



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: May 25, 2011

APPLICATION: **CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0003 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0001**

APPLICATION SUMMARY:

A request to amend a conditional use permit to allow for the operation of a 8,250 square foot elementary school and exterior playground within an existing church facility.

LOCATION: 130 Piedmont Road (APN: 092-37-051)

APPLICANT: Asunta Reinman, 80 Descanso Drive Unit #1201, San Jose, CA 95134

OWNER: Reverend Sfau Rutkowski, 130 Piedmont Road, Milpitas, CA 95035

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 11-020 subject to the attached conditions of approval.**

PROJECT DATA:

General Plan/

Zoning Designation: Hillside Very Low Density (HVL) / Single Family Residential with Hillside Combining District (R1-H)

Related Permits: Zone Change No. 597, Use Permit No. 959, EIA No. 478, 'S' Zone Application and PUD NO.72

CEQA Determination: Categorically exempt per Section 15301 for Existing Facilities and Section 15303(e) for Accessory Structures

PLANNER: Tiffany Brown, Assistant Planner

ATTACHMENTS:

- A. Resolution No. 11-020
- B. Site Plans
- C. Letter from the applicant
- D. Letter from resident

LOCATION MAP



Parking/Traffic

The project site includes a total of 196 parking spaces and the existing church along with the new school requires a total of 122 parking spaces, leaving a surplus of 74 parking spaces. See Table 1 for the required parking for the school and church.

Table 1
Required Parking

Building	Zoning Ordinance Ratio	Operation Details	Parking Required
Sanctuary	1 per 5 seats in the main area of assembly	Seats: 575	115
Education	1 per classroom, plus 1 per 240 sq.ft. of office	Classrooms: 6 (<i>including multipurpose room and assembly room</i>) Office: 328sq.ft.	7
Total			122

A traffic analysis was performed for the original project that included the church and daycare facility. The conversion of the space from daycare to private elementary school will not result in any significantly different traffic patterns or impacts.

Site Development Permit Amendment

The applicant is not proposing any exterior changes to the façade of the building. A playground area located along the rear façade was a part of the original approval in 1996, however it was never constructed. The applicant is proposing to construct an approximate 2,288 square foot fenced in playground area with security gates at the same location that was approved for the daycare. The playground design includes a play structure off to one side and the rest of the area is open for free play. See Attachment C for an example of the proposed play structure. The applicant is proposing tanbark or like material under the play structure and the rest will be natural grass. As conditioned, the applicant will work with Planning Staff on the material to be used to enclose the playground. Such materials may include wrought iron fencing or a masonry wall painted to match the existing buildings. The applicant will also work with staff on the landscaping adjacent to the new fence.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 2
General Plan Consistency

Policy	Consistency Finding
<i>2.c-G-1: Provide adequate school facilities for</i>	Consistent. Locating a new elementary

<i>City's Residents.</i>	school at the proposed location expands education opportunities for Milpitas residents.
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Zoning Ordinance

The proposed use is a conditionally permitted use pursuant to Municipal Code Table XI-10-4.02-1 - Residential Zone Uses. The site was originally approved for a daycare facility which is a very similar use to an elementary school. Having an elementary school at the proposed location expands education opportunities for Milpitas residents and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare. The proposed playground located at the rear of the building will not be visible from the valley floor and therefore will not affect the view of the hillside. Playgrounds are a common characteristic for residential areas and the proposed playground is compatible and aesthetically harmonious with both the church and the surrounding neighborhood.

ENVIRONMENTAL REVIEW

A Negative Declaration and supporting environmental assessment (EIA No. 478) was reviewed and adopted for the construction of the church and daycare building in 1996. An addendum was also reviewed and approved in 1996 for some minor technical changes. The new school use is a very similar use to a daycare facility and will utilize the same floor plan as the approved daycare. Staff determines that the use is categorically exempt from further environmental review pursuant to Section 15301 for Existing Facilities. This project also includes the construction of a new playground facility and the playground is categorically exempt from further environmental review per Section 15303(e) for Accessory Structures for the playground.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, staff received one inquiry from the public. Please see attachment D.

