



MILPITAS PLANNING COMMISSION AGENDA REPORT

OLD BUSINESS

Meeting Date: June 8, 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 Stan 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. School Zone Potential Plan
- C. School Zone with Crosswalk Potential Plan
- D. Monarch School Circulation Plan
- E. Planning Commission staff report (May 25, 2011)

LOCATION MAP



BACKGROUND

On May 25, 2011, the Planning Commission reviewed the proposal by Monarch Christian Schools of South Bay to amend the conditional use permit to allow for the operation of a 95 student, 8,250 square foot elementary school with exterior playground in place of the approved daycare use at 130 Piedmont Road. The Commission continued the item, requesting staff to return with site improvement options related to traffic calming and the feasibility of those options. This report focuses on those options; while the Planning Commission staff report dated "May 25, 2011" (Attachment D) details the applicant's current proposal.

During the May 25th meeting the Commission expressed concerns about traffic, pedestrian and on site circulation. Some of the more specific issues that were discussed included: the speed limit on Piedmont Road, the potential need for an additional crosswalk near the school/church driveway entry on Piedmont Road, and the need for an onsite circulation plan for parents to follow when they pick up and drop off their children.

After further review of these issues with the City Traffic Engineer, staff does not believe that additional improvements along Piedmont Road are warranted based on widely used traffic engineering practices. There are no existing pedestrian or vehicular access deficiencies at the church driveway or the adjacent segment of Piedmont Road and the additional volume of vehicular and pedestrian activity does not warrant any changes.

Provided below are three site improvement options that would address the issues discussed at the May 25th meeting if the Commission deems them necessary.

School Zone

The purpose of a school zone designation is to reduce traffic speeds to help ensure safe pedestrian crossings. School zones in Milpitas are typically marked by two radar speed feedback signs. Potential Site Improvement Plan 1 (Attachment B) shows the locations along Piedmont Road where these signs could be placed if deemed necessary. The estimated cost for two school zone radar speed feedback signs is approximately \$20,000.

School Zone with Basic Crosswalk

Potential Site Improvement Plan 2 (Attachment C) shows the preferred location (north side of Uridias Ranch Road) of an additional sidewalk across Piedmont road if deemed necessary.

A crosswalk located adjacent to the church driveway would not be a safe location due to the horizontal reverse curve along that segment of Piedmont Road. Drivers may not have sufficient time to yield to a pedestrian crossing at that location. A school zone crosswalk installation typically includes new curb ramps to comply with the Americans with Disability Act (ADA), additional signage, asphalt warning writing, and crosswalk striping. The estimated cost is approximately \$17,000 and when combined with the School Zone improvements would total \$37,000.

School Zone with Enhanced Crosswalk

The Commission also requested an analysis of an enhanced crosswalk across Piedmont Road similar to the South Milpitas Boulevard crossing between City Hall and the Beresford Shopping Center. Enhancing the crosswalk includes the addition of two flashing light beacons on either

side of the cross walk. State guidance for pedestrian warning beacons at marked crosswalks is reserved for locations where studies show a history of pedestrian accidents, near misses, high pedestrian volumes, and or a sight distance problem is present. The estimated cost of an enhanced crosswalk is \$20,000 and when combined with the above improvements would total \$57,000.

Dedicated Left Turn Pocket

During the discussion of the meeting, there was expressed interest in a new dedicated left turn pocket within Piedmont Road into the church/school driveway. There is insufficient roadway width on Piedmont Road to accommodate the design criteria for a dedicated southbound left turn lane into the proposed private elementary school and maintain existing street parking, bike lanes, and travel lanes. Additional right-of-way is needed to construct a dedicated southbound left turn lane and maintain existing roadway facilities. The low projected trips into the school do not necessitate a dedicated southbound left turn lane.

