



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: September 25, 2013

APPLICATION: **CONDITIONAL USE PERMIT NO. UP13-0012 AND MINOR SITE DEVELOPMENT PERMIT NO. MS13-0030**

APPLICATION SUMMARY:

A request to operate a new childcare facility within an existing 1,784 square foot tenant space with associated site improvements for Rainbow Childhood Daycare.

LOCATION: 227 South Main street (APN: 086-08-024)
APPLICANT: Helen Qiu, 687 N Abbott Ave, Milpitas, CA 95037
OWNER: Prasert and Hatta Mahatdejkul, 718 Los Pinos, Milpitas, CA 95037

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 13-022 approving Conditional Use Permit No. UP13-0012 and Minor Site Development Permit No. MS13-0030 subject to conditions of approval.**

PROJECT DATA:
General Plan/
Zoning Designation: Mixed Use (MXD) / Mixed Use (MXD)
Overlay District: Site and Architectural Overlay (-S)
Specific Plan: Midtown Specific Plan, Precise Plan Area

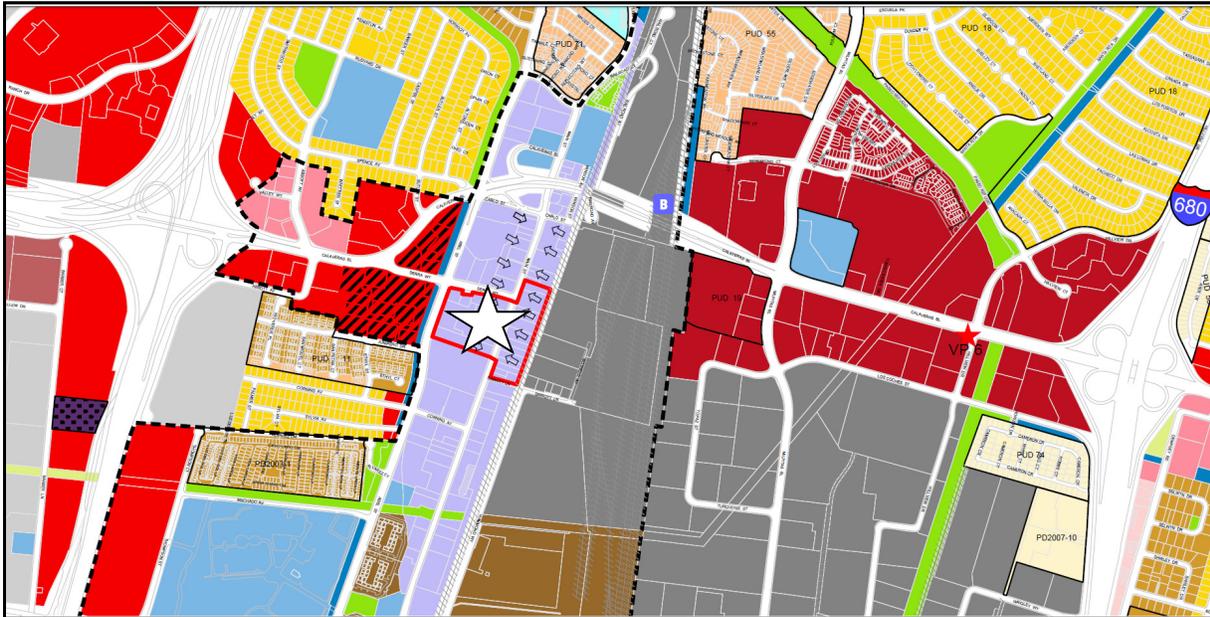
CEQA Determination: Categorically exempt from further environmental review pursuant to Section 15301(e) for additions to existing structures; Section 15303(e) for Accessory Structures; Section 15304(b) for new landscaping; and Section 15311(a) for the on premise sign, of the Guidelines to the California Environmental Quality Act (CEQA).

PLANNER: Tiffany Brown, Assistant Planner

PJ: 2944

ATTACHMENTS: A. Resolution No. 13-022
B. Site Plans

Map 1 Project Location



- | | | | |
|---|--|---|-------------------------|
|  | Multi-Family Residential, Very High Density (R4) |  | General Commercial (C2) |
|  | Urban Residential (R5) |  | Highway Services (HS) |
|  | Mixed Use (MXD) |  | Town Center (TC) |
|  | Mixed Use, High Density (MXD2) |  | Heavy Industrial (M2) |
|  | Mixed Use, Very High Density (MXD3) |  | Light Industrial (M1) |
|  | Administrative and Professional Offices (CO) |  | Industrial Park (MP) |
|  | Neighborhood Commercial (C1) |  | Institutional (I) |
|  | Project Location | | |

Map 2
Project Site



Not to Scale.

BACKGROUND

History

In 1964, a 2,430 square foot, one story building was built on a 0.44 acre parcel with associated parking lot at 227 South Main Street.

The Application

On July 8, 2013, Helen Qiu with Rainbow Childhood Day Care submitted an application pursuant to Section 6 and Section 57 of the Milpitas Zoning Ordinance. The following is a summary of the requests:

- *Conditional Use Permit:* For the establishment of a daycare per Table XI-10-6.02-1 within the Mixed Use Zoning District and Section XI-10-57.04 for conditionally permitted uses.
- *Minor Site Development Permit:* To evaluate the building addition, new building color, proposed signage, landscaping, fence, and outdoor playground area per Table XI-10-57.03-1.

PROJECT DESCRIPTION

Location and Land Use

The property is a 0.44 acre parcel located just south of the Serra Way and South Main Street intersection with vehicular access from South Main Street. The property and surrounding properties are zoned Mixed Use and are located within the Midtown Specific Plan. Neighboring uses include quasi-public uses, Spring Valley Bible Church, Pavalkis Hall, and Christian Worship Center; residential homes, and commercial services such as a Thai restaurant, a dental office, a liquor store, and the Abel Square Shopping Center. Vicinity and location maps of the subject site location are included on the previous page.

Project Overview

The applicant proposes to utilize 1,784 square feet of the existing 2,430 square foot building. The remaining 802 square feet is currently rented to another tenant and is being utilized for office space.

The daycare floor plan includes two large classrooms, a lunch prep room, restrooms and storage area along with the construction of a new 156 square foot lobby area. The proposal includes removing nine parking spaces and replacing them with a new 2,153 square foot outdoor playground area for the children.

Hours of operation are Monday through Friday between 7:30am and 6:00pm. Children attending the daycare will be range between six weeks old to five years old. The proposed attendance will not exceed 40 children, and the student to teacher ratio will be consistent with State standards and regulations.

Parking

The current parking lot has 26 parking spaces. With the removal of nine parking spaces, the project will still meet the off-street parking requirements pursuant to Section 53 "Off Street Parking" of the City's Zoning Ordinance. The Table 1 demonstrates how the project is consistent with the City's Zoning Code.

Table 1:
Section 53 Off Street Parking Requirements

	Required Parking	Proposed Parking
<i>Childcare Center</i> <i>1,784 sq. ft.</i>	1 per classroom or 1 per 500 sq. ft , whichever is greater. <i>(Table XI-10-53.09-1)</i> 4 spaces required	Shared Parking Lot
<i>Office Space (existing)</i> <i>802 sq. ft.</i>	1 per 240 sq. ft. <i>(Table XI-10-53.09-1)</i> 4 spaces required	
Total		17 stalls

Site & Architectural Guidelines

Building

The existing building, built in 1964, is a single story stucco structure with a flat roof, wood fascia and an accent concrete block wall on the north elevation. The applicant proposes to repaint the building a “Spanish Sand” color with “Deep Red” trim on fascia, doors, and windows. The applicant will remove the existing eight (8) feet wide by three (3) feet tall windows on the east and west elevations and replace them with larger eight (8) wide by five (5) feet tall windows, which will allow more natural light in the building and enhance the east and west building façade. The proposal includes a 156 square foot addition located at the front of the building for the new lobby. The materials for the lobby include a glass storefront doors with glass walls and metal veneer.