CONCLUSION

The site was originally approved for a church with a daycare facility. The proposed school would not create an adverse effect in that the elementary school use is a very similar use as a daycare facility and would be a benefit for the community.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission close the public hearing after hearing testimony and adopt Resolution No. approving **UA11-0003 and SA11-0001 for the Monarch Christian School**, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-020
- B. Site Plans
- C. Letter from the applicant
- D. Letter from resident

RESOLUTION NO. 11-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0003 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0001, MONARCH CHRISTIAN SCHOOL, TO ALLOW THE OPERATION OF AN ELEMENTARY SCHOOL WITH NEW EXTERIOR PLAYGROUND, LOCATED AT 130 PIEDMONT ROAD.

WHEREAS, on March 23, 2011, an application was submitted by Asunta Reinman with Monarch Christian Schools, 80 Descanso Drive Unit #1201, San Jose, CA 95134, to amend a conditional use permit to allow for the operation of a 8,250 square foot elementary school and exterior playground within an existing church facility at 130 Piedmont Road. The property is located within the Single Family Residential with Hillside combining Zoning District (R1-H) (APN092-37-051); 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 exempt.

WHEREAS, on May 25, 2011, 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 from further environmental review pursuant to Section 15301 for Existing Facilities for the location of the new use and Section 15303(e) for Accessory Structures for the playground.

Section 3: The project is consistent with the Milpitas General Plan Policy 2.c-G-1 in that locating a new elementary school at the proposed location expands education opportunities for Milpitas residents.

Section 4: The proposed project is consistent with the Milpitas Zoning Ordinance in that the elementary school is a conditionally permitted use within the Residential Zoning District. The school at the proposed location expands education opportunities for Milpitas residents and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

Section 5: The proposed playground located at the rear of the building and will not be visible from the valley floor and therefore will not affect the view of the hillside. Playgrounds

are a common characteristic for residential areas and the proposed playground is compatible and aesthetically harmonious with both the church and the surrounding neighborhood.

Section 6: The Planning Commission of the City of Milpitas hereby approves **CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0003 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0001**, Monarch Christian Elementary School, 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 May 5, 2011.

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 May 5, 2011, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Noella Tabladillo				
Mark Tiernan				
John Luk				

EXHIBIT 1

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0003 AND SITE
DEVELOPMENT PERMIT AMENDMENT NO. SA11-0001

A request to amend a conditional use permit to allow for the operation of a 8,250 square foot elementary school and exterior playground within an existing church facility.
130 Piedmont Road (APN: 092-37-051)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on **May 25, 2011**, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, 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. **(P)**

UA11-0003 and SA11-0001 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of **UA11-0003 and SA11-0001** if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
 3. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
 4. Playground Area: The applicant is proposing tanbark or like material under the play structure and the rest will be natural grass. The applicant will work with Planning Staff on the material to be used to enclose the playground. Such materials may include wrought iron fencing or a masonry wall painted to match the existing buildings. The applicant will also work with staff on the landscaping adjacent to the new fence. **(P)**

