



MILPITAS PLANNING COMMISSION STAFF REPORT

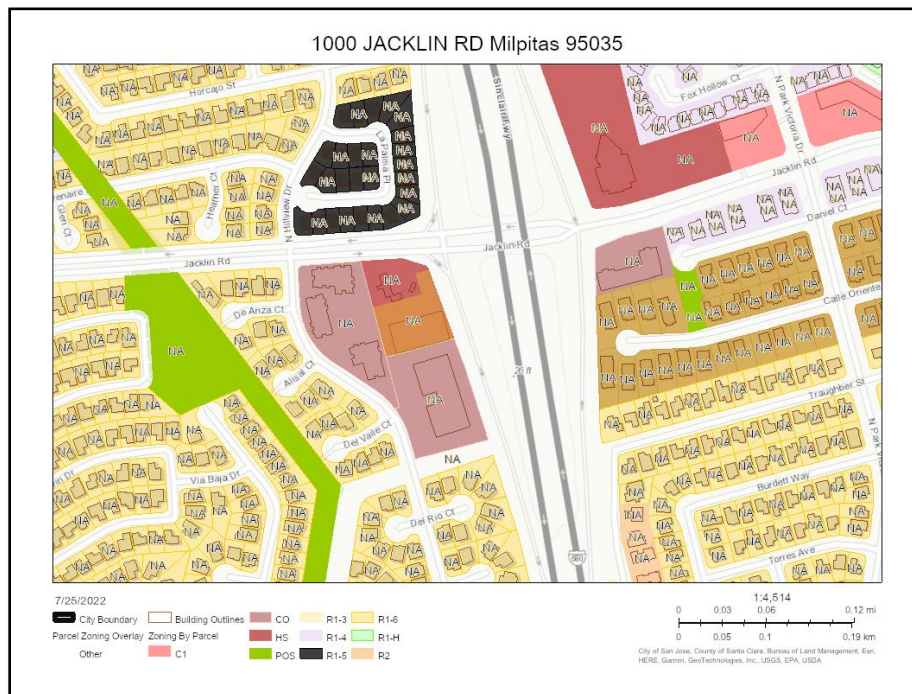
August 14, 2024

APPLICATION:	TIME EXTENSION FOR A CHILD CARE CENTER (PRESCHOOL) – P-TE24-0001: An 18-month Time Extension for Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031 to operate a preschool (Primrose School) for up to 266 children, ages 12 months through five years, and to allow exterior façade modifications, new outdoor playgrounds, landscape improvements, and removal and replacement of two ordinance-protected trees at an existing 24,269-square foot, two-story commercial building (former indoor sports facility) on a 1.14-acre site located at 1000 Jacklin Road.
RECOMMENDATION:	Staff recommends that the Planning Commission Adopt Resolution No. 24-027, extending Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031 for 18 months until February 14, 2026, subject to the findings and Conditions of Approval.
PROJECT LOCATION:	
<i>Addresses and Assessor's</i>	
<i>Parcel Number (APN):</i>	1000 Jacklin Road (APN: 028-05-015)
<i>Area of City:</i>	South of Jacklin Road / West of Interstate 680
PEOPLE:	
<i>Project Applicant:</i>	Amar Chokhawala
<i>Property/Business Owner:</i>	Amar Chokhawala of PSWG, LLC.
<i>Project Planner:</i>	Kristina Phung, AICP, Senior Planner
LAND USE:	
<i>General Plan Designation:</i>	Neighborhood Commercial (NC)
<i>Zoning District:</i>	Highway Services (HS)
ENVIRONMENTAL:	This Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, the Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Map 1: Aerial Map



Map 2: Zoning Map



BACKGROUND

On August 24, 2022, the Planning Commission adopted Resolution No. 22-012, approving Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031 to operate a preschool (Primrose School) for up to 266 children, ages 12 months through five years, and to allow exterior façade modifications, new outdoor playgrounds, landscape improvements, and removal and replacement of two ordinance-protected trees at an existing 24,269-square foot, two-story commercial building (former indoor sports facility) on a 1.14-acre site located at 1000 Jacklin Road (the “Project”). A copy of the Planning Commission staff report which includes a detailed project description and analysis of the entitlements are included as Attachment 3.

The Project entitlements were set to expire on August 24, 2024. In May 2024, the applicant applied for a time extension of the approved entitlements for the Project. Milpitas Municipal Code (MMC) Section XI-10-64.07 allows the consideration of a one-time time extension for approved entitlements, provided that the time extension application is submitted before the approved application expires. The applicant met the required deadline and is not proposing any changes to the original entitlements or Project design as part of this time extension request.

The applicant is currently working toward obtaining the required building permits to develop the Project to commence the preschool use. The applicant requests the time extension of eighteen (18) months as the applicant needs additional time needed to coordinate with the California Department of Social Services, Licensing Division which has regulatory oversight for the proposed preschool. The applicant is actively working with the agency to approve the use of the covered playground area and must receive approval from this agency prior to commencing further review of the Project’s building permit applications with the City. If the time extension request is approved by the Planning Commission, the Project entitlements would remain valid until February 14, 2026.

If the Planning Commission were to deny the time extension, the applicant has the right to appeal to the City Council.

Conditions of Approval

During staff review of the time extension request, it was determined that three additional Conditions of Approval are needed to satisfy and confirm adherence to requirements of the City’s Zoning Ordinance, which are included as Conditions of Approval 2, 3, and 4 in the attached Resolution No. 24-027:

- Condition No. 2 requires the applicant to install a minimum of three short-term bicycle parking stalls to the Project site as required per MMC XI-10-53.09 and as recommended in the Project’s Traffic Operations Analysis Report (Attachment 4)
- Condition No. 3 was added to affirm the applicant’s compliance with the City’s Tree Removal Ordinance and Tree Removal Permit No. 21-0031 to remove two ordinance protected trees and the replacement of four new trees as specified in the attached landscaping sheets of the approved Project plans.

- Condition No. 4 was added to ensure the landscaping and irrigation plans approved by the Planning Commission will be maintained by the applicant.

The three additional Conditions of Approval will not significantly affect the Project's scope or design and will be reviewed by Planning Department staff for compliance during the Project's building permit review phase. The applicant will also be required to abide and continue to comply with all previous City approvals, permits, or requirements related to the subject property, including but not limited to the Project's original Resolution No. 22-012 (Attachment 1, Exhibit B), unless explicitly superseded or revised by this time extension.

FINDINGS FOR APPROVAL (OR DENIAL)

Pursuant to MMC Section XI-10-64.07 (D), *an extension of the approval of a project may be granted if the current findings for the specific type of permit can be made by the decision-making authority.* In this case, the applicant proposes no changes to the previously approved use and proposal, and the proposed project substantially complies with the previously approved entitlements.

Thus, the factual bases for the required findings for the Conditional Use Permit, Minor Site Development Permit, and Tree Removal Permit can be made, as demonstrated below:

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F)(1):

1. *The proposed use, at this location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed new preschool center will serve the needs of the Milpitas community and includes design features to ensure no detrimental or adverse impacts on the property or improvements in the property's vicinity. As conditioned, the facility may accommodate no more than 266 children at one time. It will maintain designated loading/unloading parking spaces, and staff will ensure the orderly and efficient movement of vehicular traffic throughout the site. Additionally, the facility's operation will be required to remain in compliance with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies as part of the Project's Conditions of Approval.

2. *The proposed use is consistent with the Milpitas General Plan.*

As described in Table 1, the Project is consistent with the Milpitas General Plan, particularly Policy LU 6-5 and UCS 8-1, which encourage the establishment of childcare facilities that are consistent with state standards and provide adequate school facilities for the City's residents. The Project is a new preschool expanding educational opportunities to Milpitas residents and families.

Table 1: General Plan Consistency

General Plan Policy	Consistency Finding
<i>LU 6-5: Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.</i>	Consistent. The proposed improvements to the building façade and site will revitalize a vacant underutilized commercial building.
<i>UCS 8-1: Continue to strongly support and encourage the maintenance of high quality public and private schools and diverse educational opportunities in Milpitas and work cooperatively with Milpitas Unified School District, Berryessa Union High School District, and East Side Union School District to explore all local and state funding sources to secure available funding for new school facilities.</i>	Consistent. The center will increase preschool opportunities for Milpitas families and supports the City's goals of providing high quality and diverse educational opportunities.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool is a conditionally permitted use in the Highway Services (HS) Zoning District Zoning District. According to MMC Section XI-10-57.04(A)(1), "the purpose and intent of the Conditional Use Permit process is to provide a review of land uses which would not otherwise be permitted as a matter of right in a zoning district because of their nature, have an impact on the surrounding environment and for the determination of where or not the proposed use is appropriate for its proposed location. To determine if the proposed conditional use is consistent with the Zoning Ordinance, Planning staff considered the following:

- Is the existing building where the use will operate a legally conforming structure per MMC Table XI-10-5.03-1 (Commercial Zone Development Standards)?
- Does the proposed use meet the parking requirements per MMC Section 53 (Off-Street Parking Regulations)?
- Will the proposed use negatively impact public safety?

Legal Conforming Structure

Table 2 demonstrates the existing building conformance with the HS Zoning District requirements. Regarding the proposed Project's site improvements, the applicant proposes to install three outdoor playgrounds (#1, #2, #3) totaling 3,163 square feet, enclosed by a six-foot-tall iron rail fence (see Sheet L1 & L4 of the project plans for detail), and two covered playgrounds (#4 & #5) totaling 3,952 square feet, enclosed by a 4-foot high stucco wall, with an additional four-foot tall metal mesh screen along the south elevation of the building (see Sheet A4 of project plans). The Project would also include a new trash

enclosure at the southwest corner of the site. The new trash enclosure will be designed with materials and colors to match the main building.

Additionally, the applicant will install one new main entrance along the northern elevation of the building and the required emergency exit doors into the playgrounds and around the building to comply with the California Building and Fire Code (Sheet A01). The two existing sign cabinets along the northern and eastern elevations (see Sheet A4 for location) will be repurposed with new signage and require approval of a sign permit under a separate application. Installation of the new exterior doors, windows, and iron rail fence will require the approval of building permits under a separate application.

In summary, the applicant is proposing new detached accessory structures and exterior façade improvements around the main existing building; however, the existing building will not have any expansion or enlargement from its current building envelope. As such and as demonstrated in Table 2, the Project will not impact any existing setbacks, maximum floor area ratio, maximum height, or landscaping thresholds as required under the HS Zoning District, and the existing building will remain a legal conforming structure.

Table 2: Zoning Conformance

	Standard	Proposed	Complies?
<u>Setbacks</u> (Minimum)			
Front (North)	Major Street: 50' All other streets: 0'	86' 9-5/8"	Yes, no change
Side Yard (West)	0'	52' 9-5/8"	Yes, no change
Side Yard (East)	15' when abutting R District	5' 7-1/4"	Yes, no change
Rear (South)	0' 15' when abutting R District	6' 9-5/8"	Yes, no change
<u>Floor Area Ratio</u> (Maximum)	0.50	0.49	Yes, no change
<u>Building Height</u> (Maximum)	35' or 3 stories	30'	Yes, no change
<u>Landscaping</u>	25% of front yard setback	0' required front yard setback, so no landscaping is required	Yes

Parking Requirements

MMC Section XI-10-53.09 establishes off-street parking ratios for various categories of land uses including 'Public, Quasi-Public and Assembly Uses' which includes a variety of child care related

uses. The Zoning Ordinance allows for parking reductions to meet minimum parking space requirements using alternate strategies. Footnote 3 of MMC Table XI-10-53.09-1 allows for an exception to the loading and unloading requirements for child care facilities: “The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.”

The applicant requested the reduction in loading/unloading requirements per the aforementioned section as part of the original planning entitlement request by providing the empirical study, which was previously reviewed and approved by the Planning Commission on August 24, 2022. A copy of the Project's empirical study completed by Hexagon Transportation Consultants, Inc. (Hexagon) is included as (Attachment 4). The Planning Commission as part of this time extension request may reapprove the requested reduction based on the empirical study, which demonstrated that the parking demand can be accommodated onsite with 42 existing surface parking stalls, as detailed on pages 7 and 8 of the study.

As part of the parking study to determine maximum parking demand rates, Hexagon surveyed another Primrose Daycare location in the Willow Glen neighborhood in the City of San Jose during peak morning and afternoon times from October 5-7, 2021. The survey data concluded that the maximum parking rate was 0.16. The proposed childcare facility at 1000 Jacklin Road proposes a maximum capacity of 266 students, and utilizing the maximum surveyed parking demand rate results in approximately 42.56 required parking stalls.

The existing site has 42 surface parking stalls, and the applicant is not proposing significant alterations to the parking lot except for resurfacing and restriping parking stalls. The Hexagon report further concluded that although the total amount of parking available may be approximately one less stall than what is needed based on the surveyed demand ratio, that the proposed Milpitas Primrose Daycare location would operate at non-pandemic conditions between 7:00 AM and 6:30 PM, which would allow for longer drop-off and pick-up periods than those of the Willow Glen Primrose Daycare that was operating between 7:30 AM and 5:30 PM at the time the survey was conducted. The extended operating hours for the Milpitas Primrose Daycare location would reduce peak parking demand by further staggering the arrivals and departures of pick up and drop off of students, such as providing half -day, extended-day, and full-day services. As such, the empirical report concluded that the 42 surface parking stalls provided onsite will be sufficient to accommodate the Project's parking demand.

Furthermore, and as discussed in the Project's original Planning Commission Staff Report (Attachment 3), approximately 26 employees will staff the preschool at any given time during peak hours of operation and that the facility will have a maximum capacity of 36 employees. some of which will be full time or part time and will work in different shift times. During peak drop-off from 8:00 am - 9:30 am and pick-up from 2:00 pm – 3:00 pm, the center staff will use a childcare management software program on wireless tablets called "ProCare." Each parent will have their own code to allow contact-less drop-off and pick-up. Each drop-off and pick-up will be completed within approximately 30 seconds to one minute. There will be 29 dedicated spaces, with signs identifying such spaces to facilitate the drop-off and pick-up process (see Sheet A1 of project plans

for details). Therefore, it is anticipated that not all 29 dedicated pick up and drop off stalls will be occupied at once for long durations as a result of using this software program, and that the total parking demand for the Project will be sufficiently accommodated with the 42 existing onsite parking stalls. Furthermore, the Applicant will be required to add at least three new bicycle parking stalls to the Project design as part of a new Condition of Approval, which may reduce the total surface parking demand if employees choose to bike to the facility instead of using an automobile.

Considering the aforementioned analysis above and the minimal difference in projected demand by less than one (1) surface parking stall, staff recommends that the Planning Commission uphold the Project's previous Planning Commission determination at its August 24, 2022, hearing on approving the empirical study and allowing a reduced parking demand.

Table 3: Parking Summary

Tenant	Square footage/#	Zoning Ordinance Requirement	Total Required	Total Provided
<i>Classrooms</i>	9,430	One per classroom or one per 500 sq. ft., whichever is greater.	19	
<i>Employees</i>	36 employees	one per 1.5 employees	24	
<i>Office</i>	Director 132 Staff 1,600	one per 240 sq. ft.	7	
<i>Loading/ Unloading</i>	266 students	one per six children (up to five stalls); thereafter, one per ten children	29	
<i>Parking Spaces</i>			79	
Total Parking Spaces required per Hexagon Parking Study				42
<i>Bicycle Parking</i>		5% of total required	3	3*

*Condition of Approval No. 2 per Resolution No. 24-027 requires the applicant to install a minimum of three new short-term bicycle stalls to the project site as required per MMC XI-10-53.09. The revised project plans will be reviewed by Planning Department staff for compliance during review of the Project's building permit.

4. The proposed use is consistent with the Milpitas Child Care Master Plan.

The proposed Project is consistent with the goals and implementation policies of the Milpitas Child Care Master Plan, dated April 2, 2002, as outlined in Table 4, in that the proposed preschool use is located within City limits and provides 266 new childcare spots to Milpitas residents to help serve local childcare needs.

Table 4: Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
<i>Long Range Goal: Every child and family has access to affordable, safe, quality childcare.</i>	Consistent. The Project will accommodate 266 children, which will help serve local childcare needs.
<i>Guiding Principle: The City of Milpitas promotes the retention of existing and the development of new childcare facilities within the City limits.</i>	Consistent. The proposed new facility is located within City limits and will provide additional childcare services to Milpitas residents.

Minor Site Development Permit (Section XI-10-57.03(F)(1))

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The exterior facade alterations are minimal and include new doors, windows, wall mounted LED lights, new landscaping, three outdoor playgrounds, two covered playgrounds, and a reconfigured parking area. The existing façade colors in light and medium tan shades existing and finishes will remain. The alterations are compatible with other adjacent buildings in the area that consist mainly of smooth stucco finishes and will still retain earth-toned colors on the exterior as required by the City’s Municipal Code. The Project also proposes to add square footage of irrigated landscaped area throughout the site, which will increase the total area of permeable surface area and provide additional vegetation to the site. New planter beds will be placed along the building perimeter along the southern and eastern property lines, and new plants along the parking lot with various grasses, shrubs, trees, and flowers.

Onsite circulation and drive aisles have been reviewed by Fire Department and Public Works Department staff to ensure ample access and spacing requirements for fire truck access and solid waste management. Due to the landlocked nature of the parcel, the developer has obtained pedestrian access rights through the adjacent westerly property, see Sheet C-2.2 of the project plans. Pedestrian access to the Project building would be provided via a new pedestrian access path from existing sidewalks on North Hillview Drive. The Milpitas Police Department also reviewed the Project and prescribed several measures to ensure the safety and security of the overall site and its occupants, including but not limited to high-definition video surveillance which have been incorporated as Conditions of Approval. Various City Departments have reviewed the proposed Project plans for compliance with applicable code and design requirements to ensure that the proposed layout and design of the buildings, structures, and landscaping for the day care center will be compatible and aesthetically harmonious with adjacent and surrounding development.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool center is a conditionally permitted use in the Highway Services (HS) Zoning District and complies with the applicable development. As demonstrated in Table 2, the Project conforms to the development standards as set forth in MMC Section XI-10-5.04. Although the Project is proposing detached accessory structures including two outdoor playgrounds and a trash enclosure, they are considered accessory structures to support the preschool operations, and the Project does not propose an expansion of the existing main building that will alter the existing setbacks and height of the building. Table 3 demonstrates the Project's alternative methodology with the Zoning Ordinance parking requirements per Section XI-10-53 Off-Street Parking Regulations. The applicant has requested a reduction in the number of parking spaces based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment 4) which may allow for a parking reduction per MMC Table XI-10-53.09-1. This is subject to Planning Commission approval of the empirical study, which demonstrates parking demand can be accommodated onsite. The proposed modifications to the building façade and parking lot also satisfy the use's functional requirements and will not interfere with the privacy, quiet enjoyment, or view of the surrounding properties.

3. *The Project is consistent with the Milpitas General Plan.*

The Project is consistent with the General Plan's policies, as demonstrated in Table 1 above, in that the proposed exterior changes to the building will facilitate a new preschool and expand childcare and educational opportunities for children in Milpitas.

Tree Removal Permit (Section X-2-7.01)

In conformance with the City's Tree Removal Ordinance per MMC Section X-2-7.01, on developed commercial property, a protected tree is designated as one that has a circumference of 37-inches or greater as measured 4.5-feet above the ground. Trees meeting this minimum threshold that are proposed to be removed as part of a Project shall be replaced at a 2:1 ratio within the project site and requires a tree removal permit from the Planning Department. The applicant previously applied for a tree removal permit under TR21-0031 as part of the entitlement and will remove two ordinance-protected trees but will plant four new trees to comply with requirements. Approximately 16 other trees will be removed as part of the Project but are below the threshold to be a protected tree, and are not subject to the same 2:1 replacement ratio. The applicant proposes the same replanting plan previously evaluated and approved by the Planning Commission on August 24, 2022. The applicant will replace the two trees with four new, 24-inch, 15-gallon trees which shall be developed in conformance with Sheet L3 and shown with a star on the previously approved plans.

ENVIRONMENTAL REVIEW

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the Project includes a

conditionally permitted childcare center (preschool) use within an existing facility in an urbanized area, a Minor Site Development Permit to allow minor exterior alterations to the building façade, including a new playground, landscaping, and parking lot restriping and reconfiguration. A Tree Removal Permit will allow the removal and replacement of two ordinance-protected trees. The Project is also consistent with the Milpitas General Plan, Zoning Ordinance, and Child Care Master Plan, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

PUBLIC COMMENT/OUTREACH

Planning Department staff publicly noticed the application per City and State requirements. A notice was published in the Milpitas Post on August 2, 2024, at City Hall and on the City's website at www.milpitas.gov, and a sign was posted at the project site. At the time of writing this report, no comments had been received regarding the time extension.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing; and
3. Adopt Resolution No. 24-027 approving Time Extension No. TE24-0001, subject to the attached Conditions of Approval.

ATTACHMENTS

1. Resolution No. 24-027, including Exhibit A to the Resolution: Conditions of Approval, and Exhibit B to the Resolution: Original Resolution 22-012 Signed, with Conditions of Approval
2. Original Project Plans Approved P-UP21-0003, MS21-0129, TR21-0031
3. Planning Commission Staff Report for 1000 Jacklin Road, dated August 24, 2022
4. Hexagon Traffic Operations Analysis Report
5. Operational and Business Plan

RESOLUTION NO. 24-027

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING TIME EXTENSION NO. TE24-0001 FOR AN 18-MONTH TIME EXTENSION UNTIL FEBRUARY 14, 2026 FOR CONDITIONAL USE PERMIT NO. UP21-0003, MINOR SITE DEVELOPMENT PERMIT NO. MS21-0129 AND TREE REMOVAL PERMIT NO. TR21-0031 TO OPERATE A PRESCHOOL (PRIMROSE SCHOOL) FOR UP TO 266 CHILDREN, AGES 12 MONTHS THROUGH FIVE YEARS, AND TO ALLOW EXTERIOR FAÇADE MODIFICATIONS, NEW OUTDOOR PLAYGROUNDS, LANDSCAPE IMPROVEMENTS, AND REMOVAL AND REPLACEMENT OF TWO ORDINANCE-PROTECTED TREES AT AN EXISTING 24,269-SQUARE FOOT, TWO-STORY COMMERCIAL BUILDING (FORMER INDOOR SPORTS FACILITY) ON A 1.14-ACRE SITE LOCATED AT 1000 JACKLIN ROAD (APN: 028-05-015)

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on July 20, 2021, Erick Schoennauer on behalf of Amar Chokhawala, (the “Applicant”) submitted an application to the City of Milpitas for the approvals necessary to allow the development of a Child Care Center (preschool) at the subject site. The project (the “Project”) thus consists of and requires:

1. Conditional Use Permit No. UP21-0003 to operate a Child Care Center (Primrose School) for up to 266 children, ages 12 months through five years,
2. Minor Site Development Permit No. MS21-0129 to allow exterior façade modifications, new outdoor playgrounds, and landscape improvements,
3. Tree Removal Permit No. TR21-0031 to allow the removal of two ordinance-protected trees; and

WHEREAS, the Project was found to be consistent with the policies, goals, actions, standards, and processes outlined in the City of Milpitas 2040 General Plan, Zoning Ordinance, and Child Care Master Plan as analyzed and documented in the staff report for this Project; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project and approved said application; and

WHEREAS, on August 24, 2022, the Planning Commission adopted and approved said application, which included an expiration date of August 24, 2024; and

WHEREAS, in May 2024, Amar Chokhawala (Applicant) submitted a time extension application (TE24-0001) to the City of Milpitas for the extension of Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031; and

WHEREAS, other than an extension of the expiration date, the Applicant proposes no other changes to the Project; and

WHEREAS, given that no changes are proposed to the Project, the findings upon which the initial Project approvals were granted in Resolution No. 22-012, including Conditions of Approval, incorporated, remain true and are incorporated herein as if restated in full; and

WHEREAS, on August 14, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the time extension; and

WHEREAS, the Planning Commission has carefully considered all information pertaining to the requested extensions of approvals for the Project, including the staff report, the CEQA analysis, and all of the information, evidence, and testimony presented at its public hearing; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with CEQA. The Planning Commission finds that no further environmental review is required, as there are no substantial changes proposed to the Project. As the Project remains categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the Project includes a conditionally permitted childcare center (preschool) use within an existing facility in an urbanized area, a Minor Site Development Permit to allow minor exterior alterations to the building façade, including a new playground, landscaping, and parking lot restriping and reconfiguration. A Tree Removal Permit will allow the removal and replacement of two ordinance-protected trees. The Project is also consistent with the Milpitas General Plan, Zoning Ordinance, and Child Care Master Plan, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

SECTION 3. Conditional Use Permit (Section XI-10-57.04(F)(1)) - The Planning Commission makes the following findings for approval based on the evidence in the public record in support of a Time Extension in accordance with MMC Section XI-10-64.07 for Conditional Use Permit No. UP21-0003:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed new preschool center will serve the needs of the Milpitas community and includes design features to ensure no detrimental or adverse impacts on the property or improvements in the property's vicinity. As conditioned, the facility may accommodate no more than 266 children at one time. It will maintain designated loading/unloading parking spaces, and staff will ensure the orderly and efficient movement of vehicular traffic throughout the site. Additionally, the facility's operation will be required to remain in compliance with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies as part of the Project's Conditions of Approval.

2. *The proposed use is consistent with the Milpitas General Plan.*

As described in Table 1, the Project is consistent with the Milpitas General Plan, particularly Policy LU 6-5 and UCS 8-1, which encourage the establishment of childcare facilities that are consistent with state standards and provide adequate school facilities for the City's residents. The Project is a new preschool expanding educational opportunities to Milpitas residents and families.

Table 1: General Plan Consistency

General Plan Policy	Consistency Finding
<i>LU 6-5: Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.</i>	Consistent. The proposed improvements to the building façade and site will revitalize a vacant underutilized commercial building.
<i>UCS 8-1: Continue to strongly support and encourage the maintenance of high quality public and private schools and diverse educational opportunities in Milpitas and work cooperatively with Milpitas Unified School District, Berryessa Union High School District, and East Side Union School District to explore all local and state funding sources to secure available funding for new school facilities.</i>	Consistent. The center will increase preschool opportunities for Milpitas families and supports the City's goals of providing high quality and diverse educational opportunities.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool is a conditionally permitted use in the Highway Services (HS) Zoning District. According to MMC Section XI-10-57.04(A)(1), "the purpose and intent of the Conditional Use Permit process is to provide a review of land uses which would not otherwise be permitted as a matter of right in a zoning district because of their nature, have an impact on the surrounding environment and for the determination of where or not the proposed use is appropriate for its proposed location. To determine if the proposed conditional use is consistent with the Zoning Ordinance, Planning staff considered the following:

- Is the existing building where the use will operate a legally conforming structure per MMC Table XI-10-5.03-1 (Commercial Zone Development Standards)?
- Does the proposed use meet the parking requirements per MMC Section 53 (Off-Street Parking Regulations)?
- Will the proposed use negatively impact public safety?

Legal Conforming Structure

Table 2 demonstrates the existing building conformance with the HS Zoning District requirements. Regarding the proposed Project's site improvements, the applicant proposes to install three outdoor playgrounds (#1, #2, #3) totaling 3,163 square feet, enclosed by a six-foot-tall iron rail fence (see Sheet L1 & L4 of the project plans for detail), and two covered playgrounds (#4 & #5) totaling 3,952 square feet, enclosed by a 4-foot high stucco wall, with an additional four-foot tall metal mesh screen along the south elevation of the building (see Sheet A4 of project plans). The Project would also include a new trash enclosure at the southwest corner of the site. The new trash enclosure will be designed with materials and colors to match the main building.

Additionally, the applicant will install one new main entrance along the northern elevation of the building and the required emergency exit doors into the playgrounds and around the building to comply with the California Building and Fire Code (Sheet A01). The two existing sign cabinets along the northern and eastern elevations (see Sheet A4 for location) will be repurposed with new signage and require approval of a sign permit under a separate application. Installation of the new exterior doors, windows, and iron rail fence will require the approval of building permits under a separate application.

In summary, the applicant is proposing new detached accessory structures and exterior façade improvements around the main existing building; however, the existing building will not have any expansion or enlargement from its current building envelope. As such and as demonstrated in Table 2, the Project will not impact any existing setbacks, maximum floor area ratio, maximum height, or landscaping thresholds as required under the HS Zoning District, and the existing building will remain a legal conforming structure.

Table 2: Zoning Conformance

	Standard	Proposed	Complies?
<u>Setbacks (Minimum)</u>			
Front (North)	Major Street: 50' All other streets: 0'	86' 9-5/8"	Yes, no change
Side Yard (West)	0'	52' 9-5/8"	Yes, no change
Side Yard (East)	15' when abutting R District	5' 7-1/4"	Yes, no change

	Standard	Proposed	Complies?
Rear (South)	0' 15' when abutting R District	6' 9-5/8"	Yes, no change
<u>Floor Area Ratio</u> (Maximum)	0.50	0.49	Yes, no change
<u>Building Height</u> (Maximum)	35' or 3 stories	30'	Yes, no change
<u>Landscaping</u>	25% of front yard setback	0' required front yard setback, so no landscaping is required	Yes

Parking Requirements

MMC Section XI-10-53.09 establishes off-street parking ratios for various categories of land uses including 'Public, Quasi-Public and Assembly Uses' which includes a variety of child care related uses. The Zoning Ordinance allows for parking reductions to meet minimum parking space requirements using alternate strategies. Footnote 3 of MMC Table XI-10-53.09-1 allows for an exception to the loading and unloading requirements for child care facilities: "The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles."

The applicant requested the reduction in loading/unloading requirements per the aforementioned section as part of the original planning entitlement request by providing the empirical study, which was previously reviewed and approved by the Planning Commission on August 24, 2022. A copy of the Project's empirical study completed by Hexagon Transportation Consultants, Inc. (Hexagon) is included as (Attachment 4). The Planning Commission as part of this time extension request may reapprove the requested reduction based on the empirical study, which demonstrated that the parking demand can be accommodated onsite with 42 existing surface parking stalls, as detailed on pages 7 and 8 of the study.

As part of the parking study to determine maximum parking demand rates, Hexagon surveyed another Primrose Daycare location in the Willow Glen neighborhood in the City of San Jose during peak morning and afternoon times from October 5-7, 2021. The survey data concluded that the maximum parking rate was 0.16. The proposed childcare facility at 1000 Jacklin Road proposes a maximum capacity of 266 students, and utilizing the maximum surveyed parking demand rate results in approximately 42.56 required parking stalls.

The existing site has 42 surface parking stalls, and the applicant is not proposing significant alterations to the parking lot except for resurfacing and restriping parking stalls. The Hexagon report further concluded that although the total amount of parking available may be approximately one less stall than what is needed based on the surveyed demand ratio, that the proposed Milpitas Primrose Daycare location would operate at non-pandemic conditions between 7:00 AM and 6:30 PM, which would allow for longer drop-off and pick-up periods than those of the Willow Glen Primrose Daycare that was operating between 7:30 AM and 5:30 PM at the time the survey was conducted. The extended operating hours for the Milpitas Primrose Daycare location would reduce peak parking demand by further staggering the arrivals and departures of pick up and drop off of students, such as providing half -day, extended-day, and full-day services. As such, the empirical report concluded that the 42 surface parking stalls provided onsite will be sufficient to accommodate the Project's parking demand.

Furthermore, and as discussed in the Project's original Planning Commission Staff Report (Attachment 3), approximately 26 employees will staff the preschool at any given time during peak hours of operation and that the facility will have a maximum capacity of 36 employees. some of which will be full time or part time and will work in different shift times. During peak drop-off from 8:00 am - 9:30 am and pick-up from 2:00 pm – 3:00 pm, the center staff will use a childcare management software program on wireless tablets called "ProCare." Each parent will have their own code to allow contact-less drop-off and pick-up. Each drop-off and pick-up will be completed within approximately 30 seconds to one minute. There will be 29 dedicated spaces, with signs identifying such spaces to facilitate the drop-off and pick-up process (see Sheet A1 of project plans for details). Therefore, it is anticipated that not all 29 dedicated pick up and drop off stalls will be occupied at once for long durations as a result of using this software program, and that the total parking demand for the Project will be sufficiently accommodated with the 42 existing onsite parking stalls. Furthermore, the Applicant will be required to add at least three new bicycle parking stalls to the Project design as part of a new Condition of Approval, which may reduce the total surface parking demand if employees choose to bike to the facility instead of using an automobile.

Considering the aforementioned analysis above and the minimal difference in projected demand by less than one (1) surface parking stall, staff recommends that the Planning Commission uphold the Project's previous Planning Commission determination at its August 24, 2022, hearing on approving the empirical study and allowing a reduced parking demand.

Table 3: Parking Summary

Tenant	Square footage/#	Zoning Ordinance Requirement	Total Required	Total Provided
<i>Classrooms</i>	9,430	One per classroom or one per 500 sq. ft., whichever is greater.	19	
<i>Employees</i>	36 employees	one per 1.5 employees	24	
<i>Office</i>	Director 132 Staff 1,600	one per 240 sq. ft.	7	
<i>Loading/Unloading</i>	266 students	one per six children (up to five stalls); thereafter, one per ten children	29	
<i>Parking Spaces</i>			79	
Total Parking Spaces required per Hexagon Parking Study				42
<i>Bicycle Parking</i>		5% of total required	3	3*

*Condition of Approval No. 2 per Resolution No. 24-027 requires the applicant to install a minimum of three new short-term bicycle stalls to the project site as required per MMC XI-10-53.09. The revised project plans will be reviewed by Planning Department staff for compliance during review of the Project's building permit.

4. *The proposed use is consistent with the Milpitas Child Care Master Plan.*

The proposed Project is consistent with the goals and implementation policies of the Milpitas Child Care Master Plan, dated April 2, 2002, as outlined in Table 4, in that the proposed preschool use is located within City limits and provides 266 new childcare spots to Milpitas residents to help serve local childcare needs.

Table 4: Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
<i>Long Range Goal: Every child and family has access to affordable, safe, quality childcare.</i>	Consistent. The Project will accommodate 266 children, which will help serve local childcare needs.
<i>Guiding Principle: The City of Milpitas promotes the retention of existing and the development</i>	Consistent. The proposed new facility is located within City limits and will provide additional childcare services to Milpitas residents.

of new childcare facilities within the City limits.	
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SECTION 4. Minor Site Development Permit (Section XI-10-57.03(F)(1)) – The Planning Commission makes the following findings for approval based on the evidence in the public record in support of a Time Extension in accordance with MMC Section XI-10-64.07 for Minor Site Development Permit No. MS21-0129:

1. *The layout of the site and design of the proposed buildings, structures, and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The exterior facade alterations are minimal and include new doors, windows, wall mounted LED lights, new landscaping, three outdoor playgrounds, two covered playgrounds, and a reconfigured parking area. The existing façade colors in light and medium tan shades existing and finishes will remain. The alterations are compatible with other adjacent buildings in the area that consist mainly of smooth stucco finishes and will still retain earth-toned colors on the exterior as required by the City's Municipal Code. The Project also proposes to add square footage of irrigated landscaped area throughout the site, which will increase the total area of permeable surface area and provide additional vegetation to the site. New planter beds will be placed along the building perimeter along the southern and eastern property lines, and new plants along the parking lot with various grasses, shrubs, trees, and flowers.

Onsite circulation and drive aisles have been reviewed by Fire Department and Public Works Department staff to ensure ample access and spacing requirements for fire truck access and solid waste management. Due to the landlocked nature of the parcel, the developer has obtained pedestrian access rights through the adjacent westerly property, see Sheet C-2.2 of the project plans. Pedestrian access to the Project building would be provided via a new pedestrian access path from existing sidewalks on North Hillview Drive. The Milpitas Police Department also reviewed the Project and prescribed several measures to ensure the safety and security of the overall site and its occupants, including but not limited to high-definition video surveillance which have been incorporated as Conditions of Approval. Various City Departments have reviewed the proposed Project plans for compliance with applicable code and design requirements to ensure that the proposed layout and design of the buildings, structures, and landscaping for the day care center will be compatible and aesthetically harmonious with adjacent and surrounding development.

2. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool center is a conditionally permitted use in the Highway Services (HS) Zoning District and complies with the applicable development. As demonstrated in Table 2, the Project conforms to the development standards as set forth in MMC Section XI-10-5.04. Although the Project is proposing detached accessory structures including two outdoor playgrounds and a trash enclosure, they are considered accessory structures to support the preschool operations, and the Project does not propose an expansion of the

existing main building that will alter the existing setbacks and height of the building. Table 3 demonstrates the Project's alternative methodology with the Zoning Ordinance parking requirements per Section XI-10-53 Off-Street Parking Regulations. The applicant has requested a reduction in the number of parking spaces based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment 4) which may allow for a parking reduction per MMC Table XI-10-53.09-1. This is subject to Planning Commission approval of the empirical study, which demonstrates parking demand can be accommodated onsite. The proposed modifications to the building façade and parking lot also satisfy the use's functional requirements and will not interfere with the privacy, quiet enjoyment, or view of the surrounding properties.

3. *The proposed use is consistent with the Milpitas General Plan.*

The Project is consistent with the General Plan's policies, as demonstrated in Table 1 above, in that the proposed exterior changes to the building will facilitate a new preschool and expand childcare and educational opportunities for children in Milpitas.

SECTION 5. Tree Removal Permit (Section X-2-7.01) – The Planning Commission makes the following findings for approval based on the evidence in the public record in support of a Time Extension in accordance with MMC Section XI-10-64.07 for Tree Removal Permit No. TR21-0031:

In conformance with the City's Tree Removal Ordinance per MMC Section X-2-7.01, on developed commercial property, a protected tree is designated as one that has a circumference of 37-inches or greater as measured 4.5-feet above the ground. Trees meeting this minimum threshold that are proposed to be removed as part of a Project shall be replaced at a 2:1 ratio within the project site and requires a tree removal permit from the Planning Department. The applicant previously applied for a tree removal permit under TR21-0031 as part of the entitlement and will remove two ordinance-protected trees but will plant four new trees to comply with requirements. Approximately 16 other trees will be removed as part of the Project but are below the threshold to be a protected tree, and are not subject to the same 2:1 replacement ratio. The applicant proposes the same replanting plan previously evaluated and approved by the Planning Commission on August 24, 2022. The applicant will replace the two trees with four new, 24-inch, 15-gallon trees which shall be developed in conformance with Sheet L3 and shown with a star on the previously approved plans.

SECTION 6. Approval of the Extension of Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031. The Planning Commission hereby approves the requested extension of Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031, until February 14, 2026, subject to the additional terms and conditions of approval, attached hereto as Exhibit A, and the terms and conditions of approval imposed in Resolution No. 22-012, a true and correct copy of which is attached hereto as Exhibit B.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 14, 2024.

Chair**TO WIT:**

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 14, 2024, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Alexander Galang				
Chia Ling Kong				
Dipak Awasthi				
Mercedes Albana				
Michael Caulkins				
Parveen Gupta				
Sonia Medina-Ashby				

EXHIBIT A

**CONDITIONS OF APPROVAL FOR
PRIMROSE CHILD CARE CENTER (PRESCHOOL)
TIME EXTENSION NO. TE24-0001
1000 JACKLIN ROAD (APN: 028-05-015)**

General Conditions

1. Previous Approvals: Applicant shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, including, but not limited to, Resolution No. 22-012 dated August 24, 2022, unless explicitly superseded or revised by this Time Extension. **(P)**
2. Bicycle Parking: Applicant shall install a minimum of three short-term bicycle parking stalls on the project site. The Applicant shall add the details to a revised plan set and demonstrate compliance during at the time of building permit submittal for the project. **(P)**
3. Trees: The project will remove up to two (2) ordinance-sized trees and replace with approximately four (4) trees in conformance with the plans approved by the Planning Commission on August 24, 2022 and August 14, 2024 per Planning Commission Resolution No. 22-012 and No. 24-027. **(P)**
4. Landscaping and Irrigation: All approved landscaping and irrigation with the plans approved by the Planning Commission on August 24, 2022 and August 14, 2024 per Planning Commission Resolution No. 22-012 and No. 24-027 shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive, and effective appearance. **(P) (B) (E)**

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(PD) = Police Department

(CA) = City Attorney

ACCEPTANCE

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Signature: _____

Printed Name: _____

Title: _____

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Exhibit (B) to Attachment 1

Original Planning Commission Resolution 22-012 Signed

1000 Jacklin Road

P-UP21-0003, P-MS21-0129, P-TR21-0031

RESOLUTION NO. 22-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING CONDITIONAL USE PERMIT NO. UP21-0003, MINOR SITE DEVELOPMENT PERMIT NO. MS21-0129 AND TREE REMOVAL PERMIT NO. TR21-0031 -A REQUEST TO OPERATE A CHILD CARE CENTER (PRIMROSE PRESCHOOL) FOR UP TO 266 CHILDREN, AGES 12 MONTHS THROUGH FIVE YEARS, AND TO ALLOW EXTERIOR FAÇADE MODIFICATIONS, NEW OUTDOOR PLAYGROUNDS, LANDSCAPE IMPROVEMENTS, AND REMOVAL OF TWO ORDINANCE-PROTECTED TREES AT AN EXISTING 24,269-SQUARE FOOT, TWO-STORY COMMERCIAL BUILDING ON A 1.14-ACRE SITE AT 1000 JACKLIN ROAD (APN 028-05-015).

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on October 6, 1977, the Planning Commission approved “S” Zone plans for a 22,300 square foot two-story sports facility, plus parking and landscaping on the 1.14-acre subject site located at 1000 Jacklin Road; and

WHEREAS, on May 8, 1996, the Planning Commission approved Conditional Use Permit No. UP 1339 for a 60-foot monopole for a wireless telecommunication facility and construction of a 173 square-foot equipment shelter on the north side of the building; and

WHEREAS, on July 24, 1996, the Planning Commission approved subsequent amendment, UP1352, to allow co-location of two other carriers and construction of second equipment enclosure on the east side of the building. Additionally, on November 18, 1998, the Planning Commission approved Conditional Use Amendment No. UP1339 to allow antenna replacement; and

WHEREAS, on June 28, 2000, the Planning Commission approved Conditional Use Permit No. 1553 and “S” Zone Amendment to install wireless telecommunication antennas and equipment enclosure; and

WHEREAS, on May 28, 2003, the Planning Commission approved the “S” Zone amendment for a new 62’-10” tall clock tower located on the west side of the building to conceal a total of 12 antennas and associated equipment; and

WHEREAS, on September 23, 2012, the Planning Commission approved Conditional Use Permit No. UP12-0017 and Minor Site Development Permit No. MS12-0034 for removal of three existing panel antennas with there new panel antennas, installation of six new remote radio units, and replacement of existing equipment cabinets for an existing wireless telecommunication monopole; and

WHEREAS, on May 28, 2014, the Planning Commission approved Conditional Use Permit Amendment No. UA14-0001 to allow installation of three new antennas to an existing monopole tower and associated equipment previously approved with Conditional Use Permit No. UP1339; and

WHEREAS, on April 21, 2020, the Milpitas City Council denied the appeal and upheld the Planning Commissions' decision to deny Site Development Permit No. SD18-0012 and Conditional Use Permit No. 18-0012 to allow the development of a proposed La Quinta hotel; and

WHEREAS, on July 20, 2021, Erick Schoennauer on behalf of Amar Chokhawala, (the “Applicant”) submitted an application to the City of Milpitas for the approvals necessary to allow the development of a Child Care Center (preschool) at the subject site. The project (the “Project”) thus consists of and requires:

1. Conditional Use Permit No. UP21-0003 to operate a Child Care Center (Primrose preschool) for up to 266 children, ages 12 months through five years,
2. Minor Site Development Permit No. MS21-0129 to allow exterior façade modifications, new outdoor playgrounds, landscape improvements,
3. Tree Removal Permit No. TR21-0031 to all the removal of two ordinance-protected trees

WHEREAS, the property is located within the Highway Services (HS) Zoning District; and

WHEREAS, on August 24, 2022, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision; and

WHEREAS, the proposed preschool facility project was found to be consistent with the goals, policies and regulations of the Milpitas General Plan and Zoning Ordinance, as analyzed and documented in the staff report for this project;

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2: California Environmental Quality Act

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing

Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the Project includes a conditionally permitted Child Care Center (preschool) use within an existing facility in an urbanized area, a Minor Site Development Permit to allow minor exterior alterations to the building façade, including a new playground, landscaping, and parking lot restriping and reconfiguration. A Tree Removal Permit to allow the removal of two ordinance-protected trees. The Project is also consistent with the Milpitas General Plan, Zoning Ordinance, and Child Care Master Plan, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

SECTION 3: Conditional Use Permit (Section XI-10-57.04(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP21-0003:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed new preschool center will serve the needs of the Milpitas community and includes design features to ensure no detrimental or adverse impacts on the property or improvements in the property's vicinity. As conditioned, the facility may accommodate no more than 266 children at one time. It will maintain designated loading/unloading parking spaces, and staff will ensure the orderly and efficient movement of vehicular traffic throughout the site. Additionally, the facility's operation will be required to remain in compliance with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies as part of the Project's Conditions of Approval.