Sign

As part of the project, a new sign will be located over the proposed addition for the lobby. The sign will stand 3’-11” tall and 14’-11” wide totaling in approximately 60 square feet. The sign is in the shape of a rainbow and consist of a corrugated metal backing with a sheet metal rainbow (red, blue, green, and yellow) and back lit illuminated red channel letters. *(See Attachment B., Sheet A-3)*

Landscaping

The existing site includes a planter area with palm trees at the north corner of the property, a planter island in the center of the two driveways along Main Street, and a perimeter landscaped planter (approximately 3’ wide) along the south border of the property. The applicant proposes to enhance these planter areas by adding mulch, and shrubbery. Currently, no landscaping exists around the building. The applicant proposes six 10’-6” x 1’-6” concrete planter boxes with accent shrubbery and painted to match the proposed building color scheme. The proposal includes removing nine parking spaces and replacing them with a new 2,153 square foot outdoor playground area for the children to meet the requirements of State Law. The playground area contains a play equipment with a shade structure on artificial grass and a four (4) foot perimeter landscaped buffer enclosed by a six (6) foot tall steel black picket fence.

REQUIRED FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission or City Council has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04 (F))

1. 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.

The project site is zoned mixed use and is currently surrounded by commercial retail, quasi-public uses such as churches and a public hall, along with residential homes. The proposed use for a daycare will revitalize the existing property and support the surrounding uses and therefore will not be detrimental or injurious to the property or improvements in the vicinity of the property. The proposed business operations will be consistent with all state and federal regulations for childcare centers and therefore will not be detrimental or injurious to the public health, safety, and general welfare.

2. The proposed use is consistent with the Milpitas General Plan (Policy 2.d-G-2):

The proposed daycare is consistent with the General Plan, specifically policy 2.a-I-24 in that this facility will operate in accordance with State standards, and is a compatible use with the surrounding neighborhoods, commercial uses and public facilities such as community centers, churches, and schools.

3. The proposed use is consistent with the Milpitas Zoning Ordinance:

The proposed daycare meets the development standards set forth in the Milpitas Zoning Ordinance.

4. The project is consistent with the Midtown Specific Plan:

The proposed daycare meets the policies set forth in the Midtown Specific Plan as described on page 8.

Site Development Permit (Section XI-10-57-03(F))

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The proposed new layout of the parking lot provides safe vehicular access and the addition of the playground with landscaping aesthetically enhances the property and revitalizes the underutilized commercial property. The building modifications for the

addition, windows, and new paint are compatible and aesthetically harmonious with the adjacent and surrounding development.

2. The project is consistent with the Milpitas General Plan (Policy 2.d-G-2):

The proposed daycare is consistent with the General Plan, specifically policy 2.a-I-33 in that this facility will operate in accordance with State standards, and the enhancements to the existing building and property are compatible to the surrounding neighborhoods, commercial uses and public facilities such as community centers, religious uses, and schools.

3. The project is consistent with the Milpitas Zoning Ordinance:

The proposed daycare meets the development standards set forth in the Milpitas Zoning Ordinance.

4. The project is consistent with the Midtown Specific Plan:

The proposed daycare meets the policies set forth in the Midtown Specific Plan as described below under Midtown Specific Plan Consistency on page 8.

Sign (Section XI-10-57-03(F)2.:

5. All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.

The proposed sign is located in the front center of the existing building and will stand 3'-11" tall and 14'-11" wide. The sign is in the shape of a rainbow and consist of a corrugated metal backing with a sheet metal rainbow (red, blue, green, and yellow) with back-lit illuminated red channel letters and is consistent with the policies of the General Plan, any applicable Design Guidelines, respective specific plan or Site and Architectural Overlay District in which the sign is to be located.

6. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.

The components of the proposed sign consist of a corrugated metal backing with a sheet metal rainbow (red, blue, green, and yellow) with back lit illuminated red channel letters attached to the corrugated metal. The sign design and details are compatible with the type of business and acts as artwork and therefore is aesthetically harmonious with the building.

7. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed.

The design and scale of the proposed sign is appropriate in that it is centered on the front of the building and will be legible from the street and sidewalk.

8. The design and materials of the sign provide a contrast between the background and letters.

The proposed sign consist of a corrugated metal backing with a sheet metal rainbow (red, blue, green, and yellow) with back lit illuminated red channel letters attached to the corrugated metal which provides a contrast between the background and letters.

Midtown Specific Plan Consistency

The proposed project is consistent with the Midtown Specific Plan, specifically Policy 3.22 (Childcare Policy), in that the new childcare center provides alternate opportunities of daycare services for residences and employees within the Midtown Area and Milpitas as a whole to take their children too.

Policy 3.22: Encourage the provision of Childcare services to support demand generated by employees and residents in the Midtown Area.

Milpitas Child Care Master Plan

The table below outlines the project's consistency with the goals and implementation policies of the Milpitas Child Care Master Plan adopted by the City Council on April 2, 2002.

Table 2
Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
<i>Accessibility Policy 2.2-G-I: The City of Milpitas promotes the retention of existing facilities and the development of new child care facilities within the City limits.</i>	Consistent. The project promotes development of new childcare facilities within the City limits.
<i>Accessibility Policy 2.2-I-3: The City of Milpitas encourages existing and new facilities to offer a variety of child care types in order to meet specific needs.</i>	Consistent. The proposed facility targets children between six (6) weeks and five (5) years old, thus providing a variety in types of care available for children.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is determined to be categorically exempt from further environmental review pursuant to Section 15301(e) for additions to existing structures in that the addition is less than 50 percent of the existing floor

area; Section 15303(e) for new playground area; Section 15304(b) for new landscaping including the replacement of existing conventional landscaping; and Section 15311(a) for the proposed on premise sign.

PUBLIC COMMENT/OUTREACH

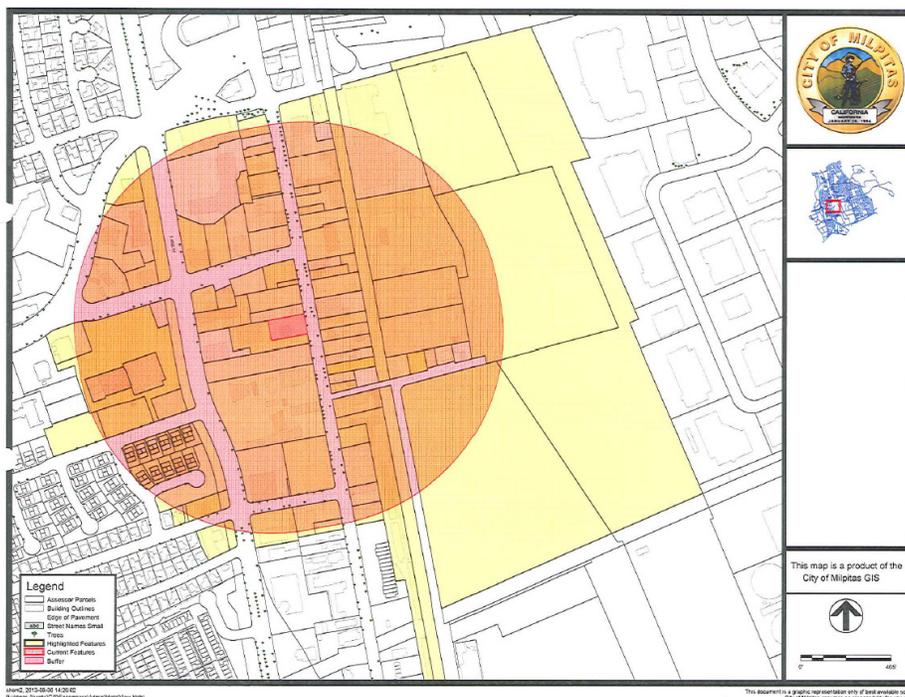
Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. The table below provides a summary of the City’s public noticing efforts for this project.

Table 3
Public Noticing Summary

Notice of Public Hearing	Agenda
<ul style="list-style-type: none"> ▪ Posted on the site (<i>14 days prior to the hearing</i>) ▪ Two hundred and eighty two (282) notices mailed to property owners and residents within 1,000 feet to the project site (<i>10 days prior to the hearing</i>) ▪ Posted on the City's official notice bulletin board (<i>10 days prior to the hearing</i>) 	<ul style="list-style-type: none"> ▪ Posted on the City's official notice bulletin board (<i>5 days prior to the hearing</i>) ▪ Posted on the City of Milpitas’s Web site (<i>one week prior to the hearing</i>)

The map below illustrates the extent of the mailed notices.

