



August 20, 2020

Re: Item 9a, August 23, 2022 City Council Agenda. Carlthorp CUP Appeal.

To: Mayor Himmelrich and City Council Members

From: North of Montana Neighborhood Association Board (NOMA)

Date: August 20, 2022

You have before you an Appeal from the Planning Commission's grant of a Conditional Use Permit to greatly expand the Carlthorp School on its current property on San Vicente surrounded by a large

higher and special obligation not to impose noise and parking burdens. For the reasons stated in this comment letter the NOMA Board urges granting the appeal.

We begin by discussing that Carlthorp must first cure its existing violations of its current permit before the Council can grant a new permit. We then review specific areas where the proposed new permit fails to adequately address parking and noise problems and we suggest specific mitigations that you should require as Conditions.

I. Carlthorp Must First Cure its Violations of its 1995 CUP as to Parking and Noise Before A New CUP Can be Granted

As the approximately 100 comments from neighbors indicate, Carlthorp is already a significant burden on the neighborhood in terms of noise and parking. Residents have written to you about the appreciable noise emanating from Carlthorp and staff parking on San Vicente, 4th Street and even Georgina, contrary to assurances provided in obtaining the 1995 permit and key findings based on these assurances made in the CUP.

As NOMA member Diana Gordon pointed out in her letter to you which we incorporate here, the 1995 CUP (the current Permit) Finding #7 states clearly: "All parking is provided on site." Also, its Variance Finding #2 states: "The granting of such variance shall not be detrimental...in that the project includes tandem parking spaces to accommodate the site's parking needs."

These Findings were based on assurances from Carlthorp that following the expansion, it would employ a staff of 32 with tandem parking space for 32 cars on-site. These assurances have turned out to be wildly off. In fact, Carlthorp has 80 staff, not 32 and those without on-site spaces park on the surrounding streets to the detriment of neighbors. Unfortunately, Carlthorp has done nothing meaningful to mitigate this and come into compliance despite numerous complaints from neighbors.

Because Carlthorp is in violation of its current 1995 CUP in terms of noise and parking, the new CUP it is requesting cannot be granted under:

==1995 Condition #25: Carlthorp's operation must be operated "at all times" not detrimental to surrounding residents in terms of noise and parking; and

==1995 Validity of Permit Condition #31: if Carlthorp violates any condition it must be “fully remedied” before any further permit may be granted.”

The current proposed expansion will only exacerbate these daily burdens on neighbors. Carlthorp must, as required by its existing permit, to first cure its existing violations before the Council can consider a new permit.

II. Any New CUP Must Contain Additional Conditions on Noise and Parking

NOMA asks that if the Council allows a new CUP—after Carlthorp cures its existing violations—the following conditions be added. These would help mitigate the new problems emanating from its expansion and make Carlthorp a better neighbor.

1. The **new rooftop playing field must be noise neutral**. There have been complaints from neighbors about noise from the existing field. It is important that the new rooftop field not become a noise detriment also. Two suggestions to include in Conditions:

==The proposed Condition #11 calls for only 1 acoustical analysis shortly after it is in use. Instead, this should be yearly in real use situations as they may change. At the same time, there should be yearly acoustical analysis of the existing playground. These should be provided to the City and made public.==

==The number of students who can use the field at any one time should be specifically limited and not

2. There are only 32 **parking spots for staff**, yet the number of staff at the school is greater than 80. The staff hunt for parking in the neighborhood takes limited spaces away from residents (many older) and workers and guests. This results in residents having to park blocks away from their homes. The school has claimed that parking issues are due to general congestion in the city. However, when the school is not in session this isn't so and a number of neighbors have written about seeing staff park in neighborhood. A suggestion to include in Conditions:

==Carlthorp should lease or buy an off-site parking location (or part of one) for staff in excess of 32 to use. They should then be shuttled to the school. This is a solution used by a number of businesses.==

3. The proposed Condition for **Special Event Parking, Pick-Up and Drop-Off** is totally inadequate and categories of Special Events:

A) Events with **under 50 outside adult attendees**, not including staff or employees.
Proposed **NO limits** to these events in terms of number of events or parking mitigations.

B) Events with **over 50 outside adult attendees**, Carlthorp can hold up to 18 a year, with 6 at night (but more can be requested.) Again, **NO provision made for parking. This can include 200 outside adult attendees in any number of cars under 150.**

C) Events “**expected to draw more than 150 vehicles**”, a **vague plan for Valet parking** is put forth These would be huge events in a residential neighborhood with maybe 300-400 outside guests. The noise and parking backup would be mammoth and disruptive.

Just think about how this would work. 300-400 people arriving close to one another. 150+ cars backing up for valet. 300-400 people waiting for each of their cars. Where would valet park these cars?

NOMA suggests for Conditions:

==For all Special Events, outside attendees must park at an off-site, out of neighborhood location and be shuttled to and from the event.==

==Any event expected to draw more than 75 vehicles or 150 attendees be limited to 2 events per school year.==

NOMA urges the Council to enforce the Conditions of the existing Permit and require Carlthorp to first cure its on-going violations. Once that is done, we urge you to help mitigate the ill effects on the Historic San Vicente District of this major expansion as conditions for any approval of a new permit.

The NOMA Board