



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: July 27, 2011

APPLICATION: **CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0005**

APPLICATION
SUMMARY:

A request to amend a special condition of approval for a private elementary school

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: **Consider applicant's request.**

PROJECT DATA:

General Plan/

Zoning Designation:

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

Related Permits:

Conditional Use Permit No. UA11-0003

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. 11-033
- B. Letter from the applicant
- C. Planning Commission Meeting Minutes (June 8, 2011)
- D. Planning Commission staff report (June 8, 2011)

LOCATION MAP



BACKGROUND

On June 8, 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 approved the conditional use permit amendment with an added condition that reads as follows:

3. The owner or designee shall work with the City to install two school zone radar speed feedback signs with approval of the City's Traffic Engineer. **(PC)**

On July 7, 2011, Asunta Reinman with Monarch Christian School submitted an application for a modification of a previously approved project. Under Milpitas Municipal Code section XI-10-57.04.I.2 (Significant Modification to Previously Approved Project), the application requires a new public hearing and proceedings in front of the Planning Commission for approval.

SITE DISCRPTION

The project site is approximately 4.85 acre parcel located on the east side of Piedmont road. The property is zoned Single Family Residential Hillside with the Alviso Adobe Park to the north, residential to the west and south, and undeveloped hillside to the east. The property has an approximate 20,850 square foot building occupied by the Calvary Assembly of God facility. The church consists of two attached buildings, the first building is the main sanctuary, and the 2nd building is approved for the Monarch Christian School. Piedmont Road has an existing crosswalk and 35 mile an hour speed limit sign at the Calaveras and Piedmont intersection, a speed radar feedback sign on the east side of Piedmont facing north bound traffic Aguilar and Piedmont intersection, and a speed radar feedback sign on the west side of Piedmont facing south bound traffic at the Yosemite Drive and Piedmont intersection (see map on next page). These two existing radar feedback signs were not discussed during the two pervious Planning Commission meetings on the original Use Permit. .



PROJECT DESCRIPTION

The application for project modification consists of utilizing a crossing guard at the existing Piedmont & Calaveras Road crosswalk between 8:00am and 8:40am and 3:30pm to 4:00pm for a three month trial period in lieu of the radar feedback electronics on the two new school zone speed limit signs (refer to Attachment B for the applicant’s letter with a confirmed clarification that they are only requesting the removal of the radar feedback electronics from the required school zone speed limit signs).

Staff Analysis: The crossing guard located at the existing Calaveras and Piedmont cross walk could help bring awareness to the drivers along Piedmont Road and would benefit all pedestrians that cross that intersection. An alternative to a crossing guard could be one or two school volunteers with hand held “School Zone” signs and reflector vests standing along the sidewalk to bring further awareness of the school zone to drivers passing by.

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 City’s Residents.</i>	Consistent. Locating a new elementary school at the proposed location expands education opportunities for Milpitas residents.

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 no comments from the public.

CONCLUSION

If the Planning Commission believes the applicants proposal addresses the issues discussed in the July 8, 2011 Planning Commission Meeting, then staff recommends modifying Condition No. 3 and adding two additional conditions of approval as shown below:

3. The owner or designee shall work with the City to install two school zone ~~radar speed~~ feedback speed signs with approval of the City’s Traffic Engineer. (PC)

4. A City police department trained school crossing guard shall be present at the intersection of Calaveras Blvd and Piedmont Road from 8:00am through 8:40am and 3:30 through 4:00pm to assist school age pedestrian crossing for a three-month duration. After a three-month period, a school age pedestrian crossing count shall be conducted during a typical school day at the intersection of Calaveras and Piedmont Road to assess the number of students who use the crosswalk and determine if the crossing guard shall continue or discontinue the hours of operation.
5. After issuance of certificate of occupancy, the project is subject to a 3 and 6 month review by the Planning Commission.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission considers the applicant's request and if deemed appropriate adopt Resolution No. 11-033 approving **UA11-0005 for the Monarch Christian School**, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 11-033
- B. Planning Commission Meeting Minutes (June 8, 2011)
- C. Planning Commission staff Report (June 8, 2011)