Map 3
Public Notice Radius



CONCLUSION

The proposed daycare will occupy an existing commercial building and enhance the older building by repainting and including façade updates to the existing building and enhancing and adding additional landscaping. The proposed use at the proposed location is consistent with the General Plan, Zoning Ordinance, Specific Plan, and the City's Child Care Master Plan and will provide a compatible use within the existing mixed use neighborhood.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 13-022 approving Conditional Use Permit No. UP13-0012 and Minor Site Development Permit No. MS13-0030, subject to the conditions of approval set forth in the attachment.

Attachments:

- A. Resolution No. 13-022
- B. Site Plans

RESOLUTION NO. 13-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP13-0012 AND MINOR SITE DEVELOPMENT PERMIT NO. MS13-0030, TO OPERATE A NEW CHILDCARE FACILITY (DAYCARE) LOCATED AT 227 S MAIN STREET.

WHEREAS, on July 8, 2013, an application was submitted by Helen Qiu, 687 N Abbott Ave, Milpitas, CA 95037, to operate a new childcare facility “Daycare” within a 1,784 square foot tenant space with associated site improvements for Rainbow Childhood Daycare. The property is located within the Mixed Use Zoning District (APN 086-08-024); 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 September 25, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the owner or designee, 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(e) for additions to existing structures; Section 15303(e) for Accessory Structures; Section 15304(b) for new landscaping; and Section 15311(a) for the proposed on premise sign, of the Guidelines to the California Environmental Quality Act (CEQA). The project proposal includes a 156 square foot addition to an existing structure, the removal of nine parking spaces and replacement of a new 2,153 square foot outdoor playground area for the children (accessory structure), and enhancing the existing landscaping with new landscaping and adding landscaped planter boxes. A new sign will be located over the proposed lobby as well.

Section 3: Conditional Use Permit (Section XI-10-57.4 (F))

1. 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.

The project site is zoned mixed use and is currently surrounded by commercial retail, quasi-public uses such as churches and a public hall, along with residential homes. The proposed use for a daycare will revitalize the existing property and support the surrounding uses and therefore will not be detrimental or injurious to the property or improvements in the vicinity of the property. The proposed business operations will be

consistent with all state and federal regulations for childcare centers and therefore will not be detrimental or injurious to the public health, safety, and general welfare.

2. The proposed use is consistent with the Milpitas General Plan (Policy 2.d-G-2):

The proposed daycare is consistent with the General Plan, specifically policy 2.a-I-24 in that this facility will operate in accordance with State standards, and is a compatible use with the surrounding neighborhoods, commercial uses and public facilities such as community centers, churches, and schools.

3. The proposed use is consistent with the Milpitas Zoning Ordinance:

The proposed daycare meets the development standards set forth in the Milpitas Zoning Ordinance.

4. The project is consistent with the Midtown Specific Plan:

The proposed daycare meets the policies set forth in the Midtown Specific Plan as described in Section 5.

Section 4: Site Development Permit (Section XI-10-57-03(F))

1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The proposed new layout of the parking lot provides safe vehicular access and the addition of the playground with landscaping aesthetically enhances the property and revitalizes the underutilized commercial property. The building modifications for the addition, windows, and new paint are compatible and aesthetically harmonious with the adjacent and surrounding development.

2. The project is consistent with the Milpitas General Plan (Policy 2.d-G-2):

The proposed daycare is consistent with the General Plan, specifically policy 2.a-I-33 in that this facility will operate in accordance with State standards, and the enhancements to the existing building and property are compatible to the surrounding neighborhoods, commercial uses and public facilities such as community centers, religious uses, and schools.

3. The project is consistent with the Milpitas Zoning Ordinance:

The proposed daycare meets the development standards set forth in the Milpitas Zoning Ordinance.

4. The project is consistent with the Midtown Specific Plan:

The proposed daycare meets the policies set forth in the Midtown Specific Plan as described below under Midtown Specific Plan Consistency under Section 5.

Sign (Section XI-10-57-03(F)2).

5. All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.

The proposed sign is located in the front center of the existing building and will stand 3'-11" tall and 14'-11" wide. The sign is in the shape of a rainbow and consist of a corrugated metal backing with a sheet metal rainbow (red, blue, green, and yellow) with back-lit illuminated red channel letters and is consistent with the policies of the General Plan, any applicable Design Guidelines, respective specific plan or Site and Architectural Overlay District in which the sign is to be located.

6. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.

The components of the proposed sign consist of a corrugated metal backing with a sheet metal rainbow (red, blue, green, and yellow) with back lit illuminated red channel letters attached to the corrugated metal. The sign design and details are compatible with the type of business and acts as artwork and therefore is aesthetically harmonious with the building.

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Section 5: Midtown Specific Plan Consistency:

The proposed project is consistent with the Midtown Specific Plan, specifically Policy 3.22, in that the daycare provides alternate opportunities of daycare services for residences and employees within the Midtown Area and Milpitas as a whole to take their children too.

Section 6: Milpitas Childcare Master Plan

The proposed project is consistent with the Milpitas Childcare Master Plan, specifically policies 2.2-G-I and 2.2-I-3 in that the project promotes development of new childcare facilities within

the city limits; and the proposed facility targets children between six (6) weeks and five (5) years old, thus providing a variety in types of care available for children.

Section 7: The Planning Commission of the City of Milpitas hereby approves UP13-0012 and MS13-0030, 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 September 25, 2013.

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 September 25, 2013, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Steve Tao				
Garry Barbadillo				

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP13-0012 AND MINOR SITE DEVELOPMENT
PERMIT NO. MS13-0030**

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 **September 25, 2013**, 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)**

UP13-0012 and MS13-0030 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 **UP13-0012 and MS13-0030** 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. Prior to the issuance of a building permit, the owner or designee shall pay in full the project account balance and establish a remaining balance of 25% of the initial deposit. **(P)**
 5. Prior to the issuance of a building permit, the owner or designee shall demonstrate that the perimeter landscaped planter for the playground area shall be a minimum of four feet in width. **(P)**

6. Prior to the issuance of a building permit, the owner or designee shall demonstrate the revision of the playground area perimeter fence from the exterior of the landscaped section to the interior of the landscape, in-between the playground area and the planter. **(P)**
7. Prior to the issuance of a building permit, the owner or designee shall demonstrate that the landscaped planter around the playground area shall be contained within a six inch raised concrete curb. **(P)**
8. Prior to the issuance of a building permit, the owner or designee shall demonstrate that the installation of an irrigation system shall be provided for in each planter area on the property. The Planter area irrigation shall be integrated in perpetuity. **(P)**
9. There shall be no exterior bells or alarms signaling the beginning or end of a school class, or playtime. **(P)**
10. Prior to the issuance of a building permit, the owner or designee shall demonstrate that the plant planters along the building shall be painted to match the proposed red trim of the building and maintained by the property owner or designee. **(P)**
11. The proposed playground shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission. **(E)**
12. Prior to final permit issuance for the playground area, the owner or designee shall have a playground safety inspector, certified by the National Playground Safety Institute, conduct an initial inspection for the purpose of aiding compliance with the playground safety requirements. **(E)**
13. It is the responsibility of the owner or designee to obtain any necessary encroachment permits from all affected agencies and private parties. Copies of approvals or permits must be submitted to the City of Milpitas Engineering Division. **(E)**
14. The owner or designee shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). **(E)**
15. Prior to building permit issuance, owner or designee must pay all applicable development fees, including but not limited to, plan check and inspection deposit, and 2.5% building permit automation fee. **(E)**
16. Prior to occupancy permit issuance, the owner or designee shall construct a new trash enclosure or expand the existing enclosure to accommodate the required number of bins needed to serve this shopping center. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to

sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)

