



## Legislation Details (With Text)

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**Title:** Action to amend the existing Use Permit for outdoor activity to expand the current child daycare facility at 2931 El Camino Real

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Approving a Use Permit, 2. Applicant's Project Description, 3. Project Data, 4. Trip Generation Analysis Report, 5. Noise Study, 6. Conditions of Approval, 7. Development Plans, 8. PMM Staff Presentation

Date	Ver.	Action By	Action	Result
9/22/2021	1	Planning Commission	Read into the record	Pass

## REPORT TO PLANNING COMMISSION

### SUBJECT

Action to amend the existing Use Permit for outdoor activity to expand the current child daycare facility at 2931 El Camino Real

### REPORT IN BRIEF

Project: Amend the existing Use Permit (PLN2018-13414) for outdoor activity associated with the child daycare/preschool facility to allow the expansion of the existing facility and modify the existing outdoor activity area on two contiguous parcels located at 2931 El Camino Real.

Applicant: Vidyarambh Santa Clara LLC

Owner: Minal Jeswani, NATS Retail Partners, LLC

General Plan: Community Mixed Use

Zoning: Thoroughfare Commercial (CT)

Site Area: 1.3 acres (58,000 square feet)

Existing Site Conditions: One 9,000 square foot one-story childcare facility building, one 3,000 square foot shed to the rear (not in project scope), 12,650 square foot outdoor activity area, surface parking lot and peripheral site landscaping.

### Surrounding Land Uses

North: Single Family Residential uses

East: Commercial uses

South: El Camino Real and Commercial uses

West: Commercial uses

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

Staff Recommendation: Adopt the Resolution to approve the amendment to the existing Use Permit (PLN2018-13414) for outdoor activity associated with a child day care facility at 2931 El Camino Real, subject to conditions of approval.

## **BACKGROUND**

A Use Permit was approved on October 24, 2018 to allow a 12,650 square foot outdoor activity area in association with the proposed child care facility in an existing 8,900 square foot one-story building. The applicant obtained building permits for the interior remodel to create 7 classrooms, an office/reception area, and a kitchen. A small exterior addition was added to provide toilet facilities to be accessed from the outdoor playground. The project installed a new covered trash enclosure, onsite landscape improvements and provided 28 parking spaces onsite exceeding the parking requirement in the Zoning Code (9 parking spaces) for childcare facility.

Prior to the 2018 use permit issuance, another tenant, Summer Winds Nursery, occupied the space pursuant to Use Permit case PLN2010-08120. This 2010 Use Permit became null and void after one year following the closure of Summer Winds Nursery. Approximately 40,698 square feet of the of the total 58,000 square feet combined area of the two lots was then leased to Vidyardambh Santa Clara LLC for use as a child care facility, which is permitted by right in the CT zoning district. The outdoor activity associated with the permitted use is required to obtain a Use Permit as specified in SCCC Section 18.38.040(c). The existing legal non-conforming shed to the rear of the property was not part of the proposal.

The existing facility provides state-licensed child care enrollment for up to 167 children between the ages of three years to thirteen years of age. This includes 70 full time preschool, 47 part time preschool and 50 afterschool children. Given the staggered schedule of the preschool and afterschool program, a maximum of 120 students are onsite at any time. The facility currently operates Monday through Friday from 8:00 a.m. to 6:30 p.m. with 9-12 staff members.

On March 3, 2020, the applicant filed an application to amend the existing Use Permit to expand the existing facility by adding an extension building behind the main building to add five classrooms to accommodate an additional 73 children. The proposal would modify the existing outdoor activity area (12,650 square feet) to provide 11,700 square foot of outdoor activity area associated with the child care facility, meeting the State requirements for an outdoor activity area.

## **DISCUSSION**

The proposed 4,307 square foot new extension building will be a modular building (portable classroom) housing four classrooms for infants and toddler program (up to 48 children), and one classroom for after school children (up to 25 children). This building would have a separate drop off and pick up area to the rear. The project would provide a total of 44 parking spaces, thus exceeding the parking requirement in the Zoning Code (17 parking spaces) for the child care facility. The applicants have provided a detailed project description that is attached for review as Attachment 2.