RESOLUTION NO. 11-033

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS,
CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT NO.
UA11-0005, MONARCH CHRISTIAN SCHOOL, TO AMEND A SPECIAL CONDITION
OF APPROVAL FOR A PRIVATE ELEMENTARY SCHOOL,
LOCATED AT 130 PIEDMONT ROAD**

WHEREAS, on July 7, 2011, an application was submitted by Asunta Reinman, 80 Descanso Drive Unit #1201, San Jose, CA 95134, to amend a special condition of approval for the elementary school. The property is located within the Single Family Residential Hillside Zoning District (APN 092-37-051); 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 July 27, 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 UA11-0005, Monarch Christian 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 July 27, 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 July 27, 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

**AMENDED AND RESTATED CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0005**

A request to amend a conditional use permit 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 [MONTH DAY YEAR], 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)**

[ENTITLEMENT NO.] 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 [ENTITLEMENT NO.] 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)**

3. The owner or designee shall work with the City to install two school zone ~~radar-speed~~
~~feedback~~ speed signs with approval of the City's Traffic Engineer. **(PC)**
4. A City police department trained school crossing guard shall be present at the intersection of Calaveras Blvd and Piedmont Road from 8:00am through 8:40am and 3:30 through 4:00pm to assist school age pedestrian crossing for a three-month duration. After a three-month period, a school age pedestrian crossing count shall be conducted during a typical school day at the intersection of Calaveras and Piedmont Road to assess the number of students who use the crosswalk and determine if the crossing guard shall continue or discontinue the hours of operation.
5. After issuance of certificate of occupancy, the project is subject to a 3 and 6 month review by the Planning Commission.

(P) = Planning



Monarch Christian School



Dear Tiffany,

This is a request to modify the condition of approval to the conditional use permit for Monarch Christian School.

Proposal:

1. Monarch would like to utilize a crossing guard in lieu of the radar feedback speed sign without electronics
2. We would like an experimental period of three months to assess the number of students who use the crosswalk to walk to school.
3. The crossing guard would be utilized between 8:00 AM~8:40 AM and 3:30 PM ~4:00 PM
4. We would like an option to discontinue the crossing guard after a three month review.
5. In addition Monarch could present signed forms from parents who will have students walking to school and those who will be driven to school.
6. We would greatly appreciate your continued help in keeping the start up cost at a minimum for our school.

Sincerely,

Asunta Reinman
Administrator

APPROVED**PLANNING COMMISSION MINUTES****June 8, 2011**

- I. PLEDGE OF ALLEGIANCE** Chair Tiernan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** Present: John Luk, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Steve Tao, and Mark Tiernan
Absent: Larry Ciardella and Zeya Mohsin
Staff: Ah Sing, Andrade, Brown, Chan, Lindsay, Otake, and Spuller
Alternate Commissioner John Luk was seated as a member of the voting body.
- III. PUBLIC FORUM** Chair Tiernan invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
May 25, 2011
Chair Tiernan called for approval of the minutes of the Planning Commission meeting of May 25, 2011.
There were no changes to the minutes.
Motion to approve the minutes of May 25, 2011 as submitted.
M/S: Mandal, Sandhu
AYES: 6
NOES: 0
ABSENT: 2 (Larry Ciardella and Zeya Mohsin)
ABSTAIN: 0
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, announced the City Council gave authorization with the Climate Action Plan for the City of Milpitas. The public outreach will happen in August of this year.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Tiernan asked whether staff or the Commission have any changes to the agenda.
There were no changes to the agenda.
Motion to approve the agenda as submitted.
M/S: Sandhu, Mandal
AYES: 6
NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

VIII. CONSENT CALENDAR

Chair Tiernan asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

Motion to approve the Consent Calendar as submitted.