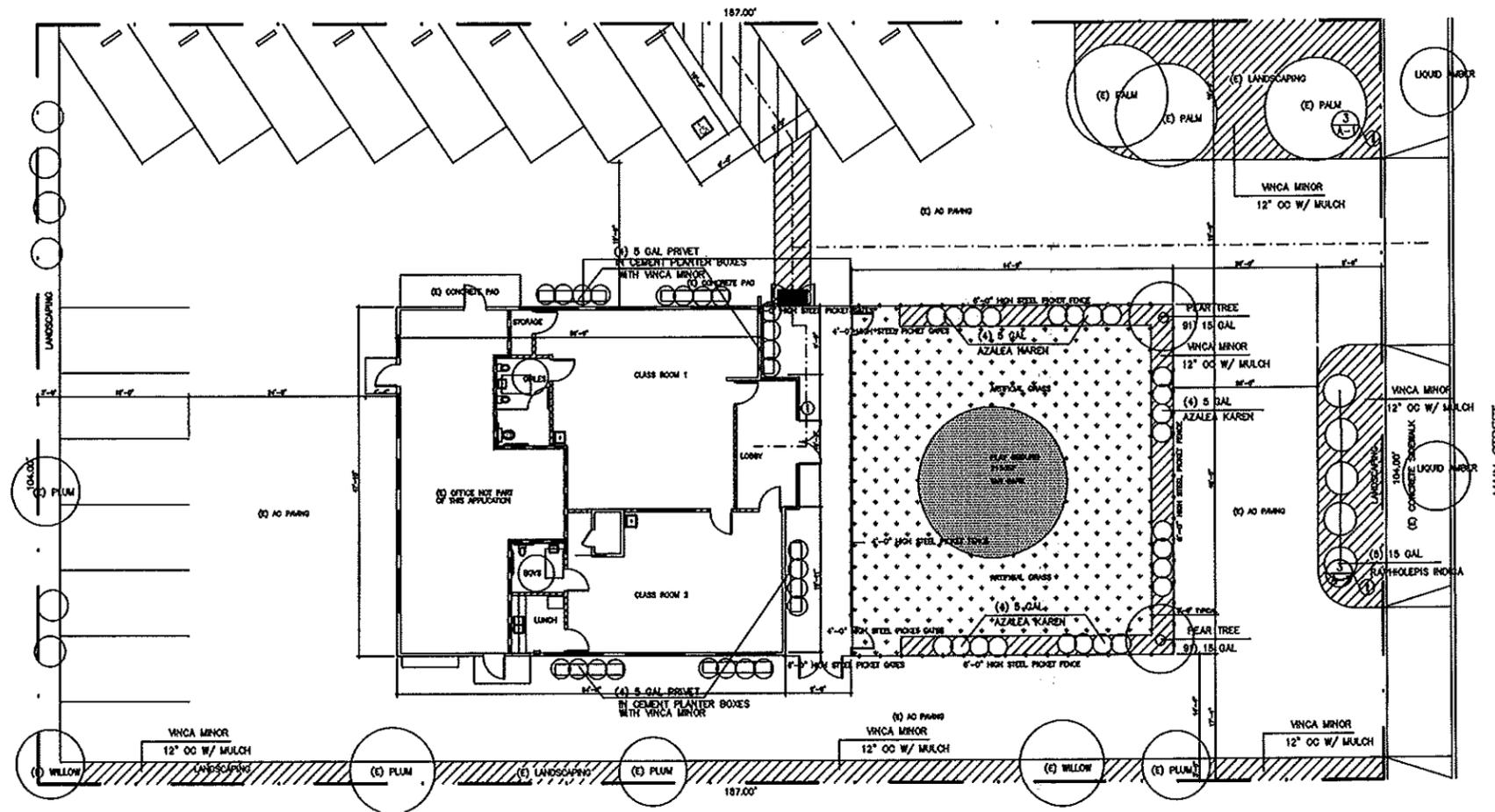
17. Per Chapter 200, Solid Waste Management, V-200-3.10, *General Requirement*, owner or designee shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 *Owner Responsible for Solid Waste, Recyclables, and Yard Waste*, owner or designee shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the owner or designee shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling collection. After the owner or designee has started its business, the owner or designee shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the owner or designee shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)
18. Prior to the issuance of a building permit, the owner or designee shall demonstrate that adequate utility services exist for the site. If the existing services (water, sewer and storm) are not adequately sized to serve this additional development. (E)
19. Prior to any work within public right of way or City easement, the owner or designee shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
20. Indemnification. To the fullest extent permitted by law, owner or designee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by owner or designee, City, and/or the parties initiating or bringing such proceeding. The owner or designee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The owner or designee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. City shall notify the project owner or designee of any claim, action, or proceeding and engage in reasonable efforts to cooperate with owner or designee in the defense against the claim, demand, obligation, damage, action, or suit. . (CA)

21. The use shall comply with all local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

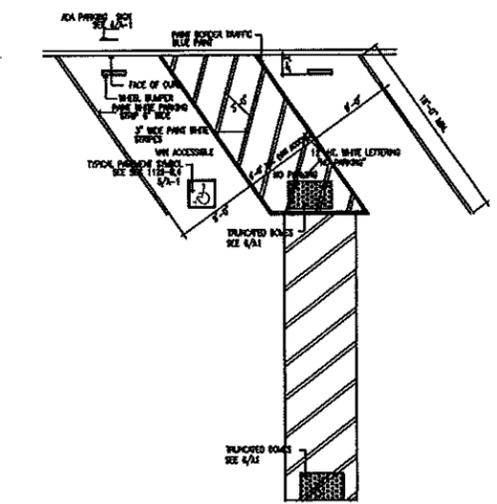
(P) = Planning

(E) = Engineering

(CA) = City Attorney



NOTE: MAXIMUM PERMITTED SLOPE OF ACCESSIBLE PARKING SPACE IS 2% IN ANY DIRECTION CBC SECTION 11290.4 #4
 MAXIMUM PERMITTED SLOPE FOR WALKWAYS ARE 5% MAXIMUM SLOPE IN DIRECTION OF TRAVEL, AND 2% MAXIMUM CROSS SLOPE



ADA PARKING STANDARDS NTS 10

- Dimensions marked 1 are flexible and can change as required to fit. Dimensions not so marked shall take precedence over dimensions.
- Report any discrepancies in dimensions to Architect for clarification.
- All signs not attached to roof structure shall be braced to roof structure of 8'-0" o.c. with metal studs at 45 MAXIMUM.
- Do not connect to, or suspend any items from roof stiffeners without approval from Architect.
- Exit signs shall be illuminated at all times when the building is occupied with battery back up for min. 1.5 hrs in case of power loss, CBC sec. 1003.2.8.5. Signs shall be illuminated continuously and have a light level of not less than one foot candle at floor level.
- Internally illuminated exit signs and exit illuminations shall be on separate circuits, in which each shall be controlled independently.
- All penetration of the fire rated walls to comply with CBC section 709.6 exception, and 709.7 exception 1 & 2.
- All mechanical and electrical equipment shall have a UL label listing/number. Any equipment not listed will be required to be field tested and certified. By an approved testing agency. It is the responsibility of the owner and his design/construction team to notify the Building Department if field testing is required for any equipment without a UL of equivalent Listed Label approved by the San Leandro Building Department. Proof of equipment certification will need to be submitted and approved before a certificate of occupancy can be issued.

SITE PLAN 1"=10' 1

GENERAL NOTES NTS 9

SITE AREA:	0.448	ACRES
BUILDING AREA:	19,420	SQ. FT.
BUILDING AREA ADDED:	2,430	SQ. FT.
TOTAL:	165	SQ. FT.
AREA OF THIS UNIT:	2,588	SQ. FT.
NEW ADDITION:	1,628	SQ. FT.
AREA OF THIS IMPROVEMENT:	155	SQ. FT.
BUILDING COVERAGE:	1,784	SQ. FT.
PARKING REQUIRED:	EXISTING	%
PARKING PROVIDED:	10	CARS
TOTAL:	18	STANDARD STALLS
	1	HANDICAP STALLS
	7	COMPACT STALLS
PARKING RATIO:	1/162	STALLS
PAVED AREA:	EXISTING	SQ. FT.
PAVING COVERAGE:	EXISTING	%
LANDSCAPE AREA:	EXISTING	SQ. FT.
LANDSCAPING COVERAGE:	EXISTING	%
TYPE OF CONSTRUCTION:	VA	
OCCUPANCY:	B-1 AND E	
USE ZONE:	COMMERCIAL	
FIRE SPRINKLER SYSTEM:	NONE	
C.B.D:	2010	
D.F.C:	2010	
C.P.C:	2010	
C.E.O:	2010	
C.M.O:	2010	
TITLE 24 DISABILITY CODE:	2010	

