

MOTION

1. Modification of Conditions Of Approval:

The LUPC recommends that the Board of the VNC recommend that the Zoning Administrator approve the request of the St. Joseph Center to modify Conditions Of Approval numbers 28 and 34, and that the Zoning Administrator deny the request of the St. Joseph Center to modify Conditions Of Approval numbers 11, 12, 21, and 29, for the reasons set forth in the LUPC Staff Report.

2. Approval of Plans at End of First Year of Operations:

The LUPC recommends that the Board of the VNC recommend that the Zoning Administrator find that the St. Joseph Center has operated and continues to operate in violation of Conditions Of Approval listed below, and that the Conditions Of Approval be added or modified as follows:

Conditions Of Approval numbers 8, 11, 33, and 35: The Saint Joseph Center is in violation of Conditions of Approval 8, 11, 33 and 35 by failing to provide written evidence which describes that the specific nature of the uses and activities on the Campus, staffing (employees and volunteers), number of clients, schedules and hours of operation, events, parking requirements, allocation of parking spaces for each of the uses on the Campus, the contract(s) or agreements for the leasing of parking spaces, and parking by all other users of the entire Campus. The Saint Joseph Center should be required to provide this information in writing.

Condition Of Approval 12.b.: The St. Joseph Center is in violation of this Condition, and should be required to provide a satisfactory explanation in writing for its violation, and should be required to confirm that it is aware that no private rental of the premises is permitted, and that no private rental will be made in the future. If the Conditions Of Approval are in any way unclear in prohibiting the use of the Culinary Training Institute (kitchen) for purposes other than the Culinary Training Program, the Plan Approval process should be used to modify the Conditions to clarify that such use is prohibited.

Conditions Of Approval 14.a. and c.: The St. Joseph Center is in violation of these Conditions, and should be required to designate a person as a liaison to the adjacent residents, and should be required to post a telephone number for complaints and emergencies on a sign at the driveway entrances, and provide the telephone number to the immediate neighbors, schools, and local neighborhood associations. The Conditions Of Approval should be modified to require that the telephone number shall have a live person answering it during business hours, and an after-hours method to immediately contact the 24-hour security guard who is required to be on the premises as per Condition Of Approval number 17.

Condition Of Approval 15: The St. Joseph Center is in violation of this Condition, and should be required to clean up feces, vomit, bottles, cans, paper and needles from the public right-of-way within one block of the subject center once per day when the center is open to clients. The Conditions Of Approval should be modified to require that the St. Joseph Center keep a log of the date and time of each daily clean-up, and make the log available to the public immediately upon request.

Condition Of Approval 16: The St. Joseph Center is in violation of this Condition, and should be required to commission a study and then install recommended noise-attenuating materials. The Conditions Of Approval should be modified to give the St. Joseph Center a deadline to relocate the child care center to a portion of the Campus that is not adjacent to residential uses. The Conditions Of Approval should be modified to require that the noise emanating from the relocated child care center is below a certain decibel level at the St. Joseph Center's property line adjoining residential areas.

Condition Of Approval 18.e.: The St. Joseph Center is in violation of this Condition, and should be required to supervise and enforce the requirement that all staff, clients, and subtenants coming to the Campus in vehicles are required to park in the on-site parking lots. The Conditions Of Approval should be modified to require improved signage and communication so that visitors are directed to the on-site parking lots in a manner that seeks to make the on-site parking lots more apparent and more convenient than street parking.

Condition Of Approval 21: The St. Joseph Center is in violation of this Condition, and should be required to provide a satisfactory explanation in writing for its violation of this Condition prohibiting rental of the kitchen to private parties for cooking classes open to the general public, and should be required to confirm that it is aware that no private rental of the premises is permitted, and that no private rental will be made in the future. If the Conditions Of Approval are in any way unclear in prohibiting the use of the Culinary Training Institute (kitchen) for purposes other than the Culinary Training Program, the Plan Approval process should be used to modify the Conditions to clarify that such use is prohibited.

Condition Of Approval 29: The St. Joseph Center is in violation of this Condition, and should be required to install full and complete screening of the adjacent residential windows from the southerly edge of the roof deck to visually buffer the deck from the apartment building to the south, using an architectural lattice or similar screening material incorporating landscaping materials.

Condition of Approval 38.c.: The St. Joseph Center is in violation of this Condition, and should be required to install shielding on the outdoor lighting on tall poles in the parking lots, so that light can not be seen from the adjacent residential properties. The Conditions Of Approval should be modified to require that indoor lighting at the southeast end of the building on the second floor must be shielded or turned off so that it can not be seen from the adjacent residential properties after 10:00 P.M.

(end of Motion)