M/S: Mandal, Tabladillo

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

- 1. SITE DEVELOPMENT PERMIT NO. SD11-0003:** A proposal to replace the existing freeway oriented sign located at 1700 Barber Lane (APN: 086-03-096) with a new sign for off-site advertising. The property is zoned Industrial Park within the Site and Architectural Overlay District (MP-S). Applicant: Milpitas Auto Properties, LLC. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. (*Recommendation: Leave public hearing open and continue item to June 22, 2011.*)

IX. PUBLIC HEARING

1. CONDITIONAL USE PERMIT NO. UP11-0006

Tiffany Brown, Assistant Planner, presented a request to operate a banquet hall with opportunities for amplified sound and/or live entertainment, catered food, and the service of all types of alcoholic beverages within an existing 3,200 square foot tenant space located at 246 Serra Way. Ms. Brown recommended adopting Resolution No. 11-021 approving the project subject to conditions of approval.

Commissioner Tabladillo asked if there was a proposal for a development for that site. Mr. Lindsay stated the owners of Serra Center did bring a proposal for development of that site and is still in the development stage.

Commissioner Tao wanted clarification on live entertainment. Ms. Brown stated it meant having a live band.

Vice-Chair Mandal asked what kind of security the applicant will have. Ms. Brown stated security cameras will be inside and outside. There will also be 1 security guard per 75 people. Vice-Chair Mandal asked the occupancy. Ms. Brown stated the occupancy is 192.

Chair Tiernan asked if any complaints have come in. Ms. Brown stated 2 inquiries. Chair Tiernan asked if the 2nd story will be opened. Ms. Brown stated the 2nd story will have walls; mechanical room is closed off to the public. Chair Tiernan wanted clarification on the applicant's intention for this site. Ms. Brown stated the banquet hall will be used for birthday parties, weddings, graduations, etc. Chair Tiernan asked about the hours of operation. Ms. Brown stated the applicant wanted to have the option of staying opened late for the patrons.

Commissioner Sandhu asked if the building is soundproof. Mr. Brown stated she did not have that information with her.

Commissioner Tao asked about exterior lighting. Ms. Brown stated the site has

APPROVED

Planning Commission Minutes

June 8, 2011

adequate illumination as specified in the conditions of approval. Commissioner Tao asked about the trash enclosures. Ms. Brown stated there are adequate trash enclosures.

Commissioner Tabladillo asked if other establishments stay open until 2:00 a.m. Ms. Brown stated there are none in Milpitas. Commissioner Tabladillo asked if the hotels that have banquet room stay open late. Mr. Lindsay stated he is not aware. Commissioner Tabladillo asked about restaurants. Ms. Brown stated she does not believe restaurants are open past midnight.

Chair Tiernan asked if this site would impact the surrounding establishments in that area. Ms. Brown stated no.

Vice-Chair Mandal asked if staff discussed with the applicant about noise. Ms. Brown stated staff has not discussed this with the applicant.

Paul, 3648 Wooley Dr., San Jose, stated the building has thick walls that no noise would vibrate. There is enough lighting in the area. They will have security guards inside and outside. One of the partners has nine years experience. They have no intension of having a night club. They will have an advertisement in the Post.

Chair Tiernan asked if there will be any week day events. Paul stated if a company wants to have a day event they will accommodate.

Commissioner Tao asked about the liquor license. Paul stated they will apply for a liquor license in the future. Commissioner Tao asked if they will serve liquor. Paul stated they plan to install a bar in the future.

Commissioner Tabladillo asked what is the need to stay open until 2:00 a.m. Paul stated it is to give the patrons time to enjoy their function. Commissioner Tabladillo asked how the caterers would prepare their food. Paul stated that the caterers have warmers which they will use.

Commissioner Tao asked about the upstairs area. **Jerry Brown, Designer**, stated the 310 Sq Ft is for the front reception area. The upstairs is a total of 1,700 sq ft. The stairway would be locked during the functions.