LEGEND

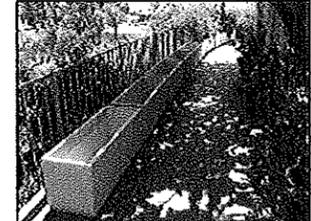
- ADA ACCESSIBLE PATH
- ① EXISTING ADA SIGN @ ENTRY DOOR MOUNTED 60" ABOVE PAVING



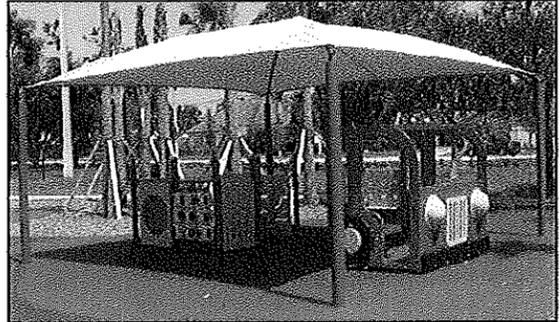
NOTES
 ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL MUST:

- BE CONTINUOUSLY ACCESSIBLE
- HAVE MAXIMUM 1/2" CHANGES IN ELEVATION
- BE MINIMUM OF 48" IN WIDTH
- WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 5% SHALL HAVE RAMPS COMPLYING WITH CURRENT CBC STANDARDS

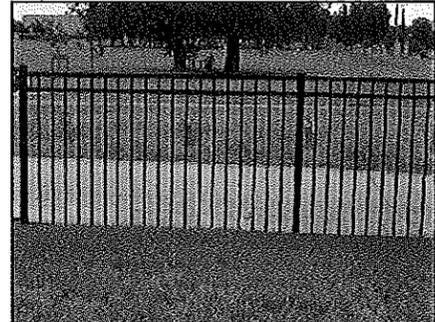
SCOPE OF WORK:
 TENANT IMPROVEMENTS FOR A DAY CARE CENTER
 REMOVE EXISTING WALLS AND DOORS
 INSTALL NEW WALLS, DOORS LIGHTS, SWITCHES, WALL OUTLETS
 NEW RESTROOMS, LUNCH ROOM, SINK AND CABINETS
 ADJUST SUPPLY AND RETURN REGISTERS
 ADD 127 SQUARE FEET NEW LOBBY
 REPLACE AND ENLARGE WINDOWS AS SHOWN ON ELEVATIONS
 INSTALL FIRE ALARM SYSTEM PER FIRE DEPARTMENT REQUIREMENTS



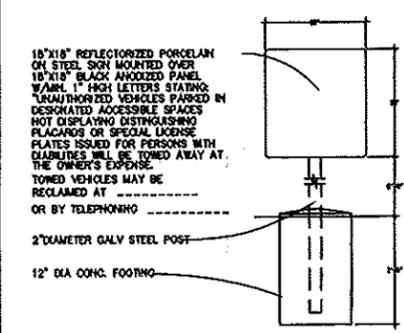
PLANTER BOX SAMPLE



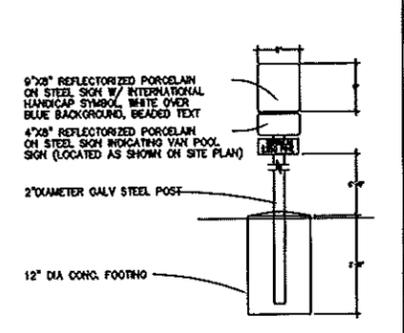
PLAYGROUND SCREEN AND PLAY STRUCTURE SAMPLES



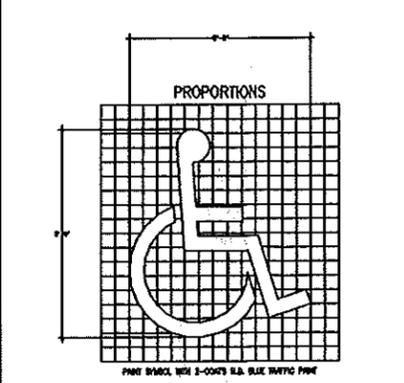
FENCE SAMPLE



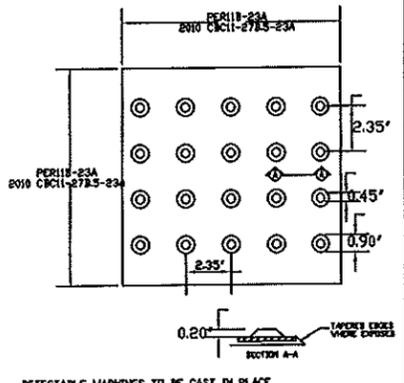
TOW AWAY SIGN NTS 3



DA PARKING SIGN NTS 4



PAINTED DA SIGN NTS 5



TRUNCATED DOME NTS 6

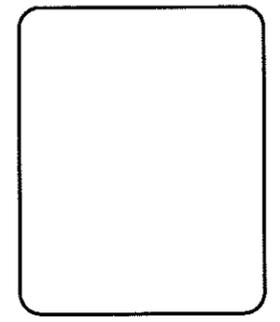
TABULATION NTS 8

ARCHITECTURAL
 A-1 SITE PLAN, TABULATION, NOTES & SITE DETAILS
 A-2 DEMOLITION FLOOR PLAN AND NEW FLOOR PLAN
 A-3 EXISTING AND NEW EXTERIOR ELEVATIONS