2. *The proposed use must be consistent with the Milpitas General Plan*

As described in Table 2 of the staff report, the Project is consistent with the Milpitas General Plan, particularly Policy LU 6-5 and UCS 8-1, which encourage the establishment of childcare facilities that are consistent with state standards and provide adequate school facilities for the City's residents. The Project is a new preschool expanding educational opportunities to Milpitas residents and families.

3. *The proposed use must be consistent with the Milpitas Zoning Ordinance.*

The proposed preschool is a conditionally permitted use in the Highway Services (HS) Zoning District and complies with the applicable development standards and parking requirements. As demonstrated in Table 3 the Project conforms to the development standards as set forth in Milpitas Municipal Code Sections XI-10-6.04 and XI-10-53. Table 4 demonstrates the Project's noncompliance with the Zoning Ordinance parking standard per Section XI-10-53 Off-Street Parking Regulations. The applicant has requested a reduction in the number of parking and loading/unloading requirements based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment D). This is subject to Planning Commission approval based on the empirical study, which demonstrates parking demand can be accommodated onsite.

4. *The proposed use is consistent with the Milpitas Child Care Master Plan.*

The proposed Project is consistent with the goals and implementation policies of the Milpitas Child Care Master Plan, dated April 2, 2002, as outlined in Table 6 of the staff report, in that the proposed preschool use is located within City limits and provides 266 new childcare spots to Milpitas residents.

SECTION 4: Minor Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Minor Site Development Permit No. MS21-0129:

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The exterior alterations are minimal and include new doors; wall mounted lights, existing colors, and finishes will remain. The alterations are compatible with other adjacent buildings in the area that consist mainly of smooth stucco finishes. The Project also proposes to add 4,147 square feet of irrigated landscaped area throughout the site, which will increase the total area of permeable surface area and provide additional vegetation to the site.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool center is a conditionally permitted use in the Mixed-Use Zoning District and complies with the applicable development standards and parking requirements. As demonstrated in Table 3 of the staff report, the Project conforms to the development standards as set forth in Milpitas Municipal Code Sections XI-10-6.04. Table 4 of the staff report demonstrates the Project's noncompliance with the Zoning Ordinance parking standard per Section XI-10-53 Off-Street Parking Regulations. The applicant has requested a reduction in the number of parking and loading/unloading requirements based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment D). This is subject to Planning Commission approval based on the empirical study, which demonstrates parking demand can be accommodated onsite. The proposed modifications to the building façade and parking lot also satisfy the use's functional requirements and will not interfere with the privacy, quiet enjoyment, or view of the surrounding properties.

3. *The Project is consistent with the Milpitas General Plan*

The Project is consistent with the General Plan's policies, as demonstrated in Table 2 of the staff report, in that the proposed exterior changes to the building will facilitate a new preschool and expand child care and educational opportunities for children in Milpitas.

SECTION 5: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 21-012 approving Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129, Tree Removal Permit No. TR21-0031 and the reduction of the parking demand, based on the empirical study, subject to the Findings and Conditions of Approval attached hereto as Exhibit

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 24, 2022.

DocuSigned by:
 Sep 07-2022
 1GB00AF9F201461...
 Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 24, 2022 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Bill Chuan	X			
Larry Ciardella	X			
Mercedes Albana	X			
Alexander Galang	X			
Dipak Awasthi	X			
Zeya Mohsin	X			
Sonia Medina-Ashby	X			

EXHIBIT 1

**CONDITIONS OF APPROVAL FOR
CHILD CARE CENTER (PRIMROSE PRESCHOOL)
CONDITIONAL USE PERMIT NO. UP21-0003, MINOR SIDE DEVELOPMENT PERMIT NO.
MS21-0129, AND TREE REMOVAL PERMIT NO. TR21-0031
1000 JACKLIN ROAD (APN 028-05-015)**

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively “Permittee”), shall comply with each and every condition set forth in this Permit. **Conditional Use Permit NO. UP22-0003, Minor Site Development Permit NO. MS21-0129 and Tree Removal Permit NO. TR21-0031** (“Permit”) shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County’s Recorder Office and a copy shall be provided to the Planning Department. **(P)**
2. The Permittee shall develop the approved project in conformance with the approved plans (May 20, 2022), sample color, and materials board approved by the Planning Commission, in accordance with these Conditions of Approval. **(P)**
3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
4. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
5. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
6. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**
7. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
 - a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

8. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
9. Project Job Account. If at the time of application for a building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full. **(E)**
10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
11. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval **Conditional Use Permit NO. UP21-0003, Minor Site Development Permit NO. MS21-0129 and Tree Removal Permit NO. TR21-0031**; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to **Conditional Use Permit NO. UP21-0003, Minor Site Development Permit NO. MS21-0129 and Tree Removal Permit NO. TR21-0031** and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**
13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code. **(P)**
14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.

15. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
16. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code as adopted by the City. Changes to the site plan and/or building(s) require review and approval by the Fire Department. **(F)**
17. Compliance with Building Department. The project shall comply with the requirements of the California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department. **(B)**

PROJECT SPECIFIC CONDITIONS

Planning Department Conditions

18. Hours of Operation. Hours of operation are limited to 7:30 AM to 6:30 PM, Monday through Friday. Any change in the hours of operation will require a written request addressed to the Planning Director or Designee. The Planning Director or Designee, at his or her discretion, may approve or deny the request in writing. **(P)**
19. Maximum Enrollment. No more than 266 children shall be provided care onsite at any given time, children shall range in age from 12 months through entry to 1st grade age. A total of 28 children will be in the age group of 12 to 24 months old and 238 will be in Preschool ages two to five years old children. The permittee shall also meet all State and local (Building and Fire) occupancy limitations and requirements. **(P)**
20. Designated Loading/Unloading Parking Spaces. The Permittee shall designate 29 dedicated loading/unloading parking spaces clearly identified by permanent signage. **(P)**
21. Pickup/Drop-off Management. Pickup/drop-off activity occurring before and after all programs (half day, extended day, full day, and after school) must be permanently monitored by a minimum of three staff members. **(P)**
22. Project shall comply with all local, state, and federal laws, rules, regulations, guidelines, requirements, and policies governing child care centers. **(P)**
23. The final design of the wall-mounted and freestanding signs will be subject to review and approval of a Minor Site Development Permit prior to building permit issuance. **(P)**
24. The design of the drop-off/pick-up signs is subject to review and approval of the Planning Department and Traffic Engineer prior to building permit issuance. **(P)**

25. The final design of the wall and fence along the south side of Play Area number 5 shall be subject to the review and approval of the Planning Director, and components shall be flush to deter scaling of the wall.

Police Department Conditions

26. Video Surveillance. Video/security cameras shall be implemented for the enclosed building and the exterior perimeter. The exterior video/security cameras shall record in high definition and cover the entire exterior which includes the parking lots, parking lot entrances/exits, and building entrances/exits. The interior video/security cameras shall record in high definition and cover every floor's corridors/hallways, main lobby area, front-desk, and building entrances/exits. The video/security system shall have the capacity to save/store footage and have the capability to be downloaded. **(PD)**
27. Lighting. There shall be lighting of sufficient wattage to provide adequate illumination and to make clearly visible the presence of any person in or about the outside premises during hours of darkness. **(PD)**
28. Signage. All entrances to the facility shall be posted with appropriate signage such as "No Trespassing/ Loitering" and applicable towing advisement such as 22658(a) CVC to assist in the removal of unauthorized person and vehicles on the private premises. **(PD)**
29. All windows and doors of the proposed classrooms shall have an audible tone, such as a chime, to alert whenever a window or door is opened. **(PD)**
30. All visitors/parents shall be monitored by a staff member upon entering the facility and shall produce identification upon request. **(PD)**
31. Parents must sign children in or out of the facility during drop-off or pick-up. **(PD)**
32. Current photographs of all students and staff members shall be kept on file. The photographs shall be made available to law enforcement upon request. **(PD)**
33. Emergency contact information for at least one guardian per student, shall be kept on file and made available to law enforcement upon request. **(PD)**
34. Any guests or non-staff member allowed into the school shall not share the same restroom with the students. **(PD)**
35. It is recommended that the entire outer perimeter of the school campus be enclosed with an appropriate fence for the safety and security of the students attending the school. This is essential in order to help prevent students from exiting out onto two major thoroughfares, as well as to help prevent unwelcomed subjects from walking onto the school grounds. MPD shall be provided any keys are access codes needed to access the gated areas in case of an emergency. **(PD)**
36. Emergency Notification. The Property Manager shall file an emergency notification form with the Police Department so law enforcement can contact the property manager in the event of any major accident, emergency, or unforeseen circumstance. **(PD)**

Fire Prevention Conditions

1. Please do not consider this an approval for construction from the Fire Department. The plans submitted are not reviewed nor approved for conformance to the CA Building Code (CBC) and CA Fire Code (CFC). These notes are a general list, but not limited to, of the applicable code requirements and it is provided to assist with the construction permit process. All information below is based on the 2019 CA Building Code Standards. **(F)**
2. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the current code(s). CFC Section 102.3 **(F)**
3. As a part of the construction permit process (Building Permit application), the "Use and Occupancy Classification" shall be provided for all areas of the building in conformance with Chapter 3 of the California Building Code. **(F)**
4. As a part of the construction permit process, a complete "General Building Area, Height and Construction Type" analysis shall be done for the whole building in conformance to the California Building Code Chapter 5. Changes and or modifications required in order to be in conformance with the California Building Codes shall be incorporated into the construction documents. **(F)**
5. As a part of the construction permit process, disclose if this facility will be licensed under the California Department of Social Services, Community Care Licensing Division. Such information shall be included on the drawings submittal for building permit(s). **(F)**
6. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505 **(F)**
7. Fire access and exit discharge shall be maintained clear and unobstructed at all times. All buildings housing Group E occupancies shall front directly on a public street or an exit discharge not less than 20 feet in width. The exit discharge to the public street shall be a minimum 20-foot-wide right-of-way, unobstructed and maintained only as access to the public street. The 20' exit discharge shall be located directly in front of the exit access way. California Building Code 452.1.1 **(F)**
8. School grounds may be fenced and gated therein may be equipped with locks, provided that safe disposal areas based on 3 square feet per occupant are located between the school and the fence. Such required safe dispersal areas shall not be located less than 50 feet from school buildings. CA Building Code Section 452.1.3 **(F)**
9. Metal grilles or bars shall not be installed on windows of day care rooms unless full compliance with the CA Building Code Section 452.1.5 is met. **(F)**
10. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. CFC Section 503.4 **(F)**
11. Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire

department. CFC Section 506 **(F)**

12. Fire Dept. approved Knox Box. The Fire Code Official is authorized to require a key box to be installed in an approved location if necessary, for lifesaving or firefighting purpose. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. The Knox box location shall be at 6 feet above finish floor, or fire access walkway or road, and at a readily visible location approved by the Fire Code Official. CFC Section 506.1 **(F)**
13. An automatic fire sprinkler system shall be provided throughout the whole building for Occupancy group E. CFC Sections 102.3, 903.2, Milpitas Municipal Code Section V-300-2.82 **(F)**
14. Portable fire extinguishers for general area shall be installed in occupancies and locations as set forth in the CFC Section 906 and as required by the Fire Code Official. **(F)**
15. Group E fire alarm. A manual and automatic fire alarm system (for the whole building) that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E Occupancy with an occupant load of 50 or more persons or containing more than one classroom or one or more rooms used for Group E or I-4 day care purposes. California Fire Code, Section 907.2.3 **(F)**
16. Group E daycare. Smoke detectors shall be installed in every room used for sleeping or napping. CA Fire Code Section 907.2.3.9.2 **(F)**
17. An approved supervising station in accordance with the NFPA 72 shall monitor the fire alarm systems required by the Fire Code or Building Code. California Fire Code Section 907.6.6 **(F)**
18. Interior finish, decorative materials and furnishings shall comply with the California Building Code Chapter 8. **(F)**
19. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort. CFC Section 1010.1.9 **(F)**
20. Swinging doors serving rooms or spaces with an occupant load of 50 or more in a Group A occupancy, assembly areas not classified as an assembly occupancy E shall not be provided with a latch or lock other than panic hardware or fire exit hardware. California Fire Code Section 1010.1.10 **(F)**
21. Fire safety during construction of the building shall meet the requirements of the California Fire Code (CFC) Chapter 33. **(F)**
22. No approval is granted for the storage, use or handling of hazardous materials. CFC Section 5001 **(F)**
23. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation or alteration. CFC Section 901.2 **(F)**

Engineering Department Conditions

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. **(E)**

20. **Modifications**: The Site Development Plan dated XXXX is subject to change during the plan check stage based upon City's previous comments and conditions stated herein. **(E)**
21. **Solid Waste and Recycling Handling Plan**: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency. **(E)**
22. **Submittal Requirements**: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal. **(E)**
23. **Project Job Account/Fee Deposit**: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the public improvement cost estimates as prepared by the Permittee's engineer. **(E)**

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. **(E)**

24. **Concurrent Off-site Plan Reviews**: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department. **(E)**
25. **Public Improvement Design Standards**: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to: **(E)**
 - a. Milpitas Design Guidelines:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);
 - b. Standard details and specifications:
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>); and
 - c. Americans with Disabilities Act (ADA) requirements, where applicable.
26. **Sanitary Sewer Calculations**: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project. **(E)**

27. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department. **(E)**
28. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project. **(E)**
29. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit. **(E)**
 - a) Any replacement or upsizing of the property's sanitary sewer lateral that is deemed necessary by either the lateral's CCTV inspection results or the development's sanitary sewer calculations.
 - b) Any modification to the property's water service and storm drain laterals.
 - c) Any excavation to take place within the 15ft-wide public utility easement along the property's western edge.
30. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service if any new or replacement water meters are proposed. **(E)**
31. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department. **(E)**

PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. **(E)**

32. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans. **(E)**
33. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply. **(E)**
34. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package. **(E)**
35. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc. **(E)**
36. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering

Department for review and approval. The report shall describe the following resource recovery activities: **(E)**

- a) What materials will be salvaged.
- b) How materials will be processed during demolition.
- c) Intended locations or businesses for reuse or recycling.
- d) Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

37. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department. **(E)**

38. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment. **(E)**

- a) Storm water connection fee at \$21,562/acre for commercial.
- b) Water connection fee at \$5.97/gpd for commercial, based upon increased water usage.
- c) Sewer connection fee at \$8.52/gpd for commercial, based upon increased average wastewater flow.
- d) Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
- e) Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
- f) 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
- g) FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.

DURING CONSTRUCTION

The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. **(E)**

39. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system. **(E)**

40. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council. **(E)**

41. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements. **(E)**

42. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required. **(E)**

PRIOR TO FIRST OCCUPANCY

The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.

43. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to any modification to the property's sanitary sewer, water service, and storm drain laterals, and any excavation within the 15ft-wide public utility easement, as shown on City approved plans. **(E)**
44. Landscape Certificate of Completion: Permittee shall submit a Certificate of Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance. **(E)**
45. Record Drawings: Permittee shall submit record drawings in AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities. **(E)**
46. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit. **(E)**

Key:

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(CA) = City Attorney

Certificate Of Completion

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Elizabeth Medina

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Milpitas, CA 95035

emedina@milpitas.gov

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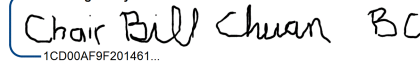
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bill_chuan@yahoo.com

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Elizabeth Medina

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Administrative Assistant

City of Milpitas

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ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO City of Milpitas (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft OBO City of Milpitas:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: mluu@ci.milpitas.ca.gov

To advise Carahsoft OBO City of Milpitas of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at mluu@ci.milpitas.ca.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft OBO City of Milpitas

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to mluu@ci.milpitas.ca.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO City of Milpitas

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to mluu@ci.milpitas.ca.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO City of Milpitas as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO City of Milpitas during the course of your relationship with Carahsoft OBO City of Milpitas.

CONDITIONAL USE PERMIT

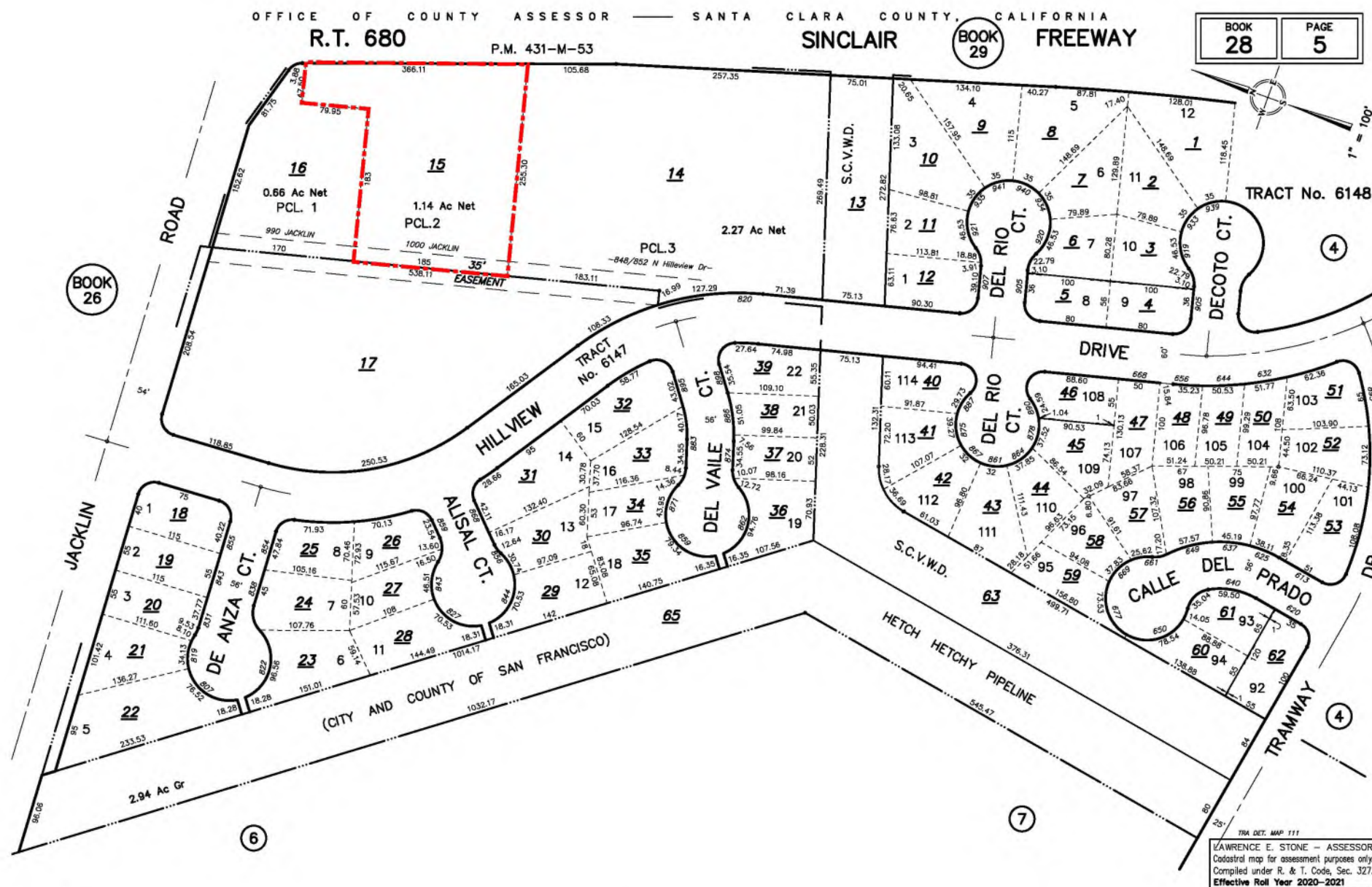
PRIMROSE DAY CARE FACILITY

1000 JACKLIN ROAD, MILPITAS

City of Milpitas

APPROVED BY PLANNING DEPARTMENT

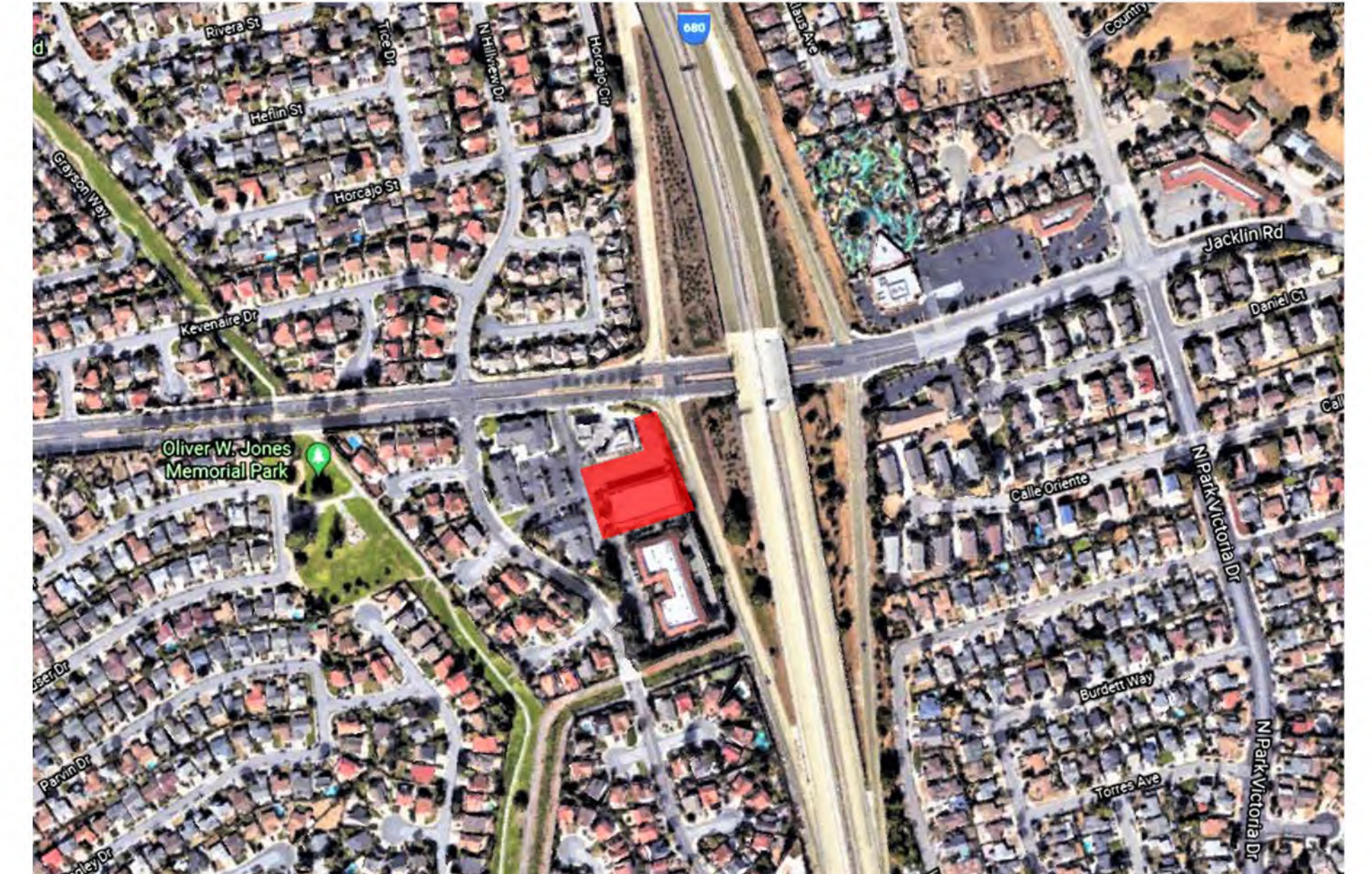
Date August 24, 202 By RESO NO. 22-012



Assessor's Parcel Map



Aerial Photo



Vicinity Map

Seismic upgrade is required due to the change of occupancy to Group E with occupant loads exceeding 250 per CBC Table 1604.5.	
Project Directory	
APPLICANT/OPERATOR PSWG LLC 1496 Hamilton Avenue San Jose, CA 95125 amar@chohawaii.net (408) 836-1606	LANDSCAPE ARCHITECT Isaacson Wood & Associates 35802 Hibiscus Court Fremont, CA 94536 Jay Isaacson jay@isaacsonwood.com (408) 838-2329
ARCHITECT LPMD Architects 1288 Kifer Road, Ste. 206 Sunnyvale, CA 94086 Anthony Ho Anthony@lpmd-architects.com (408) 859-2845	ENTITLEMENT CONSULTANT The Schoenauer Company 90 Hawthorne Way San Jose, CA 95110 Erik Schoenauer es@stanfordalumni.org (408) 947-7774
CIVIL ENGINEER JHMI Weiss 1731 Technology Drive, Ste. 880 San Jose, CA 95110 Daniel Gutierrez dggutierrez@jhmiweiss.com (408) 790-4984	

Sheet Index
0 Cover Sheet
C1.0 Existing Conditions
C1.1 Demolition Plan
C1.2 Preliminary Grading, Drainage and Utility Plan
C1.3 Preliminary Grading, Drainage and Utility Plan
C1.4 Preliminary Grading, Drainage and Utility Plan
C1.5 Preliminary Stormwater Control Plan
C1.6 Erosion Control Plan
C1.7 Erosion Control Details
C1.8 Truck/Fire Turning Plan
A01 Proposed Exits & Occupant Load
A1 Architectural Site Plan
A2 Proposed Floor Plans
A3 Existing Building Elevations
A4 Proposed Building Elevations
L1 Landscape Callout Plan
L2 Existing Tree Inventory Plan
L3 Landscape Planting Plan
L4 Landscape Details
L5 Irrigation Details
L6 Irrigation Details
L7 Planting Details
L8 Landscape Details
Scope of Project
Remove the existing 2-story commercial building on the 1.14 ac site into a Day Care Facility with up to 266 children and 36 staff. There shall be 42 parking stalls on site. The existing architectural style and exterior color shall remain unchanged, with the exception of adding windows and doors. There shall be no change in the building's location, footprint or height.
Code Analysis
2019 Building Codes (for current Code Cycle at time of Building Permit Submission)
Occupancy Type E
Construction Type VA (Existing Construction Type VB per City records; building upgrade required)
Allowable Area without Height Increase = 55,500 sf
2-Story Allowed without Area Increase
Fire alarm & fire sprinklers to be verified and updated with any new construction areas and meet the current City of Milpitas Fire Department requirements and submitted for approval prior to permit issuance.

Primrose of Milpitas 1000 Jacklin Rd, Milpitas, CA 95035 Operation Description
The facility's hours of operation are 7:30am - 6:30pm Monday through Friday. Occasionally, special events will be held on evenings and weekends.
License capacity of the facility will be for 266 children, 12 months through entry to 1 st grade of age. Total of 26 will be of age group 12 to 24 months old and 238 will be Preschool Age (2-5 years old) children.
Primrose and industry data indicate that approximately 25% of families have a second child enrolled, which would reduce the number of families to approximately 225 at capacity.
Staff at capacity will be 36. 32 staff members are full-time and 4 are part-time. The shift hours for full-time will vary from 7:30am to 4:30pm, 8am to 5pm, 9am to 6pm and 9:30am to 6:30pm; not all at the same time. Part-time can vary from 7am to 12pm, 1pm to 6pm or 2pm to 6:30pm; not all at the same time.
The location houses 42 parking spaces. AM drop off ranges from 7:30am to 9:30am (peak hour is typically 8:00am-9:30am). PM pick-up is between 4:00pm and 6:30pm (peak hour is typically 4:30pm-6:00pm).
The facility has outdoor play area divided into two areas - outdoor covered play area and outdoor uncovered play area. Children spend 45 minutes in the morning and 30 minutes in the evening on the playground. Children are on the playground from 8:30am to 12:30pm in the morning and 3:00pm to 5:30pm in the evening. Not all 266 children will go on the playground at the same time. On a given time, there will be 93 children on the playground. Classrooms will alternate playground times in the morning and afternoon.
The facility will have an onsite warming kitchen to serve 4 meals a day to children, which include breakfast, lunch and 2 light snacks.

Development Statistics	Allowed/Required	Proposed
Gross Lot Area	49,724 sf	no change
Net Lot Area		no change
Total Floor Area	25,108 sf	24,269 sf
Additional Floor Area (if adding area)	N/A	N/A
Floor Area Ratio (if nonresidential)	0.50	0.49
Open Space Calculation	N/A	7,430 sf
Lot Coverage	35%	no change
Height	30' Existing	no change
Number of Stories	2-Story Existing	no change
Front Setback	86.8'	no change
Rear Setback	6.8'	no change
Side Yard Setback(s)	52.8', 5.6'	no change

Parking Statistics	Required	Proposed
Standard Spaces	29	42
Compact Spaces	N/A	N/A
Percent Compact	N/A	N/A
Covered Spaces	0	0
Uncovered Spaces	49	42
Guest Spaces	N/A	N/A
Handicapped Car Spaces	1	1
Handicapped Van Spaces	1	1
Motorcycle Spaces		
Car Share Spaces		
EV Spaces		
EV Handicapped Spaces		
Short Term Bicycle Parking		
Long Term Bicycle Parking		

General Notes
1. Lighting shall be of sufficient wattage to adequately illuminate and make clearly visible the presence of any person in or about the outside premises during hours of darkness.
2. All entrances to the facility shall be posted with appropriate signage such as "No Trespassing/Littering" and applicable towing advisements such as 22858(a) CVC to assist in the removal of unauthorized persons and vehicles from the private premises.
3. Video/security cameras shall be implemented around the exterior, all entrances and exits, as well as for the enclosed facility. The video/security cameras shall record in high definition and shall have the capacity to save/retire footage for a minimum of thirty (30) days. Footage shall have the capability to be downloaded, and a copy of video/security footage shall be made available to law enforcement, upon request, for investigative purposes. It is recommended the employees of the business be properly trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the police department if needed.
4. It is recommended that security cameras be installed to adequately monitor the following areas: all parking lot areas, all entrances and exits leading into and out of the campus, hallway corridors on both levels, stairwells and the main entrance into the facility's lobby.
5. All windows and doors of the proposed classrooms shall have an audible tone, such as a chime, to alert whenever a window or door is opened.
6. All visitors/guardians shall be monitored by a staff member upon entering the facility and produce identification upon request.
7. Guardians must sign the children in and out of the facility during drop-off and pick-up.
8. Current photographs of all children and staff members shall be kept on file. The photographs shall be made available to law enforcement upon request.
9. Emergency contact information for at least one guardian per student, shall be kept on file and made available to law enforcement upon request.
10. Any guests or non-staff member allowed into the facility shall not share the same restroom with the children.
11. The current parking lot seems to be of sufficient capacity to accommodate additional parked vehicles and no changes are recommended for the current lot.
12. The Property Manager shall file an emergency notification form with the Police Department so law enforcement can contact the property manager in the event of any major accident, emergency, or unforeseen circumstance.
13. Line of sight obstructions, which may include recessed doors and awnings, should be avoided on the exterior walls of the campus to prevent subjects from being concealed in order to improve the safety and security of the staff and children.
14. It is recommended that the entire outer perimeter of the campus be enclosed with an appropriate fence for the safety and security of the children attending the facility. This is essential in order to help prevent children from exiting out onto two major thoroughfares, as well as to help prevent unwelcomed subjects from walking onto the campus. MPD shall be provided any keys or access codes needed to access the gated areas in case of an emergency.

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SAN JOSE, CA 95125

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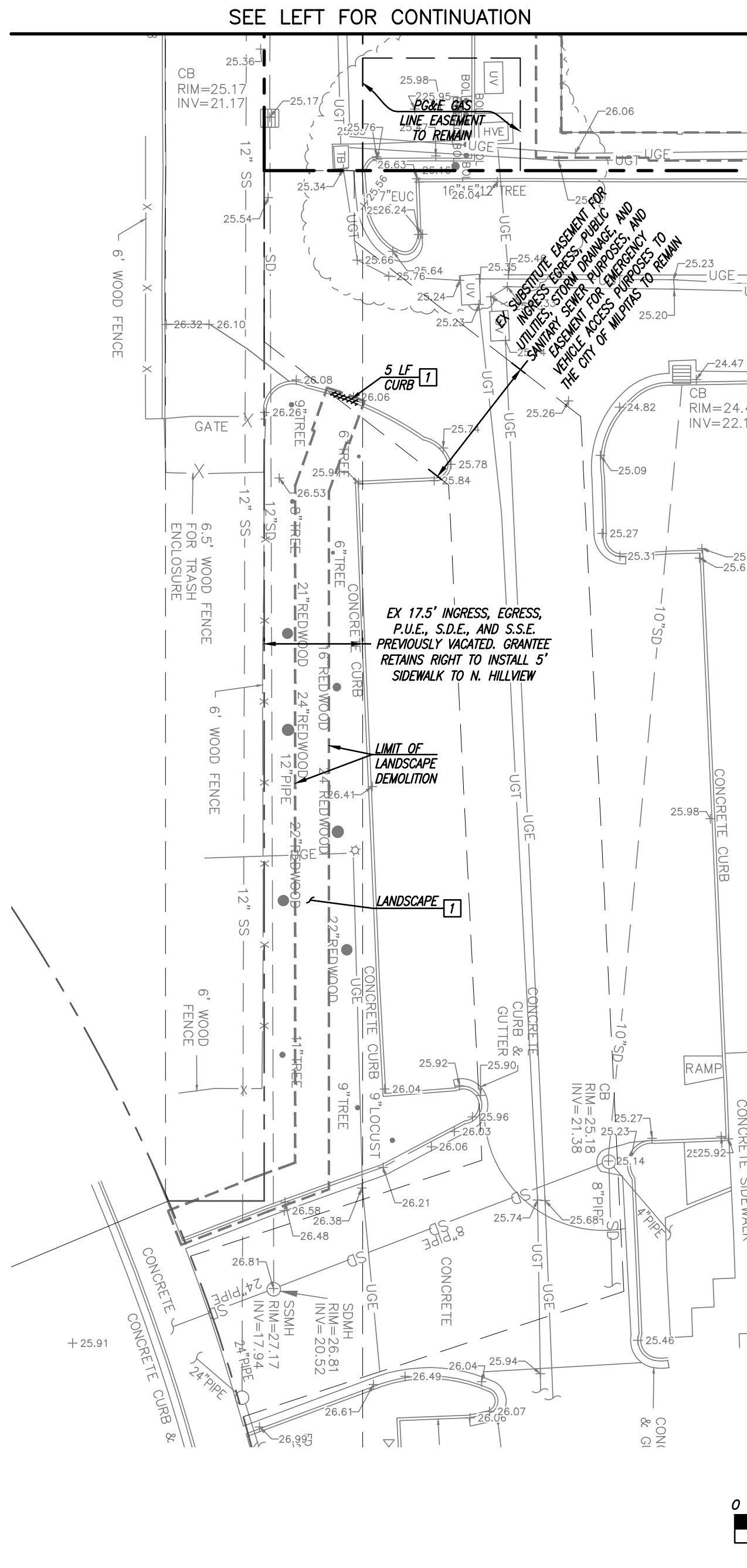
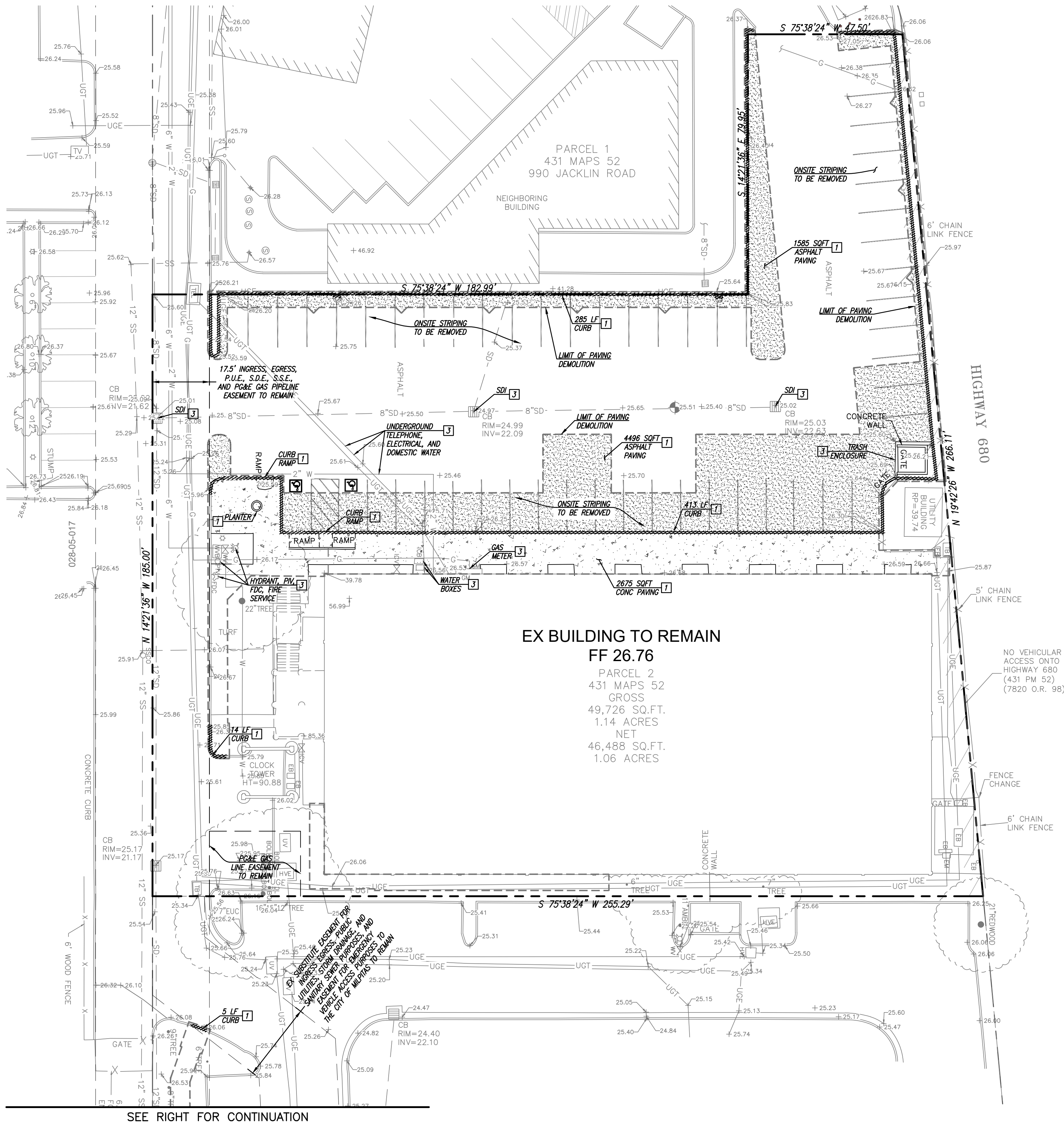
PRIMROSE DAY CARE FACILITY

1000 JACKLIN ROAD, MILPITAS, CA

Date:	May 20, 2022
Scale:	
Revisions:	

Drawing Title:	COVER SHEET
Sheet No.:	0
of:	Sheets

LPMD
Architects
1288 Kifer Road, #206
Sunnyvale, CA 94086
Telephone : 408-992-0280
Fax : 408-992-0281



GENERAL DEMOLITION NOTES:

1. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY SIZES AND INVERTS. ANY DISCREPANCY BETWEEN THESE PLANS AND THE FIELD SHALL BE COMMUNICATED TO THE ENGINEER PRIOR TO DEMOLITION.
2. UTILITIES SHOWN ON THIS PLAN FOR REFERENCE ONLY. CONTRACTOR SHALL CONTACT U.S.A. (UNDERGROUND SERVICE ALERT) AT (800)-642-2444 FOR LOCATION OF ALL UTILITIES. THE OWNER/CONTRACTOR MAY HIRE AN INDEPENDENT CONSULTANT TO LOCATE AND VERIFY ALL ONSITE UTILITIES AT THEIR OWN DISCRETION.
3. EXISTING ELECTRICAL AND GAS FACILITIES MARKED AS TO REMAIN TO BE PROTECTED AT ALL TIMES DURING CONSTRUCTION AND DEMOLITION OPERATIONS.
4. ALL PIPE ABANDONMENT AND/OR REMOVAL TO BE COMPLETED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER. ALL REMOVAL AND BACKFILL OF EXISTING FACILITIES TO BE SUPERVISED BY THE GEOTECHNICAL ENGINEER.
5. SEE GEOTECHNICAL REPORT FOR OPTION OF MATERIAL RECYCLING INCLUDING ASPHALT, CONCRETE, AND BASE MATERIAL.
6. MAINTAIN DRIVEWAY ACCESS FOR ADJACENT PROPERTIES AT ALL TIMES. PROVIDE TRAFFIC SIGNAGE CONTROLS FOR ALL AREAS WHERE TRAFFIC WILL BE LIMITED DUE TO DEMOLITION ACTIVITIES.
7. CONTRACTOR TO PROVIDE EROSION CONTROL BMP'S FOR ALL EXPOSED AREAS DURING DEMOLITION, INCLUDING STOCKPILES. CONSTRUCTION ENTRANCES SHALL BE CONSTRUCTED AT ACCESS POINTS TO DISTURBED AREAS. SEE EROSION CONTROL PLAN DETAILS.
8. AN AIR QUALITY PERMIT FOR DEMOLITION IS REQUIRED FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAQMD). CONTACT PHONE NUMBER IS 415-771-6000.
9. ALL BUILDINGS, CURBS, UTILITIES INCLUDING WATERLINE, STORM DRAIN, AND SEWER; LANDSCAPING AND IRRIGATION; AND PAVEMENT WITHIN LIMIT OF WORK TO BE REMOVED UNLESS OTHERWISE NOTED.
10. DAMAGED CURB, GUTTER, AND SIDEWALK WITHIN THE PUBLIC RIGHT OF WAY LONG PROPERTY'S FRONTAGE SHALL BE REPAIRED OR REPLACED TO THE NEAREST SCORE MARK IN A MANNER ACCEPTABLE TO THE CITY ENGINEER OR HIS DESIGNEE.
11. ALL WORK IN THE PUBLIC STREET, PUBLIC SERVICE EASEMENTS, AND EASEMENT TO THE CITY OF MILPITAS REQUIRES A SEPARATE ENCROACHMENT PERMIT AND TRAFFIC CONTROL PLAN.
12. ALL UTILITY BOXES WITHIN LIMIT OF WORK TO REMAIN AND TO BE ADJUSTED TO PROPOSED GRADE UNLESS OTHERWISE NOTED.
13. WASTE MANAGEMENT REQUIRES 50% RECYCLING OF SITE DEMOLITION OF STRUCTURES, CURB & GUTTER, AND PAVING.
14. ALL EXISTING UTILITY VAULTS (ELECTRICAL, TELEPHONE, CABLE) TO BE FLAGGED BY CONTRACTOR FOR CLEAR LOCATION TO OTHER CONTRACTORS AND CONSTRUCTION VEHICLES.
15. GROUND DISTURBING ACTIVITIES IN THE PUBLIC RIGHT OF WAY LONG PROPERTY'S FRONTAGE SHALL BE MONITORED BY A QUALIFIED ARCHAEOLOGIST TO ENSURE ANY ACCIDENTAL DISCOVERY OF SIGNIFICANT ARCHAEOLOGICAL MATERIALS AND/OR HUMAN REMAINS IS HANDLED ACCORDING TO CEQA GUIDELINES 15064.5 AND 15126.4(b). REFER TO CONDITION OF APPROVAL #82.
16. GROUND DISPLACEMENT ACTIVITIES MUST BE MONITORED BY A QUALIFIED PALEONTOLOGIST TO REVIEW UNDERGROUND MATERIALS RECOVERED. IN THE EVENT FOSSILS ARE ENCOUNTERED, WORK IN THE AREA SHALL BE HALTED AND THE CITY OF MILPITAS PLANNING AND BUILDING DEPARTMENTS SHALL BE CONTACTED TO DETERMINE THE NATURE OF THE REMAINS AND APPROPRIATE MITIGATION PLAN. REFER TO CONDITION OF APPROVAL #83.
17. UTILITIES TO BE ABANDONED SHOULD BE ABANDONED PER THE CITY OF MILPITAS'S ABANDONMENT NOTES.