08-20-1996
 ANY CAN-ALL LIST
 ANY CAN-ALL LIST
 ANY CAN-ALL LIST

CALVARY ASSEMBLY

MILPITAS, CALIFORNIA

92 PIEDMONT ROAD AT CALAVERAS ROAD
 A.P.N. 92-37-01,25,26 88-16-05,06

RECEIVED

MAR 23 2011

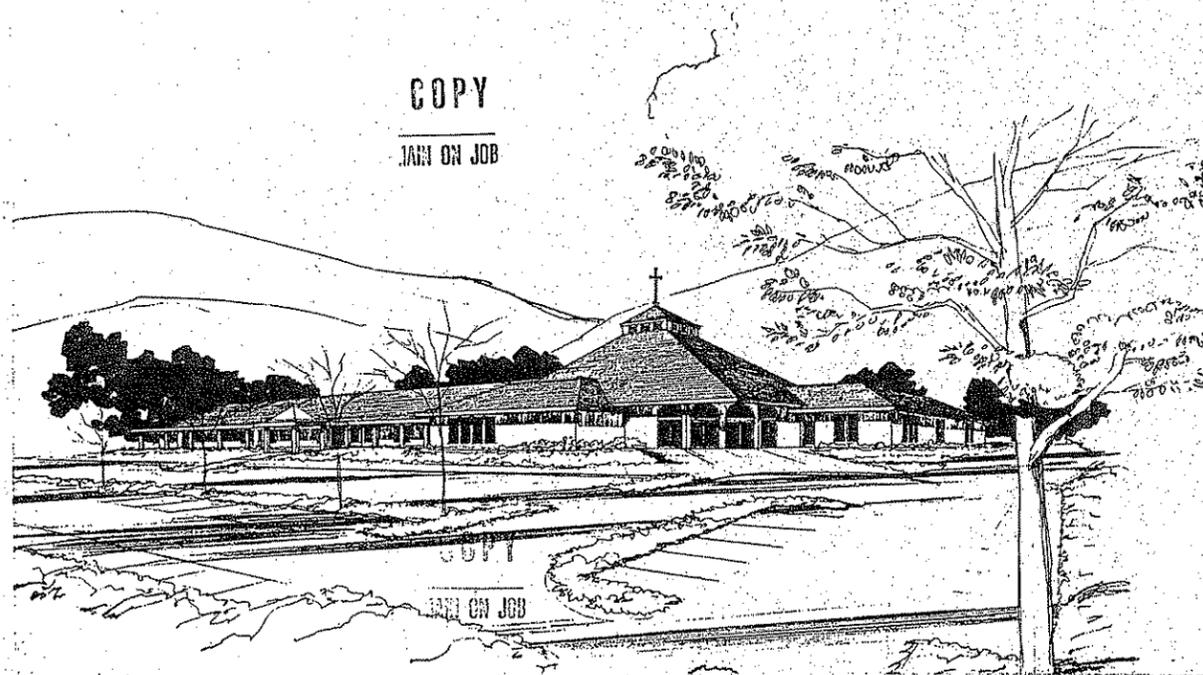
CITY OF MILPITAS
 PLANNING DIVISION

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PERSPECTIVE no scale

NOTES



ALL CONSTRUCTION SHALL COMPLY WITH
 1984 EDITION OF UNIFORM BUILDING CODE
 1984 EDITION OF UBC, UPC AND 1995 NEC
 CALIF. STATE EFFICIENCY STANDARD, JULY 1995
 CALIF. STATE ACCESSIBILITY STANDARD
 MILPITAS MUNICIPAL CODE, 1995
 CALIFORNIA BUILDING CODE, 1985

OCCUPANCY GROUP AS, A2.1, B2, E2 AND E3 (SEE PLANS)

CONSTRUCTION TYPE V ONE HOUR
 AUTOMATIC FIRE EXTINGUISHING SYSTEM, SUBSTITUTING FOR 1 HR.

ONE STORY BUILDING

FLOOR AREA			
PHASE ONE	8,250 SQ.FT.	A2.1 & E3 OCC.	EDUCATIONAL
PHASE TWO	12,000 SQ.FT.	A2.1, E3, E2 & B, OCC.	SANCTUARY
TOTAL	20,250 SQ.FT.		

BASIC ALLOWABLE AREA FOR 'A' OCCUPANCY (THE MOST RESTRICTIVE, TABLE 5B UBC)
 IS 10,000 SQ.FT. BECAUSE THE BUILDING IS OPEN ON THREE SIDES, THE ALLOWABLE
 AREA CAN BE DOUBLED (UPC SEC. 905.1.2) MAKING THE ALLOWABLE AREA 20,000 SQ.FT.

R-19 INSULATION IN ALL EXTERIOR WALLS
 R-50 INSULATION IN ALL ROOF AREAS

ALL BUILDING PADS SHALL BE TREATED BEFORE CONCRETE IS PLACED
 WITH AN APPROVED TERMITICIDE CONTROL AGENT APPLIED AT LABEL RATE
 BY STATE LICENSED INDIVIDUAL/FIRM. A CERTIFICATE VERIFYING
 COMPLIANCE MUST BE SUBMITTED TO THE BUILDING DIVISION BEFORE
 FOUNDATION INSPECTION.

CITY BUSINESS LICENSES ARE REQUIRED FOR ALL CONTRACTORS AND
 SUBCONTRACTORS PROVIDING WORK ON THE BUILDING OR SITE.