RECEIVED
 AUG 13 2013
 CITY OF MILPITAS
 PLANNING DIVISION

DRAWING INDEX NTS 7

REVISIONS



RAINBOW CHILDHOOD DAY CARE
 227 S. MAIN STREET
 MILPITAS, CA 95035

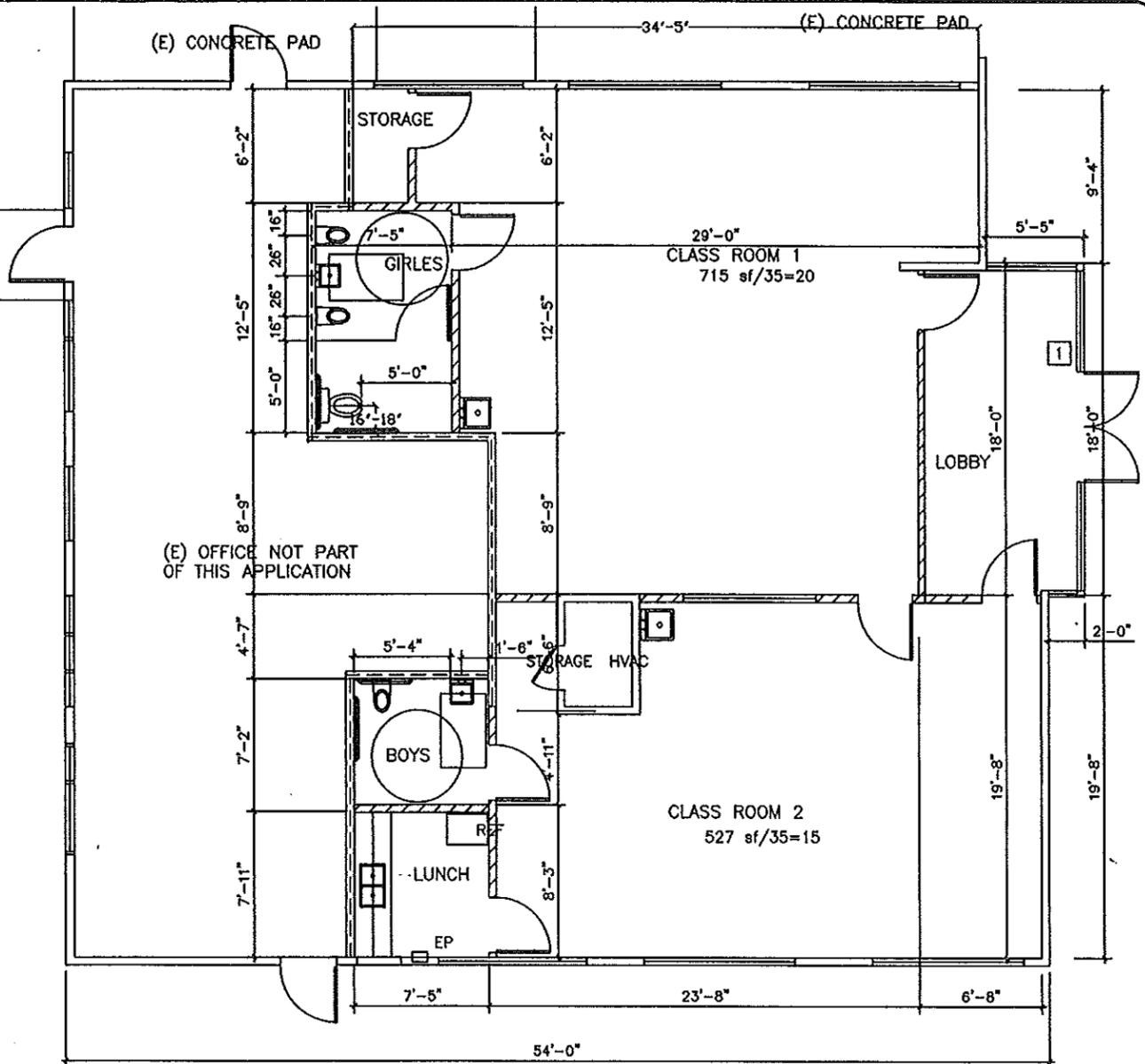
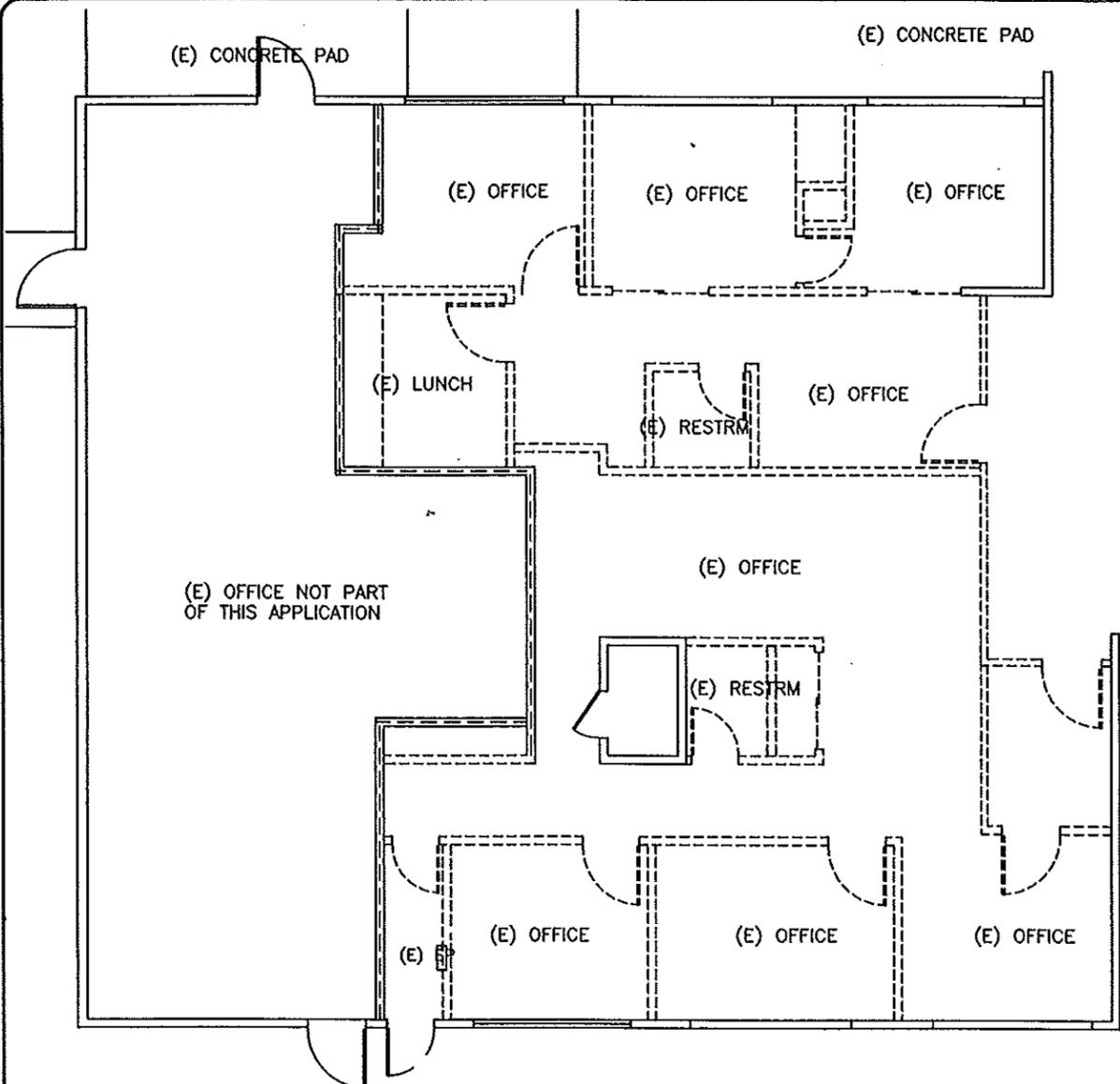


LRS ASSOCIATES
 ARCHITECTURE AND PLANNING

102 PERMAN DRIVE SUITE 201 SUNNYVALE, CALIFORNIA 94086 (408) 745-0301 FAX (408) 745-0336

ARCHITECT

DATE	PROJECT NO.
7-4-2013	35.2943
SCALE	DRAWN
AS SHOWN	NW
SHEET	
	A-1
OF SHEETS	ATTACHMENT B



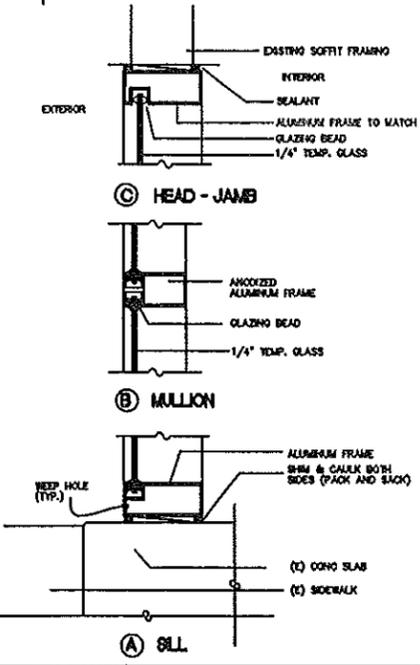
TACTILE SIGNAGE

[For DSA/AC & SFM] Tactile Exit Signage. For the purposes of Section 1011.3, the term "tactile exit sign" shall mean those required signs that comply with Section 1117B.5.1
 [For DSA/AC & SFM] Where required, Tactile exit signs shall be required at the following locations:

- Each grade - level exterior exit door shall be identified by a tactile exit with the word "EXIT".
- Each exit door that leads directly to a grade - level exterior exit by means of stairway or ramp shall be identified by tactile exit sign with the following words as appropriate:
 A. "EXIT STAIR DOWN"
 B. "EXIT RAMP DOWN"
 C. "EXIT STAIR UP"
 D. "EXIT RAMP UP"
- Each exit door that leads directly to a grade - level exterior exit means of an exit enclosure or an exit passageway shall be identified by tactile exit with the sign with the word "EXIT ROUTE".
- Each exit access door from an interior room or area to a corridor or hallway that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words "EXIT ROUTE".
- Each exit door through a horizontal exit shall be identified by a sign with the words "TO EXIT".

FINISH SCHEDULE

- FLOOR
 11. CARPET
 12. CERAMIC TILE
 13. VCT
 BASE
 21. 4" HIGH COVERED RUBBER TOPSET BASE
 22. 6" COVERED CERAMIC TILE BASE
 23. EXISTING TO REMAIN (REPAIR AS REQ'D)
 24. ITEM 21 AND 23
 WALL
 31. GYP. BD. TEXTURE FINISH, AND PAINT
 32. W/IN GYPSUM BOARD W/ 4'-0" HIGH CERAMIC TILE MANSOOF AT WET WALLS, PART WITH SEMI-GLOSS ENAMEL ELSEWHERE
 33. EXISTING TO REMAIN (REPAIR AS REQ'D)
 34. ITEM 31 AND 33
 CEILING
 41. (E) 2'-0"x4'-0" SUSPENDED GRID AND ACOUSTIC CEILING TILE
 42. (E) GYPSUM BOARD, TAPE, SMOOTH FINISH AND PAINT (SEMI-GLOSS ENAMEL PART ON REST ROOM)



TOTAL OCCUPANT LOAD: 5

DOOR SCHEDULE

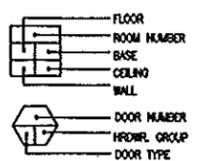
A 3'-0"x7'-0"x1-3/4" SOLID CORE DOOR WOOD DOOR WITH PREFINISHED BIRCH VENEER SET IN CLEAR WOOD FINISH.

