

LOCATION MAP



BACKGROUND

In 1990, the existing 10,000 square foot multi-tenant building was approved and subsequently constructed. In 1991, the existing daycare center was approved and has been operating since that time. Since then, there have been multiple site and tenant improvements to the structure. The building currently has nine tenant suites.

The project site is located at 633 and 635 S. Main Street. The site is improved with a 10,000 square foot retail building, parking lot and landscaping. Commercial uses are located to the North and East. A park is located south of the site. Residential use is located to the west.

PROJECT DESCRIPTION

The applicant submitted an application pursuant to Section 6.02 of the Milpitas Zoning Ordinance, which requires a Conditional Use Permit (CUP) for child care centers in Mixed Use zoning districts. The applicant is proposing to expand a children’s pre-school center. The existing daycare facility is 3,231 square feet and the proposed area is 4,961 square feet. The proposal is to expand the daycare to the adjacent suite, which is 1,730 square feet. No exterior modifications are proposed. Hands On Learning Center provides classes to children in the pre-school years. Hours of operation are 7 AM to 6 PM Monday through Friday.

Parking

The proposed use requires one space for every 1.5 employees. The subject site provides adequate parking spaces as required by the Zoning Ordinance. The following table summarizes the parking requirement for the project site.

**Table 1
Parking**

	Tenant Use	Square Feet	Parking Ratio	Required Parking
1.	Proposed Pre-school	4961	1/1.5 employees	8
2.	Office	350	3.3/1000 s.f.	1
3.	Back Doctor	350	1/225 s.f.	1
4.	Travel Office	350	3.3/1000 s.f.	1
5.	Nutritionist	400	3.3/1000 s.f.	1
6.	Dentist	1450	1/225	6
7.	Chiropractor	1450	1/225	6
8.	Hair Salon	1450	1/200	7
9.	Empty	1730	1/250	7
Total Parking Required				38
Total Parking Provided				51

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
<i>Implementing Policy 2.a-I-5 Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.</i>	Consistent in that the conditional use permit process allows the City to review the proposed business which is an expansion of an existing local business. Retention of existing businesses is important to a strong economy for the City of Milpitas.
<i>Implementing Policy 2.a-I-24 Encourage the establishment of day care facilities consistent with State standards, including the issuance of use permits for large day care facilities where compatible with surrounding neighborhoods and commercial uses, particularly in public facilities such as community centers, churches and employment centers and large housing developments.</i>	Consistent in that the proposal is an expansion of a day care facility that meets all the Zoning Ordinance and General Plan requirements.

Zoning Ordinance

The project is consistent with Section 16, “MXD” Mixed Use District the Milpitas Zoning Ordinance. The proposed use is compatible with surrounding uses because it is adjacent to commercial and residential uses and with the approval of this conditional use permit will meet all the requirements of the Zoning Ordinance.

Midtown Specific Plan

The project is consistent with the Milpitas Midtown Specific Plan. Goal 1 of the Specific Plan states, “Encourage a compatible mixture of residential, retail, office, service oriented commercial and industrial uses within the Midtown Area. The proposed use is an appropriate and compatible use for that area.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, because the project is a negligible expansion beyond the existing use.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The primary consideration of a CUP relates to compatibility of the proposed use with surrounding land uses. The applicant proposes to expand and operate a daycare center in a building that has office, commercial and medical office uses. The proposed use is compatible with the uses within the building because it is a service oriented business, much like the existing uses within the building. Staff's position is that the proposed use is compatible with the existing surrounding uses.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve Conditional Use Permit No. UA08-0013, Hands On Learning Center., subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 08-064
Exhibit 1: Conditions of Approval
- B. Plans

RESOLUTION NO. 08-064

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UA08-0013, HANDS ON LEARNING CENTER, TO ALLOW THE EXPANSION OF A DAYCARE CENTER LOCATED AT 633 AND 635 SOUTH MAIN STREET

WHEREAS, on October 9, 2008, an application was submitted by Caroline Mike, 633 S. Main Street, to allow the expansion of a daycare center. The property is located within the Mixed Use (MXD) Zoning district (APN: 086-11-017); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, because the project is a negligible expansion beyond the existing use.

WHEREAS, on December 10, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt per Section 15301, (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

Section 3: The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare in that it meets all requirements of the City's Zoning Ordinance and General Plan.