DEMO LEGEND

- | | |
|-------|-----------------------|
| 1 | TO BE REMOVED |
| 2 | TO BE RELOCATED |
| 3 | TO REMAIN |
| +++++ | CURB TO BE DEMOLISHED |
| ---- | CURB TO BE DEMOLISHED |

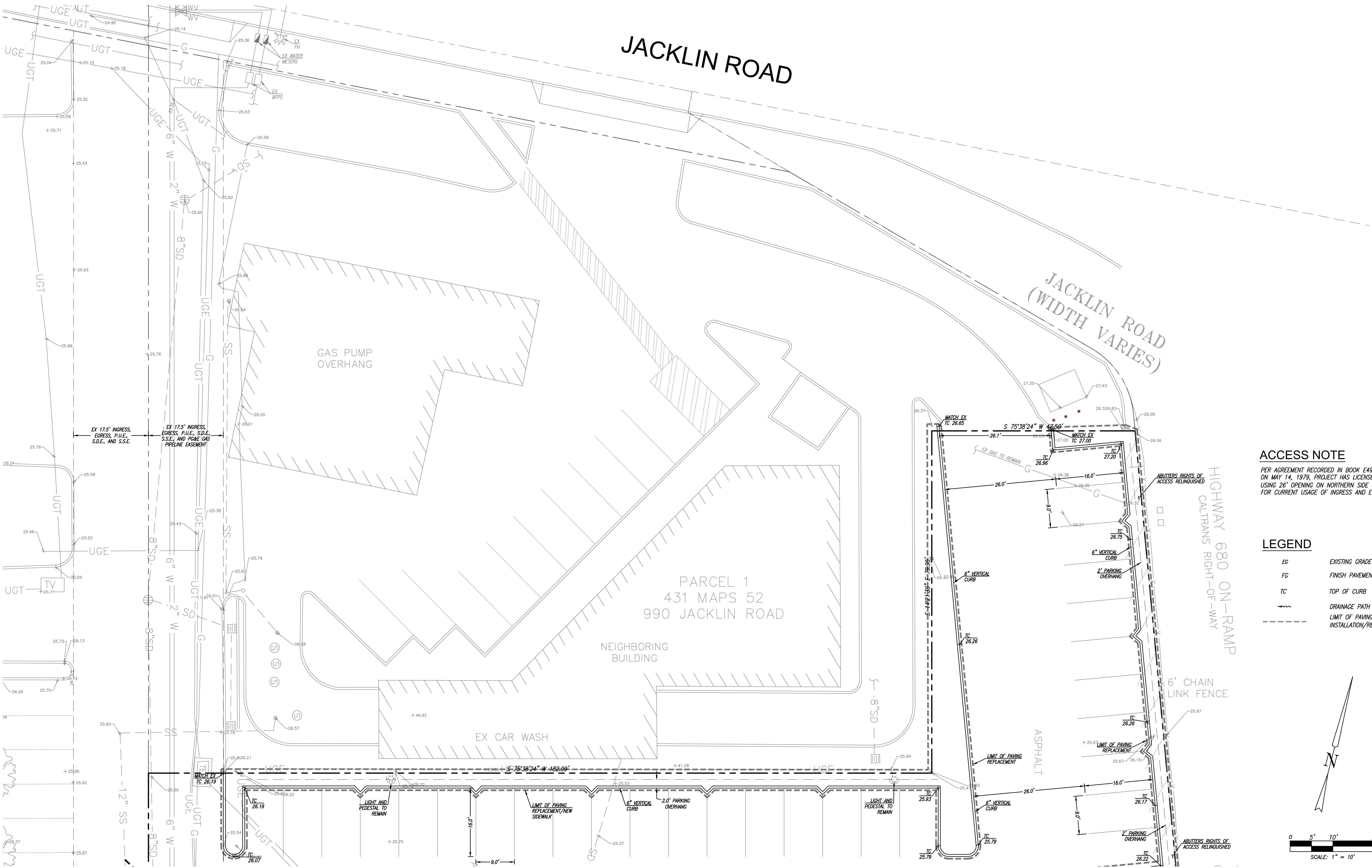
PSWG LLC
1496 HAMILTON AVENUE
SAN JOSE, CA 95125

CONDITIONAL USE PERMIT
PRIMROSE DAY CARE FACILITY
1000 JACKLIN ROAD, MILPITAS, CA

Date: 5-18-2022
Scale: 5221
Job: 5221
Revisions:
of: Sheets

Drawing Title:
**DEMOLITION
PLAN**
Sheet No:
C-1.1

**J M H
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1731 Technology Drive, Suite 880
San Jose, CA 95110 (408) 286-4555

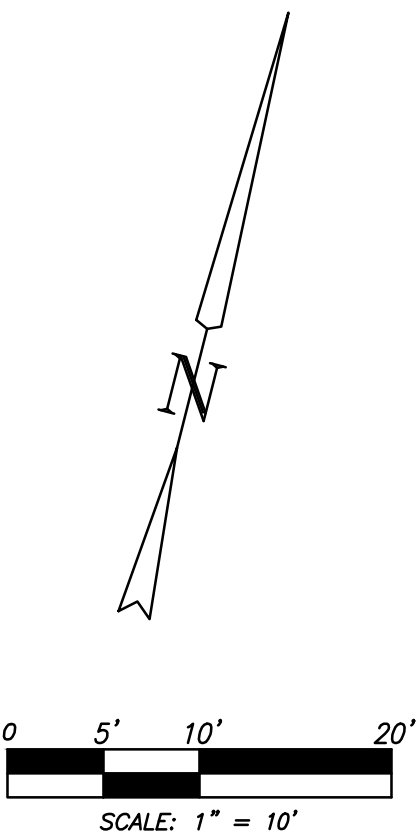


ACCESS NOTE

PER AGREEMENT RECORDED IN BOOK E491 PAGE 205 ON MAY 14, 1979, PROJECT HAS LICENSE TO CONTINUE USING 26' OPENING ON NORTHERN SIDE OF PROPERTY FOR CURRENT USAGE OF INGRESS AND EGRESS.

LEGEND

EG	EXISTING GRADE
FG	FINISH PAVEMENT/CONCRETE GRADE
TC	TOP OF CURB
~	DRAINAGE PATH
---	LIMIT OF PAVING INSTALLATION/REPLACEMENT



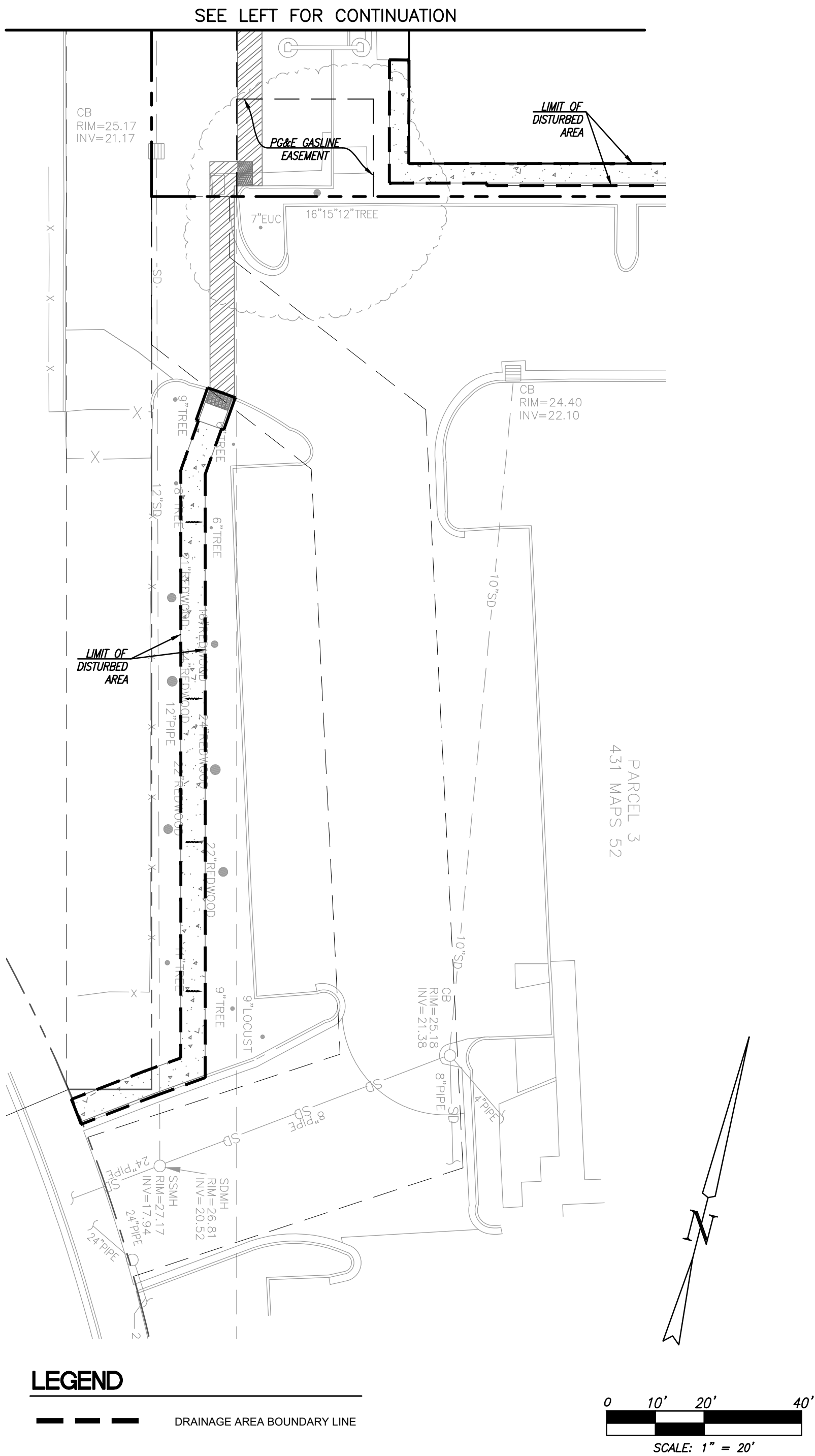
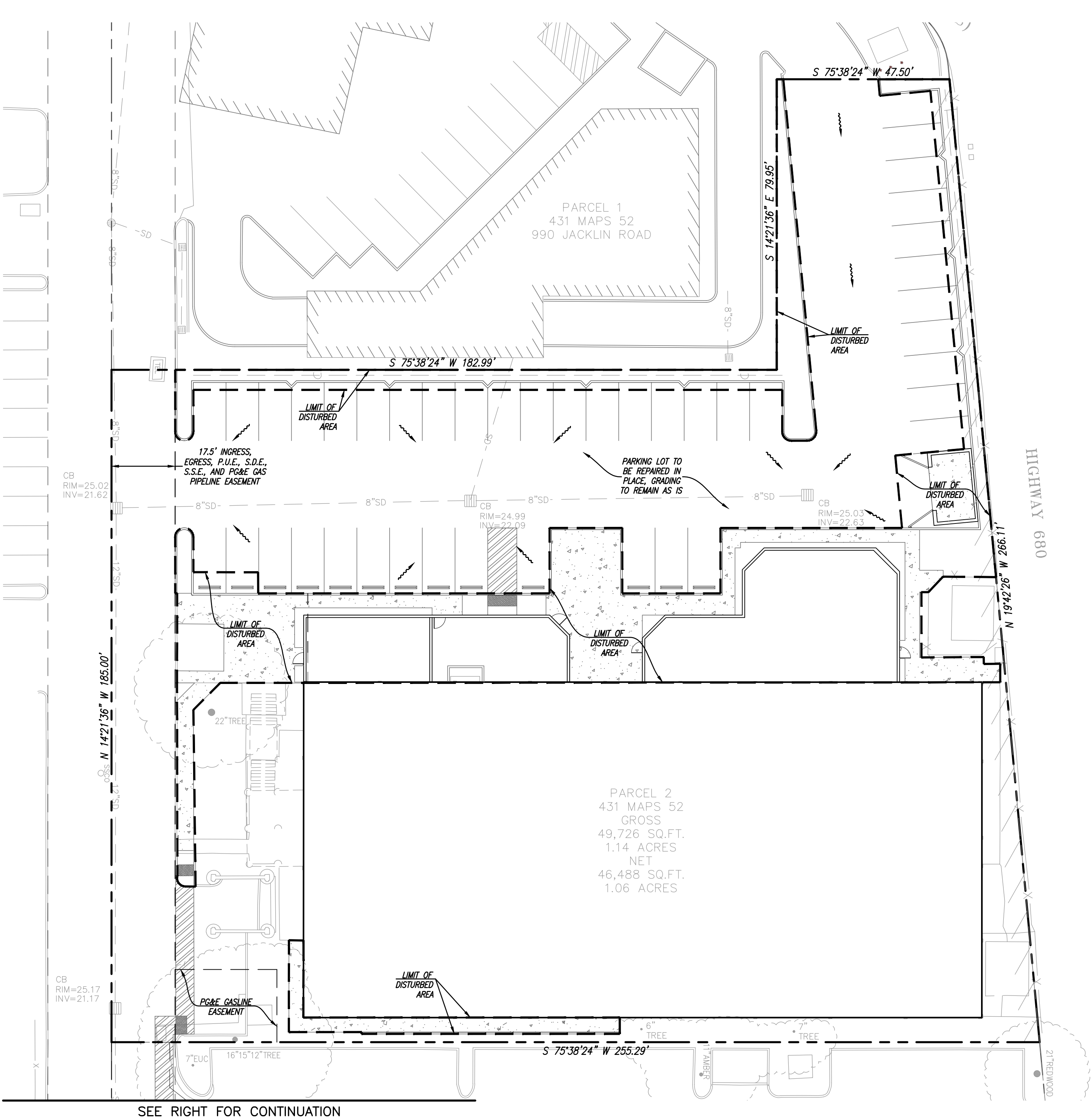
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CONDITIONAL USE PERMIT
PRIMROSE DAY CARE FACILITY
1000 JACKLIN ROAD, MILPITAS, CA

Date: 5-18-2022
Scale: 5221
Job:
Revisions:

Drawing Title:
**PRELIMINARY
GRADING, DRAINAGE,
AND UTILITY PLAN**
Sheet No:
C-2.1
of: Sheets

**J M H
Weiss**
Real Estate Development Consultants
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1731 Technology Drive, Suite 880
San Jose, CA 95110 (408) 286-4555



2. Project Size					
a. Total Site Area: 1.141 (6000 sqft)		b. Total Site Area Disturbed: 0.283 (including clearing, grading, or excavating) acre			
	acre	Existing Area (ft ²)	Proposed Area (ft ²)		Total Post-Project Area (ft ²)
			Replaced	New	
Impervious Area					
Roof	20,779	0	0		20,779
Parking	0	0	0		0
Sidewalks and Streets	26,917	6,940	0		26,578
c. Total Impervious Area	47,696	6,940	0		47,357
d. Total new and replaced impervious area		6,940			
Pervious Area					
Landscaping	2,860	329	1,570		3,199
Pervious Paving	0	0	0		0
Other (e.g. Green Roof)	0	0	0		0
e. Total Pervious Area	2,860	329	1570		3,199
f. Percent Replacement of Impervious Area in Redevelopment Projects (Replaced Total Impervious Area ÷ Existing Total Impervious Area) x 100% = .146 %					

6. Selection of Specific Stormwater Control Measures:		
Site Design Measures	Source Control Measures	Treatment Systems
☒ Minimize land disturbed	☐ Alternative building materials	☐ None (all impervious surface drains to self-retaining areas)
☐ Minimize impervious surfaces	☐ Wash area/tracks, drain to sanitary sewer ²	LID Treatment
☐ Minimum-impact street or parking lot design	☒ Covered dumpster area, drain to sanitary sewer ²	☐ Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment)
☒ Cluster structures/pavement	☐ Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain ²	☐ Infiltration basin
☐ Disconnected downspouts	☒ Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)	☐ Infiltration trench
☐ Pervious pavement	☐ Outdoor material storage protection	☐ Exfiltration trench
☐ Green roof	☐ Covers, drains for loading docks, maintenance bays, fueling areas	☐ Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter conduit)
☐ Microdetention in landscape	☒ Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)	Biotreatment ³
☐ Other self-treating area	☒ Storm drain labeling	☐ Bioretention area
☐ Self-retaining area	☐ Other _____	☐ Flow-through planter
☐ Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains) ¹		☐ Tree box with bioretention soils
☐ Preserved open space: _____ ac. or sq. ft. (circle one)		☐ Other _____
☐ Protected riparian and wetland areas/buffers (Setback from top of bank: ft.)		Other Treatment Methods
☐ Other _____		☐ Proprietary tree box filter ⁴

PROJECT SITE INFORMATION:

- SOILS TYPE: D
- GROUND WATER DEPTH: 0'-10'
- NAME OF RECEIVING BODY: COYOTE CREEK
- FLOOD ZONE: X
- FLOOD ELEVATION (IF APPLICABLE): N/A

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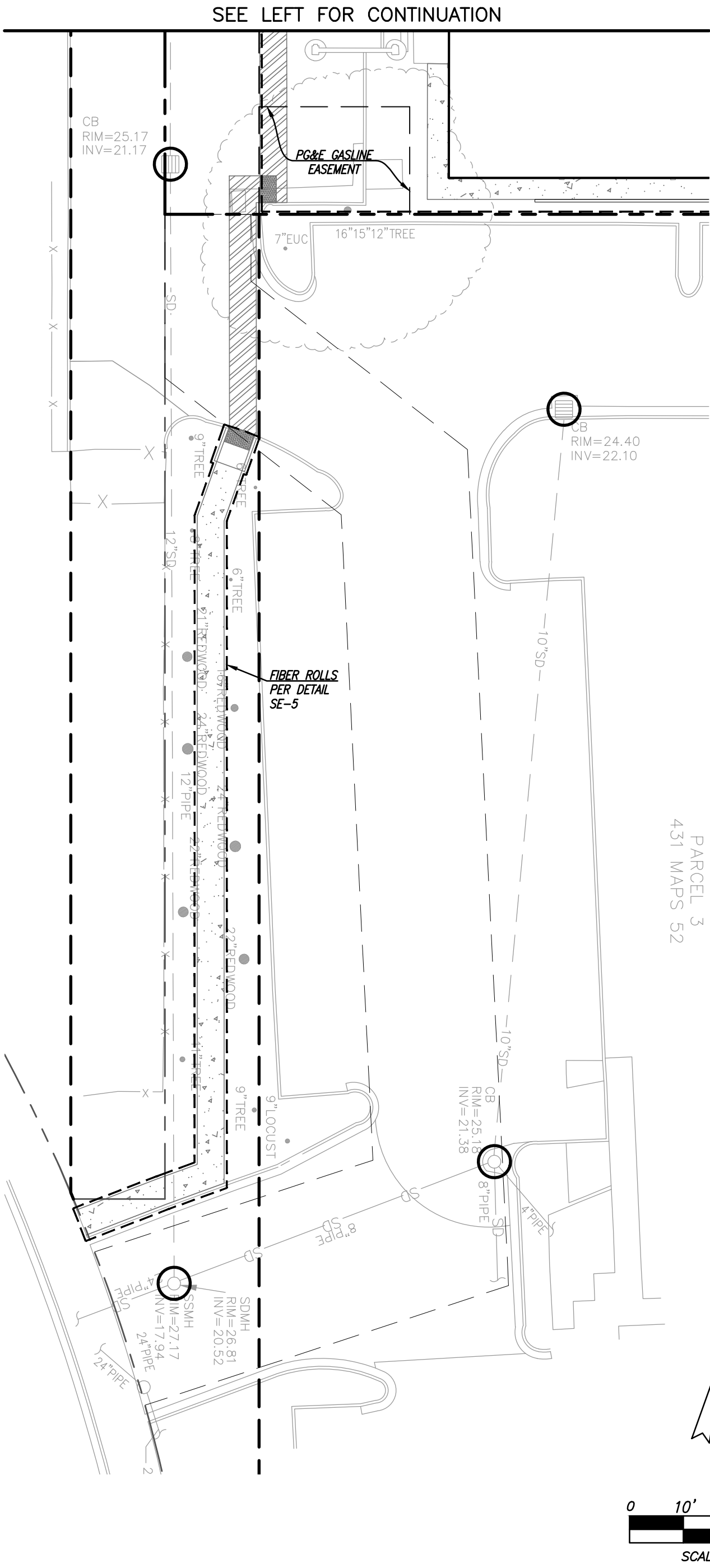
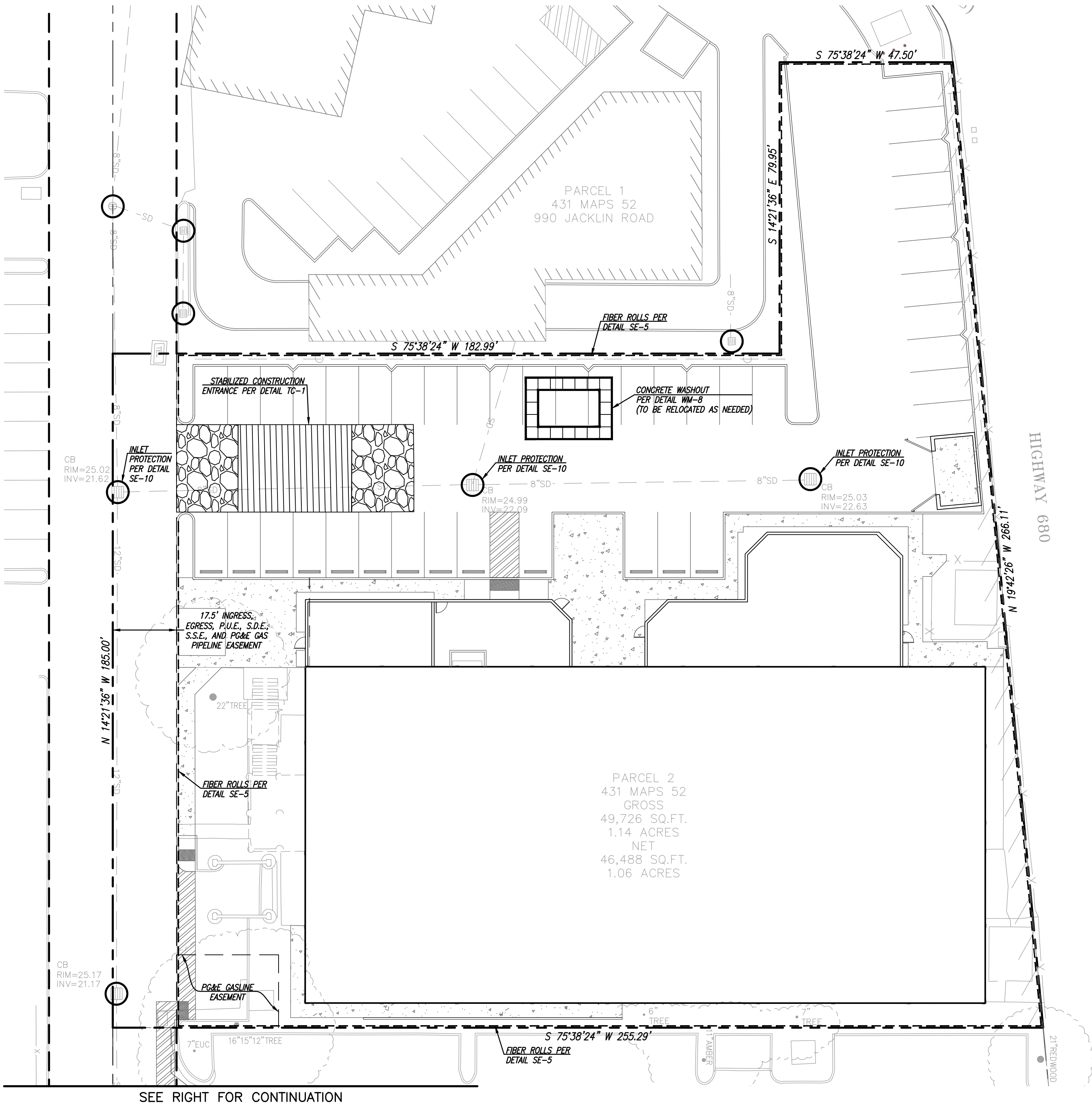
PRIMROSE DAY CARE FACILITY

1000 JACKLIN ROAD, MILPITAS, CA

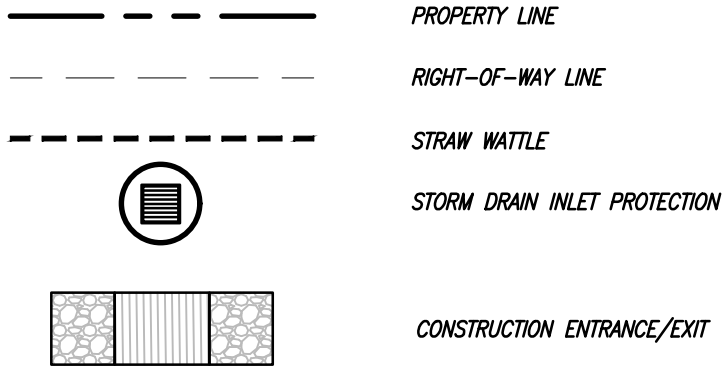
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Job: 5221
Revisions: _____

Drawing Title: PRELIMINARY STORMWATER CONTROL PLAN
Sheet No: C-3.0
of: _____ Sheets

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LEGEND & ABBREVIATIONS



BMP SUMMARY TABLE	
BMP CATEGORY	BMP USED
EROSION CONTROL	STRAW WATTLES (SE-5)
SEDIMENT CONTROL	INLET PROTECTION (SE-10)
GOOD SITE MANAGEMENT	REGULAR INSPECTIONS & TRAINING
NON-STORMWATER MANAGEMENT	CONCRETE WASHOUT (WM-8)
RUN-ON AND RUN-OFF CONTROL	STRAW WATTLES (SE-5)
ACTIVE TREATMENT SYSTEMS	N/A

GENERAL CSJ EROSION AND SEDIMENT CONTROL NOTES:

- OWNER:
IT SHALL BE THE OWNER'S RESPONSIBILITY TO MAINTAIN CONTROL OF THE ENTIRE CONSTRUCTION OPERATION AND TO KEEP THE ENTIRE SITE IN COMPLIANCE WITH THE SOIL EROSION CONTROL PLAN.
- CIVIL ENGINEER:
JMH WEISS, INC.
1731 TECHNOLOGY DRIVE, SUITE #880
SAN JOSE, CA 95110
(408) 286-4555
- CONTRACTOR:
TO BE DECIDED
- THIS PLAN IS INTENDED TO BE USED FOR INTERIM EROSION AND SEDIMENT CONTROL ONLY AND IS NOT TO BE USED FOR FINAL ELEVATIONS OR PERMANENT IMPROVEMENTS.
- DEVELOPER WILL SUBMIT TO THE CITY MONTHLY (AT THE FIRST OF EACH MONTH BETWEEN OCT 1ST AND APRIL 30TH) CERTIFICATIONS THAT ALL EROSION/SEDIMENT MEASURES IDENTIFIED ON THE APPROVED EROSION CONTROL PLAN ARE IN PLACE. IF MEASURES ARE NOT IN PLACE, DEVELOPER SHALL PROVIDE THE CITY WITH A WRITTEN EXPLANATION OF WHY THE MEASURE IS NOT IN PLACE AND WHAT WILL BE DONE TO REMEDY THIS SITUATION.
- OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING EROSION AND SEDIMENT CONTROL MEASURES PRIOR, DURING, AND AFTER STORM EVENTS.
- REASONABLE CARE SHALL BE TAKEN WHEN HAULING ANY EARTH, SAND, GRAVEL, STONE, DEBRIS, PAPER OR ANY OTHER SUBSTANCE OVER ANY PUBLIC STREET, ALLEY OR OTHER PUBLIC PLACE. SHOULD ANY BLOW, SPILL, OR TRACK OVER AND UPON SAID PUBLIC OR ADJACENT PRIVATE PROPERTY, IMMEDIATE REMEDY SHALL OCCUR.
- SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE.
- DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LADEN RUNOFF TO ANY STORM DRAINAGE SYSTEM, INCLUDING EXISTING DRAINAGE SWALES AND WATER COURSES.
- CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT EROSION AND WATER POLLUTION WILL BE MINIMIZED. STATE AND LOCAL LAWS CONCERNING POLLUTION ABATEMENT SHALL BE COMPLIED WITH.
- CONTRACTOR SHALL PROVIDE DUST CONTROL AS REQUIRED BY THE APPROPRIATE FEDERAL, STATE AND LOCAL AGENCY REQUIREMENTS.
- CONTRACT SHALL PROVIDE INLET PROTECTION TO ALL STORM DRAIN INLETS WITHIN 150 FEET OF PROJECT.

EROSION AND SEDIMENT CONTROL MEASURES

- THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 1 TO APRIL 30. FACILITIES ARE TO BE OPERABLE PRIOR TO SEPTEMBER 15 OF ANY YEAR. GRADING OPERATIONS DURING THE RAINY SEASON WHICH LEAVE DENUDED SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES IMMEDIATELY FOLLOWING GRADING ON THE SLOPES. DURING THE NON-RAINY SEASON BEST MANAGEMENT PRACTICES (BMPs) MUST BE IMPLEMENTED DURING CONSTRUCTION WHICH INCLUDES, BUT IS NOT LIMITED TO: STABILIZED CONSTRUCTION ENTRANCE, TIRE WASH AREA, AND INLET PROTECTION.
- THIS PLAN COVERS ONLY THE FIRST WINTER FOLLOWING GRADING WITH ASSUMED SITE CONDITIONS AS SHOWN ON THE EROSION CONTROL PLAN. PRIOR TO SEPTEMBER 15, THE COMPLETION OF SITE IMPROVEMENT SHALL BE EVALUATED AND REVISIONS MADE TO THIS PLAN AS NECESSARY WITH THE APPROVAL OF THE CITY ENGINEER. PLANS ARE TO BE RESUBMITTED FOR CITY APPROVAL PRIOR TO SEPTEMBER 1 OF EACH SUBSEQUENT YEAR UNTIL SITE IMPROVEMENTS ARE ACCEPTED BY THE CITY.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE WAYS. (ALSO INCLUDE THIS NOTE ON GRADING PLANS.)
- CONTRACTOR SHALL MAINTAIN STABILIZED ENTRANCE AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. ANY MUD OR DEBRIS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED DAILY AND AS REQUIRED BY THE CITY.
- IF HYDROSEEDING IS NOT USED OR IS NOT EFFECTIVE BY 09/23, THEN OTHER IMMEDIATE METHODS SHALL BE IMPLEMENTED, SUCH AS EROSION CONTROL BLANKETS, OR A THREE-STEP APPLICATION OF 1) SEED, MULCH, FERTILIZER 2) BLOWN STRAW 3) TACKLER AND MULCH.
- INLET PROTECTION SHALL BE INSTALLED AT OPEN INLETS TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL ARE TO BE BLOCKED TO PREVENT ENTRY OF SEDIMENT.
- LOTS WITH HOUSES UNDER CONSTRUCTION WILL NOT BE HYDROSEEDED. EROSION PROTECTION FOR EACH LOT WITH A HOUSE UNDER CONSTRUCTION SHALL CONFORM TO THE TYPICAL LOT EROSION CONTROL DETAIL SHOWN ON THIS SHEET.
- THIS EROSION AND SEDIMENT CONTROL PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN IN THE FIELD. NOTIFY THE CITY REPRESENTATIVE OF ANY FIELD CHANGES.

MAINTENANCE NOTES

- MAINTENANCE IS TO BE PERFORMED AS FOLLOWS:
A. REPAIR DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION AT THE END OF EACH WORKING DAY.
B. SWALES SHALL BE INSPECTED PERIODICALLY AND MAINTAINED AS NEEDED.
C. SEDIMENT TRAPS, BERMES, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS MADE AS NEEDED.
D. SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1 FOOT.
E. SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
F. RILLS AND GULLIES MUST BE REPAIRED.
- SAND BAG INLET PROTECTION SHALL BE CLEANED OUT WHENEVER SEDIMENT DEPTH IS ONE HALF THE HEIGHT OF ONE SAND BAG.

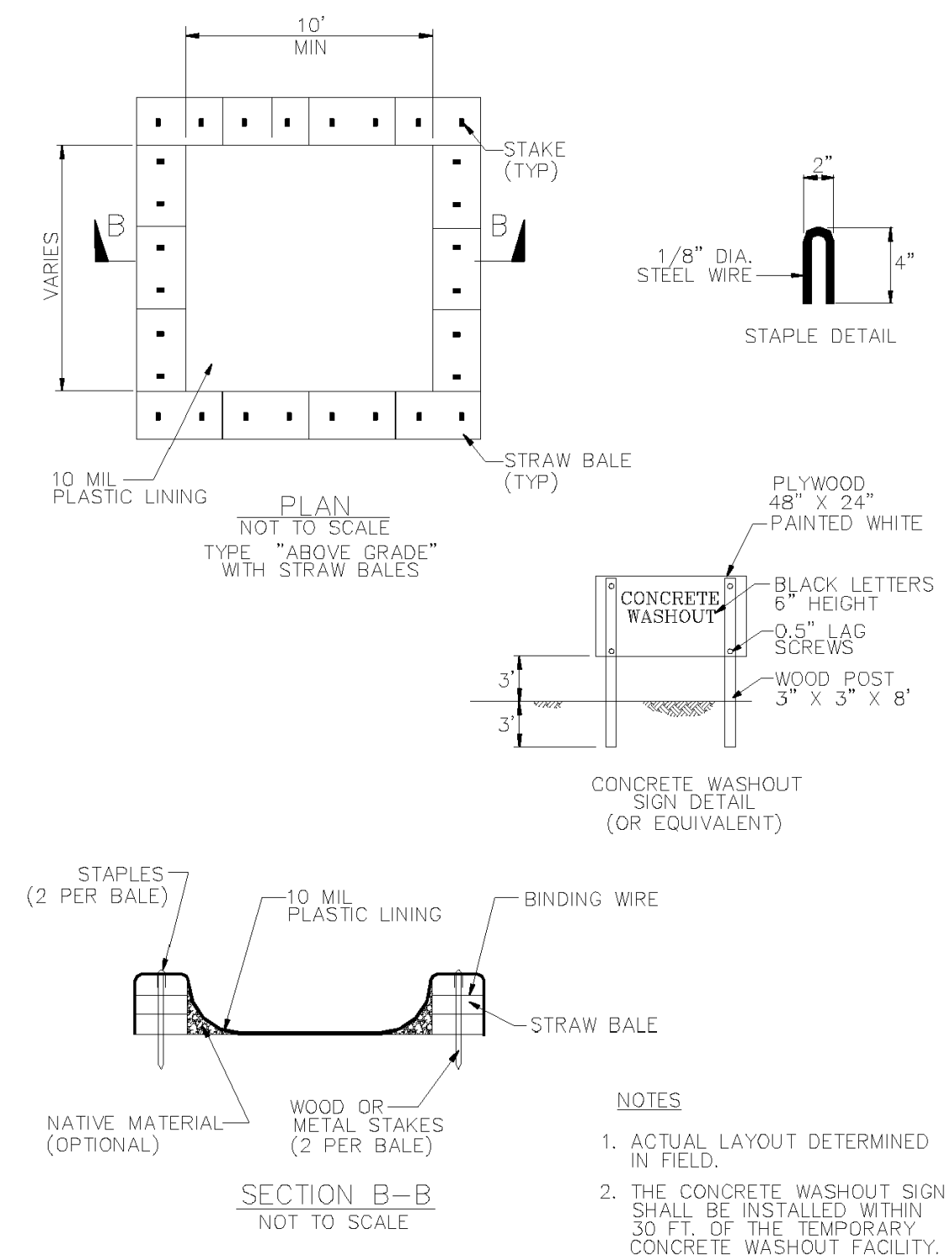
PSWG LLC
1496 HAMILTON AVENUE
SAN JOSE, CA 95125

CONDITIONAL USE PERMIT
PRIMROSE DAY CARE FACILITY
1000 JACKLIN ROAD, MILPITAS, CA

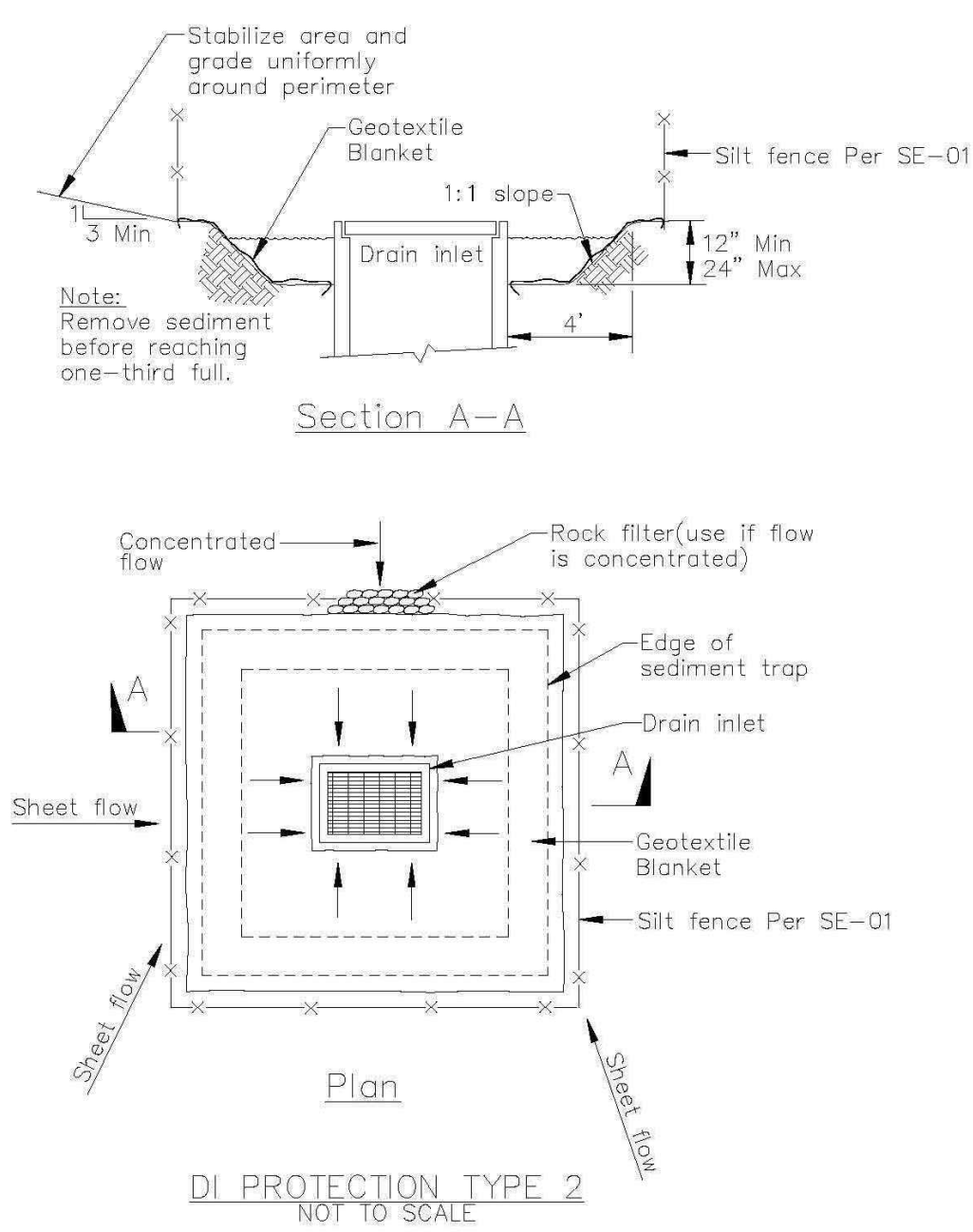
Date: 5-18-2022 Drawing Title: EROSION CONTROL PLAN
Scale: 5221
Job: 5221
Revisions: Sheet No: C-4.0
of: Sheets

J M H
Weiss
Real Estate Development Consultants
Planning and Engineering
1731 Technology Drive, Suite 880
San Jose, CA 95110 (408) 286-4555