Chair Tiernan asked about the liquor license. Paul stated he is aware of coming back to the Commission for a liquor license. Chair Tiernan stated the Commission is not interested in licensing a bar.

Chair Tiernan opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Commissioner Tabladillo stated it is great to utilize this area; however, she is concerned with the hours. She would like to see the closing time be 12:00 a.m.

Commissioner Tao stated the mezzanine should be included in the floor plan. He is confused with the floor plan.

APPROVED
Planning Commission Minutes

June 8, 2011

Vice-Chair Mandal stated he is concerned with noise. Vice-Chair Mandal asked the length of time this site been vacant. Mr. Lindsay stated for a very long time. Vice-Chair Mandal supports this project. Commissioner Luk also agrees with Vice-Chair Mandal and he also supports this project.

Chair Tiernan appreciates the applicant for doing business in Milpitas. He supports this project.

Motion to adopt Resolution No. 11-021 approving the project subject to conditions of approval with the amended changes.

Amended changes:

1. Daily operating hours shall end by 12:00 midnight.
2. The project shall have 6, 12, and 18 month reviews by the Planning Commission.

M/S: Sandhu, Mandal

AYES: 5

NOES: 1 (Steve Tao)

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

2. CONDITIONAL USE PERMIT NO. UP11-0002

Janice Spuller, Assistant Transportation Planner, presented a request for expansion and exterior modifications of Safari Kids Preschool located at 1402 Dempsey Road. Ms. Spuller recommended adopting Resolution No. 11-022 approving the project subject to conditions of approval.

Commissioner Tao asked about the landscape. Ms. Spuller stated the landscape will be redone. The outdoor play area will have a slope.

Commissioner Tabladillo asked the type of the fence. Ms. Spuller stated it would be a 6 ft wrought iron fence. Commissioner Tabladillo asked if the parking lot near the play area. Ms. Spuller stated yes. Commissioner Tabladillo asked about sun protection for the children. Ms. Spuller stated the conditions of approval can be changed to state "canopy." Commissioner Tabladillo asked if bollards could be installed to protect the fencing.

Wayne Renshaw, 111 W. Saint John Street, #950, San Jose, stated currently that site is a learning center and now would expand to a full pre-school. The play area already is landscaped. There would be hedge on each side of wrought iron fence. The sidewalk would be raised. Parents will arrive before the other stores open. The play area will have shading from the surrounding large mature trees.

Vice-Chair Mandal asked how the play area be monitored. Mr. Renshaw stated the adults would be watching the children. It is a state law.

Commissioner Tao asked who the other tenant is adjacent from the pre-school. Mr. Renshaw stated it is Mail Box Etc. Commissioner Tao asked about noise. Mr. Renshaw stated the walls will be fully insulated. Commissioner Tao asked how many students the pre-school will have. Mr. Renshaw stated up to 100 children.

Chair Tiernan thanked the applicant for having the confidence to expand his business in Milpitas. He supports this project.

Commissioner Luk highly supports this project.

APPROVED

Planning Commission Minutes

June 8, 2011

Chair Tiernan opened the public hearing.
There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Mandal

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

Commissioner Tabladillo requests that the applicant install a canopy in the play area; work with staff on bollards, drainage on the turf, and ample lighting.

Motion to adopt Resolution No. 11-022 approving the project subject to conditions of approval with the amended changes.

Amended changes:

1. Install a shade canopy to protect the children in the play area.
2. Work with staff on placement of bollards.
3. Include ample exterior lighting.

M/S: Mandal, Tao

AYES: 6

NOES: 0

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

X. OLD BUSINESS

1. CONDITIONAL USE PERMIT AMENDMENT NO. UA11-0003 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA11-0001

Tiffany Brown, Assistant Planner, presented a request to amend a conditional use permit to allow for the operation of an 8,250 square foot elementary school and exterior playground within an existing church facility located at 130 Piedmont Road. Ms. Brown recommended adopting Resolution No. 11-020 approving the project subject to conditions of approval.