ALL CONSTRUCTION SHALL MEET THE REQUIREMENTS OF ARTICLE 87 OF THE
 1991 UNIFORM FIRE CODE, UNLESS MODIFIED IN WRITING AND APPROVED
 BY THE FIRE DEPARTMENT. COMBUSTIBLE CONSTRUCTION SHALL NOT BEGIN
 UNTIL WATER MAINS AND HYDRANTS ARE OPERATIONAL AND FIRE APPARATUS
 ACCESS ROADS ARE INSTALLED.

DRAPES, HANGINGS, CURTAINS AND OTHER DECORATIVE MATERIAL, INCLUDING
 CHRISTMAS TREES, THAT WOULD TEND TO INCREASE THE FIRE AND PANIC HAZARD,
 SHALL BE TREATED AND MAINTAINED IN A FLAME-RETARDANT CONDITION BY MEANS
 OF FLAME-RETARDANT PROCESSES APPROVED BY THE FIRE CHIEF.

PROVIDE 2A00C PORTABLE FIRE EXTINGUISHERS AS SET FORTH IN UFC STD 10-1
 AND AS REQUIRED BY FIRE CHIEF.

PROVIDE AUTOMATIC FIRE ALARM SYSTEM IN ACCORDANCE WITH UFC. CONTRACTOR
 SHALL SUBMIT 2 SETS OF SHOP DRAWINGS FOR REVIEW AND APPROVAL OF FIRE DEPT.
 PRIOR TO START OF INSTALLATION.

PROVIDE AUTOMATIC FIRE EXTINGUISHING SYSTEM IN ACCORDANCE WITH UFC.
 CONTRACTOR SHALL SUBMIT 2 SETS OF SHOP DRAWINGS FOR REVIEW AND
 APPROVAL OF FIRE DEPT. PRIOR TO START OF INSTALLATION.

NO APPROVAL IS GRANTED FOR THE USE, STORAGE OR HANDLING OF HAZARDOUS
 MATERIALS IN THIS BUILDING

ACTUAL AREA 20,250
 ALLOWABLE AREA 21,000 SQ.FT. = .99 OR LESS THAN ONE

USE - A OCC.

ACTUAL AREA ALLOWABLE (AREA 5-B V2) $\frac{4,816.65}{37,400} + \frac{1,730}{38,000} + \frac{14,255}{41,000}$
 $0.155 + 0.042 + 0.099 = .296$ OR LESS THAN .30

APPROVED FOR BUILDING PERMIT
 BY Valencia DATE 11/6/96
 PERMIT NO. 70430

This permit is valid only for the purposes stated on the permit and is subject to the provisions of the Building Department of the City of Milpitas. Stamping of these plans and specifications shall not be held to permit or to approve the violation of any law or ordinance.

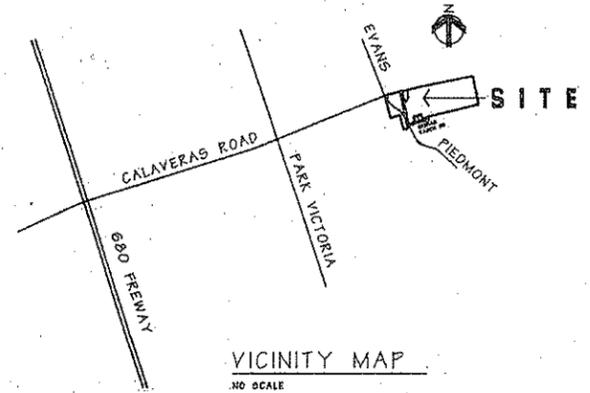
JOB ADDRESS 120 Piedmont Rd
 TYPE CONSTRUCTION NEW
 OCCUPANCY A2/A2.1/E3/E2 SQ. FT. 20,250
 SPRINKLERS Yes NO. OF STORIES one

COPY

JOB ON JOB

COPY

JOB ON JOB



VICINITY MAP
 NO SCALE

92 PIEDMONT ROAD
 MILPITAS, CALIFORNIA
 COVER SHEET

CHURCH FACILITIES FOR
 CALVARY ASSEMBLY
 JAMES S. SEREGOW, PASTOR



DAVID AUSTIN
 ARCHITECT, INC.
 3150 Cree Canyon Place, Suite 250
 San Mateo, California 94403
 (415) 866-0970

DATE
 4/20/98
 9/11/96
 10/18/96

SHEET
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ENCLOSURE 1-25
ENCLOSURE 1-26
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ENCLOSURE 1-50

