



MILPITAS PLANNING COMMISSION STAFF REPORT

February 24, 2016

APPLICATION: **MAIN STREET MONTESSORI CUP AMENDMENT, Permit No. P-UA15-0009** - A request for a Conditional Use Permit Amendment to allow for a 2,946 square foot expansion to an existing child care facility.

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 16-006 approving Conditional Use Permit Amendment No. UA15-0009, subject to the attached Conditions of Approval.**

LOCATION:
Address/APN: 630 South Main Street (086-25-027)
Area of City: Midtown Specific Plan

PEOPLE:
Project Applicant: Collen Noll, Main Street Montessori School, Inc.
Consultant(s): Mark Stoklosa, Mark Stoklosa Architect Inc.
Property/Business Owner: Donald Peoples, DJP Enterprises LLC
Project Planner: Bhavani Potharaju, Contract Assistant Planner

LAND USE:
General Plan Designation: Mixed Use (MXD)
Zoning District: Mixed Use (MXD)
Overlay District: Site and Architectural Overlay (-S)
Specific Plan: Midtown Specific Plan
Site Area: 1.65 acres

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects) 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 child care facility. The child care facility was previously approved for 6,413 square feet, and the facility was operating in 5,604 square feet. The applicant proposes to increase the total area of the child care facility to 8,550 square feet. The tenant improvements include adding more tenant space, reconfiguring the walls to add a classroom, staff room, restrooms, office spaces, and remodeling of the lobby. The facility was previously approved for 72 children and the project proposes a maximum of 94 children. The project is consistent with

the General Plan, Zoning Ordinance, Midtown Specific Plan 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



No scale

BACKGROUND

History

In 2012, the Planning Commission approved Conditional Use Permit No. UP11-0041 and Site Development Permit Amendment Permit No. SA11-0007 to locate a 6,413 square foot child care facility within an existing two story commercial building and allowed various site improvements including a 2,730 square foot outdoor play area that included play structures, seating areas, and new fence enclosure at 630 South Main Street.

The Application

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

- *Conditional Use Permit Amendment:* The applicant is requesting for a Conditional Use Permit Amendment to allow for a 2,946 square foot expansion to an existing child care facility.

PROJECT DESCRIPTION

Overview

The project site is situated on a 1.65 acre site located at 630 South Main Street. The 29,000 square foot building at the project site is currently occupied by an indoor recreational facility (Great Jump Sports), professional offices, and 6,413 square feet of Main Street Montessori as tenants. The applicant is requesting an amendment to Use Permit No. UP11-0041 to allow an expansion to the existing child care facility. The child care facility was previously approved for 6,413 square feet, and the facility was operating in 5,604 square feet. The applicant proposes to increase the total area of the child care facility to 8,550 square feet. The tenant improvements include adding more tenant space, reconfiguring the walls to add a classroom, staff room, restrooms, office spaces, and remodeling of the lobby. The facility was previously approved for 72 children and the project proposes a maximum of 94 children. The proposed child care center will operate from 7:00 AM to 6:00 PM, Monday through Friday.

Location and Context

The site is bounded by a vacant lot to the north, commercial building to the west, a religious facility to the south, and industrial use to the east. The project site is located within the Mixed Use zone and the Midtown Specific Plan, which allows for a mix of commercial and residential uses. Vicinity and location maps of the subject site location are included on the previous page.

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Mixed Use (MXD)	Mixed Use (MXD)	Preschool and Daycare facility
North	Mixed Use (MXD)	Mixed Use (MXD)	Vacant land
South	Mixed Use (MXD)	Mixed Use (MXD)	Jain Center of Northern California
East	Multi-Family Residential, Very High Density (R4)	Multi-Family Residential, Very High Density (R4)	Hansen Auto Transport
West	Mixed Use (MXD)	Mixed Use (MXD)	Commercial

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan

The project conforms to the intent of the Mixed Use (MXD) General Plan Land Use designation. The project 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-6 and 2.a-I-7.

Zoning Ordinance

The project complies with the development standards set forth in the Zoning Ordinance. The project does not propose any addition of square footage to the building, they will only be increasing tenant space and making interior modifications. 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 as 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 project proposes no exterior changes to the building and would maintain existing building setbacks, height, and floor area ratio, which is consistent with the development standards of the Mixed Use Zone (MXD)

Access, Circulation, and Parking

Access to the project site is provided by two driveways that are located along South Main Street that provides right turn-in and left turn-out movements at each driveway entrance. Internal circulation is provided by 25-foot wide drive aisles that loops around the back of the building and connects the north and south drive way. Pedestrian access is provided by a public sidewalk located along the South Main Street frontage and striped pedestrian walkways along the perimeter of the building.

Parking

Table 2 demonstrates the project's compliance with the Zoning Code parking standard per *Section XI-10-53 Off-Street Parking*.