Chair Tiernan asked the cost of the modifications and if the applicant will pay for signs. Ms. Brown stated the cost of the signs is \$2,500 for signs only without the radar speed feedback sign.

Vice-Chair Mandal asked what is the least cost for a school zone sign. Ms. Brown stated the cost would be \$2,500.

Commissioner Tabladillo stated she wants the speed limit with the flashing sign. Cost should not be an issue. It should be a school zone sign with the radar speed feedback sign.

Commissioner Luk stated the school should not be an issue. He feels the area is a pretty quiet area.

Commissioner Tao stated the visibility is clear. There are not too many pedestrians on Piedmont Road. He supports this project.

Commissioner Sandhu stated people do speed on Piedmont Road. He feels this area does need some kind of speed control. Vice-Chair Mandal also agrees that people do

APPROVED
Planning Commission Minutes

June 8, 2011

speed in this area. He stated there is a need for a calming device.

Asunta Reinman, 80 Descanso Drive, San Jose, stated parents must drop off and pick up their children from school since it is a private school.

Chair Tiernan stated the Commission understands that the children need to be dropped off and picked up from school. Chair Tiernan stated there is a potential increase of accidents. Staff believes no traffic calming devices are needed. Ms. Reinman stated it would be very difficult to install radar speed feedback signs. Chair Tiernan asked if the school would be in a position to afford \$2,500 for the school zone signs that read 25 MPH. Ms. Reinman stated yes.

Commissioner Tabladillo asked if the job of the Commission is to ensure the health and welfare is based on the land use decisions are made and not by the cost. Mr. Lindsay stated there are 3 issues the Commission related to the concerns of the school located on 130 Piedmont Road which are on site circulation, traffic safety, and pedestrian safety. Chair Tiernan asked staff if they would support the \$2,500 option. Mr. Lindsay stated staff recommendation was on school zone speed limit signs, rather or not they had radar feedback signs or not did not relate to staff recommendation.

Chair Tiernan asked the applicant if the school would have a sign in front of the church that is obvious from the street. Ms. Reinman stated yes. Chair Tiernan asked the size of the sign. Ms. Brown stated because of the location it is allowed only one sign per property. The applicant would have to work with the Church if they wanted to add to the existing sign.

Bryan Otake, Assistant City Attorney, stated the cost amounts listed in the staff report is solely for the purpose of land use, if the Commission would find any impacts caused by the project, the dollar figures are provided to help to determine rather or not those mitigations are actually feasible as well, feasible both from a physical or design standpoint as well as a cost standpoint.

Commissioner Tao asked if the size of the sign would be changed. Ms. Brown stated the sign would remain the same size the wording would change.

Chair Tiernan stated this is a tough concern. He supports the project. He appreciates that the school wants to expand. He stated there is a safety issue. Chair Tiernan feels if there was a \$2,500 option of traffic signs. He is requesting a 6, 12, and 18 reviews by the Planning Commission.

Commissioner Tabladillo stated that Piedmont Road is heavily used because of the feedback she has received from the residents in that area.

Vice-Chair Mandal asked if the City would be liable if there were an accident. Mr. Otake stated the City would not be liable.

Commissioner Tao asked how many accidents have occurred on Piedmont Road. Mr. Lindsay stated no record of accidents in the past 10 years.

Motion to adopt Resolution No. 11-020 approving the project subject to conditions of approval with the amended changes.

Amended changes:

1. Owner or designee shall install school zone radar speed feedback signs.

M/S: Mandal, Tabladillo

AYES: 5

APPROVED
Planning Commission Minutes

June 8, 2011

NOES: 1 (Steve Tao)

ABSENT: 2 (Larry Ciardella and Zeya Mohsin)

ABSTAIN: 0

**XI.
ADJOURNMENT**

The meeting was adjourned at 9:36 p.m. to the next meeting of June 22, 2011.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

APPROVED
Planning Commission Minutes
June 8, 2011



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)