DATA SHEET

PHASE	USE	OCCUPANCY	CONST. TYPE	AREA
PHASE ONE	EDUCATIONAL	A2, L5 & B 240 SEATS	VIHR AUTO OPERATED SYSTEM SUBSTITUTED FOR M.C.	8,250 SQ.FT.
PHASE TWO	SANCTUARY ETC.	A2, L5, E2 & B 660 SEATS	VIHR AUTO OPERATED SYSTEM SUBSTITUTED FOR M.C.	12,600 SQ.FT.
TOTALS	CHURCH	NOT SIMULTANEOUS USES		20,850 SQ.FT.

COVERAGES

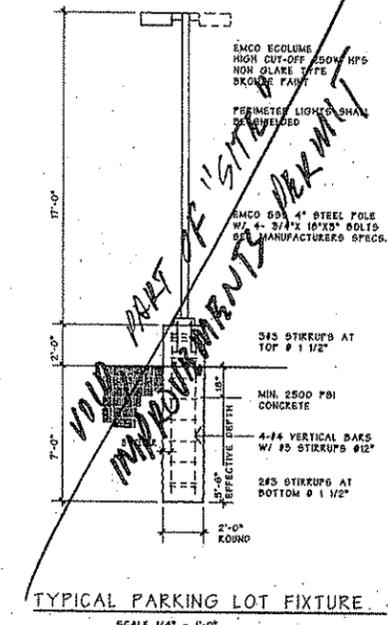
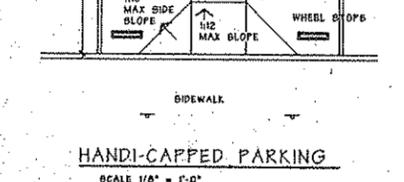
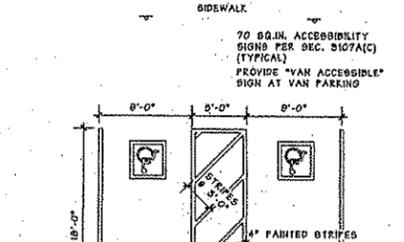
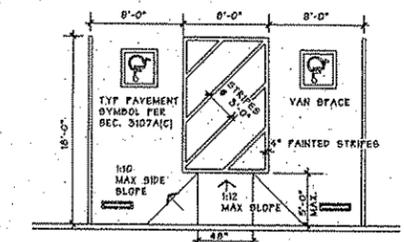
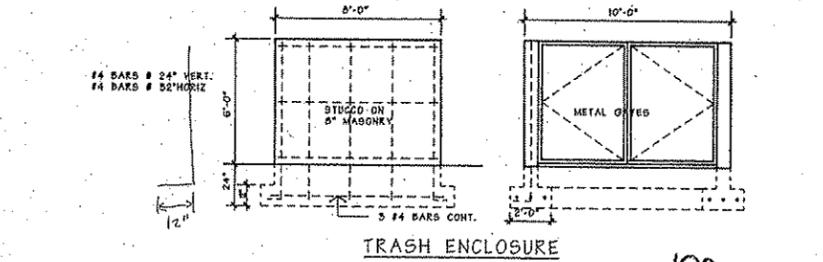
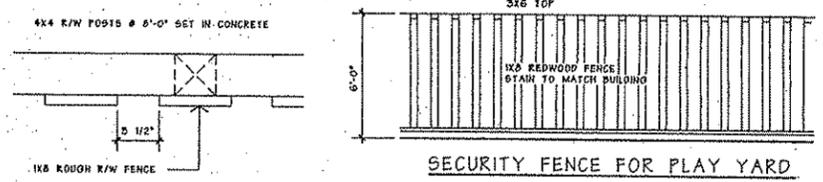
22.86 ACRES 995,996 SQ.FT.	AREA	PERCENTAGE OF COVERAGE
BUILDINGS INC. STORAGE	22,850 SQ.FT.	2.31
PAVING	83,500 SQ.FT.	8.41
LANDSCAPING & OPEN "GREEN" SPACE	889,646 SQ.FT.	89.31