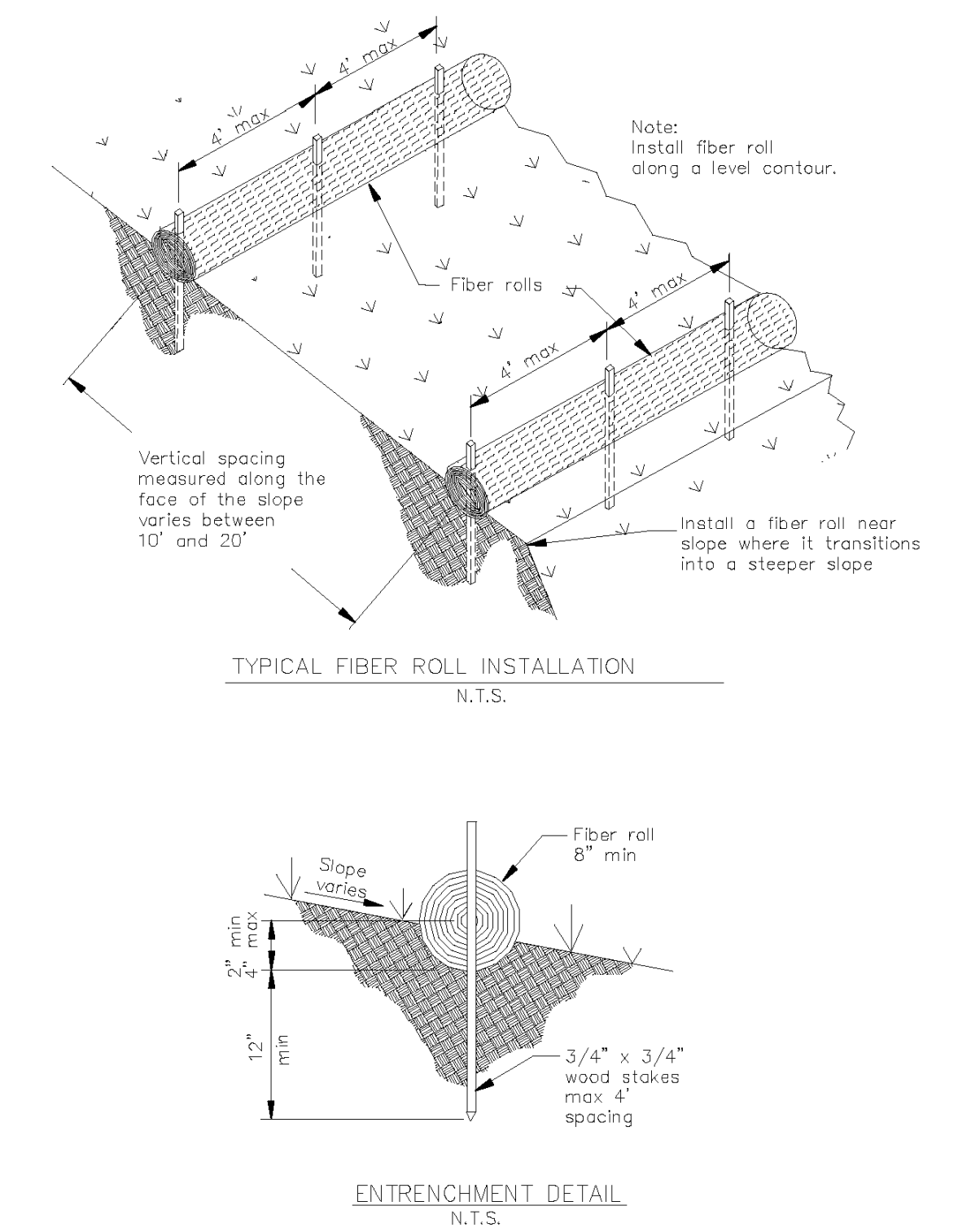
Concrete Waste Management WM-8



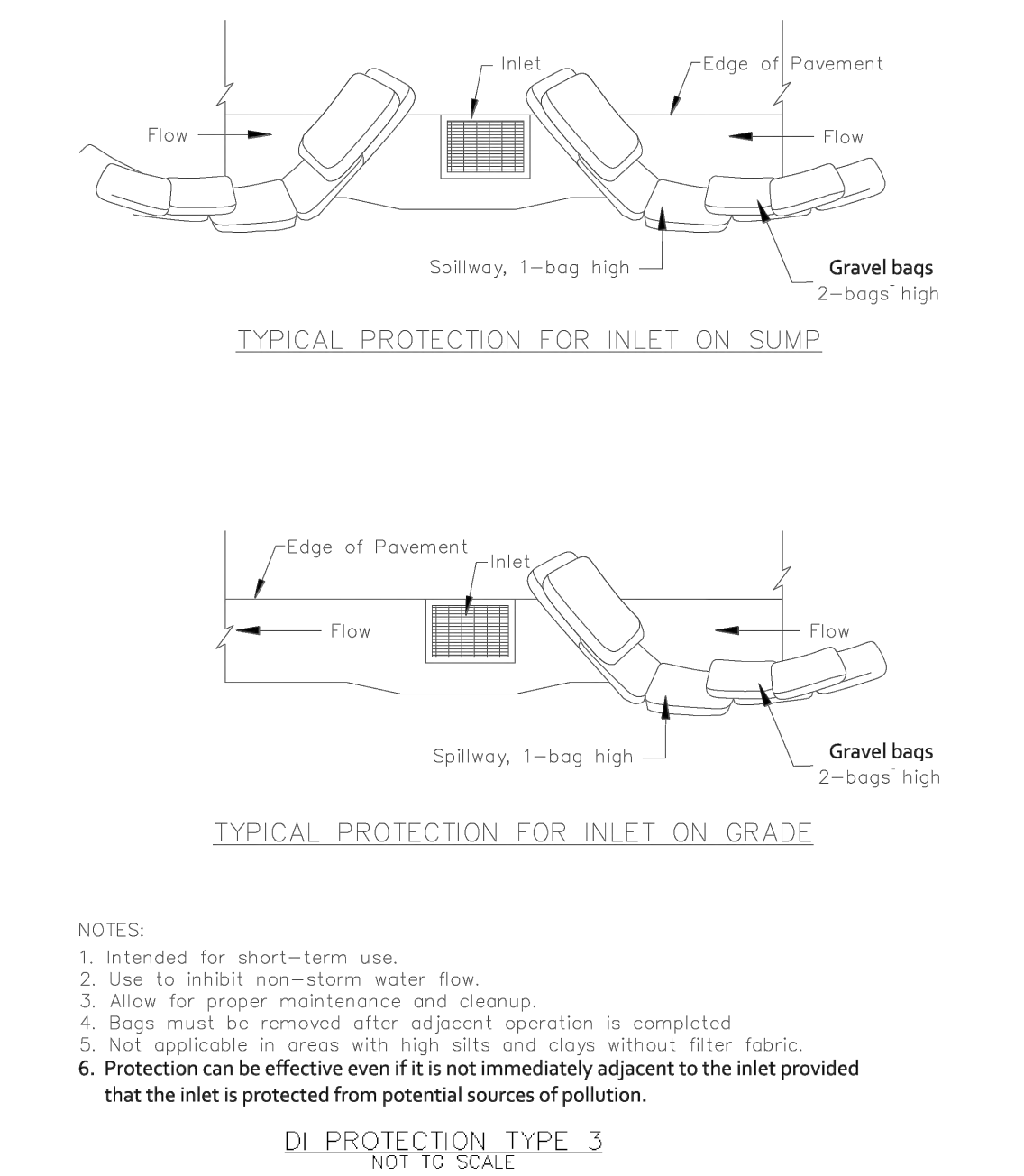
Storm Drain Inlet Protection SE-10



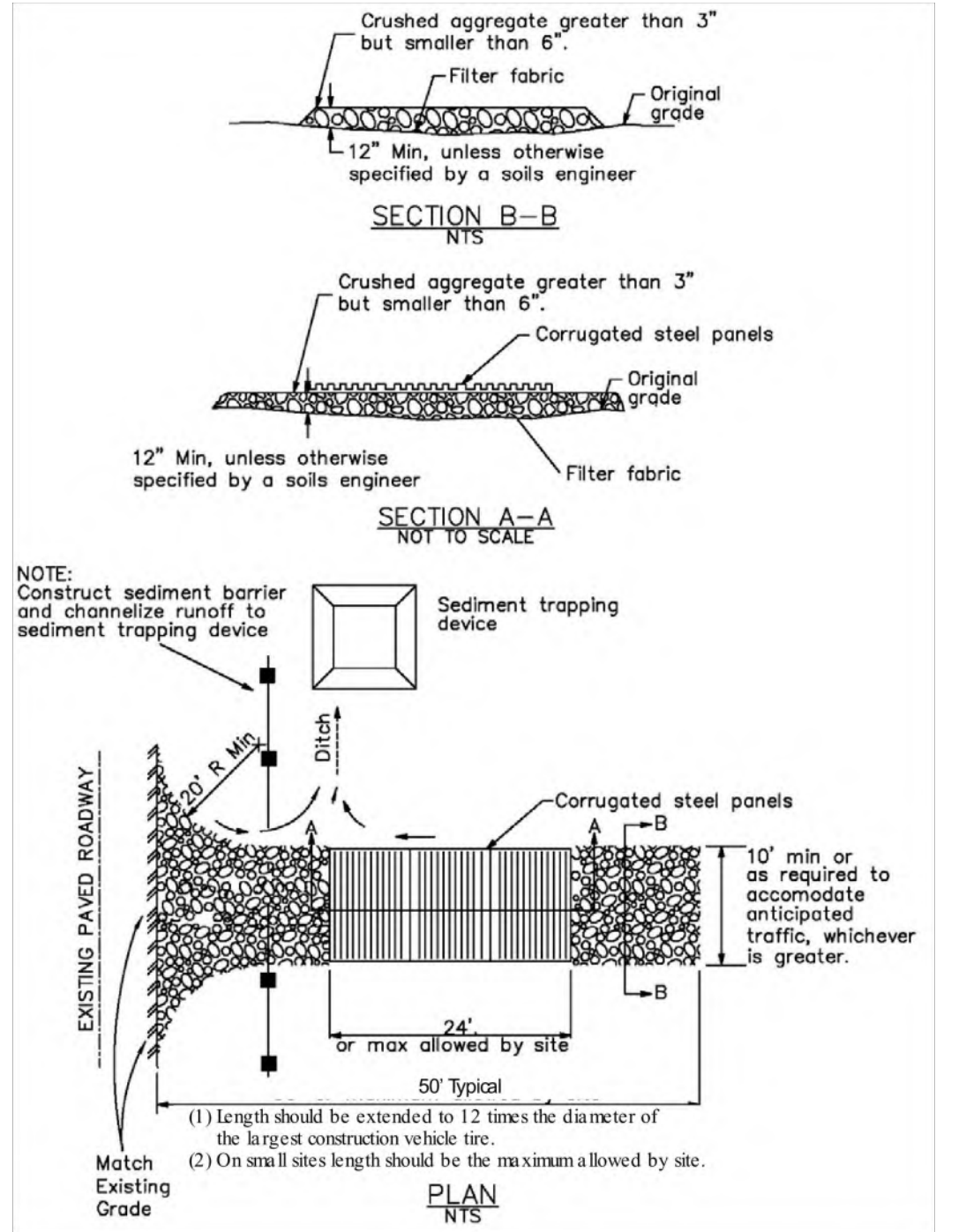
Fiber Rolls SE-5



Storm Drain Inlet Protection SE-10



Stabilized Construction Entrance/Exit TC-1

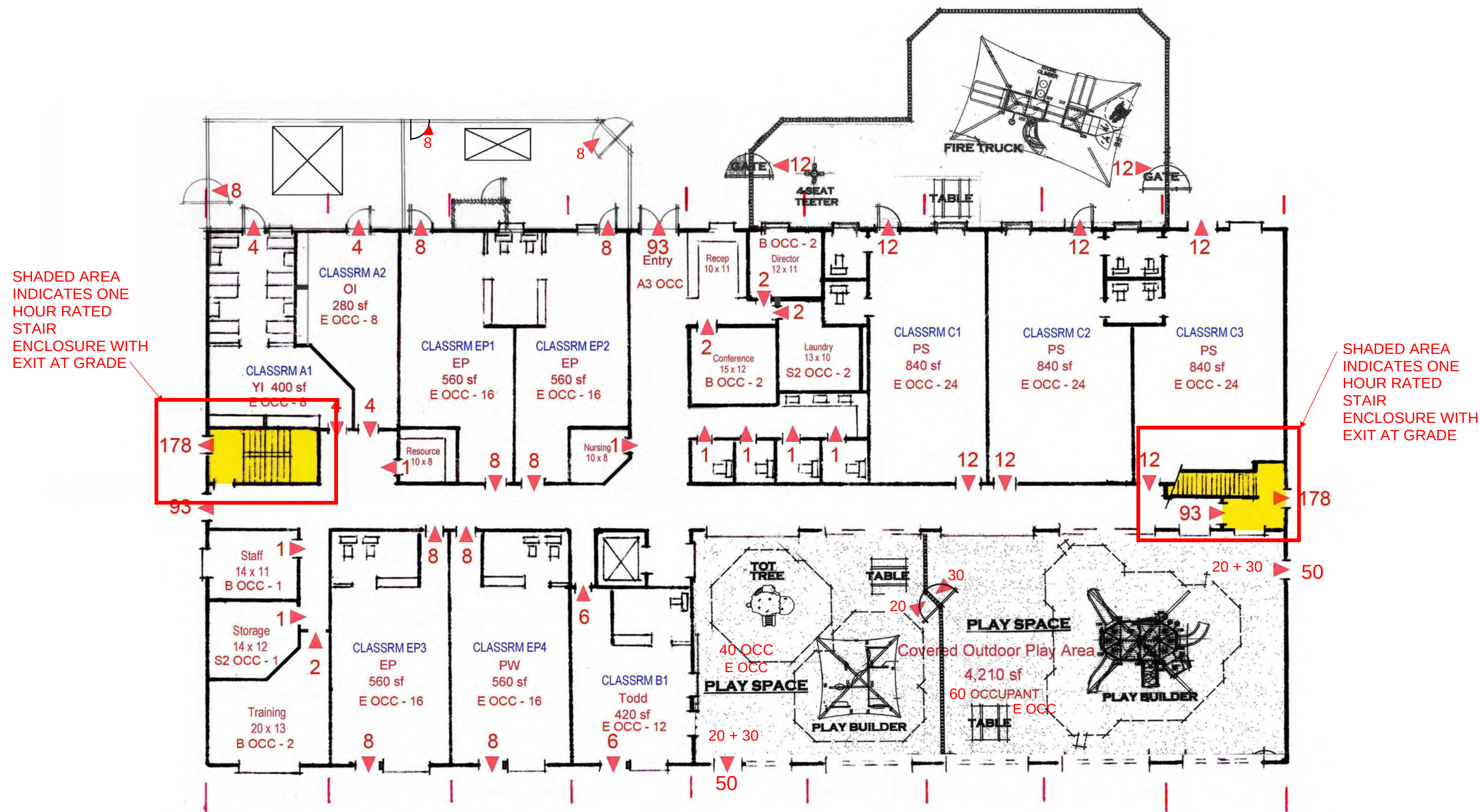


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SAN JOSE, CA 95125

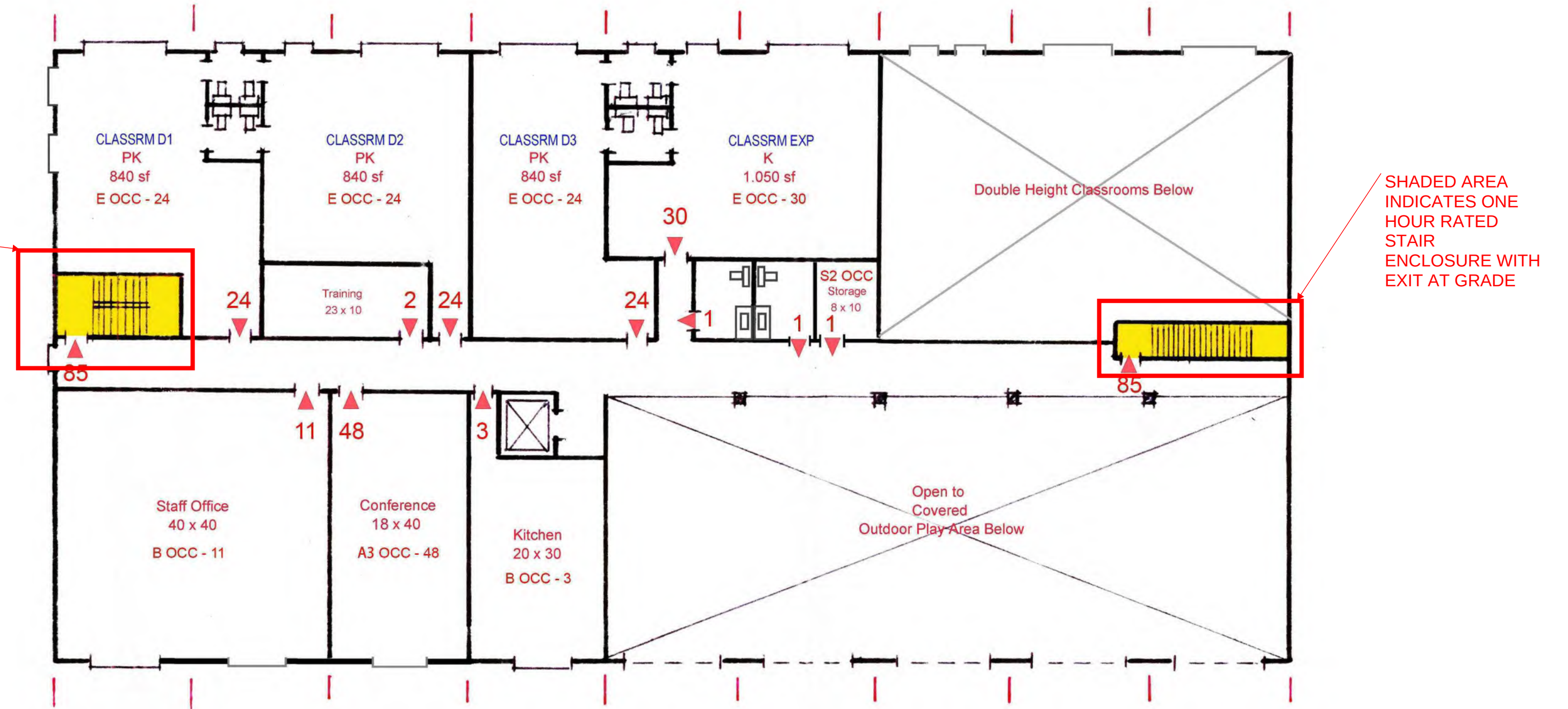
CONDITIONAL USE PERMIT
PRIMROSE DAY CARE FACILITY
1000 JACKLIN ROAD, MILPITAS, CA

Date:	5-18-2022	Drawing Title:	EROSION CONTROL DETAILS
Scale:	5221	Sheet No:	C-4.1
Job:		of:	Sheets
Revisions:			

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San Jose, CA 95110 (408) 286-4555



1ST FLOOR PLAN



2ND FLOOR PLAN

	A-3	B	E	S-2	CIRCULATION	
1ST FL:	4,430 SF	1,070 SF	5,020 SF	418 SF	1,196 SF	12,134 SF
2ND FL:	720 SF	2,430 SF	3,570 SF	170 SF	850 SF	7,740 SF

TOTAL: 5,150 SF 3,500 SF 8,590 SF 588 SF 2,046 SF

DUAL HEIGHT AREA 4,395 SF
TOTAL BUILDING 24,269 SF

MAXIMUM ALLOWED PER BUILDING TYPE VA

34,500 SF 54,500 SF 55,500 SF 63,000 SF

PSWG LLC
1496 HAMILTON AVENUE
SAN JOSE, CA 95125

CONDITIONAL USE PERMIT
PRIMROSE DAY CARE FACILITY
1000 JACKLIN ROAD, MILPITAS, CA

Date: 07-06-2021

Scale: 1/16

Revisions:

Drawing Title:

PROPOSED EXITS &
OCCUPANT LOAD

Sheet No:

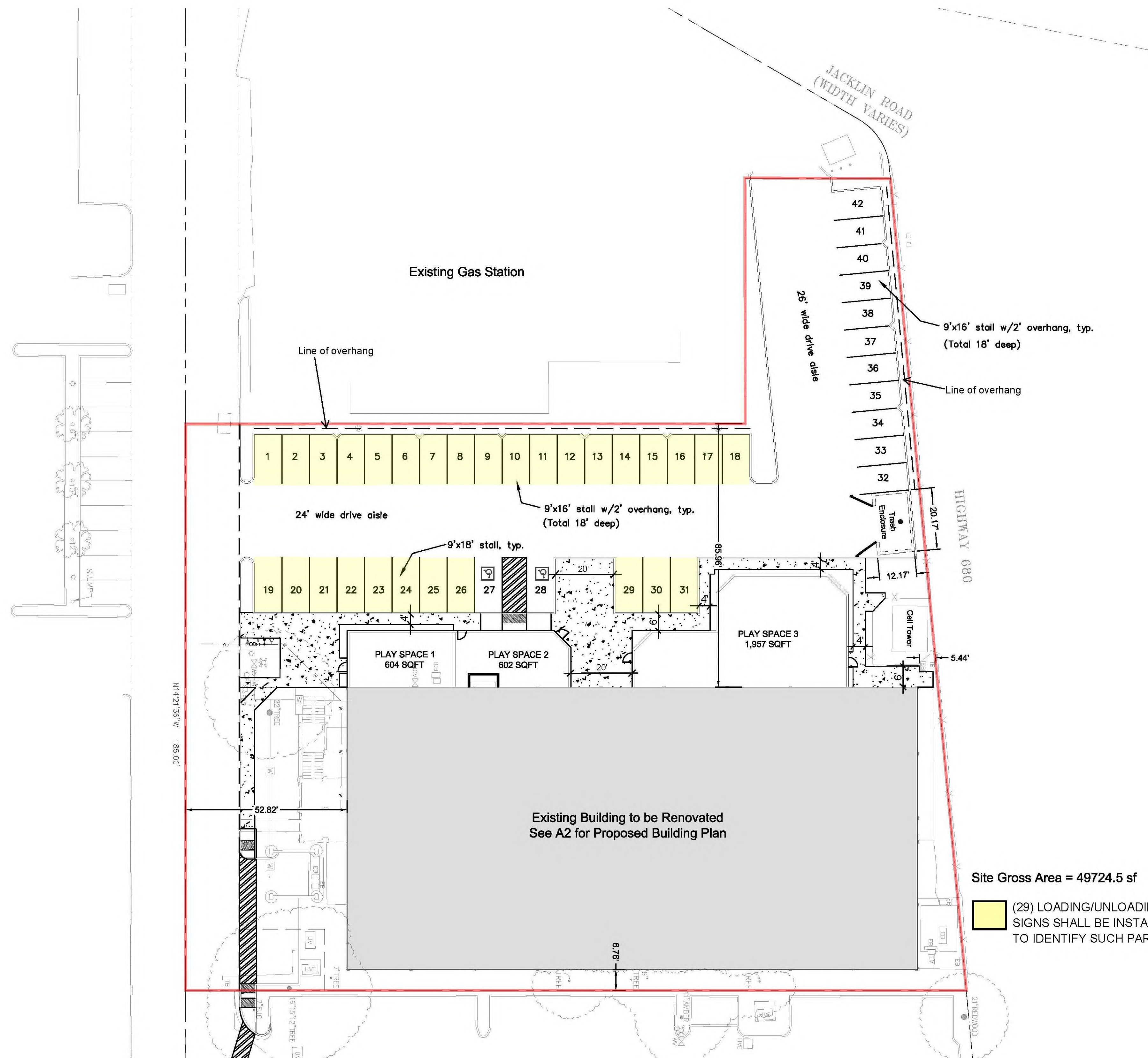
A01

of

Sheets

LPMD
Architects

1288 Kifer Road, #206
Sunnyvale, CA 94086
Telephone : 408-992-0280
Fax : 408-992-0281



PSWG LLC
1496 HAMILTON AVENUE
SAN JOSE, CA 95125

CONDITIONAL USE PERMIT

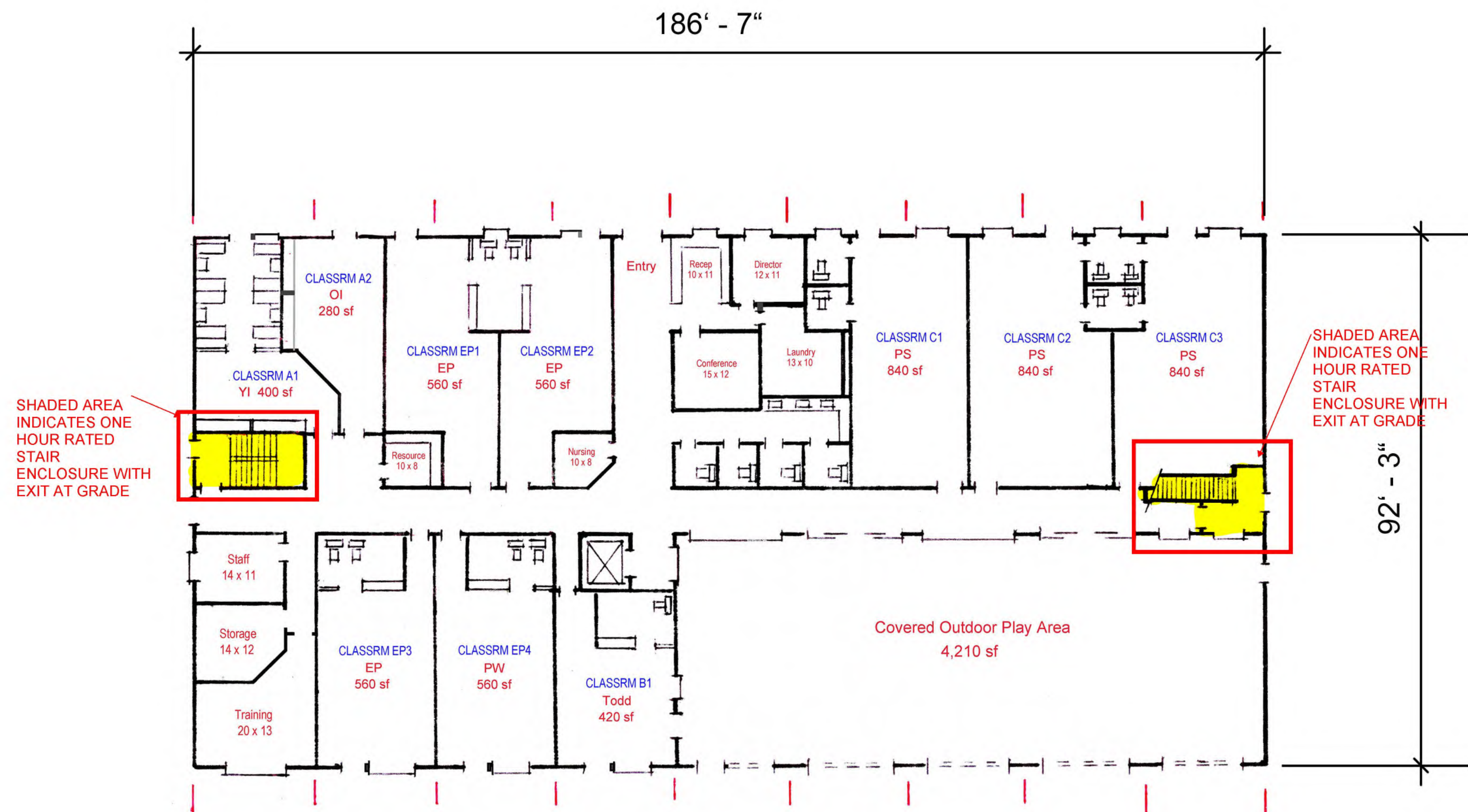
PRIMROSE DAY CARE FACILITY

1000 JACKLIN ROAD, MILPITAS, CA

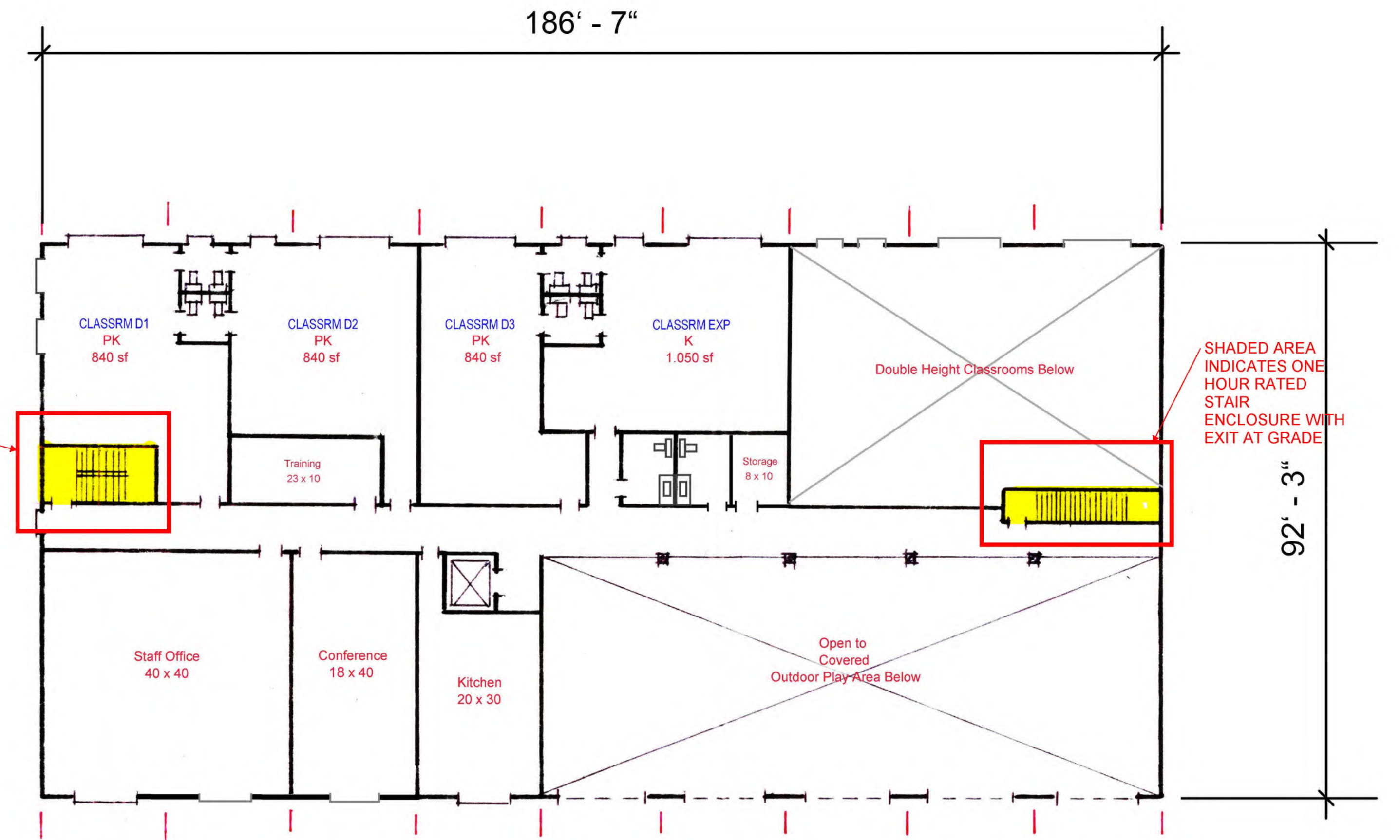
Date: 07-06-2021
Scale: 1"=20'
Revisions:

Drawing Title:
ARCHITECTURAL
SITE PLAN
Sheet No:
A1
of _____ Sheets

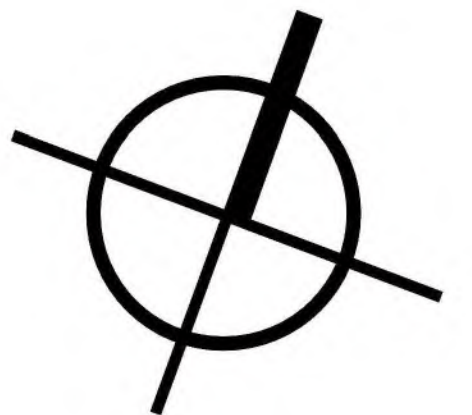
LPMD
Architects
1288 Kifer Road, #206
Sunnyvale, CA 94086
Telephone : 408-992-0280
Fax : 408-992-0281



1ST FLOOR PLAN
12,987 sf



2ND FLOOR PLAN
11,282 sf



Classroom & Children Calculation

Classroom #	Classroom Name	Program	Children	Sq Ft	Age Range
1	A1	Young Infant (YI)	8	400	6w-12m
2	A2	Older Infant (OI)	8	280	12-18m
3	B1	Toddler (Todd)	12	420	18-24m
4	EP1	Early Preschool-1 (EP1)	16	560	2-3y
5	EP2	Early Preschool-2 (EP2)	16	560	2-3y
6	EP3	Early Preschool-3 (EP3)	16	560	2-3y
7	EP4	Pathways (PW)	16	560	2.5-3.5y
8	C1	Preschool-1 (PS1)	24	840	3-4y
9	C2	Preschool-2 (PS2)	24	840	3-4y
10	C3	Preschool-3 (PS3)	24	840	3-4y
11	D1	Prekindergarten-1 (PK1)	24	840	4-5y
12	D2	Prekindergarten-2 (PK2)	24	840	4-5y
13	D3	Prekindergarten-3 (PK3)	24	840	4-5y
14	EXP	Kindergarten	30	1050	5-6y
TOTAL:			266	9430	

Parking Summary

Tenant	Square footage/	Zoning Ordinance Requirement	Total Required	Total Provided
Classrooms	9,430	One per classroom or one per 500 sq. ft., whichever is greater.	19	
Employees	36 employees	one per 1.5 employees	24	
Office	Director 132 Staff 1,600	one per 240 sq. ft.	7	
Loading/Unloading	266 students	one per six children (up to five stalls); thereafter, one per ten children	29	
Parking Spaces			79	42

PSWG LLC
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CONDITIONAL USE PERMIT

PRIMROSE DAY CARE FACILITY

1000 JACKLIN ROAD, MILPITAS, CA

Date: 07-06-2021
Scale: 1/16

Revisions:

of Sheets

Drawing Title:

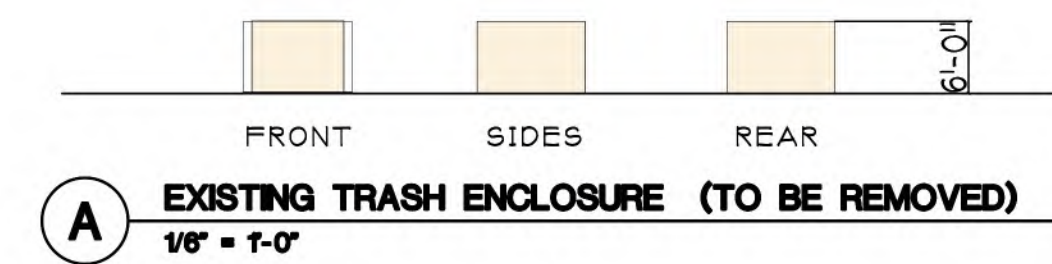
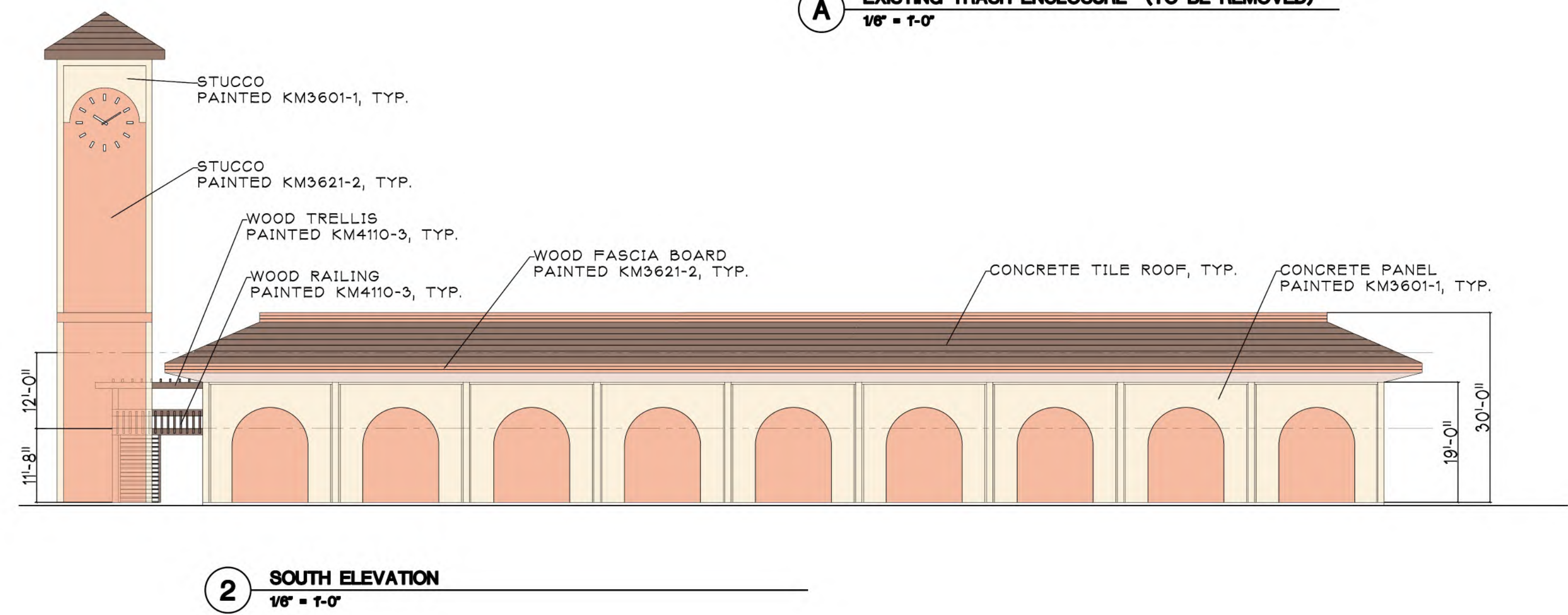
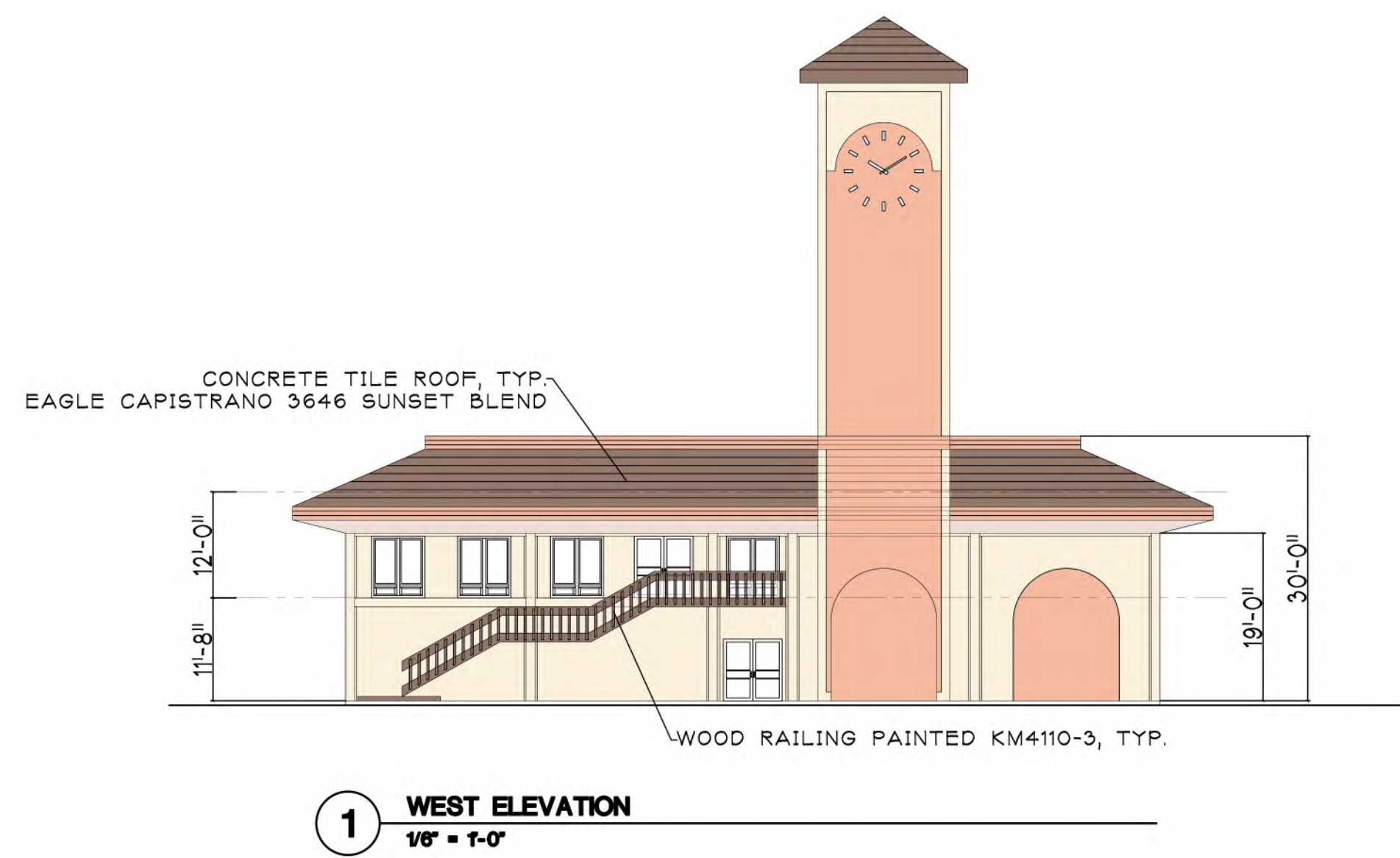
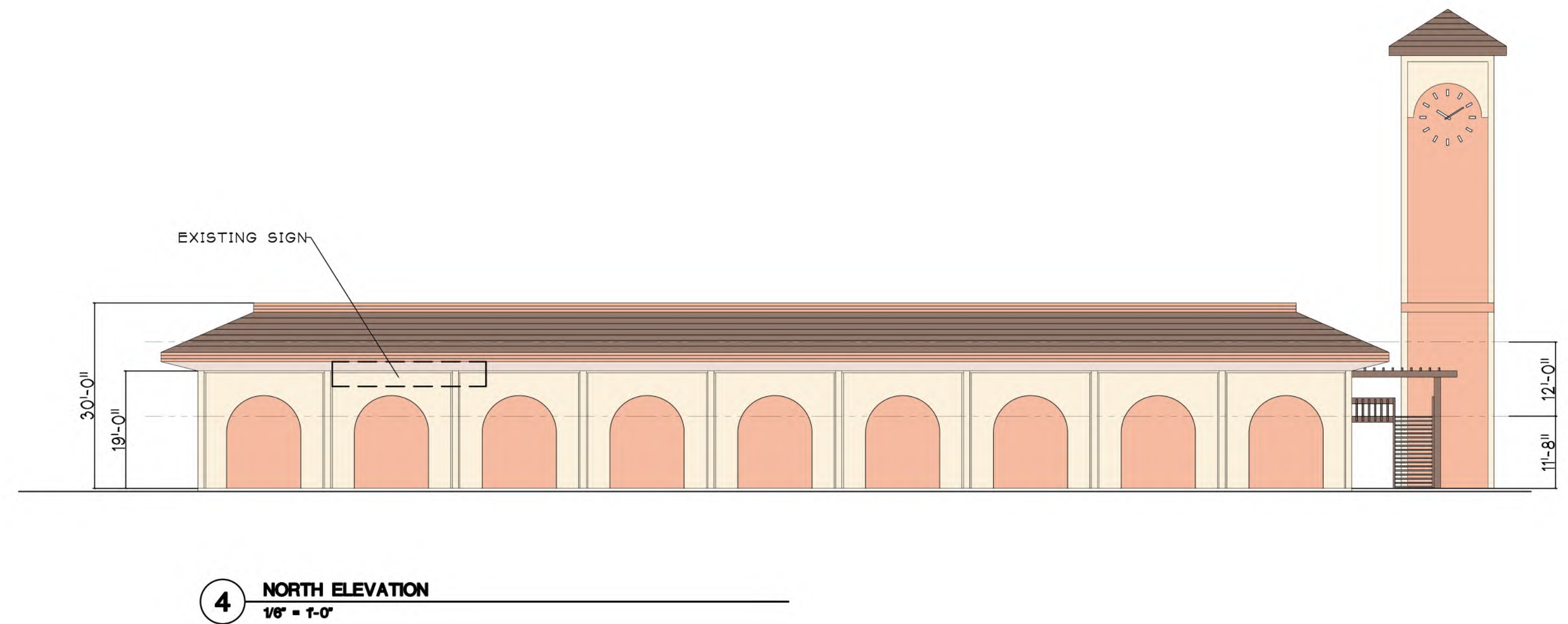
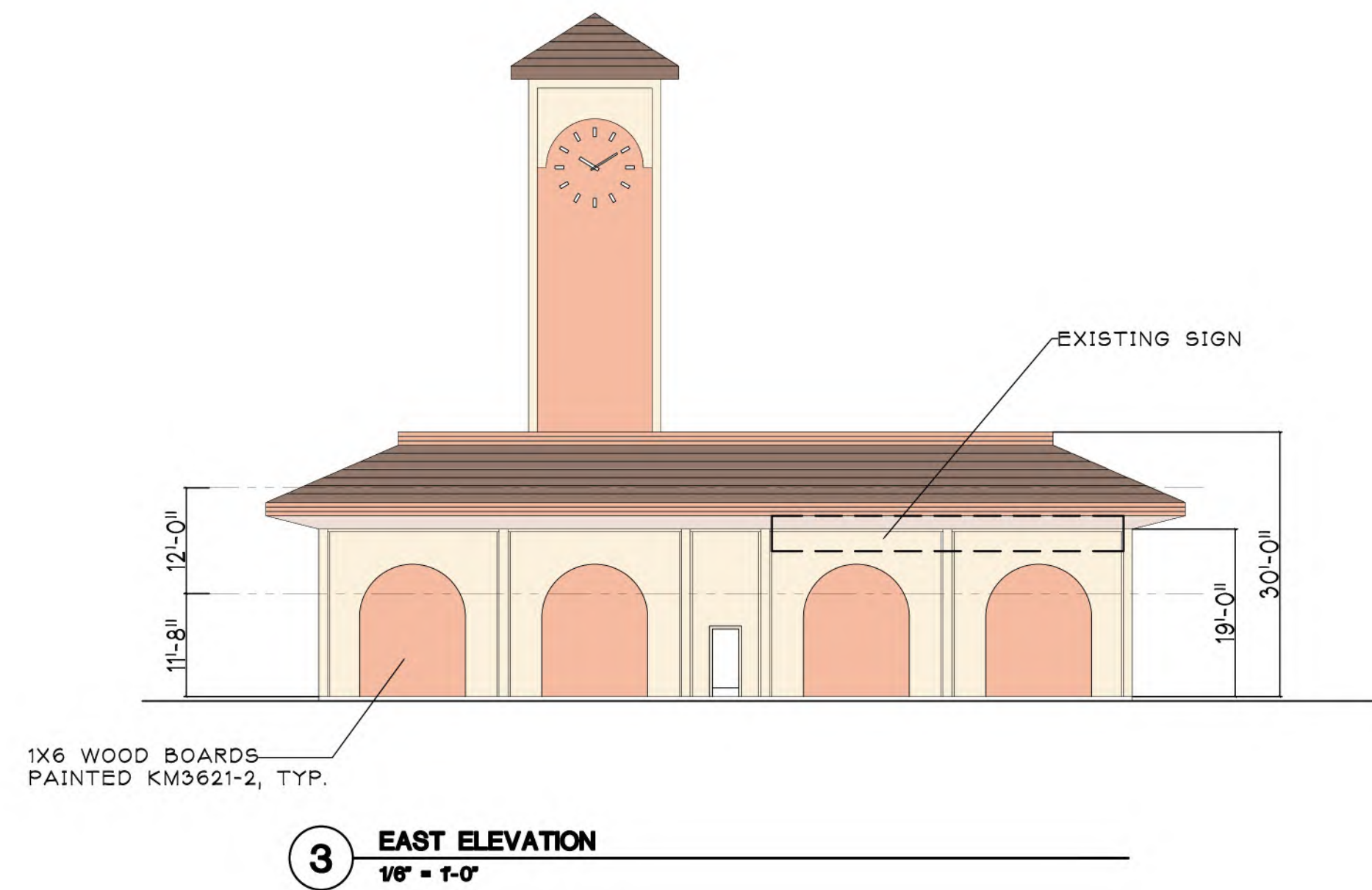
PROPOSED
FLOOR PLANS

Sheet No:

A2

LPMD
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1288 Kifer Road, #206
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Telephone : 408-992-0280
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PSWG LLC
1496 HAMILTON AVENUE
SAN JOSE, CA 95125

CONDITIONAL USE PERMIT
PRIMROSE DAY CARE FACILITY
1000 JACKLIN ROAD, MILPITAS, CA

Date: 07-06-2021	Drawing Title:
Scale: 1/16	EXISTING ELEVATIONS
Revisions:	Sheet No: A3
	of Sheets

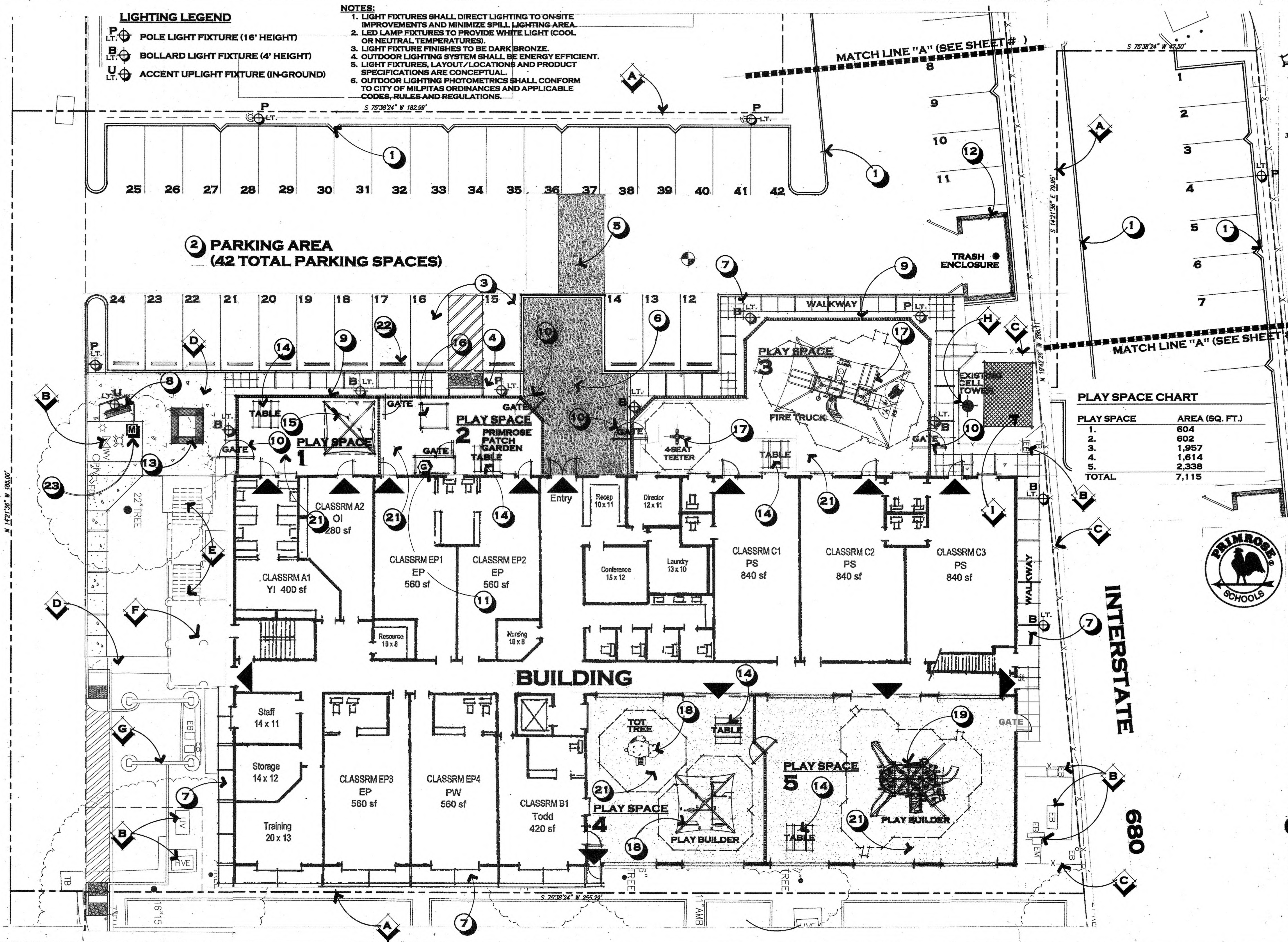
LPMD Architects
1288 Kifer Road, #206
Sunnyvale, CA 94086
Telephone : 408-992-0280
Fax : 408-992-0281

LIGHTING LEGEND

- P LT. POLE LIGHT FIXTURE (16' HEIGHT)
- B LT. BOLLARD LIGHT FIXTURE (4' HEIGHT)
- U LT. ACCENT UPLIGHT FIXTURE (IN-GROUND)

NOTES:

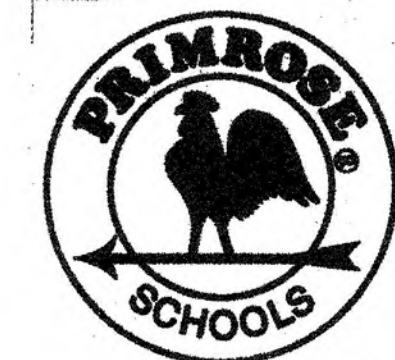
1. LIGHT FIXTURES SHALL DIRECT LIGHTING TO ON-SITE IMPROVEMENTS AND MINIMIZE SPILL LIGHTING AREA.
2. LED LAMP FIXTURES TO PROVIDE WHITE LIGHT (COOL OR NEUTRAL TEMPERATURES).
3. LIGHT FIXTURE FINISHES TO BE DARK BRONZE.
4. OUTDOOR LIGHTING SYSTEM SHALL BE ENERGY EFFICIENT.
5. LIGHT FIXTURES, LAYOUT/LOCATIONS AND PRODUCT SPECIFICATIONS ARE CONCEPTUAL.
6. OUTDOOR LIGHTING PHOTOMETRICS SHALL CONFORM TO CITY OF MILPITAS ORDINANCES AND APPLICABLE CODES, RULES AND REGULATIONS.