Section 4: The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-I-5 and 2.a-I-24.

Section 5: The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed use meets all the requirements set forth by the Zoning Ordinance.

Section 6: The proposed use is consistent with the Midtown Specific plan in that the proposed use is compatible with the other uses in the area.

Section 7: The Planning Commission of the City of Milpitas hereby approves conditional use permit UA08-0013, Hands On Learning Center, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on December 10, 2008.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on December 10, 2008, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	OTHER
Cliff Williams			
Gunawan Ali-Santosa			
Lawrence Ciardella			
Alexander Galang			
Sudhir Mandal			
Gurdev Sandhu			
Noella Tabladillo			
Aslam Ali			

EXHIBIT 1

**CONDITIONS OF APPROVAL
Hands On Learning Center UA08-0013**

Planning Division

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on December 10, 2008, in accordance with these Conditions of Approval.
2. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.
3. Conditional Use Permit UA08-0013 shall become null and void if the project is not commenced within 18 months from the date of approval.
4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of 18 months if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.
5. If any childcare center is operating in a manner which constitutes a nuisance, the Planning Commission shall reopen the Conditional Use Permit to add or change conditions of approval addressing the issue(s). If the nuisance continues, the Planning Commission may review the Conditional Use Permit with a recommendation to the City Council pursuant to Section XI-10-63.06 (Revocation, Suspension and Modification). (Ord. 38.780 (20) (part), 8/19/08)