PARKING

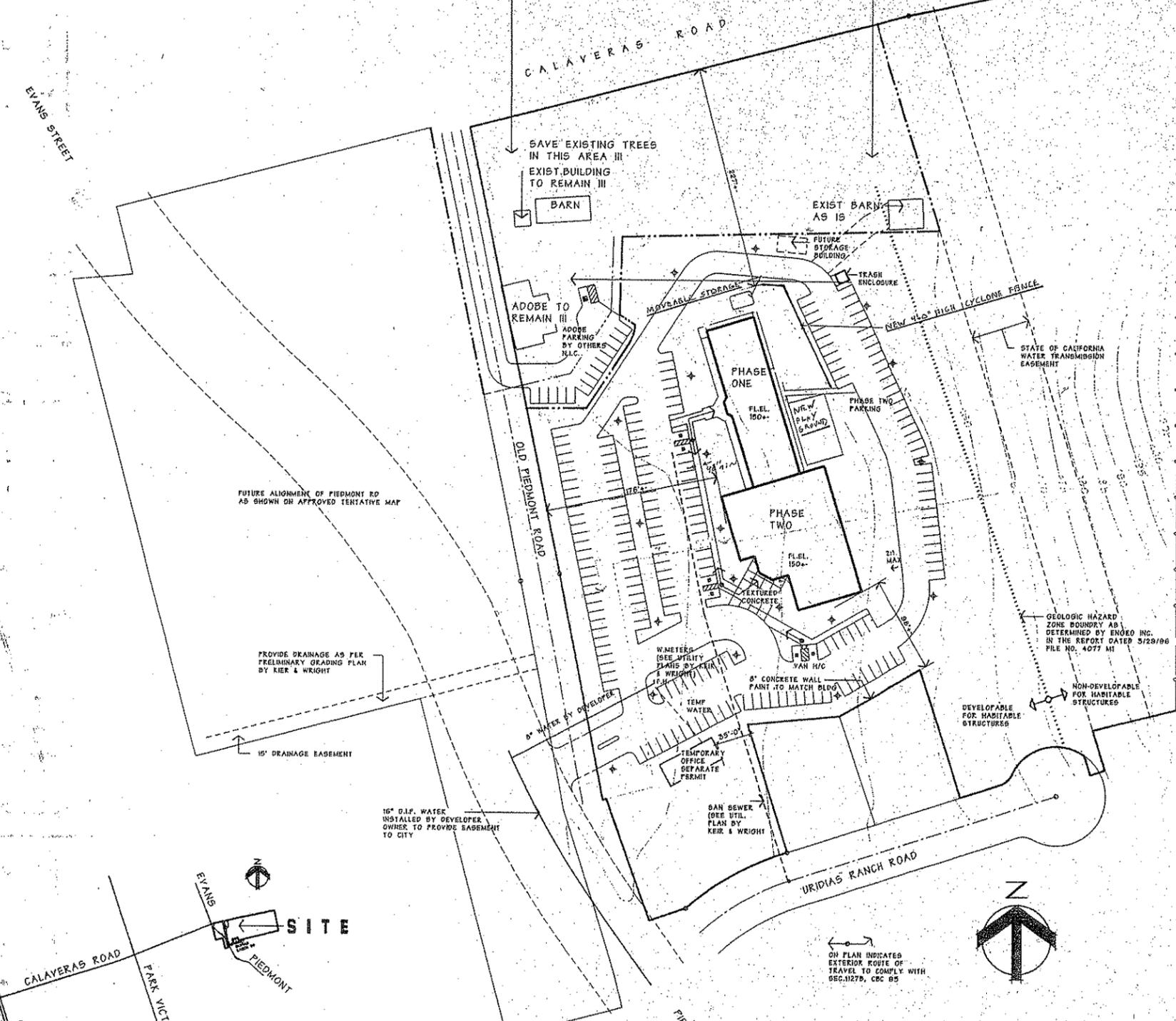
TOTAL PARKING 196 CARS	1:2.9 RATIO
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COLOR SCHEME

STUCCO WALL	KELLY MOORE SAND PEBBLE
FASCIA	KELLY MOORE RUSSET
COLUMNS	KELLY MOORE RUSSET
ROOF SHINGLES	ELK PRESITQUE PLUS HIGH DEFINITION "BARKWOOD"