CONCLUSION

The proposed private elementary school enrollment will not exceed 95 children which is a relatively small number given the size of the church facility at 130 Piedmont Road. There are no existing pedestrian or vehicular access deficiencies at the church driveway or along this segment of Piedmont Road and there no recorded accidents on this segment of Piedmont Road over the past 10 years. Staff believes that designating this segment a school zone is not warranted and in the absence of a substantial number of pedestrians, drivers would be less likely respect the school zone traffic controls if installed.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 11-020 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. School Zone Potential Plan
- C. School Zone with Crosswalk Potential Plan
- D. Monarch School Circulation Plan
- E. Planning Commission staff report (May 25, 2011)

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 and closed the public hearing then continued the item to the June 8, 2011 Planning Commission meeting; and

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 June 8, 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 June 8, 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 for 95 students 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 **June 8, 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)**

School Zone

Monarch Elementary School
Potential Site Improvement Plan 1



Legened



School Zone Radar Speed
Feedback Signs

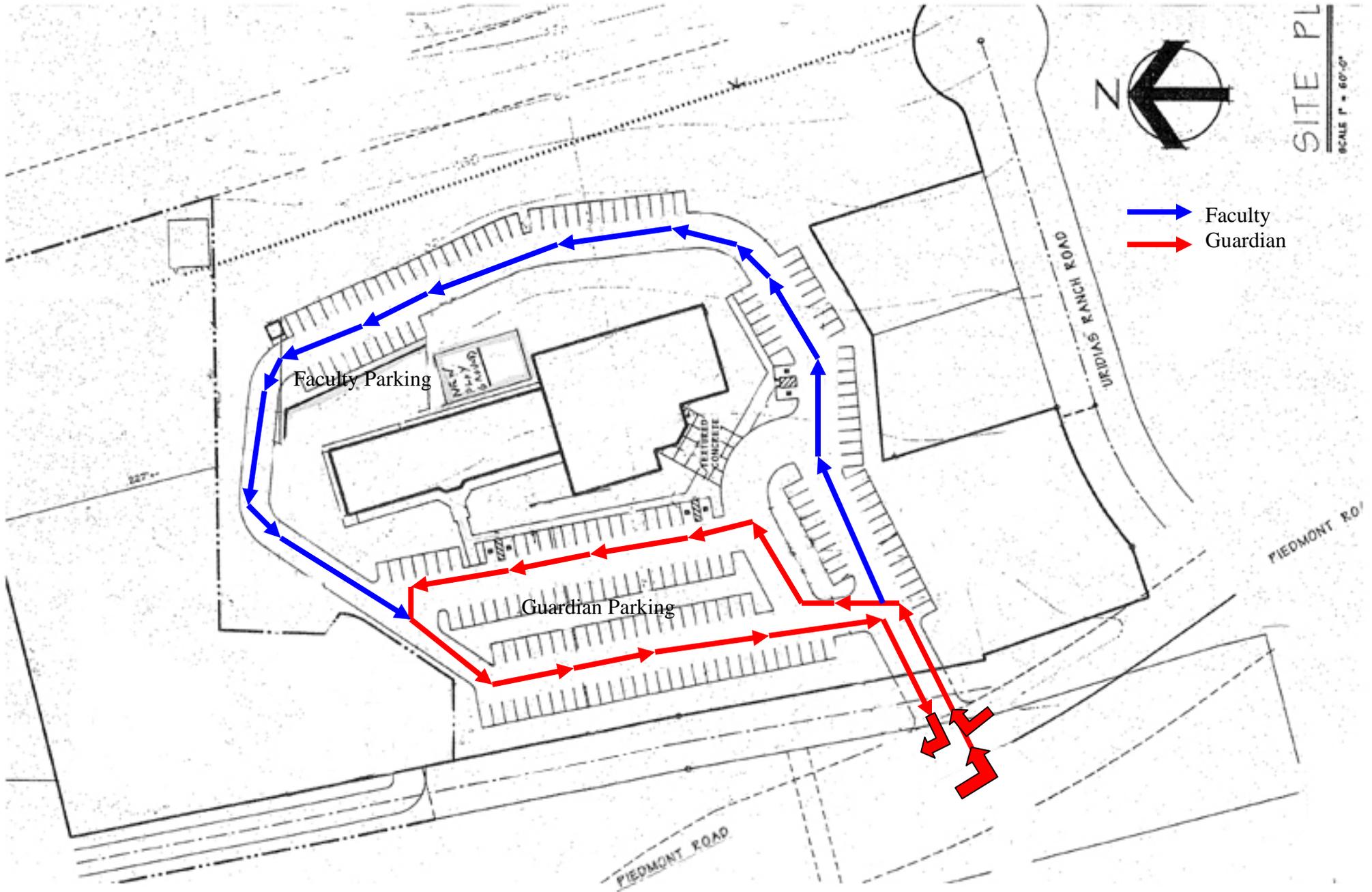
School Zone with Crosswalk

Monarch Elementary School
Potential Site Improvement Plan 2



Monarch Elementary School Circulation Plan 130 Piedmont Road

ATTACHMENT D.