### **General Plan Conformance**

The General Plan designation for the project is Community Mixed Use. This classification is intended to encourage a mix of residential and commercial uses along major streets.

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-P8, Work with property owners to improve or redevelop underutilized or vacant properties, in that the project site was vacant for almost two years before the current tenants and expansion of the facility would allow for property investments and better utilization of the site area.
- 5.3.1-P22, Encourage conveniently located child care and other family support services in the community except in areas designated for Light or Heavy Industrial Uses, in that the proposed project is located along El Camino Real and is surrounded and accessed from residential uses in the vicinity.
- 5.3.3P1, Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region, in that the proposed project provides a child care service to support residents and adds to the commercial business and services in the local community and region.
- 5.3.3 P5 Encourage public amenities and active uses in commercial centers and along commercial corridors, in that the proposed project would provide the child care service to the residents in Santa Clara and neighboring communities.

#### Zoning Conformance

The zoning designation for the project site is Commercial Thoroughfare (CT). This designation is primarily designed to provide for those commercial uses that are appropriate to major commercial thoroughfare or highway locations. While this designation allows child care facilities that operate within an enclosed building as a permitted use, outdoor activities associated with the permitted use are required to obtain a Use Permit as specified in SCCC Section 18.38.040(c).

Per SCCC Chapter 18.110, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on the health, safety, peace, comfort and general welfare, based upon substantial evidence in the record. These findings are included in the attached resolution. A noise study (Attachment 5) to analyze the noise impacts from the new building to the adjacent residential developments found the noise levels to be within the allowable limits indicated in the General Plan.

#### Parking and Site Circulation

The project site is accessed from two driveways on the El Camino Real frontage of the property and provides a total 44 parking spaces. As illustrated on the attached development plans, the seven parking spaces in the front of the building will be utilized to pick up and drop off children attending the existing main building and for providing accessible parking. Seven parking spaces to the rear will be designated for pick up and drop off for the extension building behind the existing facility, and for providing accessible parking. The remaining 21 parking spaces along the western boundary will be for shared use by employees and visitors. The parking requirement for nurseries and preschools is one space per classroom or office per SCCC Section 18.74.020 (n)(1). The proposed child care facility would have twelve classrooms and five offices for a zoning code parking requirement of 17 spaces and therefore exceeds that requirement. The existing facility has one Class I bicycle space and four Class II bicycle spaces to the front of the existing building as part of the Conditions of Approval of the existing Use Permit.

The applicant provided a trip generation analysis prepared by Hexagon Transportation Consultants, Inc. (Attachment 4) to estimate the peak hour trips. Given the staggered pick up and drop off schedule, the analysis concluded that project would generate fewer than 100 peak-hour trips, the threshold for conducting a full-scale traffic analysis under the VTA CMP Guidelines. Consequently,

additional traffic studies are not necessary.

#### Conclusion:

The zoning designation for the project site allows for a preschool limited to indoor activities as a permitted use. Under the discretion of the Planning Commission is the outdoor use associated with the proposed daycare/preschool on the site. As the project would develop a full-time child care facility, which necessitates the provision of an outdoor playground area for children under State licensing requirements, approval of the requested Conditional Use Permit is necessary to allow the applicant to operate the facility. On-site parking exceeds Zoning Code requirements and will accommodate both employee and visitor parking.

#### **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 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, and 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.

#### **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**

On September 8, 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 the Resolution to approve the amendment to the existing Use Permit (PLN2018-13414) for outdoor activity associated with a child day care facility at 2931 El Camino Real.

Prepared by: Nimisha Agrawal, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

#### **ATTACHMENTS**

1. Resolution Approving a Use Permit
2. Applicant's Project Description
3. Project Data

4. Trip Generation Analysis Report
5. Noise Study
6. Conditions of Approval
7. Development Plans