

**RESOLUTION NO \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SANTA CLARA, CALIFORNIA, APPROVING AN  
AMENDMENT TO THE EXISTING USE PERMIT (PLN2018-  
13414) FOR OUTDOOR ACTIVITY TO EXPAND THE CURRENT  
CHILD CARE FACILITY AT THE PROPERTY LOCATED AT  
2931 EL CAMINO REAL, SANTA CLARA, CA**

PLN2020-14358 (Use Permit)

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

**WHEREAS**, on March 3, 2020, Vidyarambh Santa Clara LLC (“Applicant”) submitted an application to amend the existing Use Permit (PLN2018-14358) for outdoor activity associated with a child care facility located at 2931 El Camino Real (“Project Site”);

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

**WHEREAS**, the Project Site is developed with a 9,000 square foot commercial building, surface parking lot with 28 parking spaces, and perimeter landscaping and the project would add a 4,307 square foot modular building and provide a total of 44 parking spaces;

**WHEREAS**, the proposal involves the modifying the existing 12,650 square foot outdoor activity area to the west and rear of the existing one-story building to provide a 11,700 square foot area as an outdoor activity area for recreation and assembly by children attending the child care facility, as shown on the Development Plans attached and incorporated into this Resolution;

**WHEREAS**, pursuant to the Santa Clara City Code (“SCCC”) Section 18.38.040(c), Outdoor activity, display, or storage not contained wholly within a completely enclosed building, including auto sales, boat sales, plant nursery, tire sales, and trailer rentals are not permitted by right, but can be conditionally permitted in the CT zoning district, if the Planning Commission approves a Use Permit;

**WHEREAS**, 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 construction and location of limited numbers of new, small facilities or structures, not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive, are exempt from environmental review. Here, the proposal is to add a 4,307 square foot new building to an existing child care facility;

**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 8, 2021, the notice of public hearing for the September 22, 2021 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 500 feet of the Project Site; and

**WHEREAS**, on September 22, 2021, 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 based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare, in that the proposal contributes to the existing diversity of service uses available along

El Camino Real 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 expands the existing child care facility on the property 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, and is unlikely to adversely impact adjacent residential, commercial and retail uses;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use is an expansion of the existing use of child care facility on the property;

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 commercial development on El Camino Real, with adequate parking and proposes a minor modification to the existing outdoor activity area;

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that outdoor recreation and activities on a Thoroughfare Commercial (CT) zoned property may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent residential, commercial and retail uses surrounding the Project Site.

3. That the Planning Commission hereby approves the amendment to the Use Permit to allow expansion of the existing child care facility by adding a 4,307 square foot square foot modular building and modifying the existing outdoor activity area to provide 11,700

square foot of outdoor activity area at the Project Site, as depicted on Exhibit  
“Development Plans,” attached hereto and incorporated herein by this reference.

4. 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 22ND DAY OF  
SEPTEMBER 2021, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:  
1. Development Plans  
2. Conditions of Approval