HARDWARE SCHEDULE

GROUP	DESCRIPTION	QTY	UNIT	STA	SCH	BEW	HR
GROUP 1	1-1/2 PARR BUTTS	179	X 4-1/2 X 4-1/2				
	1 LOCKSET (LEVER TYPE)	D50	PO RHODES				
	1 STOPS	W9	X				
GROUP 2	1-1/2 PARR BUTTS	179	X 4-1/2 X 4-1/2				
	1 LOCKSET (LEVER TYPE)	D50	PO RHODES				
	1 STOPS	W9	X				
	1 CLOSER	1705					

WALL LEGEND

- EXISTING WALLS TO BE REMOVED
- ==== EXISTING WALLS TO REMAIN
- ===== EXISTING ONE HOUR RATED OCCUPANCY SEPARATION WALLS TO REMAIN PER CBC 608.508.3 TABLE 608.4 AND TABLE 720.1(2) ITEM 13.1.2 (CLASS C RATING) PER 802.9
- ||||| 3-5/8" X 25 GA STEEL STUDS @ 24" OC WITH 5/8" TYPE 'X' GYP. BD. ON EACH SIDE TO CEILING HEIGHT (USE W/R AT WET WALLS)



REVISIONS

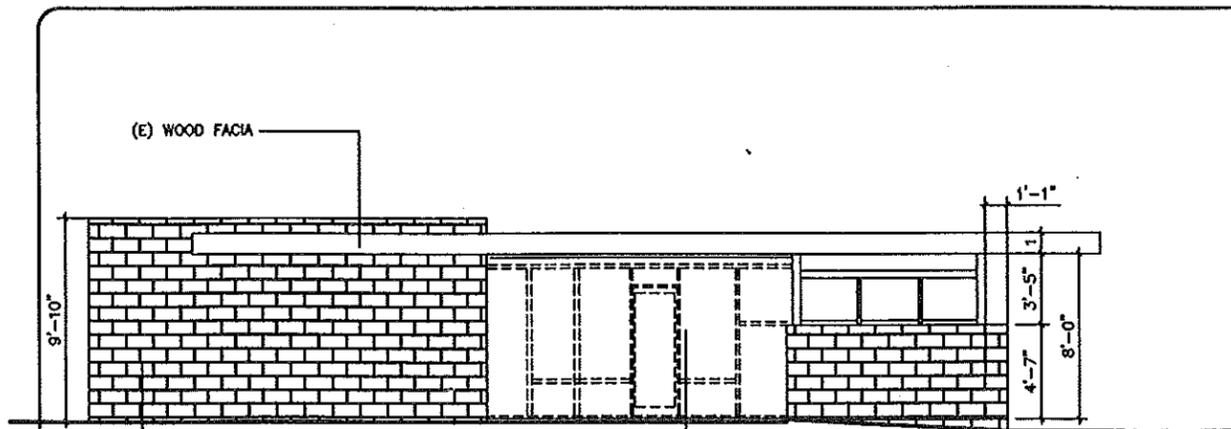
RAINBOW CHILDHOOD DAY CARE
 227 S. MAIN STREET
 MILPITAS, CA 95035



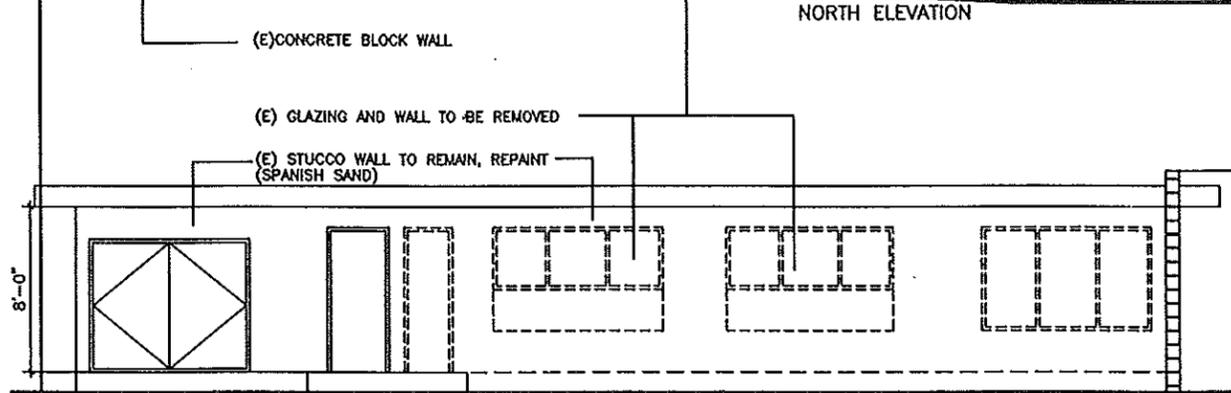
LRS ASSOCIATES
 ARCHITECTURE AND PLANNING

102 PERIAN DRIVE SUITE 201 BURNING WOODS, CALIFORNIA 94028 (408) 746-0351 FAX (408) 746-0356

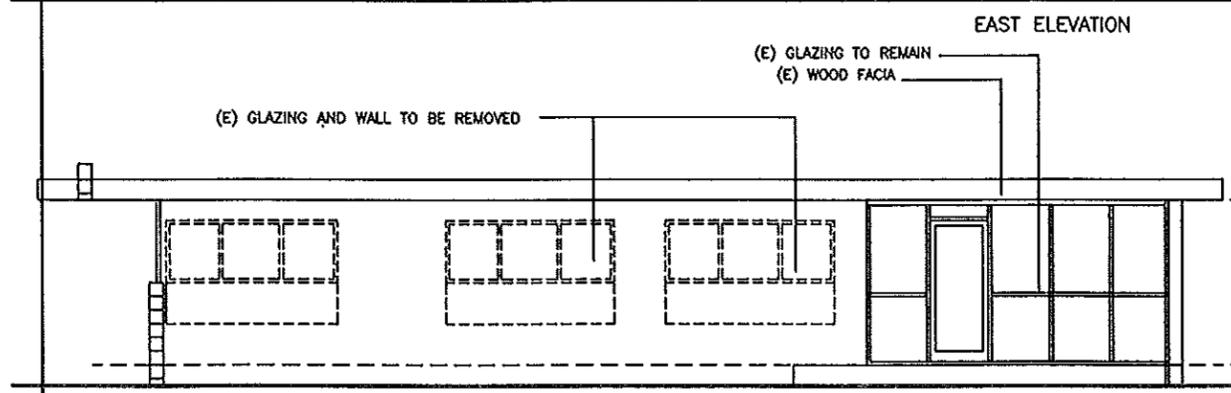
ARCHITECT
 DATE 7-1-2013 PROJECT NO. 35.2042
 SCALE 1/4"=1'-0" DRAWN JW
 SHEET