PROPOSED APPROXIMATELY 2 ACRES+ OF PARKLAND AND HISTORIC BUILDINGS TO BE DEDICATED TO CITY FOR NEGOTIATED CONSIDERATIONS



SITE PLAN

SCALE 1" = 60'-0"

ON PLAN INDICATES EXTERIOR ROUTE OF TRAVEL TO COMPLY WITH SEC. 11276, CBC 05

FLAT CEMENT WORK ALL FLAT CEMENT WORK SHALL BE INSTALLED OVER 4" APPROVED AGG. BASE AND 4X6 10X10 MESH. PROVIDE 6" X 6" PERIMETER FOOTING WITH #4 CONTINUOUS BAR INSTALLED IN CENTER OF FOOTING.

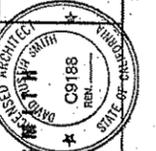
SITE ACCESSIBILITY ENTRANCE SIGNS 305 CBC 1-24
At every freeway public entrance and at every major junction along or leading to an accessible route of travel, there shall be a sign displaying the international symbol of accessibility. Signs shall indicate the direction to accessible buildings entrances and facilities, section 11276.3.

BUILDING ENTRANCE SIGNS 305 CBC 1-24
All building entrances that are accessible to and usable by persons with disabilities shall be identified with at least one standard sign and with additional directional signs, as required, to be visible to persons along approaching pedestrian ways. Section 11176.5.7.

VICINITY MAP
NO SCALE

92 PIEDMONT ROAD
MILPITAS, CALIFORNIA
GENERAL DEVELOPMENT PLAN

CHURCH FACILITIES FOR
CALVARY ASSEMBLY
JAMES S. SEREGOW PASTOR



DAVID AUSTIN
ARCHITECT
3100 Gray Canyon Plaza, Suite 230
San Ramon, California 94583
(910) 866-0970

DATE
11/20/95
12/18/95
1/17/96
5/1/96
9/21/96
8/11/96
10/14/96

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NOV - 6 1996
CITY OF MILPITAS
BUILDING DIVISION

EMCO ECOLINE HIGH CUT-OFF 250# HP6 NON GLARE WHITE SKOULE FANS
PERIMETER LIGHTS SHALL BE RECESSED
EMCO 60X 4" STEEL POLE W/ 4 - 3/4" 10'X5' BOLTS OR MANUFACTURERS SPECS.
343 STIKRUPS AT 10' @ 1 1/2"
MIN. 2500 PSI CONCRETE
4-#4 VERTICAL BARS W/ 15 STIKRUPS @ 12"
243 STIKRUPS AT BOTTOM @ 1 1/2"
2'-0" ROUND

LETTER OF EXPLANATION REGARDING PROPOSAL

Date: March 23, 2011

Proposal: Conditional Use Permit Amendment

Site Location: 130 Piedmont Road Milpitas California 95035

Property Owner: Calvary Assembly of God Church

Applicant: Monarch Christian Schools of the South Bay LLC

Monarch Christian School Contact Person: Asunta Reinman

Telephone: 408-390-7966

Applicant Background History: Monarch Christian School located on 1715 E. Calaveras Blvd. Milpitas Ca 95035 has been serving children ages 2 years old to six years old with quality education since 1994.

Proposal Description: Monarch Christian School desires to lease the daycare center portion of Calvary Assembly of God Church, located on 130 Piedmont Road Milpitas California 95035, for the purpose of operating an elementary school and Day Care Center to serve between 80 to 100 graduating preschoolers of Monarch Christian School (located on 1715 E. Calaveras Blvd. Milpitas CA 95035) and the community at large.

Proposed Site Improvements: Monarch Christian Schools desires to make the following improvements to the premises:

- a. Add a playground area including playground equipment 2688 sq. ft. minimum 8" deep fall zone mulch or equivalent
- b. 6'.0" high chain link fence surrounding the playground area
- c. 2 new drinking fountain for the playground area
- d. 4'.0" high chain link fence for parking lot barrier
- e. Sign for the School
- f. Remove adjoining wall between room 109 & 110 and add a new accordion wall
- g. Add a moveable Storage Unit

