



MILPITAS PLANNING COMMISSION STAFF REPORT

October 14, 2015

APPLICATION: **Day Star Montessori CUP Amendment, Conditional Use Permit Amendment No. UA14-0006**
A request for a Conditional Use Permit Amendment to allow for the expansion of an existing preschool facility for a maximum of 150 students in an existing commercial building.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 15-026 approving Conditional Use Permit Amendment No. UA14-0006 to allow for the expansion of an existing preschool facility for a maximum of 150 students in an existing commercial building located at 215 Dempsey Road, subject to the findings and Conditions of Approval.**

LOCATION:
Address/APN: 215 Dempsey Road (APN: 088-01-034)

PEOPLE:
Project Applicant: Andrew Leahy, Director of Operations, Montessori West Inc.
Consultant(s): Ellen Hartog, Architect
Property/Business Owner: Same as applicant
Project Planner: Tracy Tam, Assistant Planner

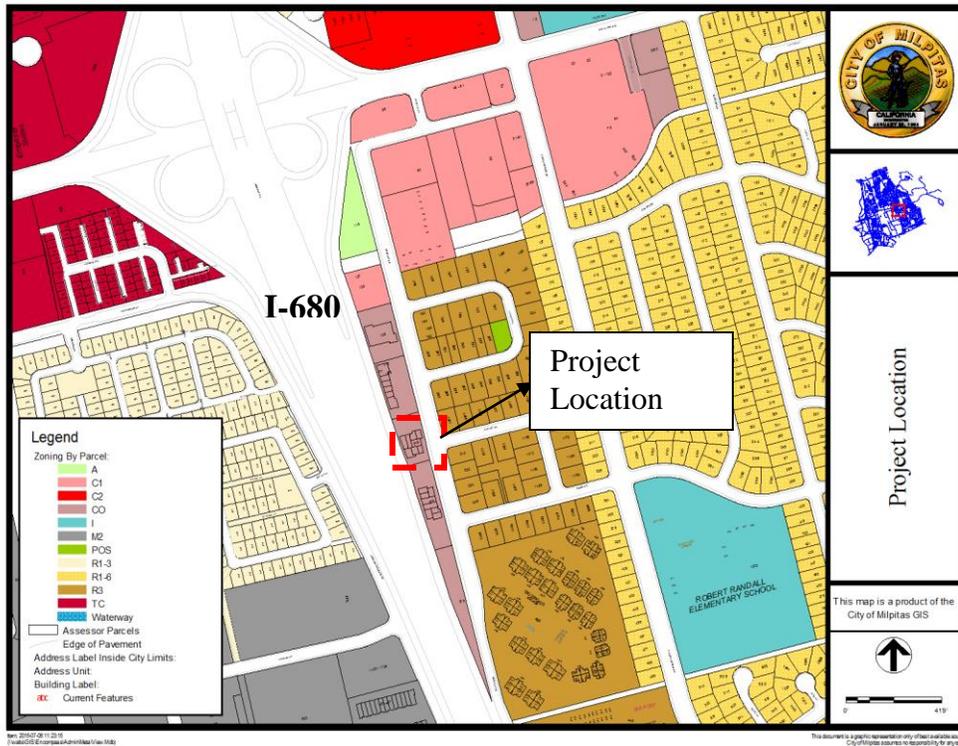
LAND USE:
General Plan Designation: Professional and Administrative Office (PAO)
Zoning District: Administrative and Professional Offices (CO)
Overlay District: Site and Architectural Overlay (-S)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) amendment to allow for the expansion of an existing preschool/day care use. The project proposes to convert office space into additional classrooms and an administration area and does not propose to increase the overall square footage of the building. The facility is currently licensed for 90 children and the project proposes a maximum of 150 children. The project is consistent with the General Plan, Zoning Ordinance and Child Care Master Plan and staff recommends that the Planning Commission approve the project subject to the findings and Conditions of Approval.

Map 1 Project Location



Map 2 Project Site



Additional Pictures



Figure 1: Existing Commercial Building



Figure 2: Existing outdoor play area

BACKGROUND

History

In 1991, the Planning Commission approved Use Permit No. 1091 to allow for the operation of a preschool and daycare facility within an existing commercial building at 215 Dempsey Road. The application also requested an “S” Zone amendment to allow for a 6 foot tall fence for the proposed playground area. The preschool and daycare facility proposed a total of 90 children and 9 employees.