Table 2: Parking Summary

Uses	Parking ratio	Square footage/ persons	Required parking
<i>Child Care Center</i>			
<i>Classroom</i>	1/500 gross floor area (GFA)	3,251 sq. ft.	6
<i>Office</i>	1/240 GFA	1,606 sq. ft.	6
<i>Storage</i>	1/1500 GFA	1,396 sq. ft.	1
<i>Loading and Unloading</i>	1 per 6 children; up to 5 spaces and thereafter 1 per 10 children	94 students	9
Total Number of Spaces Required for school			22
Total number of Space Required for 11,382.7 sq. ft. of Great Jump Sports at the rate of 1 space per 200 sq. ft.			57
Total number of Spaces Required for Other Offices (1465.3 sq. ft.) in the building at the rate of 1 space per 240 sq. ft.			6
Total Number of Spaces Required on site			85
Total Number of Parking Spaces Available*			84
Total Number of Parking Spaces to be accommodated			1
*The four motorcycle parking spaces are considered as two spaces in the total calculation. *The area of refuge to be converted into two parking spaces. *The two parking spaces behind the exit are considered in the parking calculation on a condition that the exit will remain closed and will be relocated to the existing playground at a later stage.			

Application of the parking requirements appears to leave the project one parking space short. However, Zoning Ordinance Section XI-10-53.09-1 (*Number of Parking Spaces Required Table, note 3*), provides that the required number of loading/unloading spaces maybe reduced by one space per each employee permanently assigned to load and unload children from vehicles. The applicant has committed to requiring the child care facility to appoint a permanent staff member to load and unload children. This commitment, which will be enforced as a condition of approval, thus reduces the project’s total parking requirement to 84 spaces, and the project therefore complies with the City’s parking requirements.

FINDINGS

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.

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

- a. *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 proposed expansion of an existing child care facility will serve the community, and, as designed, have no detrimental or injurious impacts on the property or improvements in the vicinity of the property. The operation of the facility will be in compliance with all local, state, and federal regulations.

b. *The proposed use must be consistent with the Milpitas General Plan*

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

Table 3: General Plan Consistency

Policy	Consistency Finding
<p><i>2.a-I-6</i> <i>Publicize the position of Milpitas as a place to carry on compatible Industrial and Commercial activities with special emphasis directed the advantages of the City’s location to both industrial and commercial use.</i></p>	<p>Consistent. The project would serve local residents as well as support employment centers in the nearby commercial and industrial areas by providing quality child care.</p>
<p><i>2.aI-7</i> <i>Provide opportunities to expand employment opportunities in partnerships with local businesses to facilitate communication, and promote business retention</i></p>	<p>Consistent. The project would provide employment opportunities and revitalization of the commercial center by replacing a vacancy with a use that would be complementary to existing restaurant, office, and recreational uses within the center.</p>

c. *The proposed use must be consistent with the Milpitas Zoning Ordinance.*

The proposed expansion of the child care center conforms to the Milpitas Zoning Ordinance in that the use is a conditionally permitted use in the Mixed Use Development Zoning district and complies with the development standards and parking requirements. The project does not propose any exterior building modifications and the construction is limited to the interior of the building. The tenant improvements include adding more tenant space, reconfiguring the walls to add a classroom, staff room, restrooms, office spaces, and remodeling of the lobby.

d. *The proposed use must be consistent with the Milpitas Midtown Specific Plan.*

The table below outlines the project’s consistency with the goals and implementation policies of the Milpitas Midtown Specific Plan. Since the project will not require 50% more additional parking for the proposed child care use or propose modifications that increase the floor area or new building construction, the application is not subject to site and architectural upgrades as required by the Midtown Specific Plan.

Table 4: Milpitas Midtown Specific Plan Consistency

Policy	Consistency Finding
<p><i>Childcare Policy No. 3.22:</i> <i>Encourage the provision of childcare services to support demand generated by Employees and residents in the Midtown Area.</i></p>	<p>Consistent. The proposed enlarged child care center would accommodate 94 children and would serve surrounding high density residential development in the Midtown Area and employment centers along I-880.</p>

e. *The proposed use must be consistent with the 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 dated April 2, 2002.

Table 5: Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
<i>Long Range Goal: Every child and family has access to affordable, safe, quality child care</i>	Consistent. The project proposal is a 2,946 square foot expansion to an existing child care facility. The facility will accommodate 94 children and serves surrounding high density residential development in the Midtown Area.
<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 proposes to increase the number of students in an existing care facility within the city limits.

ENVIRONMENTAL REVIEW

Categorically Exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) as the project consists of the minor alteration of existing private structures and features and involves negligible expansion of use, and Section 15332 (In-Fill Development Projects) as the project is consistent with the general plan designation, and all applicable general plan policies, as well as with applicable zoning designation and regulations; it is situated within City limits on a project site of no more than five acres substantially surrounded by urban uses; the site has no value as a habitat for endangered, rare, or threatened species; approval of the project will not result in any significant effects related to traffic, noise, air quality, or water quality; and the site is adequately served by all required utilities and public services.

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 February 12, 2016. In addition, 1,927 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 conclusion, the proposed project is consistent with the policies and guiding principles identified in the General Plan and satisfies the requirements specified in the Municipal Code. The proposed use will contribute towards City’s economic development goals and provide necessary public infrastructure improvements.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution 16-006 approving Conditional Use Permit Amendment No. UA15-0009 to allow for the expansion of an existing preschool facility for a maximum of 94 students located at 630 South Main Street, subject to the findings and Conditions of Approval.

ATTACHMENTS

A: Resolution 16-006

B: Project Plans