



Agenda Report

21-986

Agenda Date: 8/25/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Action on a Use Permit for Agape Playschool / Learning Center to allow outdoor activity associated with a child daycare facility at 3700 Thomas Road

REPORT IN BRIEF

Project: Use Permit to allow outdoor activity associated with a proposed child daycare/preschool facility on a property zoned Light Industrial (ML) located at 3700 Thomas Road.

Applicant: Isadore and Adlin Netto, Agape Playschool / Learning Center

General Plan: Low Intensity Office/Research and Development (R&D)

Zoning: Light Industrial (ML)

Site Area: 0.64-acre parcel.

Existing Site Conditions: One 9,352 square foot two-story mixed-use commercial/office building, surface parking lot and peripheral site landscaping

Surrounding Land Uses

North: Montague Expressway and Industrial uses

East: Thomas Road and Industrial uses

South: Industrial uses

West: Montague Expressway and Industrial uses

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the Resolution approving the Use Permit, subject to conditions of approval.

BACKGROUND

A Use Permit and Variance were approved in June 2002 to allow development of a 9,532 square foot two-story mixed-use building with ground floor retail and second floor office uses on the project site; at a reduced street front setback of 7 feet where 15 is required and parking count of 33 spaces where 39 spaces are required. The site was developed with a service aisle extending off the center driveway aisle serving the site to the east side of the building for access to a service bay and 1,880 square foot auto repair tenant space in Suite 107. This tenant space was subsequently occupied by a child learning center (Tulip Kids) and modified to replace the service bay with windows while retaining the service aisle to the building. The use did not include outdoor activities and ceased operations in March 2020.

On February 11, 2021, the applicants filed an application for a Use Permit to allow outdoor activity associated with a new daycare/pre-school (Agape Playschool / Learning Center) in the vacated Suite 107. The proposal is to retain the existing interior floor plan of the tenant space and convert the

service aisle into a secured outdoor recreation area for child learning and play. The daycare/preschool is to operate weekdays (Monday through Friday) from 8:00 a.m. to 6:00 p.m. and serve toddlers 18 months to 5 years in age. The facility would accommodate up to 30 children and provide 4 teachers and a director on-site. The applicants have provided a detailed project description that is attached for review as Attachment 2.

DISCUSSION

The application involves the conversion of the existing service aisle to a secured outdoor recreation area for child learning and play and requires a Use Permit to allow outdoor activities on the ML zoned property. The proposed outdoor recreation area is to occupy approximately 1,050 square feet of the paved service aisle adjacent to the indoor daycare/preschool occupation of the tenant space (Suite 107); behind the Montague Expressway/Thomas Road intersection and 15-foot landscape setback at the northeast corner of the project. As proposed by the applicant, the recreation area is to include outdoor gardening, toddler slides and an art area. The project includes the installation of a six-foot tall security fence to encircle the play area and separate it from the central driveway aisle serving the site. A locked gate entry provides access in and out of the play area near the front of the building. Exterior lighting onto the play area would be provided by exterior lighting along the east building elevation and street lighting along Thomas Road.

General Plan Conformance

The project site has a General Plan designation of Low Intensity Office/ R&D. This designation is intended for high rise or campus like developments for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Permitted uses include offices and prototype R&D uses. Data centers that serve the use on site as well as accessory, or secondary small-scale supporting retail uses that serve local employees and visitors are permitted.

While a General Plan conformance finding is not a requirement for approval of a Use Permit, the following policies are presented for consideration.

5.3.1-P21 Allow Public/Quasi Public uses, including places of assembly such as places of worship, schools, emergency shelters and convalescent homes, in all General Plan designations, provided that access is from a Collector or larger roadway, and that they are compatible with planned uses on neighboring properties and other applicable General Plan policies. Such uses not associated with government operations are prohibited in areas designated Light Industrial or Heavy Industrial, and in areas designated High or Low Intensity Office/Research and Development outside the Exception Area.

5.3.1-P22 Encourage conveniently located child care and other family support services in the community, except in areas designated for Light and Heavy Industrial Uses. [The project is designated for Low Intensity Office/R&D uses.]

5.3.5-P17 Prohibit places of assembly, such as religious institutions, schools and uses catering predominantly to sensitive receptors, such as children and the elderly, as well as entertainment uses south of U.S. Highway 101, such as clubs, theaters and sports venues, from sites designated as Light Industrial or Heavy Industrial and in areas designated High or Low Intensity Office/R&D and Development outside the Exception Areas.