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:**

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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)

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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



BACKGROUND

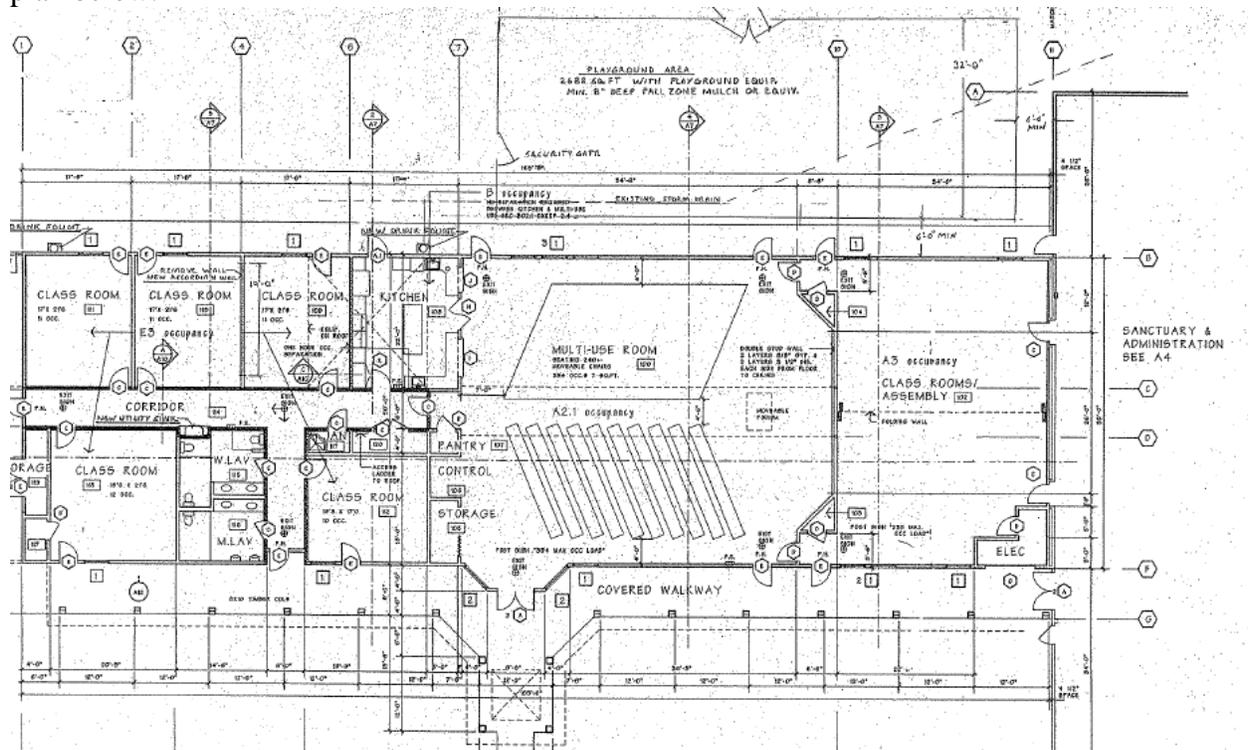
A Planned Unit Development (PUD72), Conditional Use Permit No.1313 and ‘S’ Zone permit for the Calvary Assembly of God Church with daycare facility was reviewed and approved in 1996. A daycare facility has not operated at the church though the approval for one was vested with the completion of the church. On March 23, 2011, Monarch Christian Schools of South Bay submitted an application requesting to amend the conditional use permit to allow for the operation of a 8,250 square foot elementary school with exterior playground in place of the approved daycare use at 130 Piedmont Road.

PROJECT DESCRIPTION

Conditional Use Permit Amendment

The project site is approximately 22 acres The Calvary Assembly of God facility is approximately 20,850 square feet located within the Single Family Residential Hillside Zoning District. The church consists of two attached buildings, the first building is the main sanctuary, and the 2nd building is currently being used for Sunday School.

The originally approved daycare use would have been located in the 8,250 square foot building with 5 classrooms, a multi-purpose room, and an assembly room as shown in the approved floor plan below.



The applicant is now proposing to utilize the same floor plan with the exception of the classroom marked 112. The applicant is proposing to use that room as an administration office. The Monarch Christian School will be an elementary school offering grades kindergarden through 5th grade. The hours of operation will be Mondays through Fridays 7:00am. through 6pm.

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