(2) PARKING AREA
(42 TOTAL PARKING SPACES)

PLAY SPACE CHART

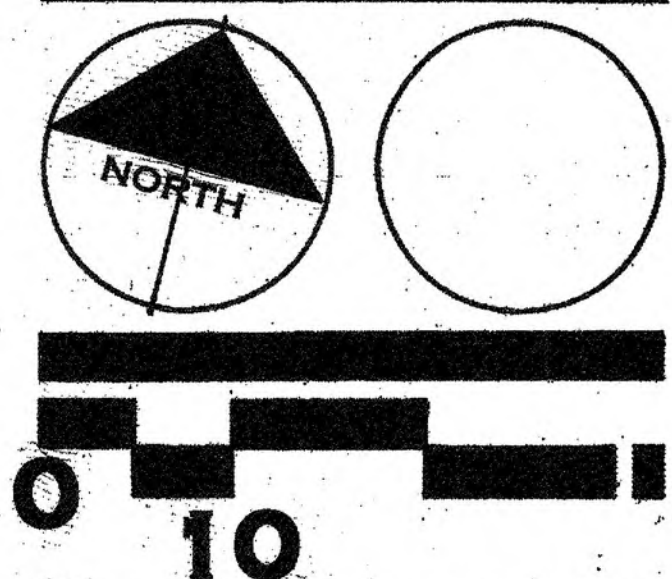
PLAY SPACE	AREA (SQ. FT.)
1.	604
2.	602
3.	1,957
4.	1,614
5.	2,338
TOTAL	7,115



PRIMROSE DAY CARE
1000 JACKLIN ROAD
MILPITAS, CA

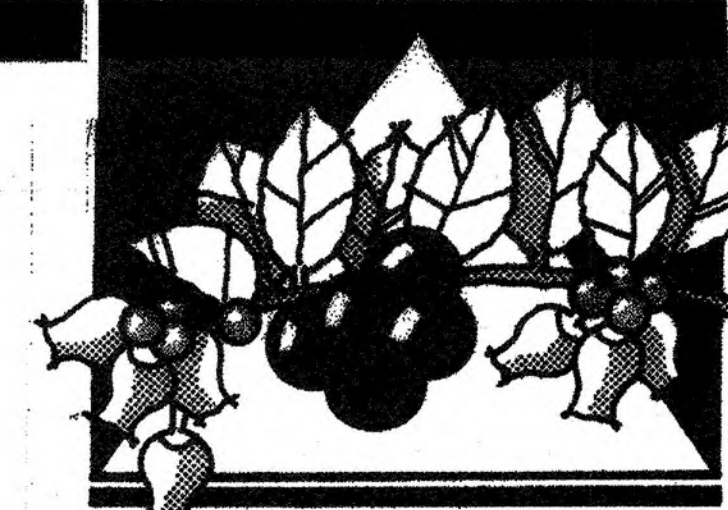
LANDSCAPE CALL OUT PLAN

JOB #	REVISIONS:
21004	09.27.21
DATE:	02.06.21
07.02.21	05.19.22



SHEET
L1
OF

ISAACSON, WOOD & ASSOCIATES
LANDSCAPE ARCHITECTURE
35802 HIBISCUS COURT, FREMONT, CA 94536
PHONE: (408) 838.2329
iaw@isaacsonwood.com



ISAACSON, WOOD & ASSOCIATES
LANDSCAPE ARCHITECTURE
35802 HIBISCUS COURT, FREMONT, CA 94536
PHONE: (408) 838.2329
jw@isaacsonwood.com

PROPOSED TREE REPLACEMENT FOR PROTECTED EXISTING TREE REMOVALS

1. TOTAL NUMBER OF PROTECTED EXISTING TREES: 5
(EXISTING TREES #12, 14, 18, 19 & 26).
2. TOTAL NUMBER OF PROTECTED TREES PROPOSED
TO BE REMOVED: 2 (EXISTING TREES #12 & 18).
3. TOTAL NUMBER OF REQUIRED (PER CITY ORDINANCE)
REPLACEMENT TREES: 4-15 GALLON MINIMUM
(@ 2:1 RATIO).
4. TOTAL NUMBER OF PROPOSED REPLACEMENT TREES
(ON-SITE): 4-24" BOX.

● DENOTES PROPOSED REPLACEMENT TREE
(AS SHOWN ON LANDSCAPE PLANTING PLAN;
SHEET #L3).

EXISTING TREE INVENTORY CHART

EXISTING TREE AND SHRUB INVENTORY
IS BASED ON CERTIFIED ARBORIST'S
REPORT (DATED: 06.22.21) PREPARED
BY NICHOLAS WAGES.

LEGEND

1-29 TREE / SHRUB NUMBER
P - PROPOSED FOR PRESERVATION
R - PROPOSED FOR REMOVAL

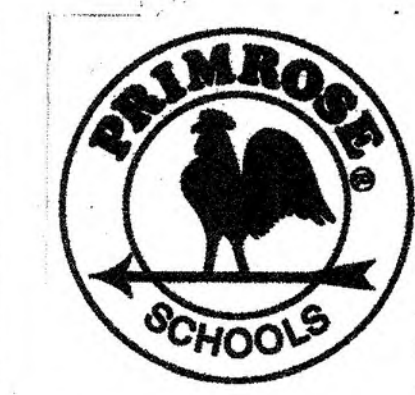
Tree #	Species	Tree Health (1 to 5)	DBH (Inches)	Crown Height (Feet)	Crown Spread (Feet)
1	Italian cypress stump	1	4	0	0
2	Italian cypress (Cupressus sempervirens)	6	6	10	5
3	Italian cypress (Cupressus sempervirens)	4	5	8	5
4	Italian cypress (Cupressus sempervirens)	4	5	9	6
5	Italian cypress (Cupressus sempervirens)	4	5	9	6
6	Italian cypress (Cupressus sempervirens)	4	5	9	6
7	Italian cypress (Cupressus sempervirens)	4	5	8	5
8	bush	4	2	3	5
9	juniper (Juniperus sp.)	4	2	5	4
10	juniper (Juniperus sp.)	4	2	5	4
11	Italian cypress (Cupressus sempervirens)	4	5	10	5
12	cypress bush (Cupressus sp.)	4	14 multi	8	8
13	Italian cypress (Cupressus sempervirens)	4	5	15	4
14	Japanese Camphor (Cinnamomum camphora)	4	16	23	25
15	hedge	3	N/A	10	20
16	crape myrtle (Lagerstroemia indica)	4	8	15	10
17	hedge	3	N/A	15	20
18	crape myrtle (Lagerstroemia indica)	4	12	20	12
19	willow (Salix sp.)	3	28.2	30	35
20	crape myrtle (Lagerstroemia indica)	4	6	18	12
21	hedge	4	N/A	4	100
22	Liquidambar (Liquidambar styraciflua)	4	6	20	10
23	Photinia tree (Photinia sp.)	3	4	10	6
24	Photinia tree (Photinia sp.)	3	6	15	18
25	Photinia tree (Photinia sp.)	3	5	15	12
26	Liquidambar (Liquidambar styraciflua)	4	13	25	20
27	Photinia tree (Photinia sp.)	1	8	15	15
28	Photinia tree (Photinia sp.)	3	5	12	10
29	hedge	4	N/A	4	50

EXISTING TREE "PROTECTED"
PER CITY ORDINANCE X-27.01

* * *

* * *

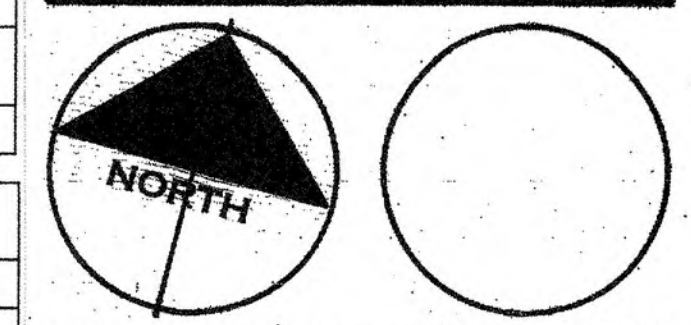
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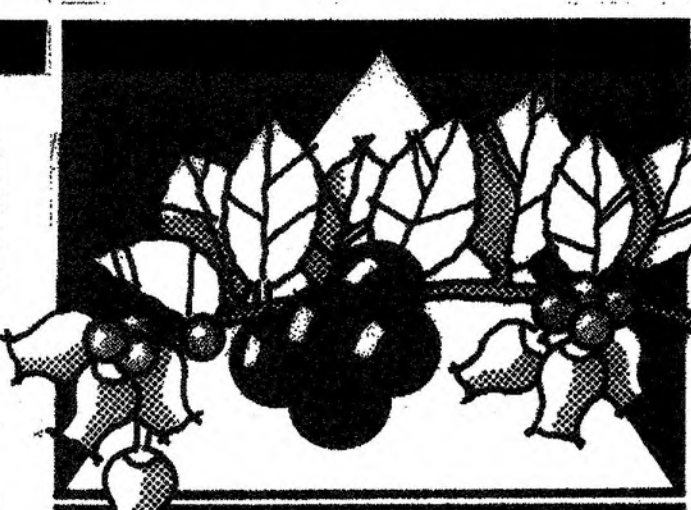
PRIMROSE DAY CARE
1000 JACKLIN ROAD
MILPITAS, CA

EXISTING TREE INVENTORY PLAN

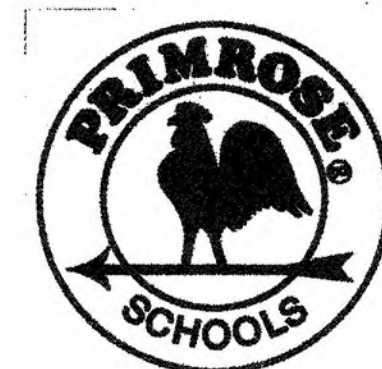
JOB #	21004	REVISIONS:
DATE:	07.02.21	09.27.21
		12.06.21
		05.19.22



NOTE:
 LANDSCAPE IMPROVEMENTS SHALL BE
 IRRIGATED BY A FULLY AUTOMATIC AND
 WATER EFFICIENT SYSTEM IN
 CONFORMANCE WITH CITY OF MILPITAS
 WATER EFFICIENCY LANDSCAPE ORDINANCE
 IRRIGATION SYSTEM PLAN TO BE SUBMITTED
 AT BUILDING PERMIT STAGE.



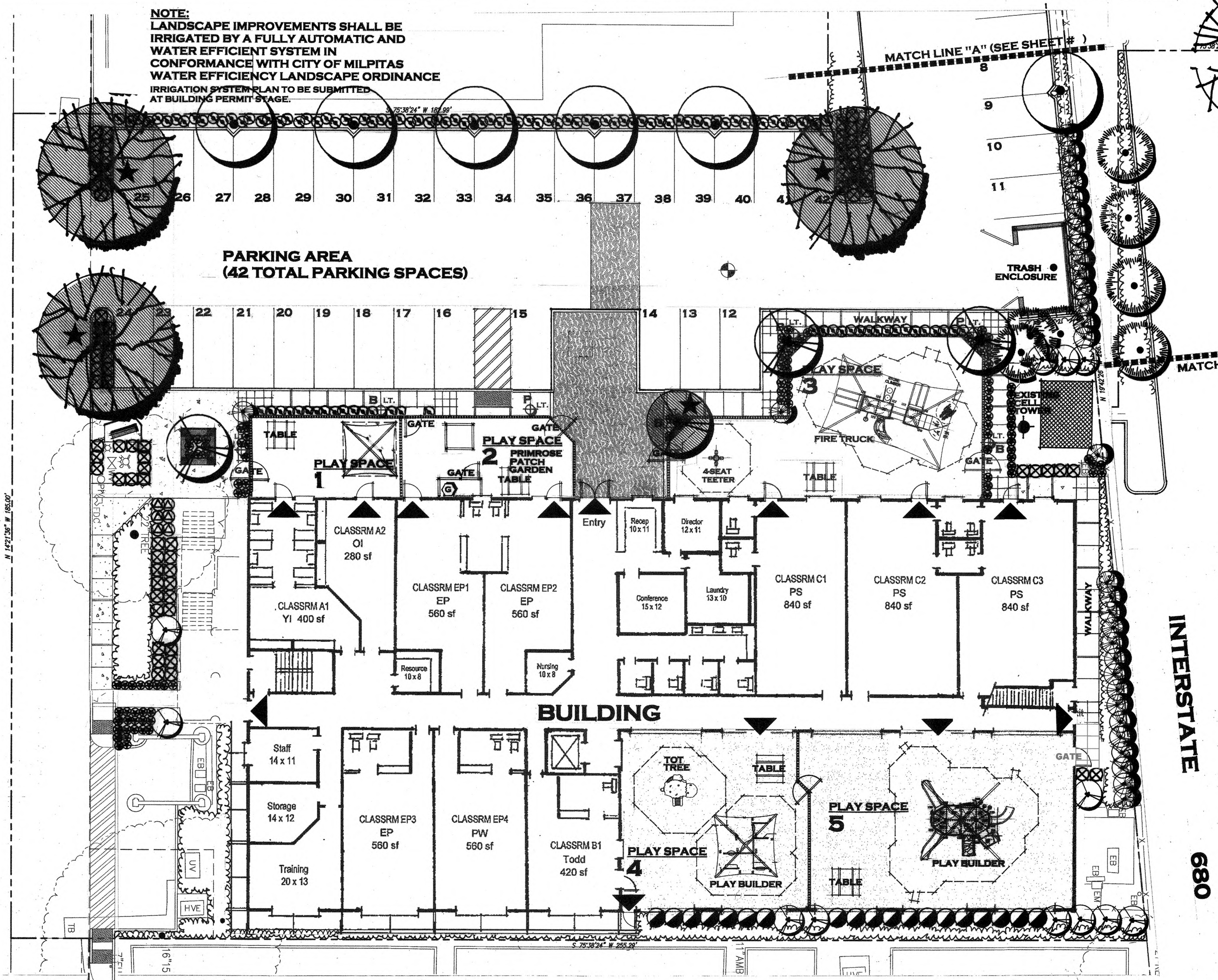
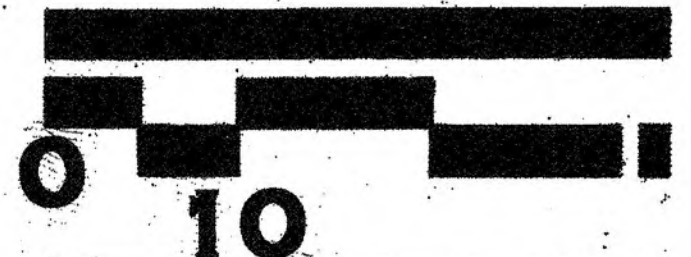
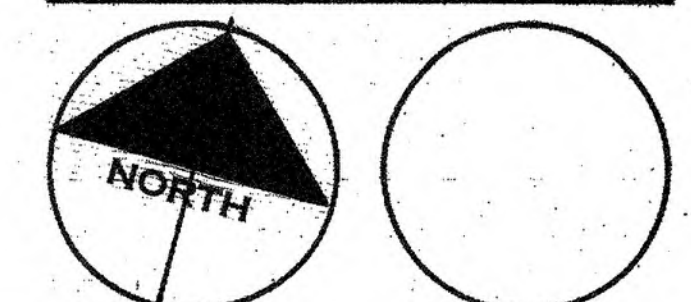
ISAACSON, WOOD & ASSOCIATES
 LANDSCAPE ARCHITECTURE
 35802 HIBISCUS COURT, FREMONT, CA 94536
 PHONE: (408) 838.2329
 jay@isaacsonwood.com



PRIMROSE DAY CARE
 1000 JACKLIN ROAD
 MILPITAS, CA

**LANDSCAPE
 PLANTING PLAN**

JOB #	REVISIONS:
21004	09.27.21
DATE:	2.06.21
07.02.21	05.19.22



INTERSTATE
680

- ## FOCUS ON IMPROVEMENTS

- NOTE: SEE CONCEPTUAL LANDSCAPE DETAILS
(SHEET 04.4).



A black and white photograph showing a vintage wooden table with a dark, possibly stained or painted top and four legs. In front of the table is a long, narrow wooden bench with a curved front and a textured surface. The furniture is situated on a grassy lawn with some trees and foliage in the background.

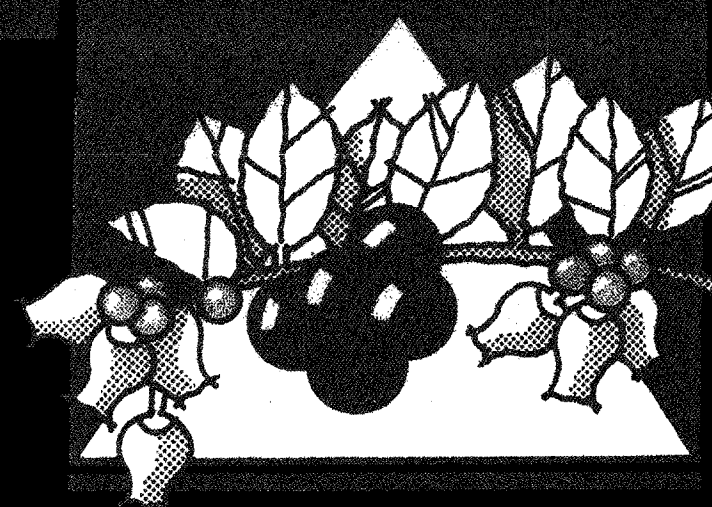
PLAY SPACE #1



PLAYSPACE #5

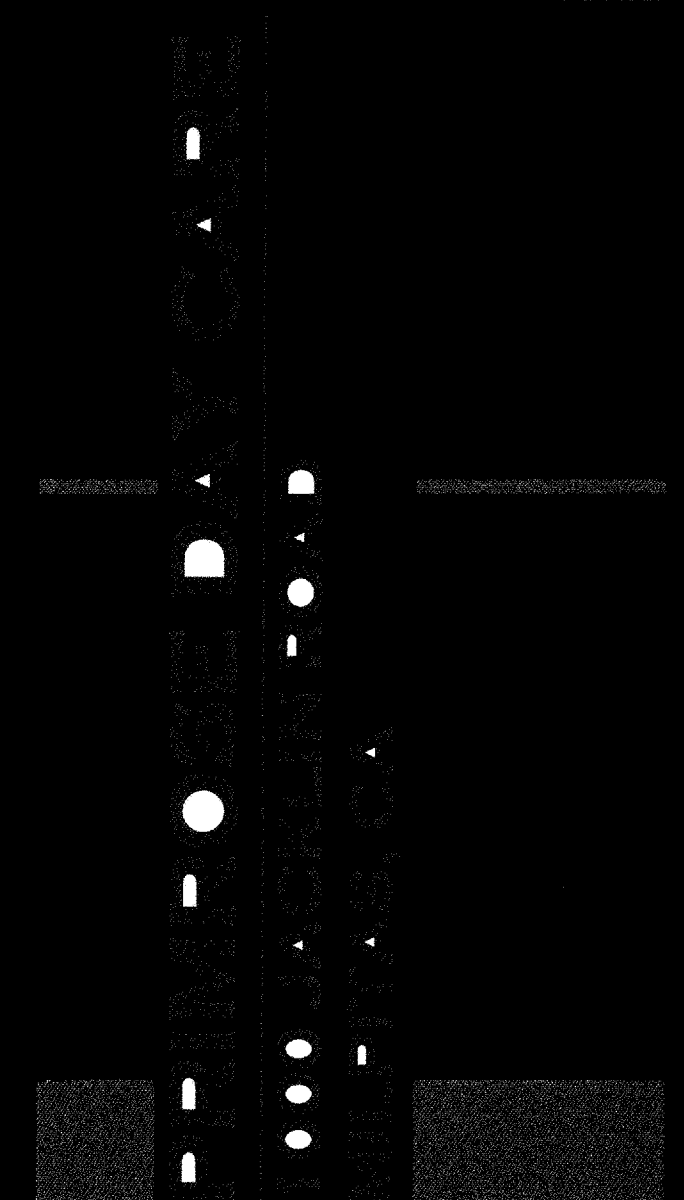


A small, dark, thatched-roof hut with a large, light-colored, textured roof, possibly a traditional dwelling or a decorative structure. The hut is situated in a dark, possibly wooded or rocky area. The roof is made of a light-colored, fibrous material, possibly straw or reeds, and is shaped like a wide, shallow cone. The body of the hut is dark and appears to be made of woven material or mud. There are some small, light-colored markings on the side of the hut, including a circular one and a star-like one. The hut is surrounded by dark, vertical elements that look like bamboo or reeds. The overall scene is very dark, with the light-colored roof being the most prominent feature.

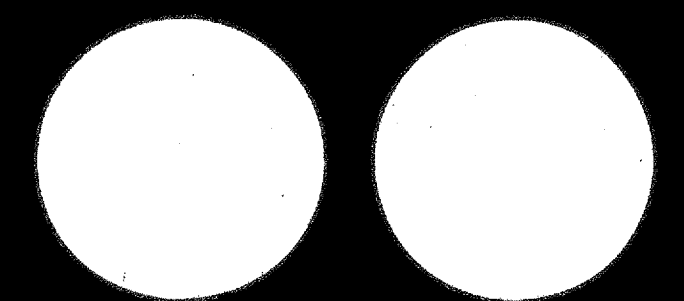


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1852 1828 800 116000

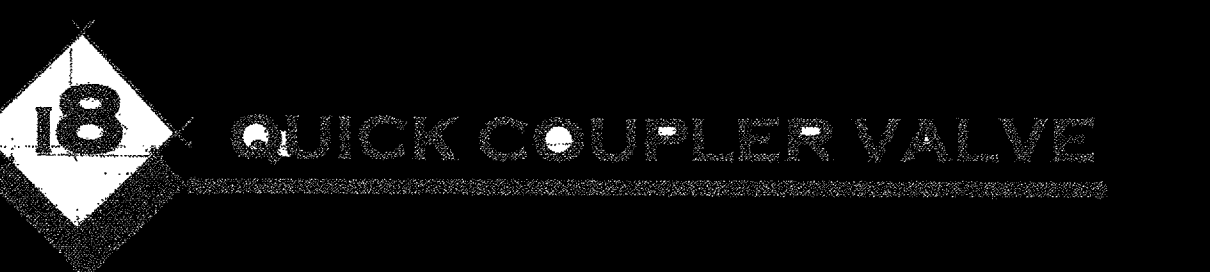
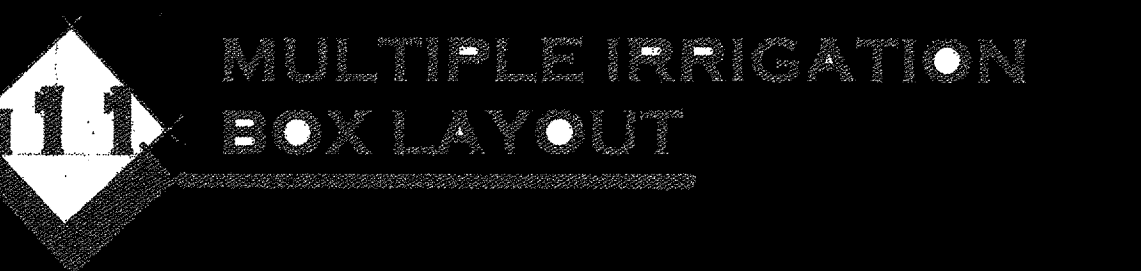


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DATE:	212.06.217
07.02.21	305.19.228
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	5 10

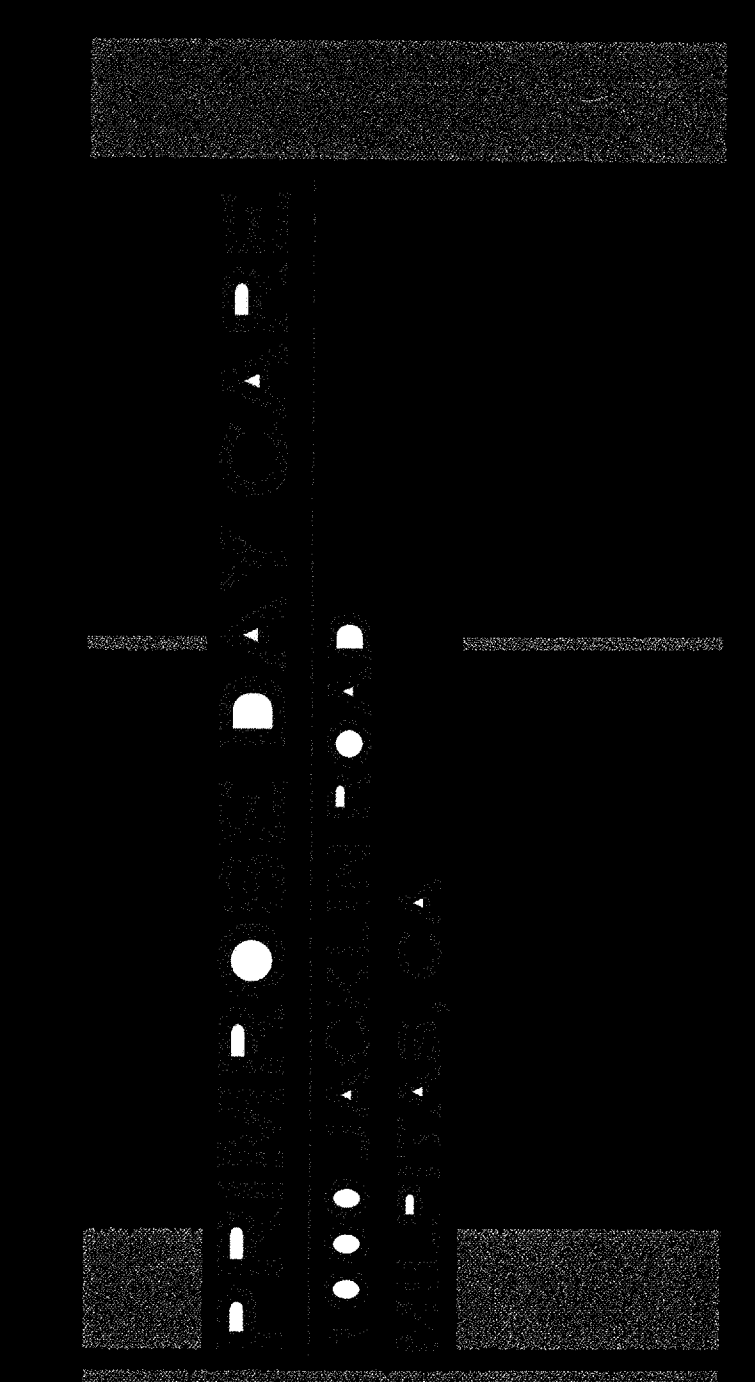


L4

OF

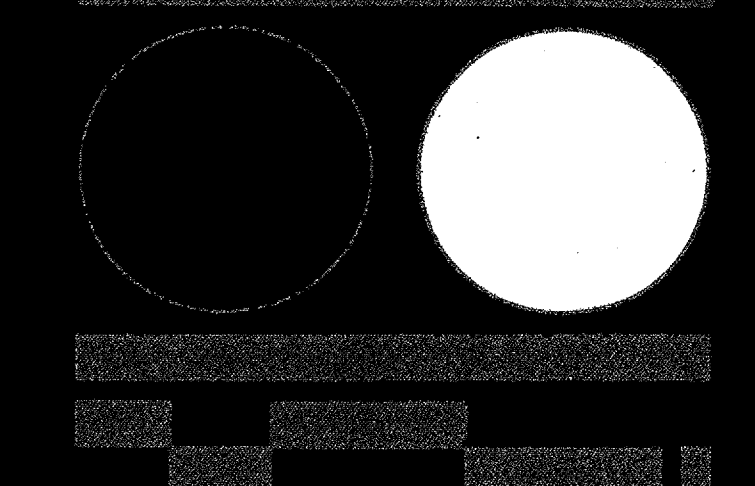


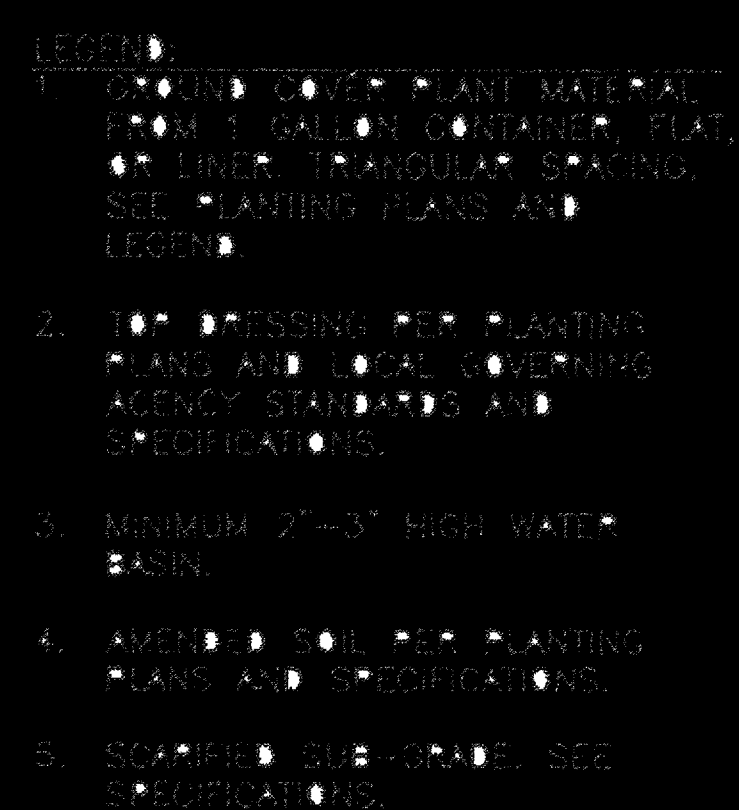
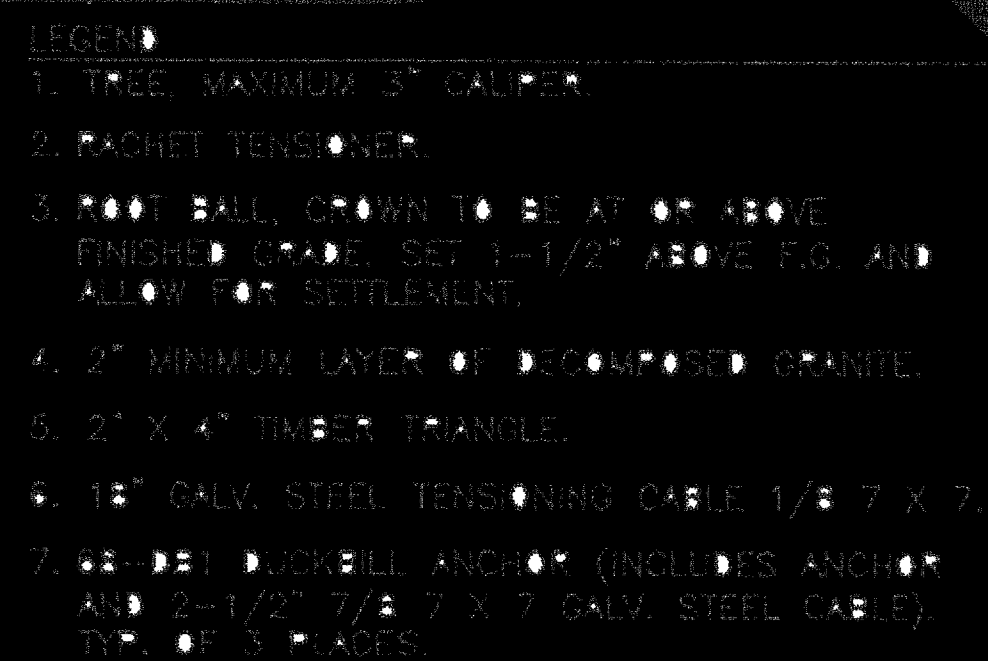
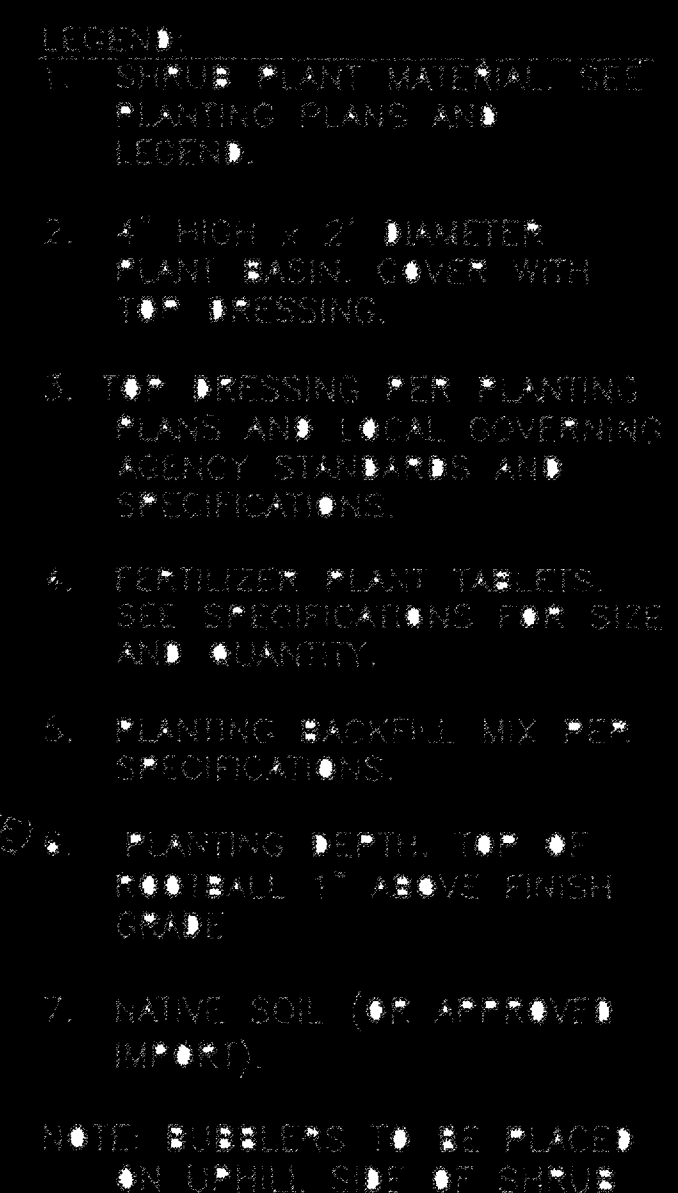
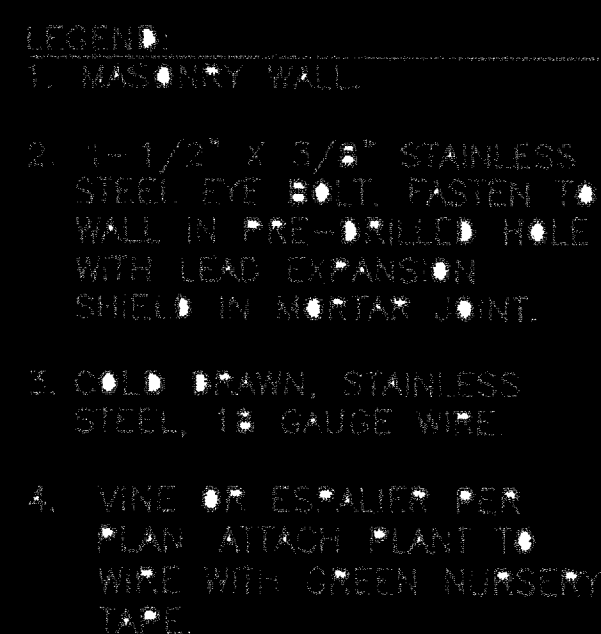
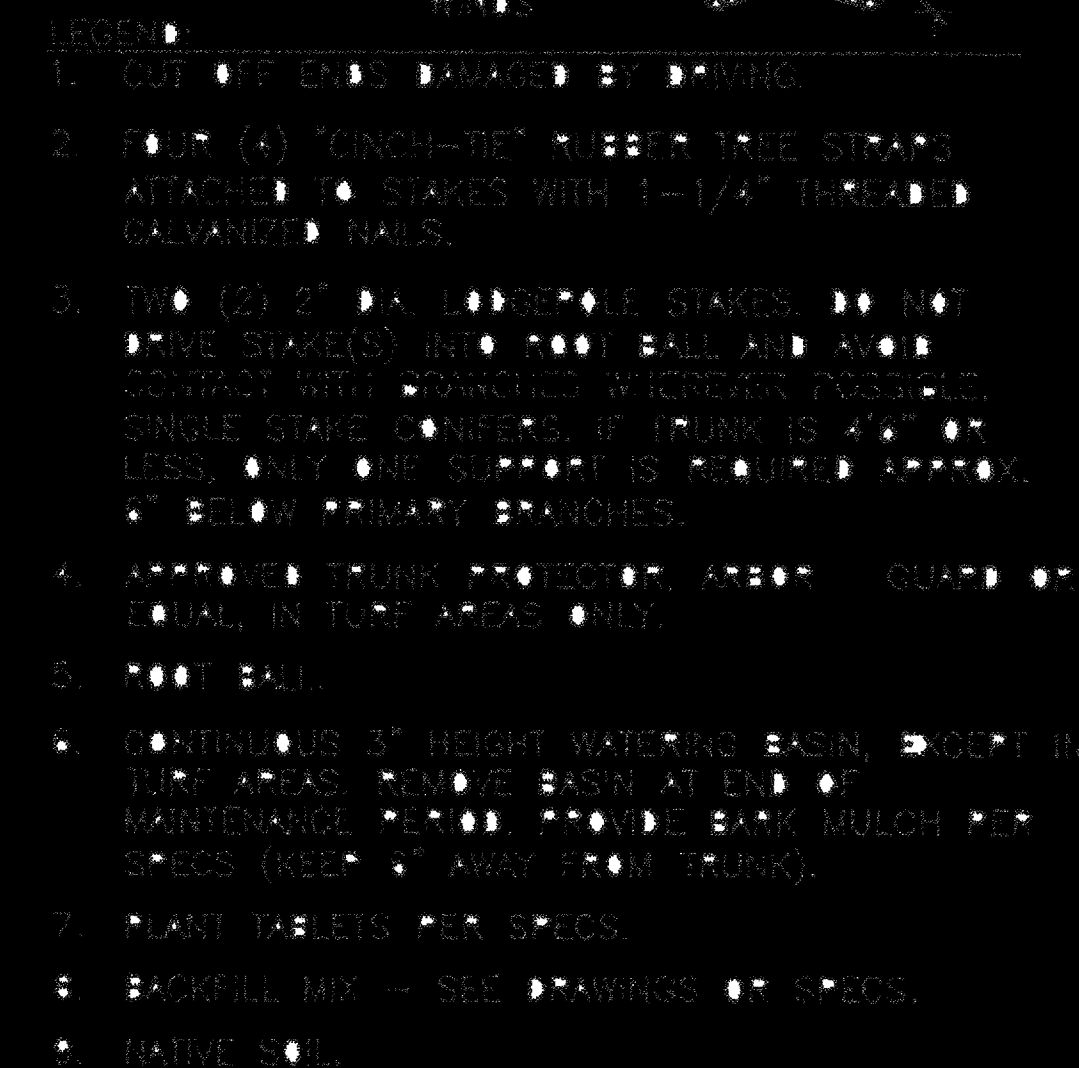
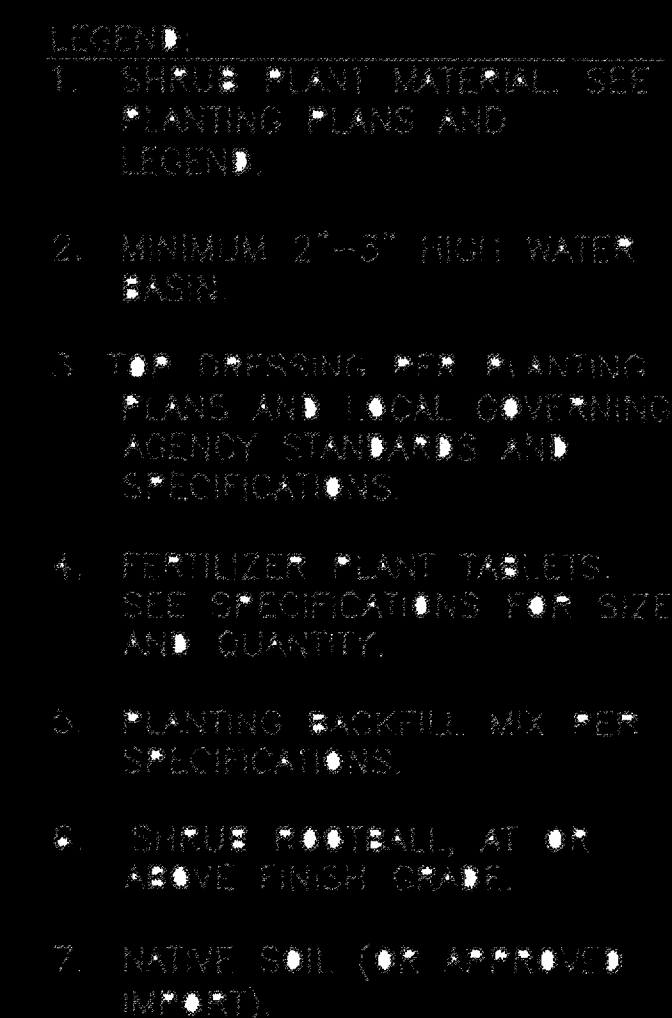
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 PHOENIX 1(1): 242-252.
 [44-818855-001001-0001]



IRRIGATION DETAILS

JOB #	REVISIONS:
<u>21004</u>	<u>1 09.27.21</u> <u>6</u>
<u>DATE:</u>	<u>2 12.06.21</u> <u>7</u>
<u>07.02.21</u>	<u>3 05.19.22</u> <u>8</u>
	<u>4</u> <u>9</u>
	<u>5</u> <u>10</u>





LED AREA LIGHTS - LSI SLICE LARGE (XLCL)



LIGHT OUTPUT - XLCL		Lumens (Nominal)					Watts (Nominal)
Color	Temp	Type 3	Type FT	Type S	FTA		
SS	SS	45,800	49,500	50,700	51,300	425	
HO	HO	53,400	57,300	59,200	59,100	542	
SS	SS	45,800	49,500	50,700	51,300	425	
HO	HO	53,400	57,300	59,200	59,100	542	

LED Chips are frequently updated therefore values may increase.

