



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/23/2025

ITEM NO: 4

DATE: April 18, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval to Modify an Existing Conditional Use Permit for an Increase in the Hours of Operation in a Nursery School (Mariposa Montessori School) on Property Zoned R-1:8. **Located at 16548 Ferris Avenue.** APN 532-07-127. Conditional Use Permit U-25-002. Categorically Exempt Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301: Existing Facilities. Applicant: Rekha Mundkur, Mariposa Montessori School. Property Owner: Faith Lutheran Church. Project Planner: Maria Chavarin.

RECOMMENDATION:

Consider a request for approval to modify an existing Conditional Use Permit for an increase in the hours of operation in a nursery school (Mariposa Montessori School) on property zoned R-1:8, located at 16548 Ferris Avenue.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8 – Single-Family Residential
Applicable Plans & Standards: General Plan, Town Code
Parcel Size: 96,589 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

PREPARED BY: Maria Chavarin
Assistant Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Categorically Exempt, Section 15301: Existing Facilities.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days of the final decision.

BACKGROUND:

The Mariposa Montessori School is an existing nursery school operating with a Conditional Use Permit (CUP) in conjunction with the Faith Lutheran Church.

On August 2, 2005, the Development Review Committee approved a modification to an existing CUP to adjust the hours of operation for a day care center (Mariposa Montessori School) located on the Faith Lutheran Church property which included the following Condition of Approval (Exhibit 7):

16. MONTESSORI SCHOOL USE/HOURS. The property owner/school operator shall limit the number of Montessori school students on-site to a maximum of 50 students at any given time. Any increase in enrollment will require amendment of the Conditional Use Permit for the entire facility. The property owner/school operator shall limit the school's operation to the hours of: 8:15 a.m. – 4:15 p.m., Monday through Friday. No weekend hours are permitted. The property owner/school operator shall limit school classes to the hours of 9:15 a.m. – 4:00 p.m. Once per month the school shall be permitted to conduct parent meetings between the hours of 4:00 p.m. and 10:00 p.m. Four times per month the teachers and administrative staff shall be permitted extended staff hours (7:30 a.m. to 8:00 p.m.) to prepare for seasonal or holiday school programs that will occur during normal school hours (8:15 a.m. – 4:15 p.m.).

On May 22, 2019, the Planning Commission approved a modification to an existing CUP for an increase in student enrollment for the Mariposa Montessori School located on the Faith Lutheran Church property. Condition of Approval 21 included a requirement for a one-time annual review for compliance with the Conditions of Approval. The Planning Commission was concerned with the following conditions for inclusion in the one-time annual review (Exhibit 6):

17. SCREENING: The school shall provide screening plantings between room 13 and the adjacent neighbors.
18. SAFE DRIVING LETTER: The school shall provide a letter to all current and future parents regarding safe driving.
19. SAFE ROUTES TO SCHOOL: The school shall engage in the Safe Routes to School Program.
20. PUBLIC OUTREACH: Within one month of the date of this approval, the school shall conduct a public outreach meeting to engage its neighbors.

On June 10, 2020, the Planning Commission approved an annual review report as required by Condition of Approval 21 of the approved Conditional Use Permit U-19-003 (Exhibits 5 and 6). The annual review was a one-time review of impacts due to the increased enrollment.

On January 29, 2025, the Community Development Department received a request to modify the existing Conditional Use Permit to extend the hours of operation for the nursery school from 8:15 a.m. to 4:15 p.m. to 8:15 a.m. to 6:00 p.m., Monday through Friday, (Exhibit 4).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The school is located within existing buildings on the Faith Lutheran Church property at 16548 Ferris Road (Exhibit 1). Adjacent properties are developed with single-family residences and are zoned R-1:8.

B. Zoning Compliance

A nursery school is a conditional use in the R-1:8 zone requiring approval of a CUP by the Planning Commission. The Town Code requires that a nursery school located in an R-1:8 zone be located on a site of no less than 20,000 square feet and be located in a building not less than 2,000 square feet. The subject property is 96,589 square feet, exceeding the 20,000 square foot requirement. The current classrooms used by the school are approximately 2,280 square feet, which exceeds the 2,000-square foot requirement.

DISCUSSION:

A. Conditional Use Permit

The applicant is requesting approval to modify the CUP to increase the hours of operation from 8:15 a.m. to 4:15 p.m. to 8:15 a.m. to 6:00 p.m., Monday through Friday. The applicant has provided justification for the request to increase the hours of operation indicating that the extended hours are needed to provide childcare for working families (Exhibit 4). The CUP runs with the land, and the deciding body should review applications based on the use as opposed to the applicant or the applicant's Project Description.

Since the applicant complied with returning to the Planning Commission for the one-time annual review as required by Condition of Approval #21, staff recommends removal of this conditions as shown in the recommended Conditions of Approval in Exhibit 3.

The applicant provided a summary of neighborhood outreach (Exhibit 8). The outreach was required by Condition of Approval 20 of the current CUP.

No structural or exterior changes are proposed with this request.

B. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

PUBLIC COMMENTS:

Written notice was sent to property owners and occupants within 300 feet of the property. No comments were received at the time this report was published.

CONCLUSION:

A. Conclusion

The applicant is requesting approval to modify the CUP to increase the hours of operation from 8:15 a.m. to 4:15 p.m. to 8:15 a.m. to 6:00 p.m., Monday through Friday. The applicant has provided justification for the request to increase the hours of operation indicating that the extended hours are needed to provide childcare for working families. Based on the information in this report, staff has determined that Mariposa Montessori School is in compliance with their existing CUP.

B. Recommendation

Based on the analysis above, staff recommends approval of a modification to the CUP subject to the recommended conditions of approval included as Exhibit 3. If the Planning Commission finds merit with the request, it should:

1. Find that the proposed project is categorically exempt, pursuant to Section 15301 of the California Environmental Quality Act as adopted by the Town (Exhibit 2);
2. Make the findings as required by Section 29.20.190 of the Town Code for granting approval of a modification to a CUP (Exhibit 2); and
3. Approve CUP application U-25-002 with the recommended conditions of approval contained in Exhibit 3.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location map
2. Required findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Action Letter of Planning Commission June 10, 2020
6. Conditional Use Permit U-19-003
7. Conditional Use Permit U-05-016
8. Summary of Neighbor Outreach

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