DATE: 10-08-2008
 SCALE: AS NOTED
 DRAWN: CTO
 JOB: SHEET
 OF 2 SHEETS

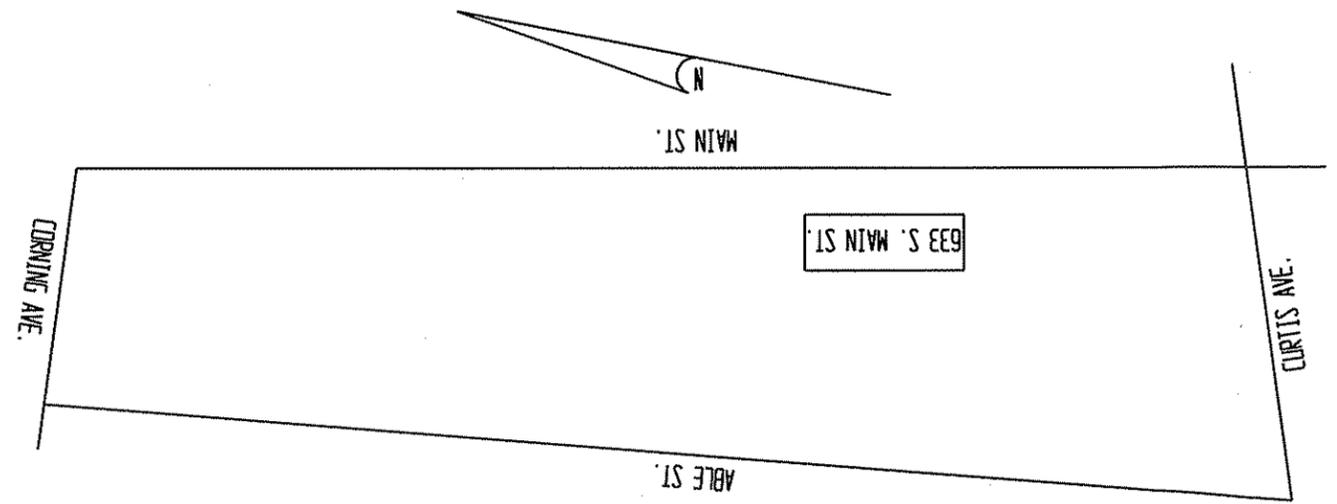
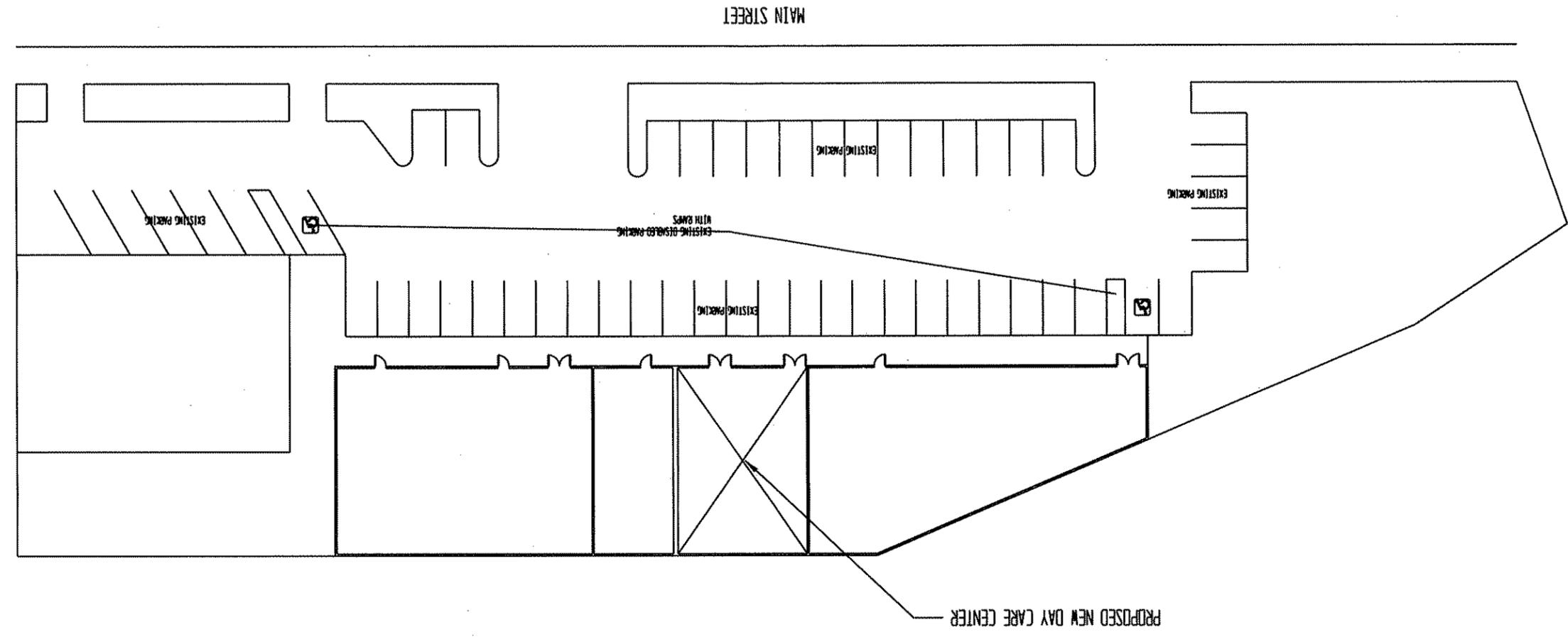
COVER SHEET

REPAIR/REMODEL FOR:
VILLA MILPITAS CENTER
 633 S. MAIN STREET, MILPITAS, CA

CHARLE DILL, 2197 LAKEWOOD DR.,
 SAN JOSE, CA 95132 408-942-1329
 email: charles_dill@spcglobal.net

REVISIONS

SITE PLAN
 SCALE: 1/16" = 1' 0"



VACINITY MAP

SHEET INDEX

SHEET 1: COVER SHEET
 SHEET 2: FLOOR PLAN

PROJECT DATA

BUILDING ADDRESS: 633 S MAIN STREET
 BUILDING OWNER: DR. JOHN BRADY
 MILPITAS, CA, 95035
 615 S. MAIN STREET
 MILPITAS, CA 95035
 (408) 263-8046
 1730 SQ. FT.
 USAGE: DAY CARE
 PROJECT SCOPE: REMOVE EXISTING DRESSING ROOMS (NON-LOAD BEARING PARTITIONS)
 THIS IS NOT A NEW BUILD-MODIFICATION OF EXISTING STRUCTURE

DATE 10-6-2008
 SCALE 1/8" = 1'-0"
 DRAWN CTD
 SHEET 2
 OF 2 SHEETS

FLOOR PLAN

DAYCARE ADDITION FOR:
 VILLA MILPITAS CENTER
 633 S. MAIN STREET MILPITAS, CA

CHARLE DILL 2197 LAKEWOOD DR.
 SAN JOSE, CA 95132 408-942-1329
 email: charles_dill@sbjglobal.net

REVISIONS

