from or relating to actual or alleged infection occurring during any event at the site, except where caused by the sole negligence or willful misconduct of the City.

#### **Prior to proceeding with the use of the site as a school:**

4. The project proponent shall sign and acknowledge these conditions of approval.

#### **Prior to commencing operations pursuant to this permit:**

5. Applicant shall submit an ingress/egress plan for all classrooms and the building. Applicant shall include an occupant load calculation identifying all square footage of all areas used for students and calculating exit passageways and exits in compliance with CFC 1004.1. Should



occupancy be limited to less than 36 students as a result of these calculations, then these calculations shall supersede Condition #1 to establish occupancy limits.

6. All blocked exits shall be cleared in compliance with California Fire Code Section 1003.6. All Exit lighting shall be repaired and properly functioning in accordance with CVF 1032.10.
7. Extensions cords shall not be substituted for permanent wiring in accordance with CFC 603.6.
8. A fire alarm shall be installed as required per CVC 907.2.3.
9. Combustibles located near any water heaters shall be maintained with the proper clearance in accordance with CFC 315.3.3.
10. A life safety inspection shall be conducted by the Building Inspector. All improvements and requirements identified by the Fire Department shall be installed and maintained throughout the life of the project or as applicable.

**Within 30 days of project approval:**

11. Applicant shall replace the existing deteriorating fencing with 4-foot high solid wood fencing between the Nash property and the Church (yellow line in figure below). If the applicant cannot complete this condition within the established timeframe, the City Building Inspector may grant a short extension based on progress made upon request of the applicant, but not to exceed a total of 30 days from final approval. For the purposes of this condition, Final Approval means issuance of the permit by the Planning Commission, or, upon appeal, by the City Council (whichever is later).



### Throughout the Life of the Project:

12. Within 10 days of project approval; the school supervisor shall provide a school contact phone number to all neighboring parcel owners immediately bordering the school site to allow immediately adjacent neighbors to contact said supervisor directly and immediately when noise levels are being exceeded or when other potential conflicts may be occurring. The school is encouraged to contact neighboring landowners in advance whenever they anticipate the rare need to temporarily exceed noise levels.
13. Student outdoor recreation shall be conducted outside in the paved parking areas only and in the tot lot as shown below. The unpaved grassy area uphill of the parking area shall not be used for school purposes. Outdoor recreation in the grassy area uphill of the paved parking area is prohibited.



14. An adult “yard supervisor” shall supervise all outdoor recreation activities at all times outdoor recreation is occurring. The yard supervisor is responsible for ensuring that noise levels do not exceed the decibel levels identified in Attachment A in accordance with the City of Angels General Plan Figure 5-1. Specifically, noise levels at neighboring residential parcel boundaries shall not exceed 60dB. Noise levels may *temporarily* reach up to 70 dB at parcel boundaries for periods not to exceed two minutes duration up to three times in a 30-day period. All new or existing yard supervisors shall sign the attached statement (Attachment B to conditions) once, acknowledging noise limits, prior to supervising outdoor recreation. The school is responsible for maintaining the acknowledgment log and producing it upon request of the City.

The school is encouraged to purchase an outdoor sound meter(s) that displays sound levels on the school building outdoors and install one at neighboring landowner parcel boundaries to assist in monitoring and documentation (e.g., [https://www.amazon.com/Decibel-Hanging-Humidity-Temperature-Classroom/dp/B0DNF1QT32?source=ps-sl-shoppingads-lpcontext&ref\\_=fp\\_lfs&pvc=1&smid=A2SGE9ZXPAD9NX](https://www.amazon.com/Decibel-Hanging-Humidity-Temperature-Classroom/dp/B0DNF1QT32?source=ps-sl-shoppingads-lpcontext&ref_=fp_lfs&pvc=1&smid=A2SGE9ZXPAD9NX)). Adjacent landowners wishing to document noise violations are encouraged to do the same. The school is encouraged to incorporate a study of noise in student curriculum and involve students in being good neighbors.

15. Student outdoor uses are restricted to outdoor recreation only. All other activities (e.g., music lessons etc.) shall be conducted indoors. Should verifiable complaints of noise levels exceeding 70 dB for more than two minutes duration occur more than three times in a 30-day period at an adjoining residential property boundary shared with the school; the City may amend this permit to limit the number and duration of outdoor activities for the school.
16. A six-month review of this permit shall be conducted at a public hearing before the City of Angels Planning Commission to evaluate whether or not outdoor recreation will continue to be a permitted activity for the school based on compliance with the preceding conditions. At that time, the Planning Commission (or City Council upon appeal), may implement one of the following based on documented violations of these conditions:
- A. Revoke outdoor recreation as permitted use at the school; or
  - B. Require installation of an acoustical fence along the entire common parcel boundary between the Tryon parcel and the school.
17. This permit does not include approval for serving students food on site. No cafeteria is approved herein. Approval and permitting from the Calaveras County Environmental Management Division and an amendment to this permit is required prior to allowing for food service for students at the site.
18. A Building Permit is required for any interior alterations, improvements or outside or safety improvements. It is the responsibility of the owner and applicant to check with the City Building Department before undertaking building alterations.
19. Maintain existing landscaping. Dead or dying landscaping shall be replaced within thirty days of receiving notification from the Community Development Department unless an alternative timeline is established by the City to address drought or other extraordinary circumstances. The City may request bonding from the property owner or other responsible entity to support re-planting when re-planting must be deferred. Adequate site distance for pedestrians and vehicles on and off-site shall be established and maintained at the project’s driveway intersections with Depot Road. Failure to maintain