SMARTTEC™ - LSI drivers feature integral sensor which reduces drive current, when ambient temperatures exceed rated temperature.

ENERGY SAVING CONTROL OPTION - DIM - 0-10 volt dimming enabled. Availabl with integrated LSI Controls wireless modules.

LEDS - Select high-brightness LEDs in Cool White (5000K) or Neutral White (4000K) color temperature, 70 CRI.

DISTRIBUTION/PERFORMANCE - Types 3, 5, FT, FT-L, FT-R and FTA available. Type FTA available for single automotive front row design. FT-L and FT-R allow for D180 mounting configurations with factory set optics for applications such as automotive front row. Exceptional uniformity creates bright environment at lower light levels.

HOUSING - One-piece, die-formed aluminum housing contains factory prewired driver in a protected, weather-resistant wiring compartment. Hinged wiring access door (with safety lanyard) located underneath. Fixture is IP65 rated.

OPTICAL UNIT - Clear tempered optical-grade flat glass lens permanently sealed to weather-tight aluminum optic frame (includes pressure-stabilizing breather).

MOUNTING - Tapered rear design allows fixtures to be mounted in 90° and 120° configurations. Use with 5" traditional drilling pattern. A round pole plate (RPP2) is required for mounting to round poles. Wall mount available by ordering wall mounting bracket (BKS-BQ-WM-~CL-R). Mast Arm mounting available by ordering BKA-NM-MA-S-XLCL-CL-R adaptor (for 2" pipe). See Accessories for all brackets.

ELECTRICAL - Two-stage surge protection (including separate surge protection built into electronic driver) meets IEEE C62.41.2-2002, Location Category C. Available with universal voltage power supply 120-277VAC (50/60Hz input) and 347-480 VAC. Optional twistlock photocell receptacle is available. Photocell must be ordered separately.

DRIVER - Available in SS (Super Saver) and HO (High Output) drive currents. Components are fully encased in potting material for moisture resistance. Driver complies with FCC standards. Driver and key electronic components can be easily accessed.

OPERATING TEMPERATURE - -40°C to +50°C (-40°F to +122°F)

FINISH - Fixtures are finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling. Available in black, bronze and white. Other standard LSI finishes available. Consult factory.

WARRANTY - LSI LED fixtures carry a limited 5-year warranty.

PHOTOMETRICS - Please visit our web site at www.lsi-industries.com for detailed photometric data.

SHIPPING WEIGHT (in carton) - 55 lbs./24.9Kg

LISTING - UL listed to US and international safety standards. Suitable for wet locations.

LED AREA LIGHTS - LSI SLICE LARGE (XLCL)

LUMINAIRE ORDERING INFORMATION

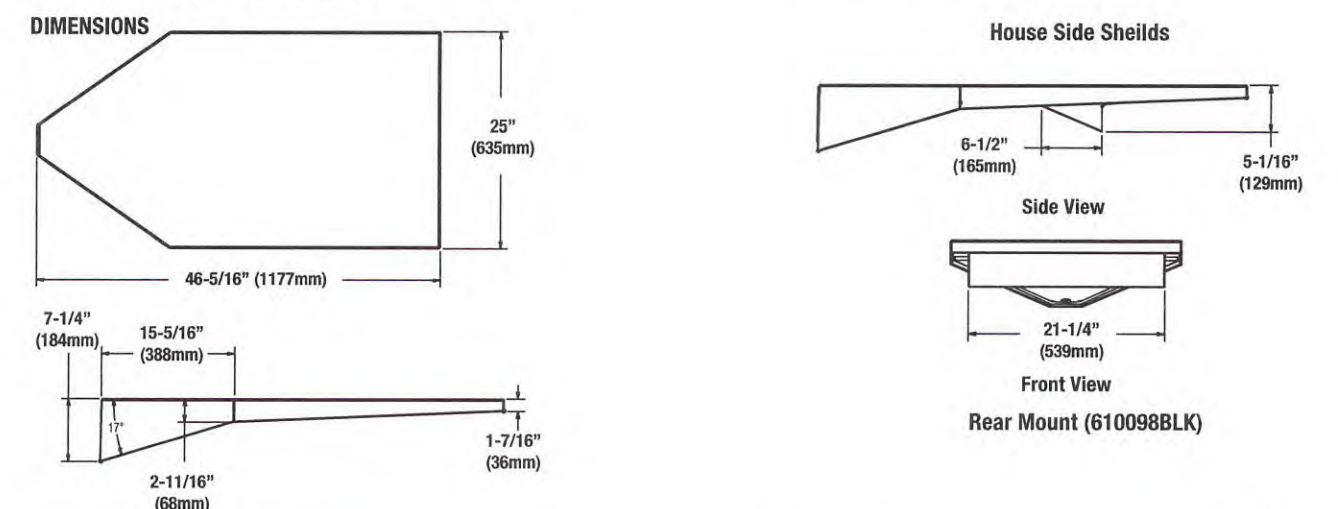
TYPICAL ORDER EXAMPLE: **XLCL FT LED HO CW UE WHT PCR**

Prefix	Distribution	Light Source	Drive Current	Color Temperature	Input Voltage	Finish	Options
XLCL	3- Type III 5- Type V FT- Forward Throw FT-L- Forward Optic Rotated for D180 Mount (Left Side) FT-R- Forward Optic Rotated for D180 Mount (Right Side) FTA- Forward Throw Automotive	LED	SS - Super Saver HO - High Output	CW - Cool White (5000K) NW - Neutral White (4000K)	UE - Universal Voltage (120-277V) 347-480 Universal Voltage (347-480V)	BLK - Black BRZ - Bronze WHT - White	DIM - 0-10V Dimming From External Signal PCR - Photoelectric Control Receptacle

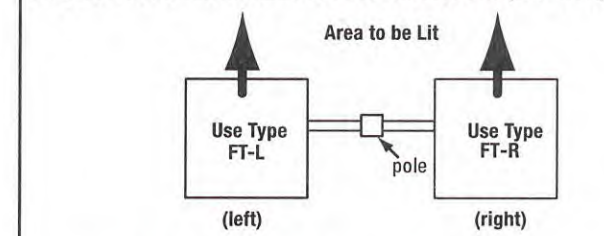
LUMINAIRE EPA CHART - XLCL		ACCESSORY ORDERING INFORMATION (Accessories are field installed)			
Single	7	Description	Order Number	Description	Order Number
Single	7	BKS-BQ-WM-~CL-R Wall Mount Plate	123111CL-R	PC266-277 Photocell for use with PCR option (266V, 277V)	122815
D180°	1.4	XLCL-3FT-480-RM - External House Side Shield (Black only - rear mounted)	610088BLK	PC241 Photocell for use with PCR option (241V)	122816
D90°	1.1	XLCL-FT-L-FT-R-HSS-SM - External House Side Shield (Black only - side mounted)	610100BLK	PC246 Photocell for use with PCR option (246V)	251100
TN120°	2.3	BKA-NM-MA-S-XLCL-CL-R Mast Arm Adaptor	617881CL-R	PK100 - Single Fusing (100V)	PK100
OB0°	2.6	RPP2 - Round Pole Plate	102914CL-R	PK211 - Single Fusing (211V)	PK211
		PC230 Photocell for use with PCR option (230V)	102914	PK266-246 - Double Fusing (266V, 246V)	PK266-246
				PK246B Double Fusing (246V)	PK246B
				PK431 Single Fusing (431V)	PK431

Note: House Side Shield adds to fixture EPA, Consult Factory.

- FOOTNOTES:**
- 1- Photocell must be ordered separately. See Accessories.
 - 2- House Side Shields add to fixture EPA, Consult factory.
 - 3- Factory installed PCR option required. See Options.
 - 4- Fusing must be located in hand hole of pole.
 - 5- For wireless controls information and accessories, see Controls Section.

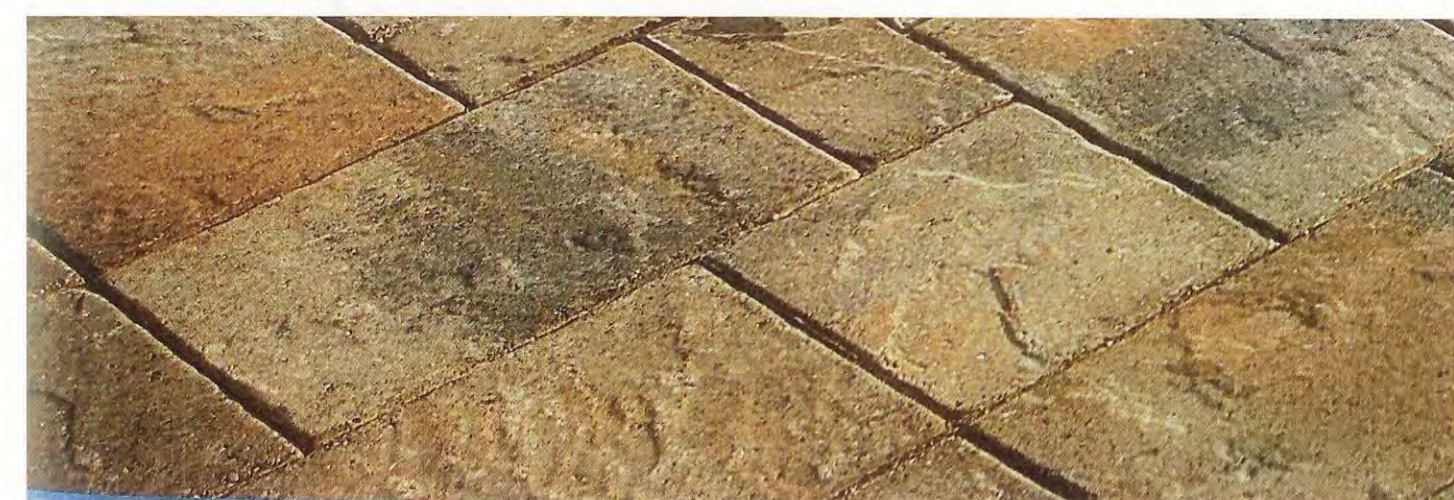


LEFT AND RIGHT VERSIONS OF TYPE FT REFLECTORS (TOP VIEW)



Note: Optics are not field-rotatable. For D180 Forward Throw installations specify left (FT-L) and/or right (FT-R) side mounting. Orientation is based on standing at the pole and looking out at the area to be lit.

ENHANCED PAVEMENT

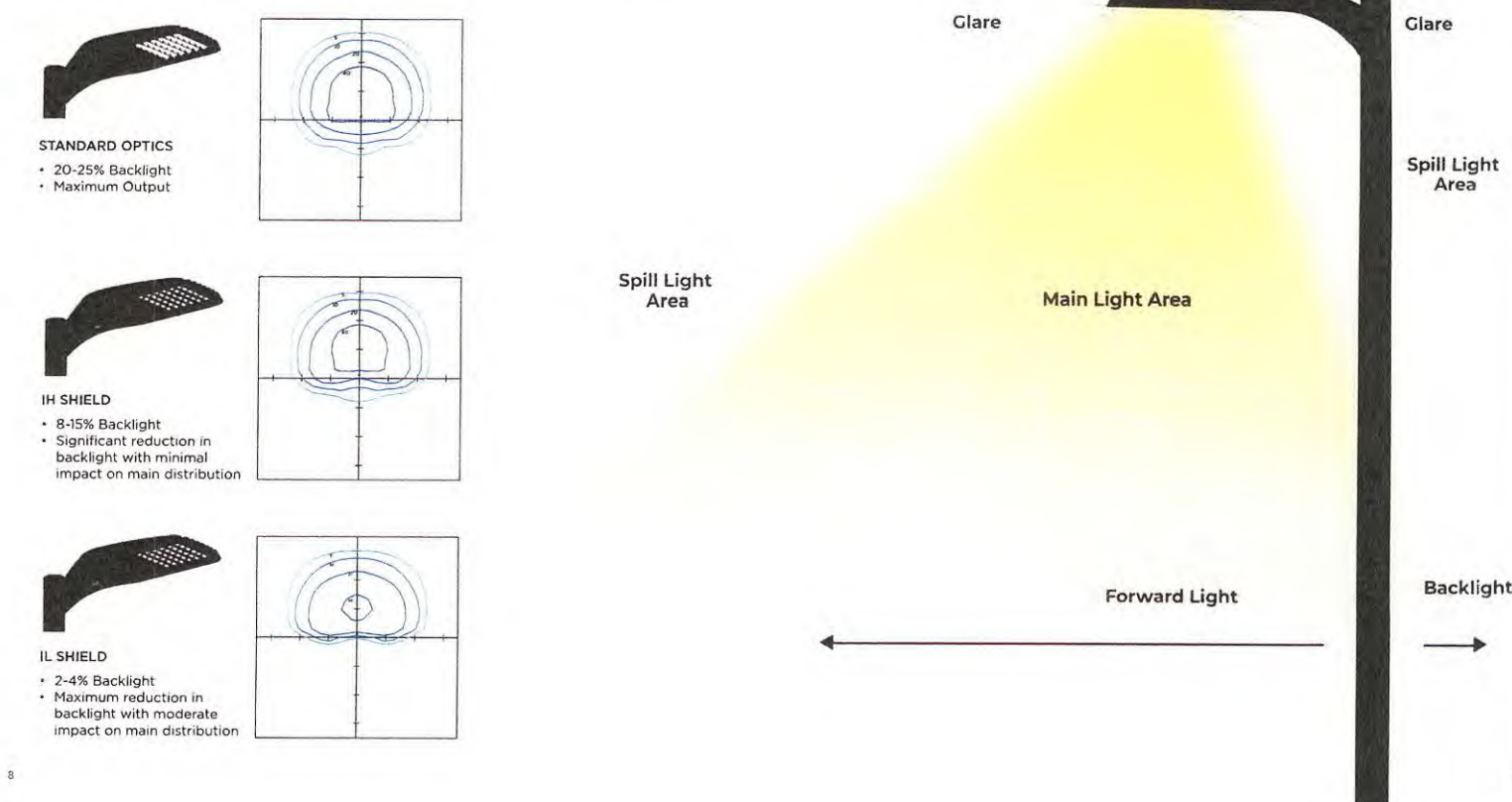


POLE LIGHT FIXTURE



SUPERIOR CONTROL

LSI's Mirada area lights offer a complete selection of shading options to meet your spill light and glare reduction needs. Two integral backlight control shields give you flexibility depending on site requirements. Both options meet with the optical distribution and can be factory specified or shipped as an accessory for field installation. Custom specified external shields are also available.



In Grade

XIG

The LSI XIG in grade fixture is designed to provide uplighting for architectural and landscape features. The XIG delivers exceptional lighting performance with optimized beam control and external aiming adjustability. Its modular design ensures easy installation and its compact size is compatible with shallow site requirements

ASK A QUESTION



ACCENT UPLIGHT FIXTURE

Features & Specifications

- Built with LSI's own SmartTec intelligence
- High lumen output LEDs and 3 reflector choices
- Optimized beam control - acrylic optic lens collects and redistributes 90% of generated light into desired beam pattern
- External aiming adjustability - can be tilted +/- 15° from vertical via external aiming adjustment screw
- Superior thermal management
- Inherently cool beam with Cool-Touch lens
- Optional Slip Resistant Lens enhances public safety

MAX LUMENS

2,000

MIN LUMENS

1,000

COLOR TEMPERATURES

5000, 4000, 3500

ADDITIONAL OPTIONS



WROUGHT IRON TREE GRATE



PRODUCT BRIEF

The Coho is our simple starburst patterned grate, and is available in a wide variety of sizes.

Conforms to ADA Accessibility Guidelines

MATERIAL, COLOR AND FINISH

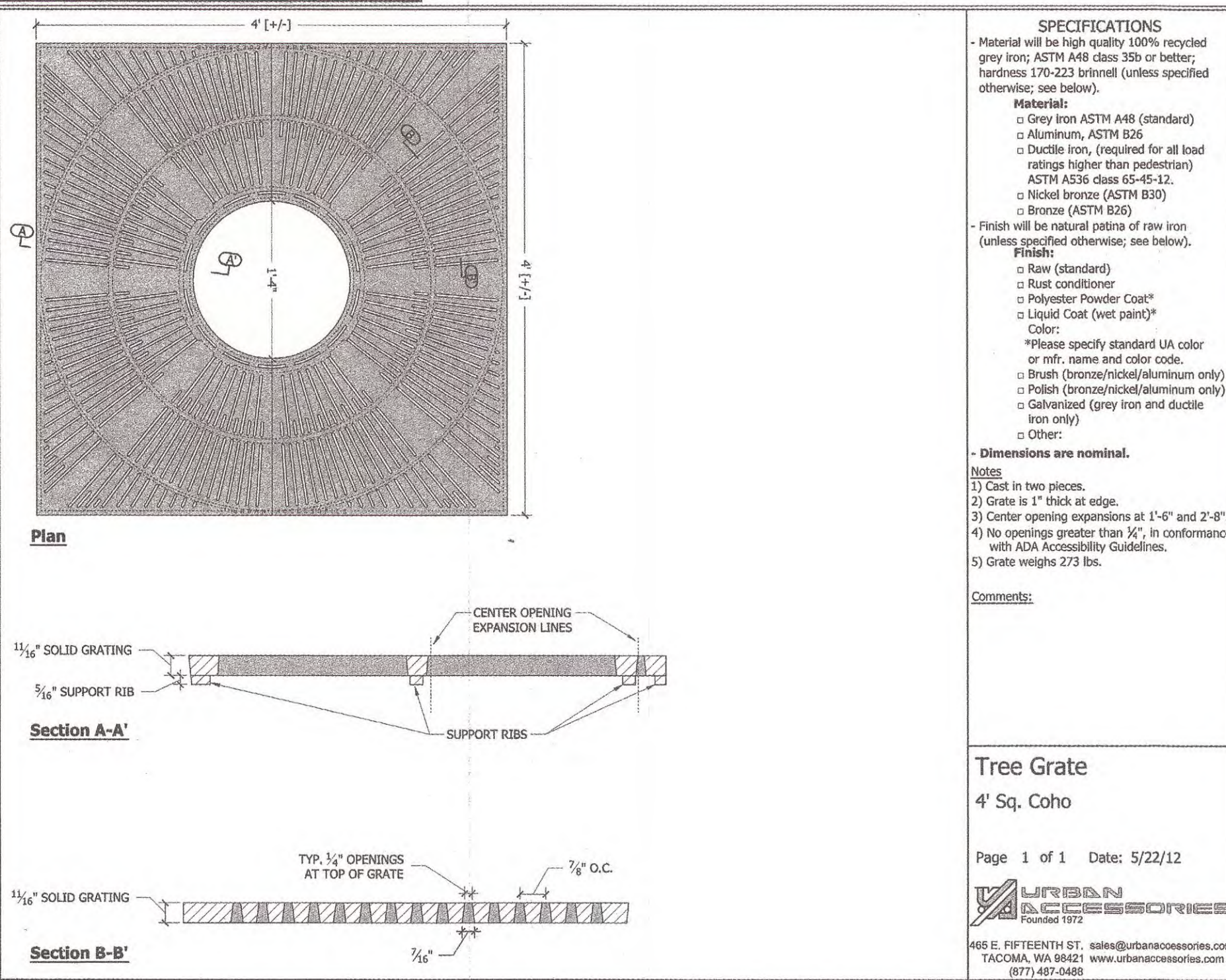
IRON

Cast Grey Iron per ASTM, A48 class 350 or better, hardness 170-223 brinell, 100% recycled, Cast Ductile Iron per ASTM A536 Class 65-45-12.

RAW

RUST CONDITIONER

4' SQUARE TREE GRATE



SPECIFICATIONS

Material will be high quality 100% recycled grey iron, ASTM A48 class 350 or better; hardness 170-223 brinell (unless specified otherwise; see below).

Material:

- Grey Iron ASTM A48 (standard)
- Aluminum, ASTM 835
- Ductile Iron, (required for all load ratings higher than pedestrian)
- ASTM A536 class 65-45-12
- Nickel bronze (ASTM B30)
- Bronze (ASTM B26)

Finish:

- Finish will be natural patina of raw iron (unless specified otherwise; see below).
- Raw (standard)
- Rust conditioner
- Polyester Powder Coat*
- Liquid Coat (wet paint)*

Color:

- *Please specify standard UA color or mfr. name and color code.
- Brush (bronze/nickel/aluminum only)
- Polish (chrome/nickel/aluminum only)
- Galvanized (grey iron and ductile iron only)
- Other:

Dimensions are nominal.

Notes:

- 1) Cast in two pieces.
- 2) Grate is 1" thick at edge.
- 3) Center opening expansions at 1'-6" and 2'-0".
- 4) No openings greater than 1/2", in conformance with ADA Accessibility Guidelines.
- 5) Grate weighs 273 lbs.

Comments:

Tree Grate

4' Sq. Coho

Page 1 of 1 Date: 5/22/12

URBAN ACCESSORIES
465 E. FIFTEENTH ST., Suite 400 @urbanaccessories.com
TACOMA, WA 98421 www.urbanaccessories.com
(877) 487-0488

Mirada Bollard

MRB

Retrofit to LED and Start Saving Today!

The Mirada Architectural Bollard combines superior engineering with purity of design and attention to detail. The durable construction and virtually maintenance-free qualities makes it ideal for illuminating low-level mounting height areas, such as entryways, pathways and most pedestrian-scale applications, requiring unique aesthetics in tandem with outstanding performance.

With a 8-5/8" diameter one-piece extruded aluminum heavy wall seamless shaft and .322" wall thickness, the Mirada Bollard provides superior durability in the harshest environments. Its high vertical illumination for maximum spacing between luminaires allows for fewer fixtures per site.

ASK A QUESTION

BOLLARD LIGHT FIXTURE

Features & Specifications

- Up to 3,000 lumens
- Two distribution types: Symmetric, Asymmetric
- Optional House Side Shield
- Button Style Photocells available
- Integral Battery Backup
- 2700, 3000, 4000 & 5000K CCT
- 0-10V dimming drivers
- 5-year warranty

MAX LUMENS

3,000

MIN LUMENS

1,000

LIFE SAFETY FEATURES

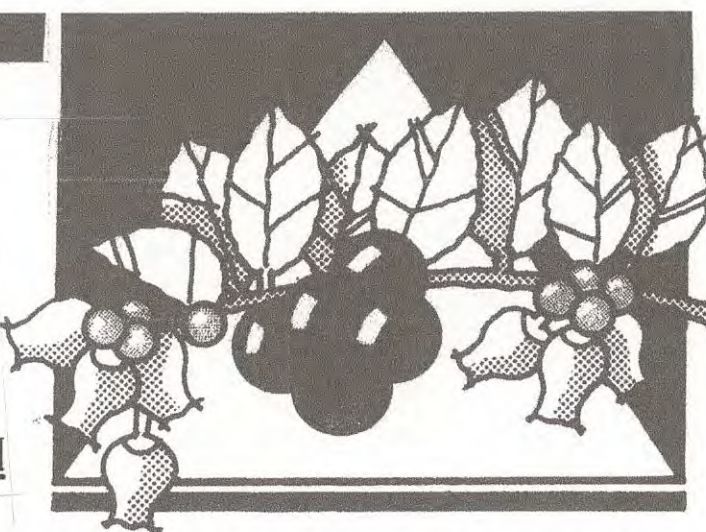
Battery Backup Cold Weather Battery Backup

SENSORS

Photocell

COLOR TEMPERATURES

Amber, 2700, 3000, 4000, 5000



ISAACSON, WOOD & ASSOCIATES
LANDSCAPE ARCHITECTURE

35802 HIBISCUS COURT, FREMONT, CA 94536

PHONE: (408) 838.2329

jay@isaacsonwood.com

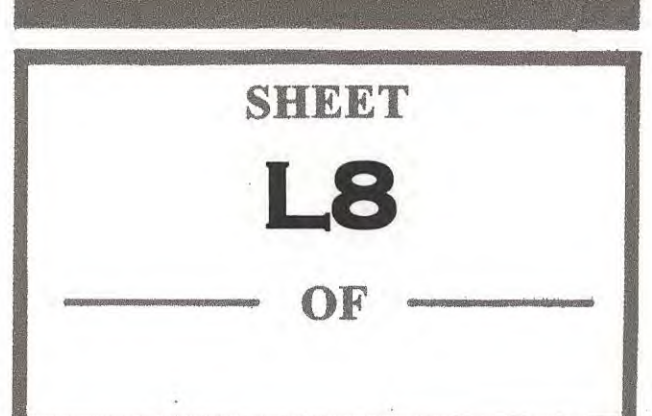
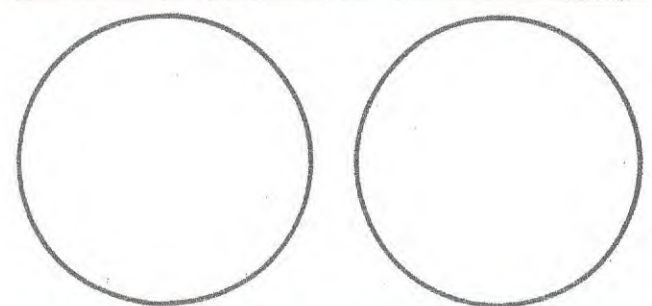
PRIMROSE DAY CARE

1000 JACKLIN ROAD
MILPITAS, CA



LANDSCAPE DETAILS

JOB #	REVISIONS:
21004	09.27.21
DATE:	2.06.21
07.02.21	05.19.22



SHEET

L8

OF



MILPITAS PLANNING COMMISSION STAFF REPORT

August 24, 2022

APPLICATION: **NEW CHILD CARE CENTER (PRESCHOOL) – Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031** -A request to operate a preschool (Primrose School) for up to 266 children, ages 12 months through five years, and to allow exterior façade modifications, new outdoor playgrounds, landscape improvements, and removal and replacement of two ordinance-protected trees at an existing 24,269-square foot, two-story commercial building (former indoor sports facility) on a 1.14-acre site located at 1000 Jacklin Road.

RECOMMENDATION: **Staff recommends that the Planning Commission consider the exemption in accordance with CEQA and adopt Resolution No. 22-012, approving Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129 and Tree Removal Permit No. TR21-0031 subject to the findings and attached Conditions of Approval.**

LOCATION:

Address/APN:

1000 Jacklin Road (APN: 028-05-015)

Area of City:

South of Jacklin Road / West of Interstate 680

PEOPLE:

Project Applicant:

Erick Schoennauer (Representative)

Consultant(s):

Anthony Ho of LPMD Architects (Architect)

Daniel Gutekunst of JHM Weiss (Engineer)

Jay Isaacson of Isaacson Wood & Associates (Landscape Architect)

Property/Business Owner:

Amar Chokhawala of PSWG, LLC.

Project Planner:

Avery Stark, Associate Planner

LAND USE:

General Plan Designation:

Neighborhood Commercial (NC)

Zoning District:

Highway Services (HS)

ENVIRONMENTAL: This Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, the Project is exempt from further environmental review pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

BACKGROUND

On October 6, 1977, the Planning Commission approved "S" Zone plans for a 22,300 square-foot, two-story indoor sports facility and associated site improvements on the 1.14-acre subject site.

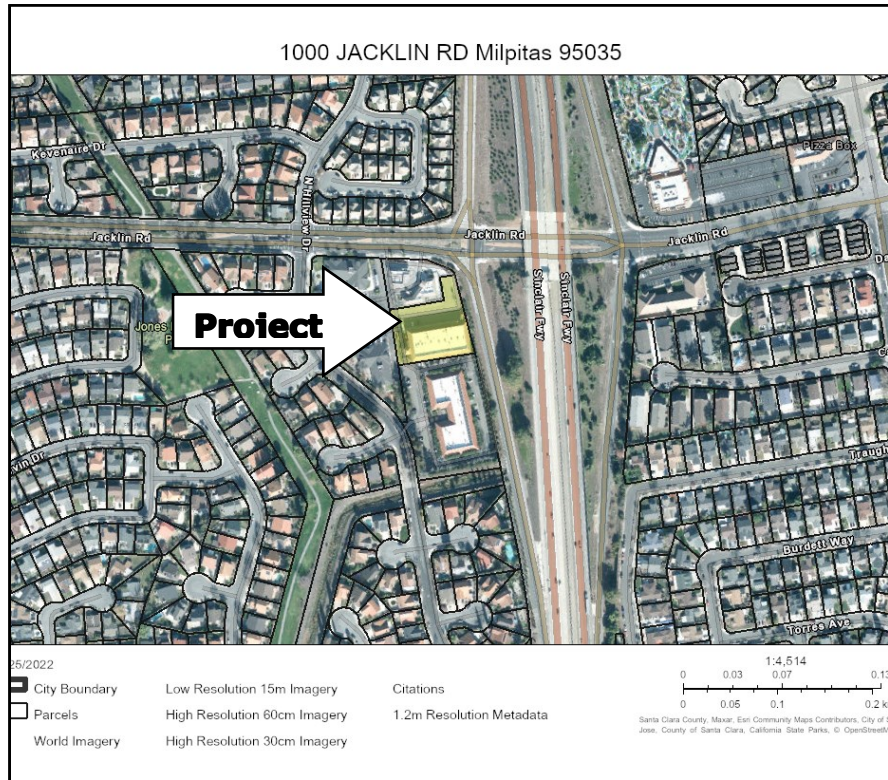
On May 8, 1996, the Planning Commission approved Conditional Use Permit No. UP 1339 for a 60-foot monopole for a wireless telecommunication facility and construction of a 173-square-foot equipment shelter on the north side of the building. The Planning Commission also approved the following amendments to the wireless telecommunications facility:

- On July 24, 1996, the Planning Commission approved UP1352, to allow the co-location of two other carriers and the construction of a second equipment enclosure on the east side of the building.
- On November 18, 1998, the Planning Commission approved Conditional Use Permit Amendment No. UP1339 to allow an antenna replacement.
- On June 28, 2000, the Planning Commission approved an "S" Zone Amendment to install wireless telecommunication antennas and an equipment enclosure.
- On May 28, 2003, the Planning Commission approved the "S" Zone Amendment for a new 62'-10" tall clock tower located on the west side of the building. The clock tower was designed and constructed to conceal twelve wireless telecommunication antennas.
- On September 12, 2012, the Planning Commission approved Conditional Use Permit No. UP12-0017 and Minor Site Development Permit No. MS12-0034 for removal of three existing panel antennas with three new panel antennas, installation of six new remote radio units, and replacement of existing equipment cabinets on an existing wireless telecommunication monopole.
- On May 28, 2014, the Planning Commission approved Conditional Use Permit Amendment No. UA14-0001 to install three new panel antennas to the existing monopole tower and associated equipment.
- On April 21, 2020, the Milpitas City Council denied the appeal and upheld the Planning Commissions' decision to deny Site Development Permit No. SD18-0012 and Conditional Use Permit No. 18-0012 to allow the development of a proposed La Quinta hotel.

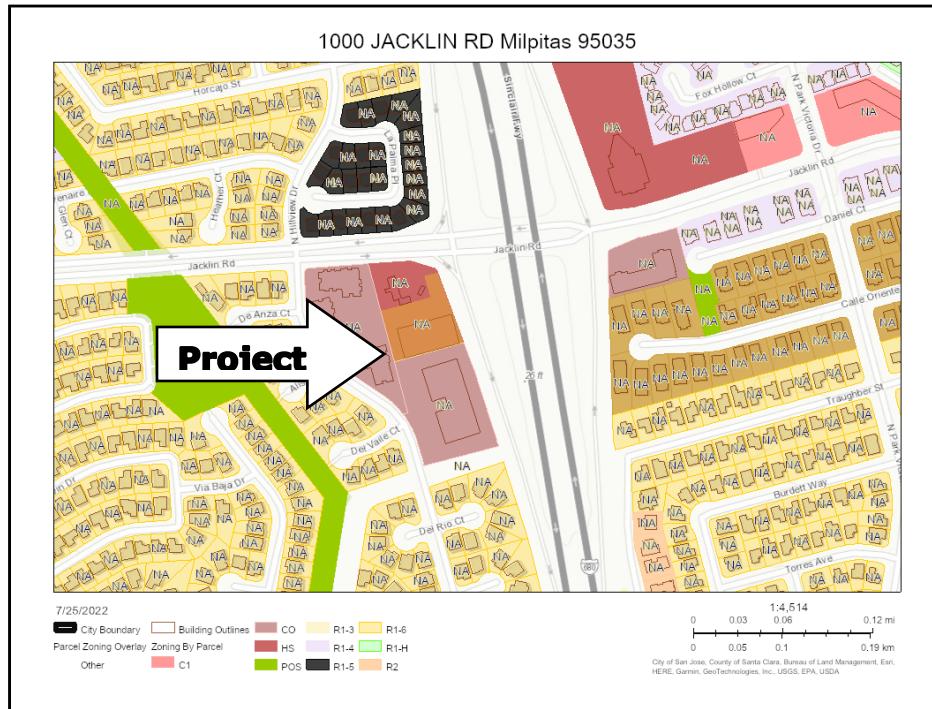
On July 20, 2021, Erick Schoennauer, on behalf of the applicant, submitted a Conditional Use Permit (UP21-0003) application to allow a new preschool (Primrose School) that would provide services to children ages 18 months through five years with a maximum capacity of 266 children. The proposed center would be located in an existing two-story 24,269-square-foot building that was formerly Fitness 19 and Unlimited MMA (Mixed Martial Arts). The proposed center would operate Monday through Friday, 7:30 am to 6:30 pm, and provide half-day, extended-day, and full-day services.

The applicant also requests a Minor Site Development Permit (MS21-0129) to allow exterior alterations to the building façade and site, including five new playground areas, landscaping, parking lot restriping, and reconfiguration of parking spaces, and a Tree Removal Permit (TR21-0031) to remove and replace two ordinance-protected trees. The Project is consistent with the Milpitas General Plan, Zoning Ordinance, and Child Care Master Plan. Staff recommends that the Planning Commission approve the Project subject to the Findings and Conditions of Approval.

Map 1: Project Location



Map 2: Project Zoning Map



PROJECT DESCRIPTION

Overview

The applicant proposes renovating an existing 24,269-square-foot commercial building (former indoor sports facility) as a new preschool (Primrose). The proposed center will accommodate up to 266 children ages 18 months through five years. Proposed modifications to the existing building façade and site include new doors, windows, wall-mounted LED light fixtures, new landscaping, five outdoor playgrounds, a new trash enclosure, and reconfigured parking areas.

Location and Context

The project site is located in the southwest quadrant of I-680 and Jacklin Road and is zoned Highway Services. The site is currently occupied by a 24,269 square-foot indoor sports facility, a monopole with 15 antennas, a stealth clock tower with 12 antennas, and various other wireless telecommunication equipment and enclosure. The site is a land-locked parcel located behind the Shell gasoline station, near the I-680 southbound on-ramp. Table 1 below summarizes the project site's land use designation and surrounding uses:

Table 1:
Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	Neighborhood Commercial (NC)	Highway Services (HS)	Indoor Sports Facility
North	Neighborhood Commercial (NC)	Highway Services (HS)	Shell gasoline station
South	Neighborhood Commercial (NC)	Administrative and Professional Office (CO)	Hillview Office Center
East	N/A	N/A	Interstate 680
West	Neighborhood Commercial (NC)	Administrative and Professional Office (CO)	Jacklin Commons KinderCare

Site Improvements

The applicant proposes to install three outdoor playgrounds (#1, #2, #3) totaling 3,163 square feet, enclosed by a six-foot-tall iron rail fence (see Sheet L1 & L4 of the project plans for detail), and two covered playgrounds (#4 & #5) totaling 3,952 square feet, enclosed by a 4-foot high stucco wall, with an additional four-foot tall metal mesh screen along the south elevation of the building (see Sheet A4 for detail). The project would also include a new trash enclosure at the southwest corner of the site. The new trash enclosure will be designed with materials and colors to match the main building (see Sheet A4 for detail).

Additionally, the applicant will install one new main entrance along the northern elevations of the building and the required emergency exit doors into the playgrounds and around the building to comply with the California Building and Fire Code (See Sheet A01 of the project plans). The two existing sign cabinets along the northern and eastern elevations (see Sheet A4 for location) will be repurposed with new signage and require approval of a sign permit under a separate application.

Installation of the new exterior doors, windows, and iron rail fence will require the approval of building permits under a separate application.

The existing parking areas will be resurfaced and restriped to accommodate 42 vehicle spaces, which will be discussed in the Access, Circulation, and Parking section of this report. The applicant will remove a total of 18 trees from the site; two of those trees (#12 & #18) are "Protected" (per City Ordinance); the removal triggers the Tree Removal Permit No. TR21-000 and requires the applicant to replace those trees at a 2:1 ratio. The four new 24", 15-gallon trees are identified on sheet L3 with a star.

The applicant will add new planter beds along the building perimeter, the southern and eastern property line, and the new parking lot planters with various grasses, plants, and flowers (see Sheet L3 & L7 for details).

Safety and Security

The Milpitas Police Department reviewed the Project and prescribed several measures to ensure the safety and security of the overall site and its occupants, including high-definition video surveillance, adequate exterior lighting, posted exterior site signage to discourage trespassing and loitering, and filing emergency contact information with the Police Department. Project conditions of approval addressing these recommendations are included in the attached Resolution.

Floor Plan and Operations

The proposed floor plan includes 14 new classrooms with a total area of 9,430 square feet, 12 student restrooms inside the classroom, and six separate adult women's/men's restrooms outside of the classrooms, a reception area, offices, storage, training space, laundry, and a warming kitchen to serve four meals a day to the children, including breakfast, lunch and two light snacks.

Approximately 26 employees will staff the preschool at any given time during their peak hours of operation. During peak drop-off from 8:00 am - 9:30 am and pick-up from 2:00 pm – 3:00 pm, the center staff will use a childcare management software program on wireless tablets called "ProCare." Each parent will have their own code to allow contact-less drop-off and pick-up. Each drop-off and pick-up will be completed within approximately 30 seconds to one minute. There will be 29 dedicated spaces, with signs identifying such spaces to facilitate the drop-off and pick-up process (see Sheet A1 for details).

PROJECT ANALYSIS

General Plan & Zoning Conformance

General Plan

The General Plan designation for the subject property is Neighborhood Commercial (NC), which allows a wide range of personal and business services primarily oriented to automobile customers as well as transient residential uses such as motels or mobile home parks. This designation includes those commercial uses which customarily locate outside the Central Business District area and tend to require well-maintained grounds. The Project is bounded by the Highway Services (HS) Zoning District to the north and the Administrative and Professional Office (CO) to the west and south. Interstate 680 is located to the east of the subject property.

The General Plan also details the goals, objectives, and policies for the City's child care center/day care school uses. The Project will provide a new child care center that complies with all local, state, and federal regulations and is compatible with its surroundings. Table 2 outlines the Project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2:
General Plan Consistency

General Plan Policy	Consistency Finding
<i>LU 6-5: Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.</i>	Consistent. The proposed improvements to the building façade and site will revitalize a vacant underutilized commercial building.
<i>UCS 8-1: Continue to strongly support and encourage the maintenance of high quality public and private schools and diverse educational opportunities in Milpitas and work cooperatively with Milpitas Unified School District, Berryessa Union High School District, and East Side Union School District to explore all local and state funding sources to secure available funding for new school facilities.</i>	Consistent. The center will increase preschool opportunities for Milpitas families and supports the City's goals of providing high quality and diverse educational opportunities.

Zoning Ordinance

The proposed Project conforms to the development standards required in the Highway Services zone (HS). Table 3 below demonstrates project consistency with these development standards:

Table 3:
Zoning Conformance

	Standard	Proposed	Complies?
<u>Setbacks</u> (Minimum)			
Front (North)	Major Street: 50' All other streets: 0'	86' 9-5/8"	Yes, no change
Side Yard (West)	0'	52' 9-5/8"	Yes, no change
Side Yard (East)	15' when abutting R District	5' 7-1/4"	Yes, no change
Rear (South)	0' 15' when abutting R District	6' 9-5/8"	Yes, no change

	Standard	Proposed	Complies?
<u>Floor Area Ratio</u> (Maximum)	0.50	0.49	Yes, no change
<u>Building Height</u> (Maximum)	None	30'	Yes, no change
<u>Landscaping</u>	25% of front yard setback	0' required front yard setback, so no landscaping is required	Yes

Access, Circulation, and Parking

Table 4 demonstrates the Project's noncompliance with the Zoning Ordinance parking standard per *Section XI-10-53 Off-Street Parking Regulations*. The Zoning Ordinance allows several parking reductions to meet the minimum parking space requirements. The applicant has requested a reduction in the number of parking and loading/unloading requirements based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment D). This is subject to Planning Commission approval based on the empirical study, which demonstrates parking demand can be accommodated onsite.

Table 4:
Parking Summary

Tenant	Square footage/	Zoning Ordinance Requirement	Total Required	Total Provided
<i>Classrooms</i>	9,430	One per classroom or one per 500 sq. ft., whichever is greater.	19	
<i>Employees</i>	36 employees	one per 1.5 employees	24	
<i>Office</i>	Director 132 Staff 1,600	one per 240 sq. ft.	7	
<i>Loading/ Unloading</i>	266 students	one per six children (up to five stalls); thereafter, one per ten children	29	
Bicycle parking		5% of total required	3	
Parking Spaces			79	
Total Parking Spaces required per Hexagon Parking Study				42

Traffic

As previously discussed, a traffic operations analysis report was conducted for the Project. The report reviewed trip generation, impact analysis, parking, and site circulation. In conclusion, the proposed Project is consistent with the land uses permitted per the City of Milpitas General Plan and is projected to add approximately 417 daily trips. The number of daily trips (including a.m. and p.m. peak hour trips) is not expected to significantly impact the level of service (LOS) in the immediate vicinity.

Access & Circulation

The project site is near Interstate 680 and Jacklin Road. The Project utilizes four existing shared driveways: two on Jacklin Road and two on North Hillview Drive, which provide multiple routes for parents/guardians to access the facility. Onsite circulation and drive aisles have been reviewed by staff to ensure ample access and spacing requirements for fire truck access and solid waste management. The site will include 42 surface parking spaces.

Due to the landlocked nature of the parcel, the developer has obtained pedestrian access rights through the adjacent westerly property, see Sheet C-2.2. Pedestrian access to the project building would be provided via a new pedestrian access path from existing sidewalks on North Hillview Drive. However, no access paths are provided from Jacklin Road due to the location of the project site being surrounded by other adjacent buildings. Onsite, the volume and speed of vehicular traffic would be low enough such that shared use of the drive aisles between pedestrians, bicycles, and vehicles would be feasible.

Child Care Master Plan

The Project is also consistent with the Milpitas Child Care Master Plan, dated April 2, 2002, by developing a new childcare facility within city limits that offers half-day, extended-day, full-day, childcare programs to meet the varying childcare needs of Milpitas families. Table 6 outlines the Project's consistency with the Master Plan goals and implementation policies:

Table 5:

Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
<i>Long Range Goal: Every child and family has access to affordable, safe, quality childcare.</i>	Consistent. The Project will accommodate 266 children, which will help serve local childcare needs.
<i>Guiding Principle: The City of Milpitas promotes the retention of existing and the development of new childcare facilities within the City limits.</i>	Consistent. The proposed new facility is located within City limits and will provide additional childcare services to Milpitas residents.

State Department of Social Services Regulations

The California Child Day Care Facilities Act (beginning at Health & Safety Code § 1596.70) authorizes the State Department of Social Services to administer licensing matters for childcare

facilities operating in the state. As part of its licensing authority, the Department is vested with the power to adopt regulations necessary to implement the Act. These regulations include the number of toilets and sinks that must be provided based on the number of children served and the outdoor play area required per child. These matters are regulated by the State of California and are outside the Planning Commission's purview.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F)(1))

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed new preschool center will serve the needs of the Milpitas community and includes design features to ensure no detrimental or adverse impacts on the property or improvements in the property's vicinity. As conditioned, the facility may accommodate no more than 266 children at one time. It will maintain designated loading/unloading parking spaces, and staff will ensure the orderly and efficient movement of vehicular traffic throughout the site. Additionally, the facility's operation will be required to remain in compliance with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies as part of the Project's Conditions of Approval.

2. *The proposed use is consistent with the Milpitas General Plan.*

As described in Table 2, the Project is consistent with the Milpitas General Plan, particularly Policy LU 6-5 and UCS 8-1, which encourage the establishment of childcare facilities that are consistent with state standards and provide adequate school facilities for the City's residents. The Project is a new preschool expanding educational opportunities to Milpitas residents and families.