In 1992, the Planning Commission approved an amendment to Use Permit No. 1091 to allow for the loss in on-site parking in order to enlarge the existing enclosed playground area. The Planning Commission also allowed the project to utilize the 1 parking space per classroom parking ratio as opposed to the 1 parking space per 500 square foot parking ratio and allowed on-street parking to be counted towards the parking requirement.

The Application

The following is a summary of the applicant’s request:

- *Conditional Use Permit Amendment:* To allow for the expansion of an existing preschool/day care center within an existing commercial building, with no additional square footage requested.

PROJECT DESCRIPTION

Overview

The applicant is requesting a further amendment to Use Permit No. 1091 to allow for the expansion of an existing preschool/daycare facility. Day Star Montessori is the only tenant in the building. The proposed expansion of the preschool and daycare facility is not increasing the overall square footage of the building, but rather, reconfiguring the interior space by removing partition walls and converting office and storage space into two classrooms and an administration area. The project also proposes minor site alterations, namely, restriping of the ADA parking space. According to the Department of Social Services, this childcare facility is currently licensed for 90 children. With the expansion, the project is intending to increase the number of children by 60, bringing the total number of children to 150.

The hours of operation for the facility are not changing and will remain from 7:00AM to 6:00PM.

Location and Context

The project is located in the southeast portion of the City and is within ¼ mile of Selwyn Park and Robert Randall Elementary School. Table 1 summarizes the surrounding zoning districts. Vicinity and location maps of the subject site are included on the second page.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject	Professional and	Administrative and	Preschool and Daycare facility

Site	Administrative Office (PAO)	Professional Offices (CO)	
North	Professional and Administrative Office (PAO)	Administrative and Professional Offices (CO)	Buddhist Compassion Relief Tzu-Chi Foundation
South	Professional and Administrative Office (PAO)	Administrative and Professional Offices (CO)	Huntsford Printing and Graphics
East	Multi-Family Residential High Density (MFH)	Multi-Family Residential, High Density (R3)	Residential
West	Single Family Medium Density (SMD)	Single Family Residential (R1-3)	Interstate 680

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan

The project conforms to the intent of the Professional and Administrative Office General Plan Land Use designation in that it increases the existing stock of child care service to serve residents and businesses in the City. The project also complies with Land Use policy 2.a-I-33, as discussed further in Attachment A.

Zoning Ordinance

The project complies with the development standards set forth in the Zoning Ordinance. As noted above, the project does not propose any addition of square footage to the building and only minor site alterations (i.e. restriping of ADA parking space). The setback requirements, Floor Area Ratio (FAR) and landscaping requirements remain the same. The nature of the project site remains largely unaltered, but due to the reconfiguration of internal square footage and intensification of the use, the project is required to meet the current parking requirement (discussed below).

Child Care Master Plan

The project is also consistent with the Milpitas Child Care Master Plan in that it promotes the development of additional child care facilities within city limits and encourages new child care facilities to offer a variety of child care types in order to meet specific needs.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Administrative and Professional Offices (CO) Zoning District.

Table 2: Summary of Development Standards

	Standard	Proposed	Complies?
<u>Setbacks</u> (Minimum)			

	Standard	Proposed	Complies?
Front	10 feet	10 feet	Yes
Side Yard Setback (Interior)	10 feet	69 feet on north side and 79 feet on south side	Yes
Rear	10 feet	11 feet	Yes
<u>Floor Area Ratio</u> (Maximum)	0.50	No increase in bldg. sq. ft.	Yes
<u>Landscaping</u>	None	Yes, all sides of the parcel	Yes

The project does not propose any exterior building modifications and the construction is limited to the interior of the building. The tenant improvements include removing interior walls, creating new restroom facilities, storage facilities, a check-in area, and constructing a new wall to separate unit 217 Dempsey from the new classroom.

Parking

Per Municipal Code Section XI-10-53.03, off-street parking spaces for commercial uses are to be provided in accordance with the schedule set out in Table 53.09-1 (‘Number of Parking Spaces Required’). Table 53.09-1 provides that a daycare use requires 1 parking space per classroom or 1 parking space per 500 square feet, whichever is greater. The project proposes to add two additional classrooms, approximately 2,482 additional square feet. The 1 per 500 square feet parking ratio is used since it is the greater amount. Based on an area of 2,482 square feet, the parking requirement is 14 parking spaces for the daycare use.

