

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR ACTIVITY ASSOCIATED WITH A NEW CHILD DAYCARE FACILITY IN A DOWNTOWN COMMERCIAL (CD) ZONING DISTRICT AT 1190 BENTON STREET, SANTA CLARA, CALIFORNIA, 95050

PLN2018-13352 (Use Permit)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on June 21, 2018, JPT Construction (“Applicant”) submitted an application for a Use Permit to allow outdoor activity associated with a new child daycare facility on two contiguous parcels totaling approximately 0.5 acres at 1190 Benton Street (“Project Site”);

WHEREAS, the Project Site is currently zoned Downtown Commercial (CD) and has a General Plan land use designation of Community Mixed Use;

WHEREAS, the Project Site is developed with an 8,435 square foot commercial building, surface parking lot with 29 parking spaces, and perimeter landscaping;

WHEREAS, the proposal involves the conversion of eight of the 29 parking spaces to an outdoor playground and proposes use of the rear building setback for outdoor recreation use and assembly by children attending the new child daycare facility (“Project”) as shown on the Development Plans attached to this Resolution;

WHEREAS, in order to implement the proposed activity, a Use Permit is required to allow the outdoor activity involving recreation and assembly use;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project;

WHEREAS, the proposed Project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 Existing Facilities, in that the proposed use

consists of construction of new, small structures where only minor modifications are made in the exterior of the structure;

WHEREAS, the Project Site proposes a total of 21 on-site parking spaces which is sufficient to support the proposed use;

WHEREAS, the Use Permit process enables a municipality to exercise control over the extent of certain uses, which, although desirable in limited numbers and specific locations, could have a detrimental effect on the community in specific instances;

WHEREAS, pursuant to Santa Clara City Code (“SCCC”) Sections 18.40.030(a), 18.38.030(a), 18.36. 030(a), and 18.34.030(a)(5), the proposed child daycare facility is classified as a permitted use under Nurseries and Preschools provided the uses shall be conducted wholly within a completely enclosed building; except as provided in SCCC 18.38.040 (c), where an outdoor playground use may be established only by first securing a Use Permit;

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on September 14, 2018, the notice of public hearing for the September 26, 2018 meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to all property owners located within 300 feet of the Project Site; and

WHEREAS, on September 26, 2018, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby finds that approving a Use Permit to allow outdoor activity involving recreation and assembly associated with the operations of a new child daycare facility is consistent with the commercial uses contemplated in the for the Community Mixed Use land use designation for the Project Site and CD zoning district with approval of a Use Permit.

3. That the Planning Commission hereby finds as follows:

A. The establishment or operation of the use of building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare, in that the proposal contributes to the existing diversity of service uses available in the Old Quad/Downtown neighborhood of the City to meet the needs of local neighborhoods and draw patrons from the greater region.

B. Said use will not be detrimental to any of the following:

1. The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposal provides a child daycare facility on a property that is developed with a commercial building and new outdoor recreation and assembly area to meet all the City of Santa Clara codes and regulations, and the project site provides sufficient parking to service the proposed use.

2. Property or improvements in the neighborhood of such property use, in that the proposed use occurs on an existing property that has been previously developed and used for a martial arts instructional facility.

3. The general welfare of the City, in that the proposal contributes to the variety of service uses in the area in a manner that is compatible with the surrounding retail commercial and residential uses.

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed in a manner to be consistent with adjacent commercial

development on Jackson Street and Monroe Street, with adequate parking, and properly designed point of ingress and egress.

D. That said use is keeping with the purposes and intent of the Zoning Code, in that a child daycare center use with an outdoor recreation and assembly area may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties. The proposal is designed in a manner to occur within both designated indoor classroom and outdoor playground areas, provides sufficient parking, and is designed and conditioned in a manner such that the use is compatible with the surrounding residential and commercial uses.

4. That the Planning Commission hereby approves Use Permit PLN2018-13352 to allow outdoor activity involving recreation and assembly to support a new child day care facility at 1190 Benton Street, subject to the Conditions of Approval, attached hereto and incorporated herein by this reference.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 26th DAY OF SEPTEMBER, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF PLANNING & INSPECTION
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans

2. Conditions of Approval

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