- c) *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool is a conditionally permitted use in the Highway Services (HS) Zoning District and complies with the applicable development standards and parking requirements. As demonstrated in Table 3 the Project conforms to the development standards as set forth in Milpitas Municipal Code Sections XI-10-6.04 and XI-10-53. Table 4 demonstrates the Project's noncompliance with the Zoning Ordinance parking standard per Section XI-10-53 Off-Street Parking Regulations. The applicant has requested a reduction in the number of parking and loading/unloading requirements based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment D). This is subject to Planning Commission approval based on the empirical study, which demonstrates parking demand can be accommodated onsite.

- d) *The proposed use is consistent with the Milpitas Child Care Master Plan.*

The proposed Project is consistent with the goals and implementation policies of the Milpitas Child Care Master Plan, dated April 2, 2002, as outlined in Table 6, in that the proposed preschool use is located within City limits and provides 266 new childcare spots to Milpitas residents.

Minor Site Development Permit (Section XI-10-57.03(F)(1))

- a) *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The exterior alterations are minimal and include new doors; wall mounted lights, existing colors, and finishes will remain. The alterations are compatible with other adjacent buildings in the area that consist mainly of smooth stucco finishes. The Project also proposes to add square feet of irrigated landscaped area throughout the site, which will increase the total area of permeable surface area and provide additional vegetation to the site.

- b) *The Project is consistent with the Milpitas Zoning Ordinance.*

The proposed preschool center is a conditionally permitted use in the Mixed-Use Zoning District and complies with the applicable development standards and parking requirements. As demonstrated in Table 3, the Project conforms to the development standards as set forth in Milpitas Municipal Code Sections XI-10-6.04. Table 4 demonstrates the Project's noncompliance with the Zoning Ordinance parking standard per Section XI-10-53 Off-Street Parking Regulations. The applicant has requested a reduction in the number of parking and loading/unloading requirements based on an empirical study completed by Hexagon Transportation Consultants, Inc. (Attachment D). This is subject to Planning Commission approval based on the empirical study, which demonstrates parking demand can be accommodated onsite. The proposed modifications to the building façade and parking lot also satisfy the use's functional requirements and will not interfere with the privacy, quiet enjoyment, or view of the surrounding properties.

- c) *The Project is consistent with the Milpitas General Plan.*

The Project is consistent with the General Plan's policies, as demonstrated in Table 2 above, in that the proposed exterior changes to the building will facilitate a new preschool and expand child care and educational opportunities for children in Milpitas.

ENVIRONMENTAL REVIEW

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the Project includes a conditionally permitted childcare center (preschool) use within an existing facility in an urbanized area, a Minor Site Development Permit to allow minor exterior alterations to the building façade, including a new playground, landscaping, and parking lot restriping and reconfiguration. A Tree Removal Permit will allow the removal and replacements of two ordinance-protected trees. The Project is also consistent with the Milpitas General Plan, Zoning Ordinance and Child Care Master Plan, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

PUBLIC COMMENT/OUTREACH

The applicant held a community meeting on January 10, 2022. Approximately 465 owners and residents were invited to the drop-in meeting. Approximately eight residents attended the meeting. In addition, the project was posted on the Planning Department's online public forum, to solicit comments from anyone who was unable to attend the community meeting.

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on August 12, 2022. In addition, 465 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall. At the time of publishing this report, staff has received three public comments.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and close the public hearing;
2. Consider the exemption in accordance with CEQA; and
3. Adopt Resolution No. 21-011 approving Conditional Use Permit No. UP21-0003, Minor Site Development Permit No. MS21-0129, and Tree Removal Permit No. TR21-0031 subject to the findings and attached Conditions of Approval

ATTACHMENTS

- A: Resolution 22-012
- B: Project Plans
- C: Operational and Business Plan
- D: Hexagon Supplemental Traffic Memo



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: November 19, 2021
To: Steve Chan
Traffic Engineer, City of Milpitas
From: Eric Tse, P.E., PTOE
Subject: Traffic Operations Analysis Report for 1000 Jacklin Road Primrose School

Hexagon Transportation Consultants, Inc. has completed this traffic operations analysis for the proposed Primrose School at 1000 Jacklin Road in Milpitas, California. The project, as proposed, would convert an existing 24,000 square-foot commercial building to a daycare school facility at the 1.142-acre site. The daycare facility would accommodate a maximum of 266 children and 36 employees. The project site is bounded by Jacklin Road to the north, North Hillview Drive to the west, I-680 to the east, and a single-family residential neighborhood to the south. Access to the project site would be via four shared driveways on Jacklin Road and North Hillview Drive. Figure 1 shows the project site location.

The project site is currently occupied by a limited operation fitness club with shared driveway access and parking with adjacent businesses. At the time when this study was being prepared, the fitness club building was operating only during the early evening hours between Mondays and Thursdays.

Scope of Study

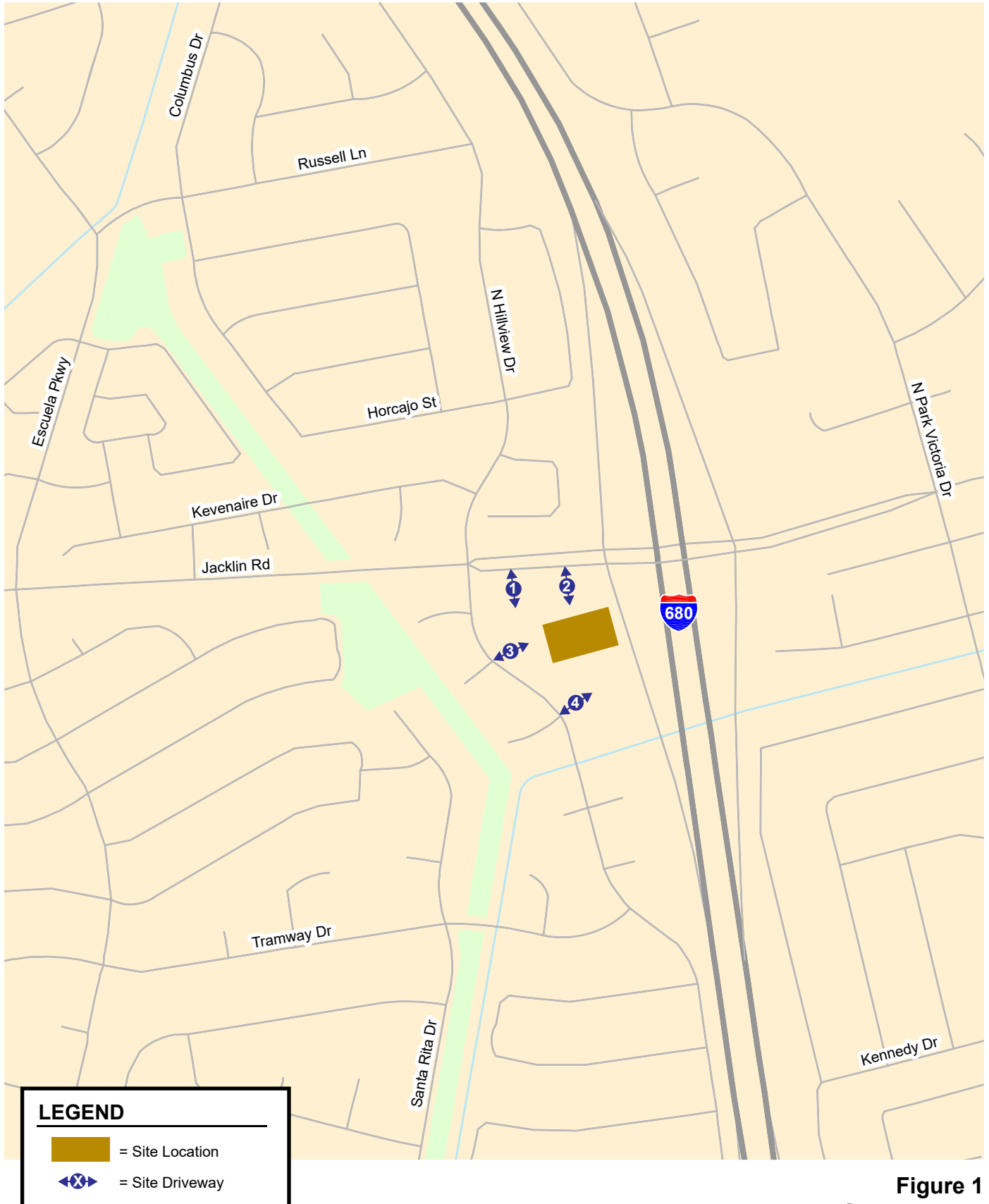
The purpose of this study is to determine the number of weekday AM and PM peak hour trips generated by the proposed project, and to evaluate the proposed site access, site circulation, and parking.

According to City staff, the project is considered exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As a result, a vehicle-miles traveled (VMT) analysis is not required.

Project Traffic Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the weekday AM and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to the project driveways. These procedures are described further in the following paragraphs.

Because trip generation characteristics of daycare facilities can vary due to the uniqueness of the child care programs being offered, project traffic estimates were calculated and compared using two methodologies: (1) the Institute of Transportation Engineers (ITE) Trip Generation Manual and (2) the surveyed trip rates from an existing Primrose Daycare School in Willow Glen, San Jose.





ITE Trip Generation Manual

Through empirical research, data have been collected that quantifies the amount of traffic produced by many types of land uses. These data are compiled in the manual entitled *Trip Generation, 11th Edition*, published by ITE. The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development. Based on ITE's trip generation rates for Day Care Center (ITE code 565), the project would generate 207 AM peak hour trips and 210 PM peak hour trips.

Trip Generation Surveys at Willow Glen Primrose Daycare School

Trip generation surveys were conducted at the existing Willow Glen Primrose Daycare School at 1496 Hamilton Avenue in San Jose. This location was selected for the survey because it currently serves the same age group of pre-kindergarten students as the proposed project with a similar student population capacity of 204 students. Driveway counts were collected at the Willow Glen facility during the AM (7-9) and PM (4-6) peak hours over three weekdays between the 5th and 7th of October in 2021. The driveway counts were used to develop trip generation rates using the number of students attending school on each of the surveyed dates. The average AM and PM peak hour trip rates of the Willow Glen Primrose school were 0.98 per student and 0.91 per student, respectively.

Based on field observations at the Willow Glen Primrose Daycare school, all parents who drive parked their vehicles onsite and walk their children into the school building. During the AM and PM peak loading periods, the parking lot had enough capacity to accommodate the parking demand for parents dropping off and picking up the students.

The project trip generation estimates based on ITE rates and surveyed trip counts are presented in Table 1. The surveyed peak hour trip rates at the Willow Glen Primrose school were higher compared with those of the ITE Trip Generation Manual. To be conservative, the surveyed trip rates were used in this analysis.

Table 1
Project Trip Generation Estimates Comparison

Trip Generation Calculation Approach	School Size (students)	AM Peak Hour				PM Peak Hour			
		Rate	In	Out	Total	Rate	In	Out	Total
ITE Trip Generation Rates ¹	266	0.78	110	97	207	0.79	99	111	210
Surveyed Trip Rates ² from Existing San Jose Primrose School	266	0.98	131	130	261	0.91	119	123	242
¹ Rates based on ITE Trip Generation, 11th Edition for Day Care Center (ITE Land Use 565)									
² Average surveyed driveway counts at existing Willow Glen Primrose School on three weekdays (Tuesday, Wednesday, and Thursday)									

The trip distribution pattern for the proposed use was estimated based on existing travel patterns and the locations of complementary land uses. The project trip distribution and trip assignment at the site driveways are shown on Figure 2.

1000 Jacklin Road, Milpitas - Primrose School

1 Jacklin Rd 33(30) → 20(19) → Driveway #1	2 Jacklin Rd 32(29) → 19(18) → Driveway #2	3 ↪ 33(30) ↪ 29(28) ↪ 17(16) Driveway #3 17(15) → N. Hillview Dr	4 ↪ 29(27) ↪ 16(15) Driveway #4 16(15) → N. Hillview Dr
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LEGEND



= Site Location



= Site Driveway



XX% = Trip Distribution

XX(XX) = AM(PM) Peak-Hour Trips

Figure 2
Project Trip Distribution and Driveway Trip Assignment



Site Access & Circulation

This site access and circulation review is based on a project site plan dated September 27, 2021. Figure 3 shows the site plan and layout of the parking lot. Onsite vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards.

The proposed project would utilize four existing shared driveways: two shared driveways on Jacklin Road and two shared driveways on North Hillview Drive. The driveways on Jacklin Road provide right-in/right-out access only due to the existing median. Inbound vehicles from westbound Jacklin Road would either make U-turns at the North Hillview Drive/Jacklin Road intersection and use driveways on Jacklin Road or make left turns at the intersection and use driveways on North Hillview Drive, in order to reach the project site. Outbound vehicles wishing to go westbound on Jacklin Road would use one of the existing driveways on North Hillview Drive and then turn left onto westbound Jacklin Road at the signalized intersection. With several driveways surrounding the project site, project users would have multiple routes to access the site.

There are two existing driveways on North Hillview Drive to the west of the project site. These two driveways share access with the buildings adjacent to the project site and provide alternate access to Jacklin Road via North Hillview Drive. The north and south driveways on North Hillview Drive have a throat depth of approximately 90 feet (or 4 vehicles) and 50 feet (or 2 vehicles), respectively, beyond which vehicle queues would block the internal drive aisles. The vehicle queues at these locations could easily be accommodated in the storage space provided, and the onsite queues would generally not interfere with traffic operations on North Hillview Drive.

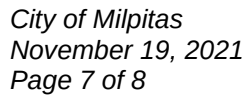
Field observations were conducted at the project site surroundings including the shared site driveways and internal traffic circulation during the weekday AM and PM peak hours to identify any potential site operational issues. Based on field observations, traffic at the site driveways was relatively light during peak periods. There are two existing schools, the Jacklin Commons KinderCare school and the Tian Tian Chinese school, that are adjacent to the project building on the opposite side of a north-south internal drive aisle to the west. The KinderCare school operates between 7:30 AM and 5:30 PM on weekdays, while the Chinese school operates between 11 AM and 7 PM on weekdays. Although the schedules of both schools would likely coincide with the proposed project student drop-off/pick-up operations, field observations revealed the parking lot in front the two schools have more than enough capacity to accommodate the parking demand of the student loading operations and no vehicle queuing issues were observed in the shared drive aisles.

Recommendation #1: It is recommended that the proposed project monitor site access during peak loading periods to identify any recurring operational problems which could cause vehicular queues to impede traffic on the common drive aisle shared with adjacent daycare school. If any operational problems surface, the project should consider working with parents to route traffic away from this drive aisle.

It is anticipated that even under project conditions, due to the availability of multiple access driveways in close proximity of the project building, vehicles entering and exiting the site driveways would experience minimal delays and vehicle queues would dissipate relatively quickly. Both the west driveway (Driveway 1) and the east driveway (Driveway 2) on Jacklin Road have a throat depth of approximately 25 feet (or one vehicle), beyond which vehicle queues exiting the driveway would block access to one of the internal drive aisles of the gas station. However, the vehicles queues at these locations (which are right turn only) would mostly be brief, and the onsite queues would generally not interfere with traffic operations on Jacklin Road.

Upon entering from Jacklin Road at Driveway 1, vehicles would travel on the main north-south drive aisle that leads directly to the main parking aisle in front of the proposed school building. Alternatively, vehicles could enter the school parking lot from the eastern end through Driveway 2. Overall, the internal circulation system which includes the main north-south drive aisle connected to Driveway 1, the drive aisle that connects the back of the surface lot with Driveway 2, the two east-west feeder drive aisles at the surface lot, and the four site driveways on Jacklin Road and North Hillview Drive would provide for reasonably efficient vehicular circulation.





The site plan includes one trash enclosure located at the southeast corner of the surface parking lot. This location allows for efficient circulation of garbage trucks in and out of the project site. Garbage trucks and emergency vehicles could be accommodated onsite as demonstrated on the project site plans.

The results of the parking demand survey are shown in Table 2. The survey showed that the maximum parking demand occurred on October 7, 2021 (Thursday) when a total of 31 parking spaces were occupied. A total of 195 students attended school on that day, and therefore, the maximum parking demand rate was 0.16 space per student.

		Maximum Parked Vehicles			Number of Students	Parking Rate
Date	Time	General	Staff	Total	Attended	(Space/Student)
October 5, 2021 (Tuesday)	AM @ 8:17	20	3	23	194	0.12
	PM @ 4:56	23	5	28	194	0.14
October 6, 2021 (Wednesday)	AM @ 8:43	26	5	31	197	0.16
	PM @ 5:18	26	2	28	197	0.14
October 7, 2021 (Thursday)	AM @ 8:15	26	5	31	195	0.16
	PM @ 5:05	29	2	31	195	0.16
Parking Supply		31	5	36		
<u>Notes:</u>						
Peak Total Parking Demand in BOLD						



The proposed Milpitas Primrose Daycare school would have a capacity of 266 students. Using the parking demand rate surveyed from the Willow Glen Primrose school, a total of 43 parking spaces would be needed to accommodate the projected parking demand.

The project proposes 42 parking spaces in front of the school building, which is one parking space less than what is needed based on the surveyed parking demand rate.

The proposed school would operate at non-pandemic conditions between 7:00 AM and 6:30 PM, which would allow for longer drop-off and pick-up periods than those of the Willow Glen Primrose school, which was operating between 7:30 AM and 5:30 PM at the time when the parking demand survey was conducted. The expanded student loading time frames would reduce the peak parking demand by further staggering the arrivals and departures of vehicles. Therefore, it is anticipated that the 42 parking spaces provided onsite would be sufficient to accommodate the project parking demand.

The City Parking Code specifies a bike parking ratio of five percent of the required number of vehicle parking spaces. The current site plan does not show provisions for bike parking onsite.

Recommendation #2: The project should provide at least three bike racks onsite consistent with City Parking Code requirements.

Conclusions

Site circulation and access, as well as parking of the proposed project were evaluated in accordance with the procedures and guidelines specified by the City of Milpitas. The analysis resulted in the following key findings:

- Overall, the internal circulation system and site driveways provide for reasonably efficient vehicular circulation.
- It is anticipated that under project conditions, due to the availability of multiple access driveways in close proximity of the project building, vehicles entering and exiting the site driveways would experience minimal delays and vehicle queues would dissipate relatively quickly.
- Garbage and emergency vehicles would be accommodated onsite as shown on the site plans.
- Onsite, the volume and speed of vehicular traffic would be low enough such that shared use of the drive aisles between pedestrians, bicycles, and vehicles would be feasible.
- It is anticipated that the 42 parking spaces provided onsite would be sufficient to accommodate the project parking demand.

The analysis also produced the following recommendations:

1. It is recommended that the proposed project monitor site access during peak loading periods to identify any recurring operational problems which could cause vehicular queues to impede traffic on the common drive aisle shared with adjacent daycare school. If any operational problems surface, the project should consider working with parents to route traffic away from this drive aisle.
2. The project should provide at least three bike racks onsite consistent with City Parking Code requirements

APPENDICES

Driveway Counts

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/5/2021

School attendance = 194 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
AM					
7:30	1	1			
7:31	2				
7:32	1				
7:33	2				
7:34	1				
7:35		1			
7:36					
7:37		1			
7:38					
7:39		1			
7:40		1			
7:41	2	2			
7:42	1	2			
7:43		1			
7:44	4				
7:45	1				
7:46		1			
7:47	3	1			
7:48					
7:49	1	1			
7:50		1			
7:51	2				
7:52		1			
7:53	1	4			
7:54	2	1			
7:55	1				
7:56	1				
7:57	3				
7:58	3	1			
7:59		1			
8:00	1	2			
8:01	1	1			
8:02	1	4			
8:03	2				
8:04		1			
8:05	1				
8:06	2	2			
8:07	3				
8:08	4				
8:09	3	1			
8:10	1	3			
8:11	2	2			
8:12	2	1			
8:13	1				
8:14	1	3			
8:15	1	2			
8:16	2	1			
8:17	4	1			
8:18	4	4			
8:19		3			
8:20	2	1			
8:21	1	3			
8:22	2	1			
8:23	4	1			
8:24		4			
8:25	1	2			
8:26	4	5			
8:27	1	1			
8:28	3	3			
8:29	1		87	74	161
8:30	2	2	88	75	163
8:31	2	1	88	76	164
8:32	2	1	89	77	166
8:33		5	87	82	169

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/5/2021

School attendance = 194 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
AM					
8:34	1	2	87	84	171
8:35		3	87	86	173
8:36	1	1	88	87	175
8:37		2	88	88	176
8:38	1		89	88	177
8:39		1	89	88	177
8:40	3		92	87	179
8:41	1		91	85	176
8:42	1		91	83	174
8:43	2	1	93	83	176
8:44	1	3	90	86	176
8:45	1		90	86	176
8:46	1	1	91	86	177
8:47	2	2	90	87	177
8:48	3		93	87	180
8:49		1	92	87	179
8:50	1	1	93	87	180
8:51			91	87	178
8:52	1	1	92	87	179
8:53		2	91	85	176
8:54	2	2	91	86	177
8:55	1	2	91	88	179
8:56	2	2	92	90	182
8:57	1	1	90	91	181
8:58		1	87	91	178
8:59		1	87	91	178
9:00	1	2	87	91	178
9:01		1	86	91	177
9:02			85	87	172
9:03	2	2	85	89	174
9:04	1		86	88	174
9:05	2	1	87	89	176
9:06			85	87	172
9:07			82	87	169
9:08		1	78	88	166
9:09	1	1	76	88	164
9:10	1	3	76	88	164
9:11		1	74	87	161
9:12	1		73	86	159
9:13			72	86	158
9:14		1	71	84	155
9:15	2		72	82	154
9:16			70	81	151
9:17			66	80	146
9:18	2	1	64	77	141
9:19		1	64	75	139
9:20			62	74	136
9:21	1		62	71	133
9:22		1	60	71	131
9:23			56	70	126
9:24	1		57	66	123
9:25		3	56	67	123
9:26	3	3	55	65	120
9:27			54	64	118

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/5/2021

School attendance = 194 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
PM					
4:15					
4:16		1			
4:17	3				
4:18		1			
4:19	2				
4:20		1			
4:21	1				
4:22	1				
4:23		2			
4:24					
4:25	2	1			
4:26		1			
4:27	1	2			
4:28	1	1			
4:29	1	1			
4:30		1			
4:31	2				
4:32	1				
4:33	1	2			
4:34		2			
4:35	1	1			
4:36	2	2			
4:37	4	1			
4:38	2				
4:39	1	3			
4:40	1				
4:41	2	1			
4:42	1				
4:43	1				
4:44	4				
4:45	3				
4:46	1	1			
4:47	2	2			
4:48		2			
4:49	1	2			
4:50	1	2			
4:51	3	3			
4:52		1			
4:53	2				
4:54	1	1			
4:55	2				
4:56	3	1			
4:57	2	2			
4:58		4			
4:59		2			
5:00	2				
5:01	1	2			
5:02		1			
5:03	2	1			
5:04	5	2			
5:05		1			
5:06	4	1			
5:07		2			
5:08					
5:09	1	3			
5:10	3	1			
5:11	2				
5:12	3	3			
5:13		3			
5:14	1	2	80	69	149
5:15			80	69	149
5:16		1	80	69	149
5:17	4		81	69	150
5:18	1	3	82	71	153

School: San Jose Primrose School at 1496 Hamilton Ave
Date: 10/5/2021
School attendance = 194 students

[illegible]

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/6/2021

School attendance = 197 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
AM					
7:30	4				
7:31					
7:32	1				
7:33	1				
7:34	1	1			
7:35					
7:36	2	1			
7:37		1			
7:38	1	3			
7:39		1			
7:40					
7:41	1	1			
7:42	1	2			
7:43	2				
7:44					
7:45	2				
7:46	1	1			
7:47	1				
7:48					
7:49	2				
7:50		1			
7:51	1	2			
7:52	2				
7:53	3	1			
7:54	2	1			
7:55					
7:56					
7:57		2			
7:58	2	3			
7:59	2	2			
8:00	2	1			
8:01	1	1			
8:02		1			
8:03	2	1			
8:04	1	1			
8:05	2				
8:06	1	1			
8:07	2	3			
8:08	1				
8:09	1				
8:10	3	1			
8:11	2	5			
8:12	1				
8:13		2			
8:14	2	1			
8:15	2	1			
8:16	3	1			
8:17	2	1			
8:18	3	3			
8:19	1	2			
8:20	1				
8:21	1	1			
8:22	3	1			
8:23	1	1			
8:24	3				
8:25	2	3			
8:26	1	2			
8:27	1	3			
8:28	3	2			
8:29	3	2	83	64	147
8:30		2	79	66	145
8:31	5	2	84	68	152
8:32	2	3	85	71	156
8:33		1	84	72	156

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/6/2021

School attendance = 197 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
AM					
8:34			83	71	154
8:35	1	3	84	74	158
8:36	1	3	83	76	159
8:37	2	4	85	79	164
8:38	2	3	86	79	165
8:39	5		91	78	169
8:40	3		94	78	172
8:41	2	1	95	78	173
8:42	1	1	95	77	172
8:43	2	1	95	78	173
8:44	1	1	96	79	175
8:45		3	94	82	176
8:46		1	93	82	175
8:47		1	92	83	175
8:48	2	4	94	87	181
8:49		1	92	88	180
8:50		5	92	92	184
8:51	1		92	90	182
8:52	1	1	91	91	182
8:53	2	3	90	93	183
8:54	1	2	89	94	183
8:55	3		92	94	186
8:56			92	94	186
8:57			92	92	184
8:58		1	90	90	180
8:59	3	1	91	89	180
9:00	1		90	88	178
9:01	1	1	90	88	178
9:02		1	90	88	178
9:03		1	88	88	176
9:04	1		88	87	175
9:05		1	86	88	174
9:06			85	87	172
9:07		2	83	86	169
9:08	2	2	84	88	172
9:09			83	88	171
9:10	1	1	81	88	169
9:11		1	79	84	163
9:12	1	1	79	85	164
9:13			79	83	162
9:14	1	1	78	83	161
9:15	1		77	82	159
9:16			74	81	155
9:17	1		73	80	153
9:18		1	70	78	148
9:19		1	69	77	146
9:20	1	1	69	78	147
9:21	1	1	69	78	147
9:22			66	77	143
9:23			65	76	141
9:24			62	76	138
9:25			60	73	133
9:26			59	71	130
9:27			58	68	126

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/6/2021

School attendance = 197 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
PM					
4:00	2				
4:01		1			
4:02	1				
4:03					
4:04		1			
4:05		1			
4:06	1	2			
4:07					
4:08					
4:09					
4:10					
4:11		2			
4:12					
4:13		2			
4:14	1				
4:15	1				
4:16	1				
4:17					
4:18					
4:19		1			
4:20					
4:21					
4:22					
4:23		2			
4:24	1				
4:25	2				
4:26	1				
4:27	4				
4:28	2				
4:29	1				
4:30					
4:31	1				
4:32	1				
4:33	1	2			
4:34	4	2			
4:35	2				
4:36	2	1			
4:37		1			
4:38		1			
4:39	3				
4:40	1				
4:41	2	3			
4:42	4	1			
4:43	4	3			
4:44	1	1			
4:45		2			
4:46	3	1			
4:47	3	2			
4:48		2			
4:49	1	1			
4:50	1	4			
4:51	3	3			
4:52	3	1			
4:53		1			
4:54	2				
4:55		2			
4:56	2	1			
4:57		2			
4:58	3	1			
4:59	3	2	68	52	120
5:00	1	2	67	54	121
5:01	2		69	53	122
5:02	1	2	69	55	124
5:03	2	3	71	58	129

School: San Jose Primrose School at 1496 Hamilton Ave
Date: 10/6/2021
School attendance = 197 students

[illegible]

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/7/2021

School attendance = 195 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
AM					
7:30		2			
7:31	1				
7:32	2				
7:33	2				
7:34	1				
7:35	1				
7:36					
7:37	1				
7:38					
7:39	1	1			
7:40		4			
7:41	1	1			
7:42	1				
7:43		1			
7:44		1			
7:45	1				
7:46	3	3			
7:47	1				
7:48					
7:49	1	1			
7:50	2				
7:51		2			
7:52	2				
7:53	1	2			
7:54					
7:55	1				
7:56	1	2			
7:57	2	1			
7:58		1			
7:59					
8:00		1			
8:01	1	2			
8:02	2				
8:03	5				
8:04	2	2			
8:05	5				
8:06	3				
8:07		1			
8:08	2	1			
8:09	3	2			
8:10	2	2			
8:11	3	2			
8:12	3	3			
8:13	1				
8:14	3	4			
8:15	3	1			
8:16	1	1			
8:17		4			
8:18	3	1			
8:19	2	5			
8:20	2	2			
8:21	5	2			
8:22	2	2			
8:23	1	5			
8:24	1	1			
8:25	1				
8:26	3	2			
8:27	3	5			
8:28	1	1			
8:29	2	2	91	76	167
8:30	3	2	94	76	170
8:31		2	93	78	171
8:32	1	1	92	79	171
8:33	3	1	93	80	173

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/7/2021

School attendance = 195 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
AM					
8:34	2	1	94	81	175
8:35	3		96	81	177
8:36	3	2	99	83	182
8:37		2	98	85	183
8:38	1	2	99	87	186
8:39	4	2	102	88	190
8:40	1	2	103	86	189
8:41		2	102	87	189
8:42	2	2	103	89	192
8:43	2	4	105	92	197
8:44		1	105	92	197
8:45	2	3	106	95	201
8:46	1	2	104	94	198
8:47	2	1	105	95	200
8:48	2	1	107	96	203
8:49		2	106	97	203
8:50	1	1	105	98	203
8:51	1	1	106	97	203
8:52			104	97	201
8:53		1	103	96	199
8:54	1	2	104	98	202
8:55		1	103	99	202
8:56	2	2	104	99	203
8:57	1	2	103	100	203
8:58	1		104	99	203
8:59	2	1	106	100	206
9:00	1		107	99	206
9:01		1	106	98	204
9:02		1	104	99	203
9:03			99	99	198
9:04			97	97	194
9:05	1		93	97	190
9:06		2	90	99	189
9:07	1		91	98	189
9:08			89	97	186
9:09		3	86	98	184
9:10	1	1	85	97	182
9:11	1		83	95	178
9:12	1	1	81	93	174
9:13		1	80	94	174
9:14		2	77	92	169
9:15	1		75	91	166
9:16			74	90	164
9:17			74	86	160
9:18			71	85	156
9:19			69	80	149
9:20			67	78	145
9:21			62	76	138
9:22			60	74	134
9:23			59	69	128
9:24			58	68	126
9:25			57	68	125
9:26			54	66	120
9:27			51	61	112

Driveway Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/7/2021

School attendance = 195 students

	Driveway		Driveway Peak Hour		
	Inbound	Outbound	In	Out	Total
PM					
4:00					
4:01	1				
4:02					
4:03		1			
4:04					
4:05					
4:06	2				
4:07	2	1			
4:08	3				
4:09		1			
4:10	1				
4:11					
4:12	1				
4:13					
4:14	1	2			
4:15	1				
4:16	2	1			
4:17		1			
4:18		2			
4:19	1				
4:20					
4:21					
4:22	1	1			
4:23					
4:24		1			
4:25	1	1			
4:26		1			
4:27	1	2			
4:28					
4:29	1				
4:30					
4:31	2				
4:32	1	1			
4:33					
4:34		1			
4:35	2	1			
4:36	1	2			
4:37	1				
4:38	2				
4:39		1			
4:40					
4:41	1	1			
4:42		2			
4:43	1	1			
4:44	2	1			
4:45	3				
4:46	4				
4:47	4				
4:48	2				
4:49	1	1			
4:50	1	1			
4:51	2	1			
4:52					
4:53	3	1			
4:54	1	2			
4:55	4	1			
4:56	4	1			
4:57	2	1			
4:58	1	2			
4:59	4	2	68	39	107
5:00	1	2	69	41	110
5:01	3	2	71	43	114
5:02	1	1	72	44	116
5:03	2	1	74	44	118

School: San Jose Primrose School at 1496 Hamilton Ave
Date: 10/7/2021
School attendance = 195 students

[illegible]

Parking Counts

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/5/2021

School attendance = 194 students

		Total Parked		
		staff	parents	Subtotal
AM				
	7:30	2	2	4
	7:31	2	4	6
	7:32	2	5	7
	7:33	2	7	9
	7:34	2	8	10
	7:35	2	7	9
	7:36	2	7	9
	7:37	3	6	9
	7:38	3	6	9
	7:39	3	5	8
	7:40	3	4	7
	7:41	3	4	7
	7:42	3	3	6
	7:43	3	2	5
	7:44	3	6	9
	7:45	3	7	10
	7:46	3	6	9
	7:47	3	8	11
	7:48	3	8	11
	7:49	3	8	11
	7:50	3	7	10
	7:51	3	9	12
	7:52	3	8	11
	7:53	3	5	8
	7:54	3	6	9
	7:55	3	7	10
	7:56	3	8	11
	7:57	3	11	14
	7:58	3	13	16
	7:59	3	12	15
	8:00	3	11	14
	8:01	3	11	14
	8:02	3	8	11
	8:03	3	10	13
	8:04	3	9	12
	8:05	3	10	13
	8:06	3	10	13
	8:07	3	13	16
	8:08	3	17	20
	8:09	3	19	22
	8:10	3	17	20
	8:11	3	17	20
	8:12	3	18	21
	8:13	3	19	22
	8:14	3	17	20
	8:15	3	16	19
	8:16	3	17	20
	8:17	3	20	23
	8:18	3	20	23
	8:19	3	17	20
	8:20	3	18	21
	8:21	3	16	19
	8:22	3	17	20
	8:23	3	20	23
	8:24	3	16	19
	8:25	3	15	18
	8:26	3	14	17
	8:27	3	14	17
	8:28	3	14	17
	8:29	3	15	18
	8:30	4	15	19
	8:31	5	16	21
	8:32	5	17	22
	8:33	5	12	17

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/5/2021

School attendance = 194 students

		Total Parked		
		staff	parents	Subtotal
AM				
	8:34	5	11	16
	8:35	5	8	13
	8:36	5	8	13
	8:37	5	6	11
	8:38	5	7	12
	8:39	5	6	11
	8:40	5	9	14
	8:41	5	10	15
	8:42	5	11	16
	8:43	5	12	17
	8:44	5	10	15
	8:45	5	11	16
	8:46	5	11	16
	8:47	5	11	16
	8:48	5	14	19
	8:49	5	13	18
	8:50	5	13	18
	8:51	5	13	18
	8:52	5	13	18
	8:53	5	11	16
	8:54	5	11	16
	8:55	5	10	15
	8:56	5	10	15
	8:57	5	10	15
	8:58	5	9	14
	8:59	5	8	13
	9:00	5	7	12
	9:01	5	6	11
	9:02	5	6	11
	9:03	5	6	11
	9:04	5	7	12
	9:05	5	8	13
	9:06	5	8	13
	9:07	5	8	13
	9:08	5	7	12
	9:09	5	7	12
	9:10	5	5	10
	9:11	5	4	9
	9:12	5	5	10
	9:13	5	5	10
	9:14	5	4	9
	9:15	5	6	11
	9:16	5	6	11
	9:17	5	6	11
	9:18	5	7	12
	9:19	5	6	11
	9:20	5	6	11
	9:21	5	7	12
	9:22	5	6	11
	9:23	5	6	11
	9:24	5	7	12
	9:25	5	4	9
	9:26	5	4	9
	9:27	5	4	9

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/5/2021

School attendance = 194 students

		Total Parked		
		staff	parents	Subtotal
PM				
	4:15	5	8	13
	4:16	5	7	12
	4:17	5	10	15
	4:18	5	9	14
	4:19	5	11	16
	4:20	5	10	15
	4:21	5	11	16
	4:22	5	12	17
	4:23	5	10	15
	4:24	5	10	15
	4:25	5	11	16
	4:26	5	10	15
	4:27	5	9	14
	4:28	5	9	14
	4:29	5	9	14
	4:30	5	8	13
	4:31	5	10	15
	4:32	5	11	16
	4:33	5	10	15
	4:34	5	8	13
	4:35	5	8	13
	4:36	5	8	13
	4:37	5	11	16
	4:38	5	13	18
	4:39	5	11	16
	4:40	5	12	17
	4:41	5	13	18
	4:42	5	14	19
	4:43	5	15	20
	4:44	5	19	24
	4:45	5	22	27
	4:46	5	22	27
	4:47	5	22	27
	4:48	5	20	25
	4:49	5	19	24
	4:50	5	18	23
	4:51	5	18	23
	4:52	5	17	22
	4:53	5	19	24
	4:54	5	19	24
	4:55	5	21	26
	4:56	5	23	28
	4:57	5	23	28
	4:58	5	19	24
	4:59	5	17	22
	5:00	5	19	24
	5:01	4	18	22
	5:02	4	17	21
	5:03	4	18	22
	5:04	3	21	24
	5:05	3	20	23
	5:06	3	23	26
	5:07	3	21	24
	5:08	3	21	24
	5:09	3	19	22
	5:10	3	21	24
	5:11	3	23	26
	5:12	3	23	26
	5:13	3	20	23
	5:14	3	19	22
	5:15	3	19	22
	5:16	2	18	20
	5:17	2	22	24
	5:18	2	20	22

194 students

[illegible]

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/6/2021

School attendance = 197 students

		Total Parked		
		staff	parents	Subtotal
AM				
	7:30	2	4	6
	7:31	2	4	6
	7:32	2	5	7
	7:33	2	6	8
	7:34	3	6	9
	7:35	3	6	9
	7:36	3	7	10
	7:37	3	6	9
	7:38	3	4	7
	7:39	3	3	6
	7:40	3	3	6
	7:41	3	3	6
	7:42	3	2	5
	7:43	3	4	7
	7:44	3	4	7
	7:45	3	6	9
	7:46	3	6	9
	7:47	3	7	10
	7:48	3	7	10
	7:49	3	9	12
	7:50	3	8	11
	7:51	3	7	10
	7:52	3	9	12
	7:53	3	11	14
	7:54	3	12	15
	7:55	3	12	15
	7:56	3	12	15
	7:57	3	10	13
	7:58	3	9	12
	7:59	3	9	12
	8:00	3	10	13
	8:01	3	10	13
	8:02	3	9	12
	8:03	3	10	13
	8:04	3	10	13
	8:05	3	12	15
	8:06	3	12	15
	8:07	3	11	14
	8:08	3	12	15
	8:09	3	13	16
	8:10	3	15	18
	8:11	3	12	15
	8:12	3	13	16
	8:13	3	11	14
	8:14	3	12	15
	8:15	3	13	16
	8:16	3	15	18
	8:17	4	16	20
	8:18	4	16	20
	8:19	4	15	19
	8:20	4	16	20
	8:21	4	16	20
	8:22	4	18	22
	8:23	4	18	22
	8:24	4	21	25
	8:25	4	20	24
	8:26	4	19	23
	8:27	4	17	21
	8:28	4	18	22
	8:29	4	19	23
	8:30	4	17	21
	8:31	4	20	24
	8:32	4	19	23
	8:33	5	18	23

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/6/2021

School attendance = 197 students

		Total Parked		
		staff	parents	Subtotal
AM				
	8:34	5	18	23
	8:35	5	16	21
	8:36	5	14	19
	8:37	5	12	17
	8:38	5	11	16
	8:39	5	16	21
	8:40	5	19	24
	8:41	5	20	25
	8:42	5	20	25
	8:43	5	21	26
	8:44	5	21	26
	8:45	5	18	23
	8:46	5	17	22
	8:47	5	16	21
	8:48	5	14	19
	8:49	5	13	18
	8:50	5	8	13
	8:51	5	9	14
	8:52	5	9	14
	8:53	5	8	13
	8:54	5	7	12
	8:55	5	10	15
	8:56	5	10	15
	8:57	5	10	15
	8:58	5	9	14
	8:59	5	11	16
	9:00	5	12	17
	9:01	5	12	17
	9:02	5	11	16
	9:03	5	10	15
	9:04	5	11	16
	9:05	5	10	15
	9:06	5	10	15
	9:07	5	8	13
	9:08	5	8	13
	9:09	5	8	13
	9:10	5	8	13
	9:11	5	7	12
	9:12	5	7	12
	9:13	5	7	12
	9:14	5	7	12
	9:15	5	8	13
	9:16	5	8	13
	9:17	5	9	14
	9:18	5	8	13
	9:19	5	7	12
	9:20	5	7	12
	9:21	5	7	12
	9:22	5	7	12
	9:23	5	7	12
	9:24	5	7	12
	9:25	5	7	12
	9:26	5	7	12
	9:27	5	7	12

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/6/2021

School attendance = 197 students

		Total Parked		
		staff	parents	Subtotal
PM				
	4:00	5	6	11
	4:01	5	5	10
	4:02	5	6	11
	4:03	5	6	11
	4:04	5	5	10
	4:05	5	4	9
	4:06	5	3	8
	4:07	5	3	8
	4:08	5	3	8
	4:09	5	3	8
	4:10	5	3	8
	4:11	5	1	6
	4:12	5	1	6
	4:13	5	0	5
	4:14	4	1	5
	4:15	4	2	6
	4:16	4	3	7
	4:17	4	3	7
	4:18	4	3	7
	4:19	4	2	6
	4:20	4	2	6
	4:21	4	2	6
	4:22	4	2	6
	4:23	4	0	4
	4:24	4	1	5
	4:25	4	3	7
	4:26	4	4	8
	4:27	4	8	12
	4:28	4	10	14
	4:29	4	11	15
	4:30	4	11	15
	4:31	4	12	16
	4:32	4	13	17
	4:33	4	12	16
	4:34	4	14	18
	4:35	4	16	20
	4:36	4	17	21
	4:37	4	16	20
	4:38	4	15	19
	4:39	4	18	22
	4:40	4	19	23
	4:41	4	18	22
	4:42	4	21	25
	4:43	4	22	26
	4:44	4	22	26
	4:45	4	20	24
	4:46	4	22	26
	4:47	4	23	27
	4:48	4	21	25
	4:49	3	21	24
	4:50	3	18	21
	4:51	3	18	21
	4:52	3	20	23
	4:53	3	19	22
	4:54	3	21	24
	4:55	3	19	22
	4:56	3	20	23
	4:57	3	18	21
	4:58	3	20	23
	4:59	3	21	24
	5:00	3	20	23
	5:01	2	22	24
	5:02	2	21	23
	5:03	2	20	22

School attendance = 197 students

[illegible]

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/7/2021

School attendance = 195 students

		Total Parked		
		staff	parents	Subtotal
AM				
	7:30	1	3	4
	7:31	1	4	5
	7:32	1	6	7
	7:33	2	8	10
	7:34	3	9	12
	7:35	3	10	13
	7:36	3	10	13
	7:37	3	11	14
	7:38	3	11	14
	7:39	3	11	14
	7:40	3	7	10
	7:41	3	7	10
	7:42	3	8	11
	7:43	3	7	10
	7:44	4	6	10
	7:45	4	7	11
	7:46	4	7	11
	7:47	4	8	12
	7:48	4	8	12
	7:49	4	8	12
	7:50	4	10	14
	7:51	4	8	12
	7:52	4	10	14
	7:53	5	9	14
	7:54	5	9	14
	7:55	5	10	15
	7:56	5	9	14
	7:57	5	10	15
	7:58	5	9	14
	7:59	5	9	14
	8:00	5	8	13
	8:01	5	7	12
	8:02	5	9	14
	8:03	5	14	19
	8:04	5	14	19
	8:05	5	19	24
	8:06	5	22	27
	8:07	5	21	26
	8:08	5	22	27
	8:09	5	23	28
	8:10	5	23	28
	8:11	5	24	29
	8:12	5	24	29
	8:13	5	25	30
	8:14	5	24	29
	8:15	5	26	31
	8:16	5	26	31
	8:17	5	22	27
	8:18	5	24	29
	8:19	5	21	26
	8:20	5	21	26
	8:21	5	24	29
	8:22	5	24	29
	8:23	5	20	25
	8:24	5	20	25
	8:25	5	21	26
	8:26	5	22	27
	8:27	5	20	25
	8:28	5	20	25
	8:29	5	20	25
	8:30	5	21	26
	8:31	5	19	24
	8:32	5	19	24
	8:33	5	21	26

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/7/2021

School attendance = 195 students

		Total Parked		
		staff	parents	Subtotal
AM				
	8:34	5	22	27
	8:35	5	25	30
	8:36	5	26	31
	8:37	5	24	29
	8:38	5	23	28
	8:39	5	25	30
	8:40	5	24	29
	8:41	5	22	27
	8:42	5	22	27
	8:43	5	20	25
	8:44	5	19	24
	8:45	5	18	23
	8:46	5	17	22
	8:47	5	18	23
	8:48	5	19	24
	8:49	5	17	22
	8:50	5	17	22
	8:51	5	17	22
	8:52	5	17	22
	8:53	5	16	21
	8:54	5	15	20
	8:55	5	14	19
	8:56	5	14	19
	8:57	5	13	18
	8:58	5	14	19
	8:59	5	15	20
	9:00	5	16	21
	9:01	5	15	20
	9:02	5	14	19
	9:03	5	14	19
	9:04	5	14	19
	9:05	5	15	20
	9:06	5	13	18
	9:07	5	14	19
	9:08	5	14	19
	9:09	5	11	16
	9:10	5	11	16
	9:11	5	12	17
	9:12	5	12	17
	9:13	5	11	16
	9:14	5	9	14
	9:15	5	10	15
	9:16	5	10	15
	9:17	5	10	15
	9:18	5	10	15
	9:19	5	10	15
	9:20	5	10	15
	9:21	5	10	15
	9:22	5	10	15
	9:23	5	10	15
	9:24	5	10	15
	9:25	5	10	15
	9:26	5	10	15
	9:27	5	10	15

Parking Counts

School: San Jose Primrose School at 1496 Hamilton Ave

Date: 10/7/2021

School attendance = 195 students

		Total Parked		
		staff	parents	Subtotal
PM				
	4:00	4	6	10
	4:01	5	7	12
	4:02	5	7	12
	4:03	5	6	11
	4:04	5	6	11
	4:05	5	6	11
	4:06	5	8	13
	4:07	5	9	14
	4:08	5	12	17
	4:09	5	11	16
	4:10	5	12	17
	4:11	5	12	17
	4:12	5	13	18
	4:13	5	0	5
	4:14	4	0	4
	4:15	4	1	5
	4:16	4	2	6
	4:17	4	1	5
	4:18	4	0	4
	4:19	4	1	5
	4:20	4	1	5
	4:21	4	1	5
	4:22	4	1	5
	4:23	4	1	5
	4:24	4	0	4
	4:25	4	0	4
	4:26	4	0	4
	4:27	4	0	4
	4:28	4	0	4
	4:29	4	1	5
	4:30	4	1	5
	4:31	4	3	7
	4:32	4	3	7
	4:33	4	3	7
	4:34	4	2	6
	4:35	4	3	7
	4:36	4	2	6
	4:37	4	3	7
	4:38	4	5	9
	4:39	4	4	8
	4:40	4	4	8
	4:41	4	4	8
	4:42	4	2	6
	4:43	4	2	6
	4:44	4	3	7
	4:45	4	6	10
	4:46	4	10	14
	4:47	4	14	18
	4:48	4	16	20
	4:49	3	16	19
	4:50	3	16	19
	4:51	3	17	20
	4:52	3	17	20
	4:53	3	19	22
	4:54	3	18	21
	4:55	3	21	24
	4:56	3	24	27
	4:57	3	25	28
	4:58	3	24	27
	4:59	3	26	29
	5:00	3	25	28
	5:01	2	26	28
	5:02	2	26	28
	5:03	2	27	29

195 students

PM



Primrose School of Milpitas

1000 Jacklin Rd, Milpitas, CA 95035

Operation Description

The School hours of operation are 7:30AM-6:30PM Monday through Friday. Occasionally, special events will be held on evenings and weekends.