The subject site is located on a property developed with a mix of commercial and office uses. It is

bounded by a major traffic corridor to the north (Montague Expressway) with office/research and development (Intel) and commercial/retail uses beyond and a collector street (Thomas Road) with fronting industrial and commercial warehouse uses to the east. Further east and southeast are heavy industrial uses such as Air Products, CEMEX and Granite Construction approximately 1,200 to 1,300 feet from the project site. Commercial and industrial warehouses with large surface parking lots are located immediately to the south. The nearest residential tracts are located approximately 1,300 feet to the north and 2,000 feet to the east. U.S. Highway 101 is located to the south of the project site.

Zoning Conformance

Outdoor recreation and assembly are conditional uses in the Light Industrial (ML) zoning district. Pursuant to Section 18.48.040(e) of the Santa Clara City Code, uses that are not permitted by right that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the ML zone with a Use Permit, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs.

Parking and Site Circulation

The project would not alter the existing parking layout. The proposed daycare/preschool would share the existing 33 parking spaces with all tenants and customers of the site. Of the 33 parking spaces, five are identified for short term parking. Parking is prohibited on both sides of Thomas Road. A Transportation Operation Analysis was prepared by Hexagon Transportation Consultants (Attachment 4) to evaluate parking impacts with the proposed project. The study anticipates that parking would not be impacted during the AM child drop-off period (8:00 to 8:25 AM) as many of the businesses are not open during this time. Many of the business would be open during the PM child pick-up period (5:45 to 6:00 PM). The study recommends that the project applicant monitor parking availability and in the event of a shortage, stagger the student pick-up times for parents to pick up their child.

The Transportation Operation Analysis also evaluated ingress / egress from the project site during the AM and PM peak hours due to the proximity of the site driveway to the Montague Expressway / Thomas Road intersection. The study noted that sight visibility at the full access driveway would remain unobstructed with installation of the proposed security fence to allow clear sight visibility for outbound vehicles. Based on the Institute of Transportation Engineers data for Daycare Centers, the project is estimated to generate 23 AM peak trips (12 inbound and 11 outbound) and 24 PM peak trips (11 inbound and 13 outbound) and result in less than 110 additional vehicle trips per day - which is below the threshold for requiring a vehicle miles travelled analysis. The study states that the project driveway is often blocked by vehicles queuing in the left turn lane on Thomas Road to Montague Expressway during the AM and PM peak period under existing conditions and notes that this information is based on peak hour traffic volumes at the intersection collected prior to the COVID 19 pandemic. It also states that the proposed daycare is expected to add only one vehicle to the northbound left-turn lane and would not increase the vehicle queue during the AM and PM peak hours.

The evaluation concluded that the project-generated trips at the driveway are not expected to substantially affect current driveway conditions. If on-site queuing is a problem, the study recommends the installation of signage on the project site to restrict outbound driveway traffic to right turns only during peak period.

Conclusion:

The project site allows for a preschool limited to indoor activities as a permitted use. Under discretion by the Planning Commission is the outdoor use associated with the proposed daycare/preschool on the site. The project site is located adjacent to a heavy travelled traffic corridor in proximity to a variety of uses that include high employment companies, light and heavy industrial businesses, and outer residential tracts and would provide a needed service to these and other employment sectors in Santa Clara. Recommendations provided in the Transportation Analysis are incorporated into the project Conditions of Approval (Attachment 5) to address parking and on-site queuing concerns.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") per CEQA Guidelines section 15303 (Class 3 - "New Construction or Conversion of Small Structures"). Under Class 3, the conversion of existing small structures from one use to another, where only minor modifications are made in the exterior of the structure, are exempt from environmental review. Here, the proposal is to convert an existing service aisle to a secured outdoor recreation area for learning and play involving a minor modification to the exterior of the structure.

FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

In accordance with the City's Public Outreach Policy, the applicants conducted a noticed Community Meeting via Zoom on June 2, 2021 from 6:00 p.m. to 7:15 p.m. The applicants mailed out flyers to property owners within 500 of the project site boundaries. The applicants provided a presentation which was followed by discussions with staff and the traffic consultant regarding findings of the traffic analysis conducted for the project, and with the applicant and project architect regarding use, parking and loading, and security fencing. There were no public participants either through Zoom or email. The meeting was recorded and is accessible on the City's website at <https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/403/2495?npage=2> .

On August 12, 2021, a notice of public hearing on this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 500 feet of the project site. At the time of this staff report, Planning staff has not received public comments in support or opposition to the proposed project.

RECOMMENDATION

Adopt a Resolution to approve a Use Permit to allow outdoor activity associated with a child day care facility at 3700 Thomas Road.

Prepared by: Debby Fernandez, Associate Planner
Reviewed by: Alexander Abbe, Assistant City Attorney
Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Resolution Approving a Use Permit
2. Applicant Project Description
3. Project Data
4. Transportation Operation Analysis
5. Conditions of Approval
6. Development Plans