landscaping in accordance with this measure is subject to the City's code enforcement provisions. Throughout the life of the project, the Project Proponent is, and individual landowners are, responsible for maintaining vegetation in compliance with the City's fire-safe vegetation management requirements as necessary to reduce wildland fire hazard. Landowners shall be responsible for cutting grasses to below 4" in height, trimming tree branches, removing dead and dying vegetation as necessary to separate ladder fuels, and other measures as deemed necessary by the City Fire Marshall. Failure to maintain landscaping in accordance with this measure is subject to the City's code enforcement provisions.

20. There shall be no outdoor storage associated with school operations visible from any public right-of-way or neighboring property.
21. New signage, temporary or permanent, shall occur only after issuance of a sign permit by the City.
22. No neon signs, banners, waving signs, moving signs or similar signage—temporary or permanent, directional or otherwise shall be permitted unless first approved by the Community Development Department.
23. The Project shall remain in compliance with all applicable local, state and federal regulations.
24. Significant changes to the above conditions shall require an amendment to this Conditional Use Permit.
25. The City Planner, in consultation with the City Building Inspector, may approve minor deviations from these conditions.
26. The Project Proponent will maintain a valid City business license throughout the life of the project.
27. The Project shall comply with all provisions of the Project Description and these land use entitlements as approved herein.

I, (we) \_\_\_\_\_, have read, understand, and acknowledge the preceding conditions.

(Print Name \_\_\_\_\_)

Owner

(Print Name \_\_\_\_\_)

Applicant



# Attachment A TO CONDITIONS OF APPROVAL

## General Plan Noise Limits

**Figure 5-1 : Exterior Community Noise Exposure Levels-  $L_{dn}$  or CNEL, (in Decibels, dB)**

Decibels	55	60	65	70	75	80
Land Use Category						
Residential low-density, single-family, duplex, mobile homes	Normally Acceptable					
		Conditionally Acceptable				
				Normally Unacceptable		
					Clearly Unacceptable	
Residential multi-family	Normally Acceptable					
			Conditionally Acceptable			
				Normally Unacceptable		
					Clearly Unacceptable	
Transient lodging, motels, hotels	Normally Acceptable					
			Conditionally Acceptable			
				Normally Unacceptable		
					Clearly Unacceptable	
Schools, libraries, churches, hospitals, nursing homes	Normally Acceptable					
			Conditionally Acceptable			
				Normally Unacceptable		
					Clearly Unacceptable	
Auditoriums, concert halls, amphitheaters (during use)						
	Conditionally Acceptable					
				Clearly Unacceptable		
Sports arena, outdoor spectator sports (during use)						
	Conditionally Acceptable					
				Clearly Unacceptable		
Playgrounds, neighborhood parks	Normally Acceptable					
				Normally Unacceptable		
					Clearly Unacceptable	
Golf courses, riding stables, water recreation, cemeteries	Normally Acceptable					
				Normally Unacceptable		
					Clearly Unacceptable	
Office buildings, business, commercial and professional	Normally Acceptable					
				Conditionally Acceptable		
					Normally Unacceptable	
Industrial, manufacturing, utilities, agriculture	Normally Acceptable					
				Conditionally Acceptable		
					Normally Unacceptable	



**Figure 5-1 Key:**

**Normally Acceptable:**

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable:**

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional Construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

**Normally Unacceptable:**

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

**Clearly Unacceptable:**

New construction or development should generally not be undertaken.

## Attachment B

**Acknowledgement of Outdoor Noise limitations for Geneva School**  
**(to be signed by all yard supervisors and produced upon request by the City)**

The yard supervisor is responsible for ensuring that noise levels do not exceed the decibel levels identified in Attachment A in accordance with the City of Angels General Plan Figure 5-1. Specifically, noise levels at neighboring residential parcel boundaries shall not exceed 60dB. Noise levels may *temporarily* reach up to 70 dB at parcel boundaries for periods not to exceed two minutes duration up to three times in a 30-day period. All new or existing yard supervisors shall sign the attached statement (Attachment B to conditions) once, acknowledging noise limits, prior to supervising outdoor recreation. The school is responsible for maintaining the acknowledgment log and producing it upon request of the City.

The school is encouraged to purchase an outdoor sound meter(s) that displays sound levels on the school building outdoors and install one at neighboring landowner parcel boundaries to assist in monitoring and documentation (e.g., <https://www.amazon.com/Decibel-Hanging-Humidity-Temperature-Classroom/dp/B0DNF1QT32?source=ps-sl-shoppingads-lpcontext&ref=pfplfs&psc=1&smid=A2SGE9ZXPAD9NX>).

[illegible]