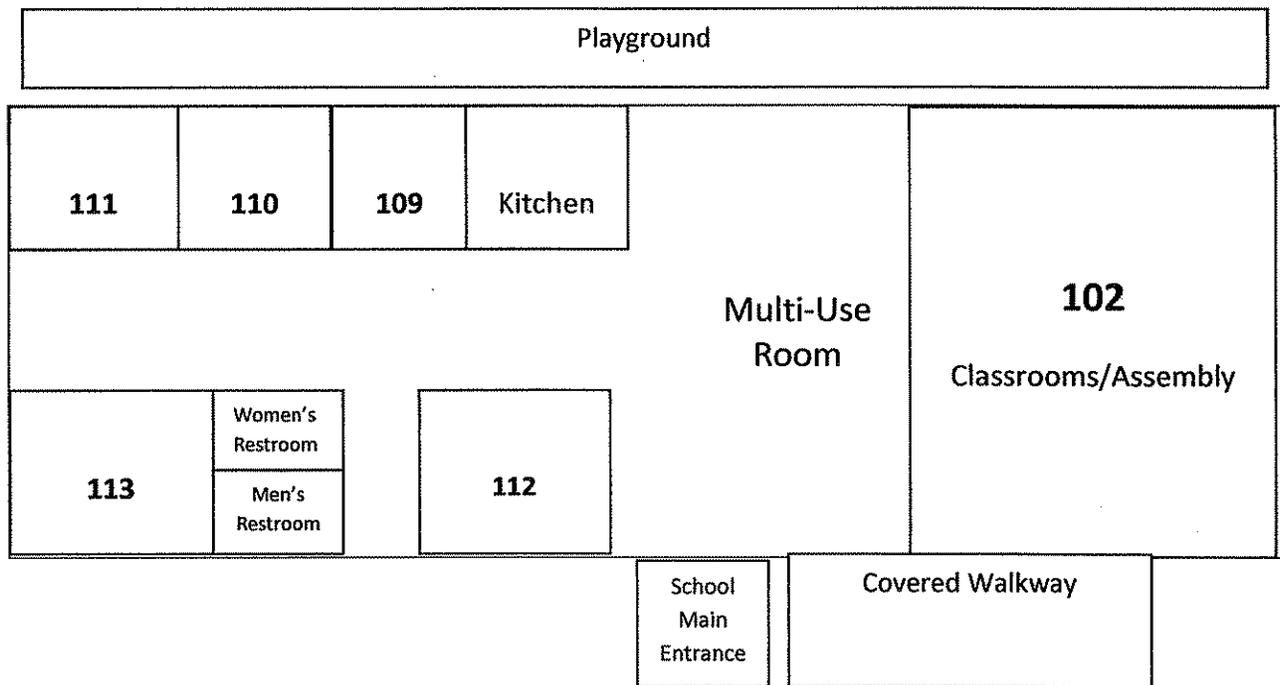
Proposed Start Date for the Elementary School & Day Care: September 1, 2011

Time of Use: The proposed hours of operation for the school are:

- a) **Calendar Days:** Year-round Monday through Friday
- b) **Time:** Daily from 6:00 AM to 7:00 PM w/occasional after-school special events

Elementary School & Day Care Site

Physical Premises for proposed Monarch Elementary School/Day Care Center located on 130 Piedmont Road Milpitas California 95035



**SITE CREATIONS
PLAYGROUNDS**



UNIT SIZE:24x17

USE ZONE:36X29

AGE:5-12

CAPACITY:30

Tiffany Brown

From: Vincent Chiu [v_c@yahoo.com]
Sent: Saturday, May 14, 2011 9:41 AM
To: Tiffany Brown
Cc: Vincent Chiu
Subject: 130 Piedmont Road

Hello Tiffany

I would like to raise the following concerns for the conversion of the Calvary Assembly Church to a Monarch Christian School:

It will lower the property values of all the homes nearby. Only a high API public school (900+) can raise property values. Private schools have no positive effect.

If the school has already been approved but the hearing is just a formality then I have these requirements:

- No exterior public address system.
- No exterior bells.
- No exterior playground.
- Need an Environmental Impact Report on the effect of the noise and traffic on the local wildlife from the property being highly populated every day instead of a few hours on weekends.
- Yearly compensation to all homes within 1000 feet of the property for degraded property values. \$20,000/property.

Thanks

Vincent Chiu

2028 Calaveras Road
Milpitas, CA 95035
408-480-4110