In addition to off-street parking spaces, the footnotes to Table 53.09-1 also list the required number of loading and unloading parking spaces for child care uses: 1 parking space per 6 children, up to 5 spaces, and thereafter 1 parking space per 10 children. Based on an increase of 60 children, the loading and unloading requirement is 17 parking spaces.

The total parking requirement for the proposed project is thus 31 parking spaces. According to footnote 3 to Table 53.09-1 (‘Number of Parking Spaces Required’), the Planning Commission has the discretion to reduce the parking and loading/unloading requirements for child care uses if the applicant provides an empirical study which establishes that there will be no adverse effects as a result of the reduction. Table 3 summarizes the parking requirements.

Table 3: Parking Requirements

Use	Parking Ratio	Required Parking	Provided Parking	Complies?
<u>Day Care/Preschool</u>	1 per classroom or 1 per 500 sq. ft., whichever is greater	14 parking spaces		Yes
<u>Loading and Unloading for</u>	1 parking space per 6 children, up to 5 spaces	17 parking spaces		Yes*

Use	Parking Ratio	Required Parking	Provided Parking	Complies?
<u>Daycare Use</u>	and thereafter 1 space per 10 children			
<u>Total Required</u>		31 parking spaces		
<u>Total Provided</u>			18 parking spaces	
<p>*Pursuant to footnote 3 in Table 53.09-1 (Number of Parking Spaces Required) of the Milpitas Municipal Code, the Planning Commission has the discretion of reducing the parking and loading and unloading requirements for child care facilities, only if an empirical study is submitted and establishes that no adverse effects will occur as a result.</p>				

The applicant conducted an informal parking study using standards and practices set by the Institute of Transportation Engineers (ITE) to determine the capacity of the parking lot, adjacent parcels and the public street (Dempsey Road) during various times of the day. The purpose of the parking study was to determine the actual occupancy rates of the parking lot throughout the day. The results of the parking study (contained on Page 16 of Attachment B), indicate that the parking lot had an average maximum capacity of 51% at 10:00am during the week. While this parking study is based on the current number of students enrolled (90 students), the methodology is that not all children are arriving at the same time, and therefore not all parking spaces will be utilized at one time for the purpose of dropping off and picking up children. The increase in children and the demand in parking can be offset by staggering the classroom hours and drop-off and pick-up times. As shown in Attachment B (Project Description) and discussed below, the applicant will offer a variety of programs with staggered commencement and completion times that will eliminate any traffic impact.

Drop-Off and Pick-Up/Staggered Classroom Hours

This preschool/daycare facility offers three types of program, all with half day service and full day service. The drop-off and pick-up times are largely dependent on the type of program and the type of service.

Furthermore, the applicant has suggested offering an incentive program to reduce the number of vehicles coming to the site (page 18 of Attachment B). The applicant has proposed a monthly discount for families who use alternative transportation options to the project site.

The Planning Commission, in its discretion, may grant a reduction in the parking and unloading and loading parking requirement based on an empirical study which establishes that no adverse effects will occur as a result. Staff has analyzed the parking study, as well as the schedule of proposed programming analyzed above, and is in agreement with the conclusion that these measures will be sufficient to obviate any traffic impact as a result of the intensified utilization of the project site.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action. Staff has found that the proposed project is consistent with the General Plan,

Zoning Ordinance, Child Care Master Plan, and all required Findings. The findings for approval are discussed in detail in Attachment A (Resolution 15-026).

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. Section 15301 applies to projects that involve interior alterations (interior partition, plumbing and electrical conveyances) and Section 15303 applies to projects where there is a conversion of one use to another where only minor alterations are made. Since the project proposes interior alterations and a conversion of one use to another (office and storage into classrooms), Sections 15301 and 15303 of the CEQA guidelines apply to this project.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on October 2, 2015. In addition, 890 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

In summary, the applicant is requesting a Conditional Use Permit Amendment to allow for the expansion of an existing preschool facility. The expansion is merely reconfiguring internal space and is not increasing the overall square footage of the commercial building. The project complies with the development standards and parking requirements set aside in the Milpitas Municipal Code and is consistent with the Milpitas General Plan and Child Care Master Plan.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing to receive comments;
2. Adopt Resolution 15-026 approving Conditional Use Permit Amendment No. UA14-0006 to allow for the expansion of an existing preschool facility for a maximum of 150 students located at 215 Dempsey Road, subject to the findings and Conditions of Approval.

ATTACHMENTS

- A: Resolution 15-026
- B: Project Description, Parent's Handbook
- C: Project Plans