



## Legislation Details (With Text)

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**Title:** Action on Use Permit to Allow an Outdoor Play Area for an Expanding Pre-School Facility at 1041 and 1075 El Camino Real  
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**Attachments:** 1. Resolution Approving Use Permit CAO Needed, 2. Conditions of Approval, 3. Development Plans, 4. PMM Staff Presentation

Date	Ver.	Action By	Action	Result
10/26/2022	1	Planning Commission	Approved	Pass

## REPORT TO PLANNING COMMISSION

### SUBJECT

Action on Use Permit to Allow an Outdoor Play Area for an Expanding Pre-School Facility at 1041 and 1075 El Camino Real

### REPORT IN BRIEF

File No.: 22-1255  
Project: PLN22-00302  
Applicant: Kyungmi Gu  
Owner: John Han  
General Plan: Community Mixed Use  
Zoning: CT - Thoroughfare Commercial  
Site Area: 0.19 Acres  
Existing Site Conditions: Developed Commercial

### Surrounding Land Uses

North: Low Density Residential  
South: High Density Residential  
East: Commercial  
West: Commercial

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

Staff Recommendation: Adopt a Resolution approving the Use Permit to an allow outdoor play area for an expanding pre-school facility at 1041 and 1075 El Camino Real.

### BACKGROUND

The applicant is requesting a Use Permit to allow outdoor activity for an expanding pre-school facility

on two contiguous parcels zoned CT - Thoroughfare Commercial. The project site is developed with two existing structures. One structure, currently addressed as 1075 El Camino Real, is 1,325 square feet and was last used as a beauty salon. The other structure is addressed as 1041 El Camino real and is 1,017 square feet and is currently used as a daycare facility. The applicant proposes to operate both structures as a singular pre-school, operating Monday through Friday from 9:00 a.m. to 5:30 p.m. with 4-5 full/part time teachers and would provide state-licensed childcare for up to 32 pre-school aged children.

The site currently has a small outdoor activity area at the rear of the combined 0.19-acre project site; this outdoor activity area does not have a Use Permit. The proposed permit would allow the expansion of the outdoor activity area to a total of approximately 1,282 square feet of outdoor recreation area. The project involves the removal of the current outdoor activity area and the removal of a storage shed at the rear of the parcel, in order to add a padded playground and outdoor activity area for use by children attending the pre-school facility.

While child daycare is a permitted use in the site's CT zoning district, a Use Permit is required to allow outdoor activity as an ancillary use per Santa Clara City Code (SCCC) section 18.38.040(c).

The proposed project would renovate both structures. The 1041 El Camino Real structure would be altered to have two classrooms, two restrooms, and a storage area. The 1075 structure would have two classrooms, a kitchen, two restrooms, and a storage area. The rear of the lot would be developed to have four parking stalls, one of which is ADA compliant, and a 1,282 square foot outdoor activity area.

## **DISCUSSION**

The primary issues for the project are consistency with the City's General Plan and Zoning Code.

### **Consistency with the General Plan**

The General Plan land use designation for the project is Community Mixed Use. This classification is intended to encourage a mix of residential and commercial uses along major streets. The proposed project is consistent with the following General Plan policies as described below.

- P.3.1-P22, Encourage conveniently located childcare and other family support services in the community, except in areas designated for Light and Heavy Industrial Uses.

*The project is consistent with this policy in that it located on the eastern end of El Camino Real, is designated Community Mixed Use, and is surrounded and accessed from an arterial street.*

- 5.3.3-P1, Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region.

*The project is consistent with this policy in that it provides a child daycare service to support residents and commercial businesses in the local community and region.*

### **Zoning Conformance**

The zoning designation for the project site is CT - Thoroughfare Commercial. This designation is intended to provide for those commercial uses that are appropriate to major commercial thoroughfare or highway locations and are dependent on thoroughfare travel. While this designation allows

childcare 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 18.38.030(a).

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.

#### Use Permit Findings

The applicant is requesting a Use Permit to allow outdoor activity as an ancillary use to a proposed child daycare facility. Use Permit findings are prepared and presented in the attached Planning Commission Resolution.

#### Circulation and Parking

The project site is accessed from a single two-way driveway leading to El Camino Real and provides four parking stalls. The stalls will be shared via an off-site parking permit between the two addresses, 1075 El Camino and 1041 El Camino.

The parking requirement for nurseries and preschools is one space per classroom or office per SCCC 18.74 (n)(1). As illustrated on the attached Development Plans, the daycare facility would have four classrooms for a parking requirement of four off-street parking spaces. The pre-school will meet its off-street parking requirement by agreeing to an off-site parking permit between the 1041 and 1075 El Camino.

#### Conclusion

The proposed project is consistent with the General Plan land use designation for the project site. As the project would develop a full-time pre-school facility, which necessitates the provision of outdoor playground area for children under State licensing requirements, approval of the requested conditional Use Permit is required by the City to allow the applicant to operate. There is sufficient parking on-site to accommodate both employee and visitor parking.

### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 New Construction or Conversion of Small Structures, in that the proposed use consists of construction of new, small structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Here, the project will demolish a small storage shed and expand an existing outdoor activity area.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees.

### **COORDINATION**

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

### **PUBLIC CONTACT**

Public notice was posted within 300 feet of the project site and mailed to property owners within 300 feet of the project site. At the time of this staff report there has been no public input submitted in

support or opposition to the proposed project.

### **RECOMMENDATION**

Adopt a Resolution approving the Use Permit to allow outdoor play area for an expanding pre-school facility at 1041 and 1075 El Camino Real.

Prepared by: Daniel Sobczak, Assistant Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

### **ATTACHMENTS**

1. Resolution Approving the Use Permit
2. Conditions of Approval
3. Development Plans