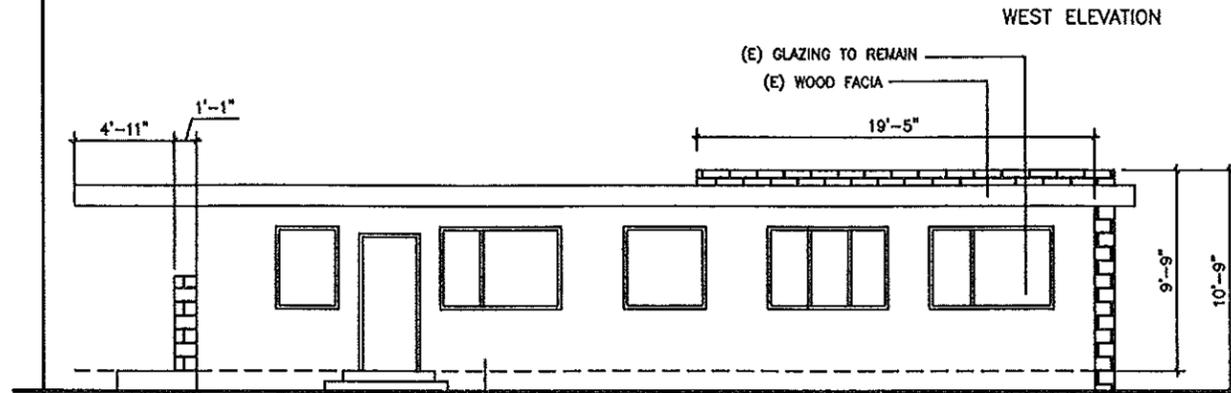
NORTH ELEVATION



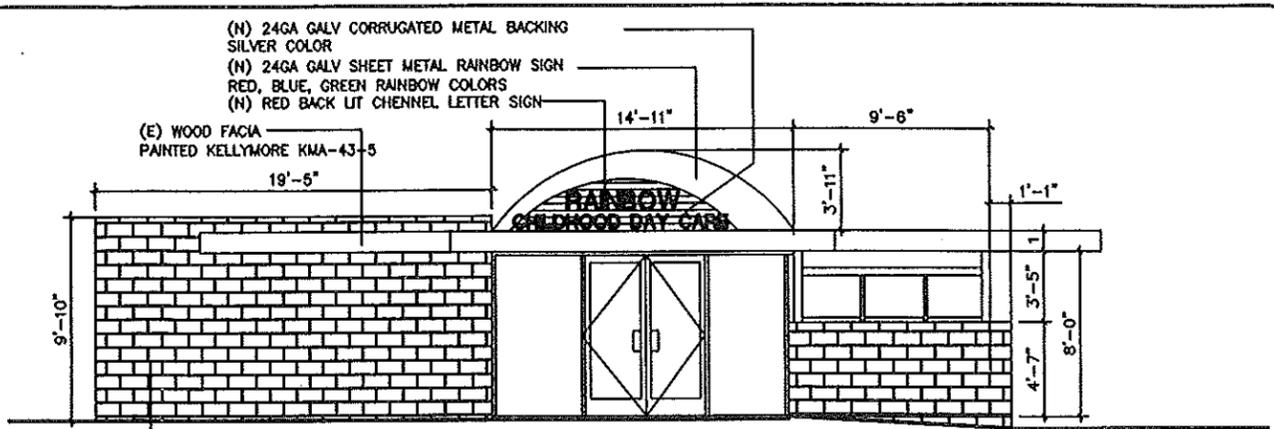
EAST ELEVATION



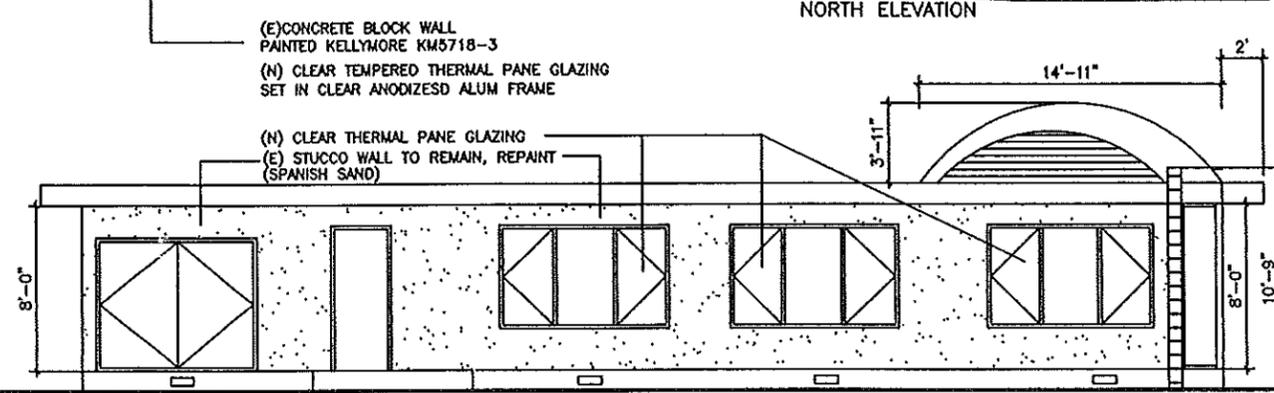
WEST ELEVATION



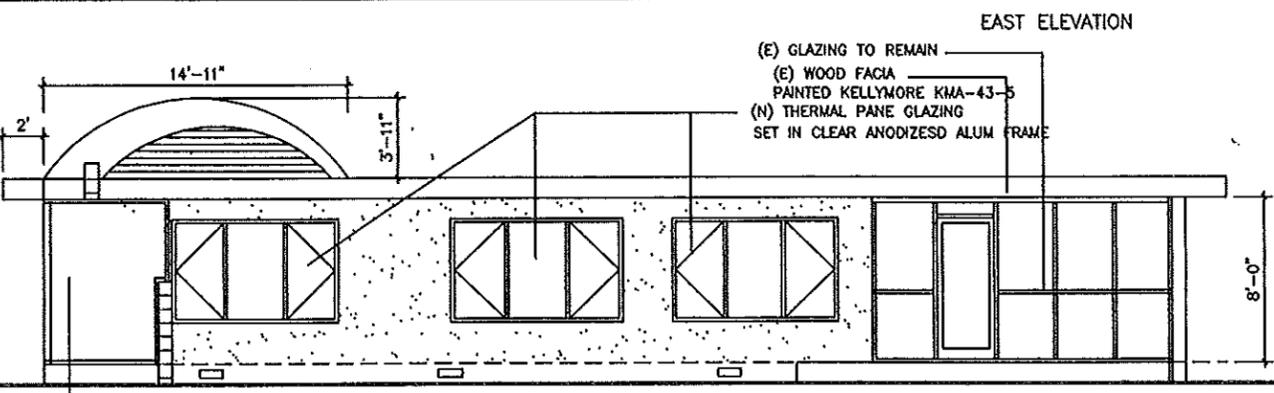
SOUTH ELEVATION



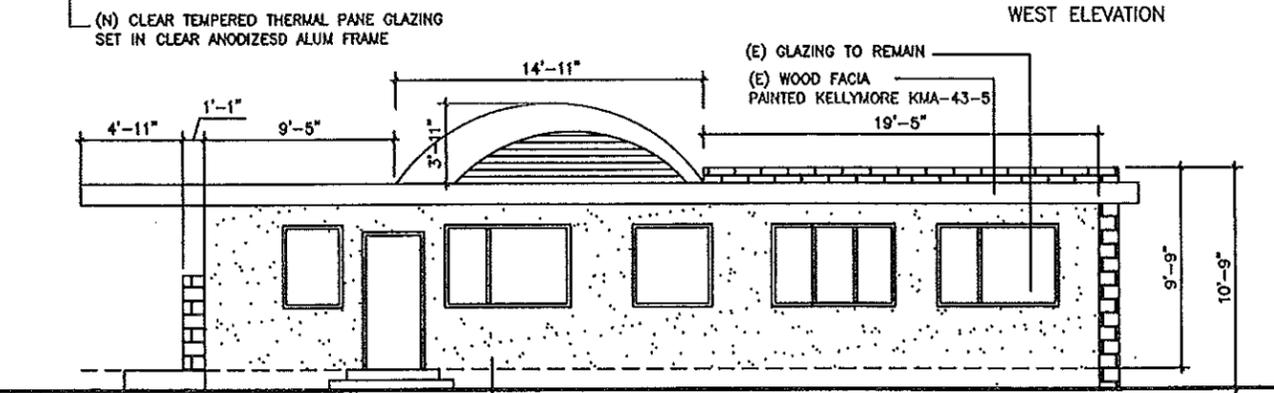
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

EXISTING AND DEMOLITION ELEVATIONS

1/4" 2

NEW ELEVATIONS

1/4" 1

REVISIONS

RAINBOW CHILDHOOD DAY CARE
227 S. MAIN STREET
MILPITAS, CA 95035



LRS ASSOCIATES
ARCHITECTURE AND PLANNING
102 FERRELL DRIVE SUITE 201 SUNNYVALE
CALIFORNIA 94089 (408) 745-0391
FAX (408) 745-0396

ARCHITECT	
DATE	PROJECT NO.
7-2-2013	35.2942
SCALE	DRAWN
1/4"=1'-0"	JW
SHEET	

A-3

OF SHEETS ATTACHMENT B