License capacity of the facility will be for 266 students, 12 months through entry to 1st grade of age. Total of 28 will be of age group 12 to 24 months old and 238 will be Preschool Age (2-5yrs old) Children.

Primrose and industry data indicate that approximately 25% of families have a second child enrolled which would reduce the number of families to approximately 225 at capacity.

Staff at capacity will be 36. 32 Staff Members full-time and 4 part-time. The shift hours for full-time will vary from 7:30 to 4:30, 8 to 5, 9 to 6 and 9:30 to 6:30, not all at the same time. Part time can vary from 7 to 12, 1 to 6 or 2 to 6:30 PM not all at the same time.

The location houses 42 parking spaces. AM drop off ranges from 7:30-9:30 AM (peak hour is typically 8:00-9:30). PM pick up is between 4:00-6:30PM (peak hour is typically 4:30-6:00)

The school has an outdoor play area divided into two areas, outdoor covered play area and outdoor uncovered play area. Children spend 45 minutes in the morning and 30 minutes in the evening on the playground. Children are on the playground from 8:30 to 12:30 in the morning and 3 to 5:30 in the evening. Not all 266 children will go on the playground at the same time. On a given time there will be 93 children on the playground. Classrooms will alternate playground times in the morning and afternoon

The facility will have an onsite warming kitchen to serve 4 meals a day to children which include breakfast, lunch and 2 light snack .



MILPITAS PLANNING COMMISSION STAFF REPORT

August 14, 2024

APPLICATION:	THE LITTLE GYM GROUP INSTRUCTION USE – 139 RANCH DRIVE – P-UP24-0005: A Conditional Use Permit to operate a group instruction use for children’s gymnastic classes (The Little Gym) within an existing 2,990-square foot commercial space in the General Commercial (C2) Zoning District with a Recreation & Entertainment (-RE) Overlay at 139 Ranch Drive.
RECOMMENDATION:	Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution No. 24-026, approving Conditional Use Permit No. UP24-0005 subject to the findings and attached Conditions of Approval.
LOCATION:	
Address/APN:	139 Ranch Drive (APN 022-53-003)
Area of City:	Located in the McCarthy Ranch Marketplace, on the north side of Ranch Drive, east of McCarthy Boulevard.
PEOPLE:	
Project Applicant:	Keiki of Silicon Valley (d.b.a The Little Gym of Milpitas)
Property Owner:	TMS McCarthy LP
Project Planner:	Kristina Phung, AICP, Senior Planner
LAND USE:	
General Plan Designation:	General Commercial (GNC)
Zoning District:	General Commercial (C2) with Recreational and Entertainment Overlay District (-RE)
ENVIRONMENTAL:	The Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

EXECUTIVE SUMMARY AND BACKGROUND

The Applicant, Joshua Monzon of Keiki of Silicon Valley (d.b.a The Little Gym of Milpitas), plans to open a children’s gymnastics facility with instructor led classes within an existing 2,990-square foot vacant commercial space at 139 Ranch Drive (the “Project”). The suite is located within a shopping center known as the McCarthy Ranch Marketplace, which hosts several eating

establishments, entertainment and service uses, and retail stores to community members and visitors of Milpitas.

The following is a summary of the applicant's request:

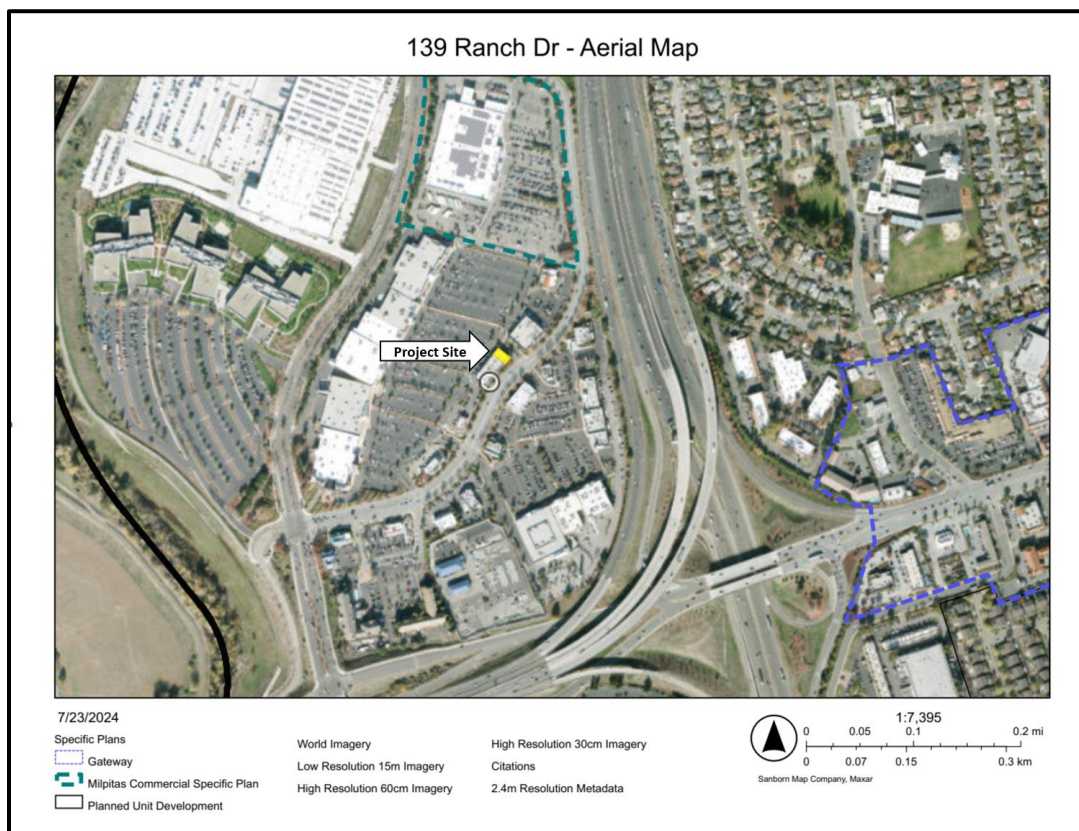
- Conditional Use Permit: To operate a group instruction use for children's gymnastic classes.

The proposed group instruction use would operate within a vacated tenant space previously occupied by "Wells Fargo Bank" at 139 Ranch Drive in the northern portion of the McCarthy Ranch Marketplace.

The property is zoned General Commercial (C2) with a Recreation and Entertainment (-RE) Overlay Zoning District. The RE Overlay Zoning District is "intended to be a special district to allow a unique mix of indoor and outdoor recreation and entertainment uses that attract patrons from the surrounding region." Project location and zoning maps are included below as Maps 1 and 2, respectively, and a summary of the Project site's zoning and surrounding land uses is included as Table 1.

Staff reviewed the subject entitlement application and found it consistent with the policies, standards, and processes outlined in the Milpitas General Plan 2040 and Zoning Ordinance. This report provides specific details and analysis regarding their request.

Map 1: Project Location – Aerial Map



139 Ranch Dr - Zoning Map

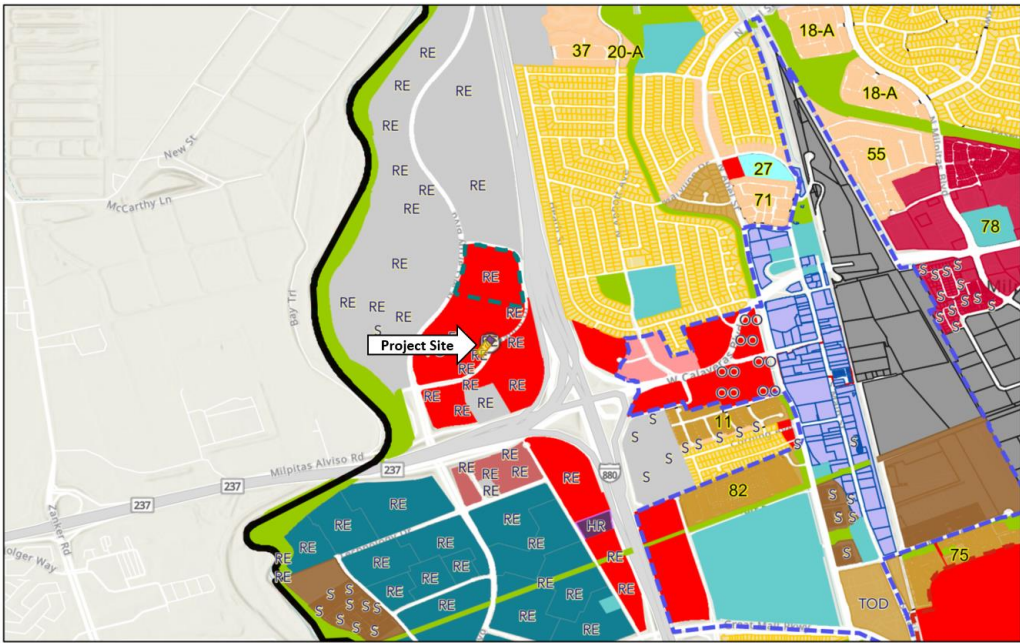


Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	General Commercial (GNC)	General Commercial (C2) with a Recreation and Entertainment (-RE) Overlay	McCarthy Ranch Marketplace retail and restaurants
North	General Commercial (GNC)	General Commercial (C2) with a Recreation and Entertainment (-RE) Overlay	McCarthy Ranch Marketplace retail (Walmart)
South	General Commercial (GNC)	General Commercial (C2) with a Recreation and Entertainment (-RE) Overlay	McCarthy Ranch Marketplace retail and restaurants
East	Interstate Highway	Roadway	Interstate 880
West	Industrial Park (INP)	Industrial Park (MP) with a Site and Architectural (-S) Overlay	Industrial Office Park

PROJECT DESCRIPTION

Overview / Project Details

On May 15, 2024, Joshua Monzon of Keiki of Silicon Valley (d.b.a The Little Gym of Milpitas) applied for a Conditional Use Permit (CUP) to operate a group instruction use for children's gymnastic classes, known as The Little Gym, as required per Milpitas Municipal Code (MMC) Table XI-10-12.07-1. The company was originally founded in Seattle, Washington in 1976 and in 1992, The Little Gym International became a federally registered corporation with gyms operating in 40 states and 28 countries. Keiki of Silicon Valley was incorporated in California in July 2023 and formed with the intent of providing children with programmed gymnastic classes to build motor, emotional, intellectual, and social skills.

Once the CUP is approved, the applicant will apply for building permits for various interior tenant improvements and an exterior wall sign. Apart from a new wall sign above the exterior entrance, there will be no additional floor area or other exterior modifications to the existing tenant space. The scope of work for the interior tenant improvements includes demolition of the existing interior partition walls and kitchenette, and the installation of new partitions, paint and finishes, upgrades to mechanical systems, new LED lighting fixtures and kitchenette, and restroom upgrades and fixtures. The interior improvements will divide the 2,990-square foot space into three main areas including the entrance lobby with a check-in desk, the main gym for classes and activities, and a smaller supplemental multi-purpose activity space. There will be one lobby, a multi-purpose room area, a main gym area, two utility rooms, and two restrooms. The main gym area will include a new large rubber red mat, cantilevered bars, training bars, parallel bars, and a beam. The proposed floor plan is shown in Figure 1 and a preliminary 3D rendering of The Little Gym Milpitas in Figure 2.

Figure 1: Floor Plan

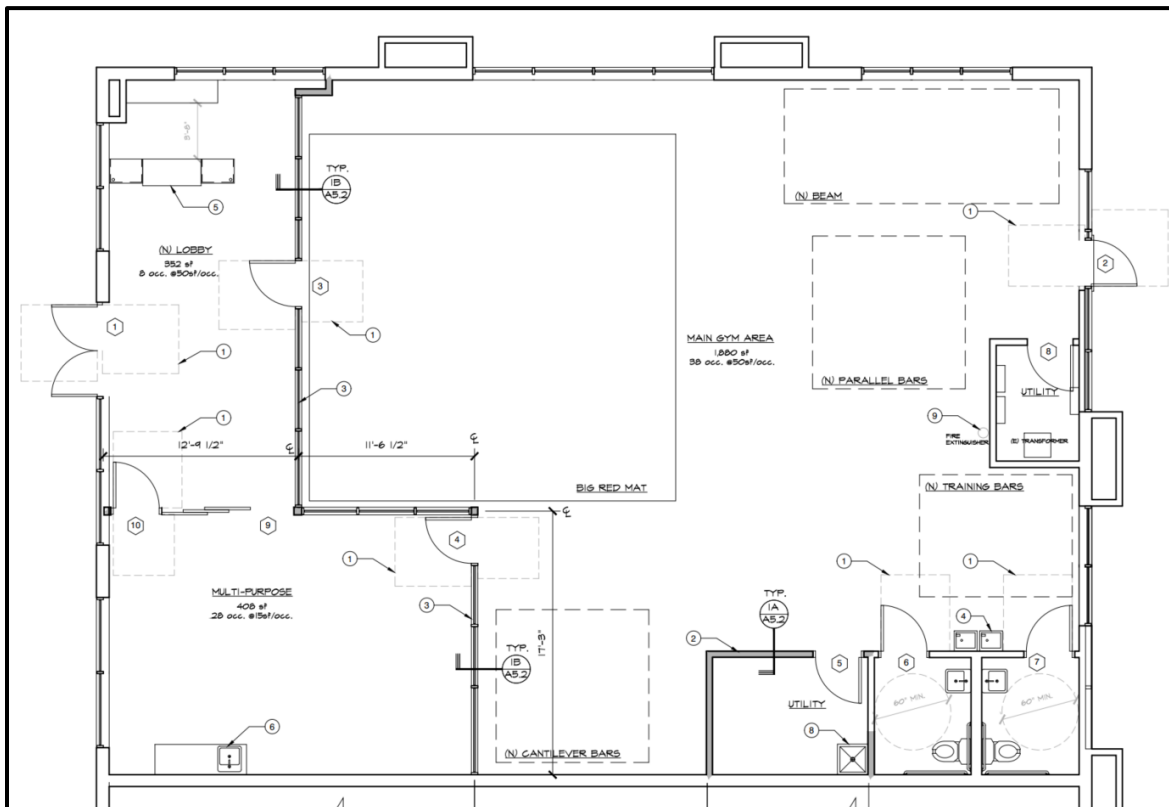


Figure 2: Preliminary 3D Rendering - The Little Gym Milpitas



Operations and Programming

The Little Gym of Milpitas will include instructor led classes for children ranging from ages four months to 12 years old. Hours of operation are anticipated to be from weekdays 9:00 a.m. – 7:30 p.m., and weekends from 8:00 a.m. to 6:30 p.m. with a maximum occupancy of 74 persons at any one time. A summary of the various programs is below.

Core Curriculum Programs:

1. **Parent and Child Program (ages four months through three years old):** Consists of 45-minute beginner classes with parents participating with their child and exploring basic motor and early social-skill development.
2. **Pre-School and Kindergarten Gymnastics (ages three years to six years old):** Consists of one (1) hour classes in a progressive physical development program with basic gymnastic skills and non-competitive games.
3. **Grade School Gymnastics (ages six to 12 years old):** Tumbling, vaulting, bar, and beam techniques are taught in beginner, intermediate, and advanced classes in a non-competitive setting in one (1) hour classes.
4. **Dance (ages three to 12 years old):** Consists of 30-minute classes combining ballet, tap, creative movement and gymnastics to build strength, coordination, and motor skills.

Additional Programs:

1. **Birthday Parties (ages one to 12 years old):** Birthday parties may be hosted on weekend afternoons, up to two (2) hours long. Each birthday party is supervised by staff and parents and includes music, movement, and games.
2. **Parent's Survival Night (ages three to 12 years old):** Typically held on select Friday and/or Saturday evenings for two to three hours. Children are supervised by professional instructors during an evening of games and music with friends.

3. **Summer and Holiday Camps (ages three to 12 years old):** During holidays and summers, three to four hour long camps will be offered with specially developed camp curriculum combining physical fitness, gymnastics, and play with arts and crafts.

On average, class sizes range from 10 to 15 children. Some classes during non-peak times may have four to six children, and other classes may have a maximum enrollment of 18 to 21 children. All programmed classes are conducted indoors within the tenant space and do not include any outdoor activities.

The minimum number of staff working at one time is anticipated to be four, and six or more staff members at peak times. Figures 3 and 4 show interior examples of the gym and multi-purpose room areas of other The Little Gym locations.

Figure 3: The Little Gym Interior Gym Area Example



Figure 4: The Little Gym Interior Multipurpose Room Area Example



PROJECT ANALYSIS

General Plan Conformance

The General Plan land use designation for the Project site is General Commercial (GNC), which "provides for a wide range of retail sales, and personal and business services accessed primarily by the automobile." Table 2 outlines the Project's consistency with applicable General Plan Guiding Principles, Goals, and Implementing Policies:

Table 2: General Plan Consistency

General Plan Goal / Policy	Consistency Finding
<i>Goal LU-1 Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched.</i>	Consistent. The Project will directly increase the diverse range of group instruction use programs in the City of Milpitas that cater to different tastes and interests.
<i>Policy LU 6-5 Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.</i>	Consistent. The proposed operation will add new children's gymnastic classes within the McCarthy Ranch Marketplace and City of Milpitas. This investment will promote reinvestment within the shopping center to modernize the area.
<i>Policy LU 6-4 Maintain viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled. Encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses.</i>	Consistent. The proposed children's gymnastic classes are a new group instruction use in the City. By allowing the children's gymnastics classes to operate, the City will strengthen the diverse mix of commercial uses in our jurisdiction, directly serving local households living in surrounding neighborhoods looking for professional instructor-led gymnastics programs for their children.

Zoning Ordinance Conformance

The proposed use is conditionally permitted in the General Commercial (C2) and Recreation and Entertainment (-RE) Overlay Zoning District. According to MMC Section XI-10-57.04(A)(1), "the purpose and intent of the Conditional Use Permit process is to provide a review of land uses which would not otherwise be permitted as a matter of right in a zoning district because of their nature, have an impact on the surrounding environment and for the determination of where or not the proposed use is appropriate for its proposed location. To determine if the proposed conditional use is consistent with the Zoning Ordinance, Planning staff considered the following:

- Is the existing building where the use will operate a legally conforming structure per MMC Table XI-10-5.03-1 (Commercial Zone Development Standards)?
- Does the proposed use meet the parking requirements per MMC Section 53 (Off-Street Parking Regulations)?
- Will the proposed use negatively impact public safety?

Legal Conforming Structure

Table 3 demonstrates the existing building conformance with the C2-RE Zoning District requirements. The RE Overlay District utilizes the same development standards as the underlying base C2 Zoning District (MMC §XI-10-12.07(D)). No exterior changes are proposed for the building apart from a new wall sign, which will be reviewed and approved separately via a Minor Site Development Permit.

Table 3: C2-RE Zoning District Development Standards

Standards	Required	Existing	Complies
Front Setback (minimum)	0 feet	28 feet	Yes – No Change
Side Yard Setback (minimum)	0 feet	542 feet (east) 780 feet (west)	Yes – No Change
Rear Yard Setback (minimum)	0 feet	695 feet	Yes– No Change
Building Height (maximum)	35 ft. or 3 stories	23-feet, 1 story	Yes – No Change
Parking	See Table 4	See Table 4	Yes – No Change
Lot Coverage	None	0.36	Yes – No Change
Floor Area Ratio	0.50	0.36	Yes – No Change
Landscaping	None	Existing Landscaping within Front Yard Setback	Yes – No Change

Parking Requirements

MMC Section XI-10-53.09 establishes parking ratios for various categories of land uses including ‘Public, Quasi-Public and Assembly Uses’. For parking determination purposes, staff has determined that the proposed group instruction use is most similar to “instructional studios,” with a parking ratio of one stall per 150 square feet.

The Applicant worked with the landlord of the McCarthy Ranch Marketplace to determine the existing total parking count of the portion of the shopping center the proposed business would be located at, which is a total of 1,548 surface parking stalls. The original entitlement for the

McCarthy Ranch Marketplace required all common areas including the surface parking stalls, to be shared among all business tenants in the shopping center from 27-275 Ranch Drive as shown in Figure 5.

A detailed breakdown of the parking analysis is on Sheet A.02 of the Project Plans (Attachment B). As demonstrated by Table 4, the total required parking stalls The Little Gym requires is 16, and for all other businesses and uses on this portion of the McCarthy Ranch Marketplace is 1,384 stalls, and the existing site has 1,548 stalls. Therefore, the total shared parking demand of 1,400 stalls for all uses on the site can be accommodated and the surface parking lot will have a surplus of 148 parking stalls, and no additional parking or changes to the surface parking lot is required.

Figure 5: McCarthy Ranch Marketplace – Existing Site Plan and Parking

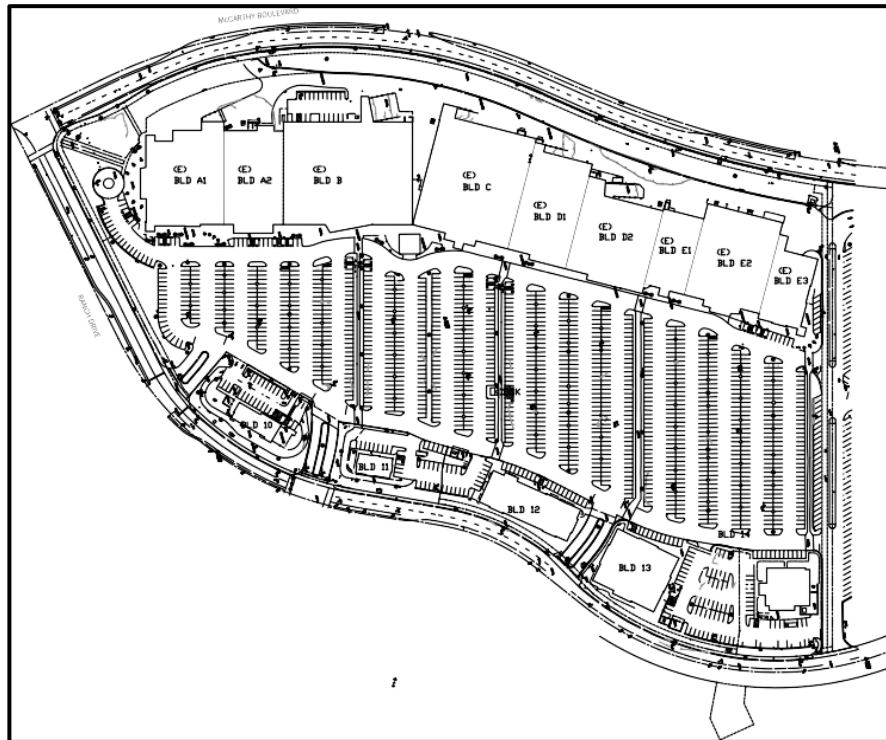


Table 4: Off-Street Parking Conformance

Tenant	Address	GFA (sf)	NFA (sf)	Use	Municipal Code Requirement	Spots Needed
Proposed: The Little Gym	139 Ranch Drive	± 2990	± 2392	Instructional Studios	1/150 sf	16
All other tenants/uses – see Page A0.2 of Project Plans (Attachment B)						1,384
Total Spots Needed						1,400
Total Spots Available						1,548

Public Safety

Planning staff rely on the Milpitas Police Department (MPD) to analyze uses that may potentially have an impact on the community's health and safety. MPD reviewed the business operation of the proposed use and determined that the children's gymnastics classes will not create any adverse impacts on the delivery of professional and responsive police services. MPD recommends some of the following actions to ensure the safety of patrons, details of which are included in the attached resolution as conditions of approval numbers 22 through 31:

- Video surveillance for the business including all access points into the suite and inside;
- Adequate lighting within and outside the premises;
- Provision of an updated floor plan to MPD before occupancy;
- Specified cashier's area away from the front entrance; and
- Completion of an emergency notification form.

By the Applicant agreeing to the aforementioned conditions and other conditions of approval prior to the Planning Commission public hearing date via email on July 18, 2024, the Planning Department recommends the Planning Commission approve the proposed group instruction use to allow the operation of children's gymnastics classes at 139 Ranch Drive.

FINDINGS

A finding is a statement of fact relating to the information the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F))

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The Project will serve the community in a manner that will not be detrimental or harmful to the property or improvements in the vicinity of the property, nor to the public health, safety, and general welfare. The Project will provide family-friendly recreation and a new group instruction use option, attracting families and youth to the shopping center. Offering a diverse range of group recreation and physical exercise classes can enhance the overall appeal of the shopping center. The Applicant has agreed to adhere to regulations and conditions of approval, ensuring the operation of the children's gymnastics classes operates in a manner that does not pose a risk to public health, welfare, and safety. Furthermore, all programmed classes will occur indoors within the tenant suite and will not impact the outdoor portions of the private property or any public properties or right-of-ways.

2. *The proposed use is consistent with the Milpitas General Plan.*

As demonstrated in Table 2 above, the Project is consistent with the Milpitas General Plan 2040 including Goal LU-1, Policy LU 6-5, and Policy LU 6-4. The proposed operation will add new children's gymnastic classes to the City and adds to the diverse mix of commercial uses within an existing shopping center with an established brand that has locations operating domestically and internationally. The Applicant's investment into the new business operation

will add new programs in the City, offering new programs for Milpitas residents and visitors, and allowing the children's gymnastic classes to operate locally serves surrounding neighborhoods and minimizes vehicle miles traveled as families would have to drive less far to other jurisdictions that may have a similar desired group instruction use.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The Project is consistent with the Milpitas Zoning Ordinance in that group instruction uses are permitted within the City of Milpitas as a conditional use in the C2-RE Zoning District. The application has been thoroughly reviewed, approved, and conditioned by both the Milpitas Police and Milpitas Planning Department, which are responsible for preserving the health, safety, and welfare of the local community. Additionally, the Project complies with the development standards of the C2-RE Zoning District and parking requirements of the Milpitas Municipal Code as demonstrated in Tables 3 and 4.

ENVIRONMENTAL REVIEW

This Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities). The Project Applicant will be applying for building permits for interior tenant improvements and an exterior wall sign within the existing commercial space and will not include any expansion of existing space. Therefore, as proposed, the Project comprises of the operation of a group instruction use within a vacant retail suite with at most minor proposed physical improvements to the existing structure. The Project is also exempt pursuant to CEQA Guidelines Section 15183 in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and no circumstances would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

PUBLIC COMMENT

Staff provided public notice for the application per City and State public noticing requirements. The City published a public hearing notice in the Milpitas Post on August 2, 2024, and sent notices via mail to residents and owners within 1,000 feet of the Project site. A public notice was posted on the Project site, www.milpitas.gov, and outside of City Hall. When this report was published, City staff received no public comments.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and close the public hearing;
2. Consider the exemptions in accordance with CEQA;
3. Adopt Resolution No. 24-026 approving Conditional Use Permit No. UP24-0005, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

- A: Resolution No. 24-026
- B: The Little Gym of Milpitas Project Plans
- C: Milpitas Police Memo, dated June 4, 2024

RESOLUTION NO. 24-026

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, APPROVING CONDITIONAL USE PERMIT NO. UP24-0005 TO OPERATE A 2,990-SQUARE FOOT GROUP INSTRUCTION USE FACILITY (THE LITTLE GYM) WITHIN THE GENERAL COMMERCIAL (C2) ZONING DISTRICT WITH A RECREATION & ENTERTAINMENT (-RE) ZONING DISTRICT OVERLAY AT 139 RANCH DRIVE (APN 022-53-003) AND MAKING THE FINDING OF CEQA EXEMPTION

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on May 15, 2024, Joshua Monzon of Keiki of Silicon Valley (d.b.a The Little Gym of Milpitas) (the “Applicant”), applied to the City of Milpitas for Conditional Use Permit No. UP24-0005. The proposed development (the “Project”) includes the following:

- *Conditional Use Permit*: To operate a group instruction use for children’s gymnastic classes.

WHEREAS, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City’s General Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff report to the Planning Commission; and

WHEREAS, on August 14, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all the written and oral testimony presented at the public hearing in making its decision; and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Record

The location and custodian of the documents or other material which constitute the record

of proceedings upon which this decision is based is within the Planning Department, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035

SECTION 3. California Environmental Quality Act (CEQA)

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities); and as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). The Project Applicant will be applying for building permits for interior tenant improvements and an exterior wall sign within the existing commercial space and will not include any expansion of existing space. Therefore, as proposed, the Project includes the operation of a group instruction use within a vacant retail suite with at most minor proposed physical improvements to the existing structure. The Project is also exempt pursuant to CEQA Guidelines Section 15183 in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and no circumstances would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

SECTION 4: Conditional Use Permit (Section XI-10-57.04(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP24-0005:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The Project will serve the community in a manner that will not be detrimental or harmful to the property or improvements in the vicinity of the property, nor to the public health, safety, and general welfare. The Project will provide family-friendly recreation and a new group instruction use option, attracting families and youth to the shopping center. Offering a diverse range of group recreation and physical exercise classes can enhance the overall appeal of the shopping center. The Applicant has agreed to adhere to regulations and conditions of approval, ensuring the operation of the children's gymnastics classes operates in a manner that does not pose a risk to public health, welfare, and safety. Furthermore, all programmed classes will occur indoors within the tenant suite and will not impact the outdoor portions of the private property or any public properties or right-of-ways.

2. *The proposed use must be consistent with the Milpitas General Plan*

As demonstrated in Table 1 below, the Project is consistent with the Milpitas General Plan 2040 including Goal LU-1, Policy LU 6-5, and Policy LU 6-4. The proposed operation will add new children's gymnastic classes to the City and adds to the diverse mix of commercial uses within an existing shopping center with an established brand that has locations operating domestically and internationally. The Applicant's investment into the new business operation will add new programs in the City, offering new programs for Milpitas residents and visitors, and allowing the children's gymnastic classes to operate locally serves surrounding neighborhoods and minimizes vehicle miles traveled as families would

have to drive less far to other jurisdictions that may have a similar desired group instruction use.

Table 1: General Plan Consistency

General Plan Goal / Policy	Consistency Finding
<i>Goal LU-1</i> <i>Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched.</i>	Consistent. The Project will directly increase the diverse range of group instruction use programs in the City of Milpitas that cater to different tastes and interests.
<i>Policy LU 6-5</i> <i>Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.</i>	Consistent. The proposed operation will add new children's gymnastic classes within the McCarthy Ranch Marketplace and City of Milpitas. This investment will promote reinvestment within the shopping center to modernize the area.
<i>Policy LU 6-4</i> <i>Maintain viable neighborhood-serving commercial uses throughout the city in order to serve surrounding neighborhoods and minimize vehicle miles traveled. Encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses.</i>	Consistent. The proposed children's gymnastic classes are a new group instruction use in the City. By allowing the children's gymnastics classes to operate, the City will strengthen the diverse mix of commercial uses in our jurisdiction, directly serving local households living in surrounding neighborhoods looking for professional instructor-led gymnastics programs for their children.

3. *The proposed use must be consistent with the Milpitas Zoning Ordinance.*

The Project is consistent with the Milpitas Zoning Ordinance in that group instruction uses are permitted within the City of Milpitas as a conditional use in the C2-RE Zoning District. The application has been thoroughly reviewed, approved, and conditioned by both the Milpitas Police and Milpitas Planning Department, which are responsible for preserving the health, safety, and welfare of the local community. Additionally, the Project complies with the development standards of the C2-RE Zoning District and parking requirements of the Milpitas Municipal Code as demonstrated in Tables 2 and 3 below.

Table 2: C2-RE Zoning District Development Standards

Standards	Required	Existing	Complies
Front Setback (minimum)	0 feet	28 feet	Yes – No Change
Side Yard Setback (minimum)	0 feet	542 feet (east) 780 feet (west)	Yes – No Change
Rear Yard Setback (minimum)	0 feet	695 feet	Yes– No Change
Building Height (maximum)	35 ft. or 3 stories	23-feet, 1 story	Yes – No Change
Parking	See Table 3	See Table 3	Yes – No Change
Lot Coverage	None	0.36	Yes – No Change
Floor Area Ratio	0.50	0.36	Yes – No Change
Landscaping	None	Existing Landscaping within Front Yard Setback	Yes – No Change

Table 3: Off-Street Parking Conformance

Tenant	Address	GFA (sf)	NFA (sf)	Use	Municipal Code Requirement	Spots Needed
Proposed: The Little Gym	139 Ranch Drive	± 2990	± 2392	Instructional Studios	1/150 sf	16
All other tenants/uses – see Page A0.2 of Project Plans						1,384
				Total Spots Needed		1,400
				Total Spots Available		1,548

SECTION 5: Planning Commission Approval

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-026, approving Conditional Use Permit No. UP24-0005, subject to the Findings and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on August 14, 2024.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on August 14, 2024 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Chia Ling Kong				
Michael Caulkins				
Mercedes Albana				
Dipak Awasthi				
Alexander Galang				
Parveen Gupta				
Sonia Medina-Ashby				

EXHIBIT 1**CONDITIONAL USE PERMIT NO. UP24-0005****PERMIT TO OPERATE
A GROUP INSTRUCTION USE****THE LITTLE GYM
139 RANCH DRIVE
(APN 022-53-003)**

On August 14, 2024, the City of Milpitas Planning Commission approved Conditional Use Permit No. UP24-0005 in accordance with Section XI-10-57.04 of the Milpitas Municipal Code. Subject to all applicable State and local regulations and the conditions of use outlined below, this Permit will allow the operation of a group instruction use for children's gymnastic classes in conformance with the plans and proposal for operation approved (The Little Gym) within an existing 2,990-square foot commercial space in the General Commercial (C2) Zoning District with a Recreation & Entertainment (-RE) Overlay at 139 Ranch Drive (APN 022-53-003).

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This **Conditional Use Permit No. UP24-0005** ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County Clerk-Recorder's Office with a copy provided to the Planning Department.
2. The Permittee shall develop the approved project in conformance with the plans dated May 2, 2024 and approved by the Planning Commission on August 14, 2024, in accordance with these Conditions of Approval. **(P)**
3. Modifications to Project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**
4. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

5. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**
6. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
7. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
 - a. Acceptance of this Permit by Permittee; and
 - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
8. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map.

Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

This permit shall become null and void if the permitted use ceases operation and/or the business closes at such location for a period of one (1) calendar year. **(P)**
9. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
10. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**
11. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the

ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1).

12. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the adoption of this Resolution. **(ALL)**
13. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(ALL)**
14. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
15. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.
16. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition.
17. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.

18. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.
19. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Prevention Department and the California Fire Code as adopted by the City. Changes to the floor plan and/or building(s) requires review and approval by the Fire Department. **(F)**
20. Compliance with Building Department. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department. **(B)**

PROJECT SPECIFIC CONDITIONS

Planning Department Conditions

21. Hours of Operation. Hours of operation are limited everyday from 8:00 AM to 9:00 PM. Any change in the hours of operation will require a written request addressed to the Planning Director or Designee. The Planning Director or Designee, at his or her discretion, may approve or deny the request in writing. **(P)**

Police Department Conditions

Security

22. Video Surveillance. Video/security cameras shall be required for the site, with coverage at all access points into the business. The interior video/security cameras shall record in high definition and cover any cash register or other device that stores currency, entrances/exits, and hallways or paths leading to a restroom. The video/security system shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall be made available to law enforcement upon request for investigative purposes. It is recommended the employees of the business be appropriately trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police department if needed. **(PD)**
23. Cashier Area. The cashier area or other devices that stores currency should be away from the front doors, windows of the business, and not in plain view to help prevent burglaries when the company is closed. If these areas cannot be moved, window treatments such as shades or blinds preventing the site from being visible from the outside should be considered. **(PD)**

24. Child Safety Locks. Child safety locks shall be placed on all interior/exterior doors and windows to provide additional safety and security for attending children. **(PD)**
25. Door Chime/Alert System. Install door chime/alert system on exterior doors to notify employees of persons entering and exiting the Little Gym of Milpitas. **(PD)**
26. Staffing. Ensure staffing is adequate for proper supervision (student-to-teacher ratio). **(PD)**

Visibility

27. Lighting. There shall be lighting of sufficient wattage to adequately illuminate and make visible the presence of any person in or about the outside premises during hours of darkness. **(PD)**
28. Obstructions. Line of sight obstructions, including business signs, advertisements, or other markings, should be avoided on the exterior windows to maximize natural surveillance during the business's closed hours. **(PD)**

Accessibility

29. Updated Floor Plan. A recent copy of the proposed floor plan of the building interior shall be provided to the Police Department prior to occupancy. The floor plan map shall minimally identify the locations of storage areas, maintenance areas, entry/exit points controlled by electronic security devices, locations of security cameras, common areas, audible sirens, etc. **(PD)**

Miscellaneous

30. Emergency Notification. Applicant shall file an emergency notification form with the Police Department so law enforcement can contact the property manager in the event of any major accident, emergency, or unforeseen circumstance. **(PD)**
31. Fire Extinguishers. Applicant shall have fire extinguishers on site during normal business hours. **(PD)**

Fire Department Conditions

*Building plans **must** be submitted for review and approval to the Building and Fire Departments prior to any construction, or occupancy is to commence. The following notes are a general list of the applicable Fire Code requirements (2022) and are provided to assist with the building permit process and/or Occupancy permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building construction, or occupancy permit approvals. **(F)***

32. Change in Occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the current code(s). California Fire Code (CFC) Section 102.3 **(F)**
33. Use and Occupancy. As a part of the construction permit process (Building Permit application), the “Use and Occupancy Classification” shall be provided for all areas of the building in conformance with Chapter 3 of the California Building Code. **(F)**
34. Construction Permit. As a part of the construction permit process, a complete “General Building Area, Height and Construction Type” analysis shall be done for the whole building in conformance to the California Building Code Chapter 5. Changes and or modifications required in order to be in conformance with the California Building Codes shall be incorporated into the construction documents. **(F)**
35. Gymnastic - Training and Skill Development Not Within a School or Academic Program, B Occupancy. It is with the understanding that the proposed business is a gymnastic as defined in the CA Building Code Section 303 and 304, and as such the fire department’s review of this application is exclusive to this proposed use. **(F)**
36. School. The use of this facility/business/site as a school, private school, and/or day care facilities are not permitted as part of this application. Schools are classified as E Occupancy as per the CA Building Codes.
37. Day Care or other business under the regulations of CA Department of Social Services – Community Care Licensing. The use of this facility/business/site as a day care, or other business under the DSS Community Care Licensing Division are not permitted with this application. **(F)**
38. Small Assembly Space. This facility/business/site has an assembly use in the multipurpose room as defined by the CA Building Code (less than 50 occupants or less than 750 square feet) classified as Group B occupancy. **(F)**
39. Maximum Occupancy. The maximum number of occupants within this business/facility shall be limited to the permitted number by the Planning Department, but not to exceed the permitted occupancy load under the CA Building and Fire Codes. **(F)**
40. Electronic Documents. The Fire Code Official may require electronic base documents for all construction documents and operational permits. The Fire Code Official shall designate the software base format for the electronic documents. CFC Section 105.4.2.2, added by MMC Section V-300-2.10 **(F)**
41. Automatic Fire Sprinkler System for Structures:
41.1. Automatic Fire Sprinkler. If the existing building has an automatic fire sprinkler system, this tenant space shall be provided with an automatic fire sprinkler system in

conformance with the NFPA 13 Standards. California Fire Code Section 903.3 **(F)**

42. Fire Alarm System:

42.1. Fire Alarm. If the existing building has a fire alarm, the necessary addition/modifications shall be done for this tenant space to meet the requirements under the CA Fire Code, Section 907. **(F)**

42.2. Fire Alarm Monitoring. Fire alarm monitoring (approved supervising station - UL, or FM approved). When existing or required by the CA Fire Code, fire alarm systems shall be monitored by an approved supervising station in accordance with the NFPA 72. CFC Section 907.6.6. **(F)**

43. Building/Structure Other Requirements:

43.1. Access Control Devices: When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.6, added by MMC Section V-300-2.59. **(F)**

43.2. Premises Identification: New and existing buildings shall have approved address numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Sections 505 **(F)**

43.3. Fire Department Emergency Knox Devices (aka: Knox Box, Knox Locks, Knox Electric Switches, etc.): The Fire Code Official is authorized to require Knox devices to be installed in an approved location(s) if necessary for life-saving or fire-fighting purposes. Quantity and location shall be as directed by the Fire Code Official. Locked mechanical closets, fire alarm closets, sprinkler riser closets, etc. will need a Fire Dept. approved Knox device. CFC Section 506. **(F)**

43.4. Fire Equipment ID signs. Fire protection equipment shall be identified in an approved manner. Rooms containing fire alarm, automatic fire sprinklers, electrical, gas, mechanical systems, or other fire detection, suppression or control elements shall be identified for the use of the fire department. CA Fire Code Section 509. **(F)**

43.5. Portable Fire Extinguishers. Portable fire extinguishers shall be selected, installed and maintained in accordance with CFC Section 906. **(F)**

43.6. Material Finishes. Interior wall and ceiling finish shall meet the requirements of the CA Building Code Section 803. **(F)**

- 43.7. Fire Protection Equipment Maintenance. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in CA Fire Code, Table 901.6.1 and the California Code of Regulations, Title 19, Division 1, Chapters 3 and 5. CFC Section 901.6. **(F)**
- 43.8. Fire Protection Equipment. All fire alarm systems, automatic sprinkler or extinguishing systems, communication systems, and all other equipment, material or systems required by these regulations shall be maintained in an operable condition at all times in accordance with this code and California Code of Regulations, Title 19, Division 1. Upon disruption or diminishment of the fire protective qualities of such equipment, material or systems, immediate action shall be instituted to affect a reestablishment of such equipment, material or systems to their original normal and operational condition. California Code of Regulations, Title 19, Division 1, §1.14. **(F)**
- 43.9. Buildings or portions thereof shall be provided with a means of egress system as required by 2022 California Building Code Chapter 10. The provisions of this chapter shall control the design, construction and arrangement of means of egress components required to provide an approved means of egress from structures and portion thereof. **(F)**
- 43.10. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort. CFC Section 1010.1.9 **(F)**
- 43.11. Panic hardware. Swinging doors serving rooms or spaces with an occupant load of 50 or more in a Group A or E occupancy assembly area not classified as an assembly occupancy E, I-2 or I-2.1 occupancies shall not be provided with a latch or lock other than panic hardware or fire exit hardware. California Fire Code Section 1008.2 **(F)**
- 43.12. Fire safety during construction of the building shall meet the requirements of the California Fire Code (CFC) Chapter 33. **(F)**
- 43.13. No approval is granted for the storage, use or handling of hazardous materials. CFC Section 5001. **(F)**
44. Plan Submittal. Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 901.2 **(F)**

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention

(PD) = Police Department

(CA) = City Attorney

ACCEPTANCE

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

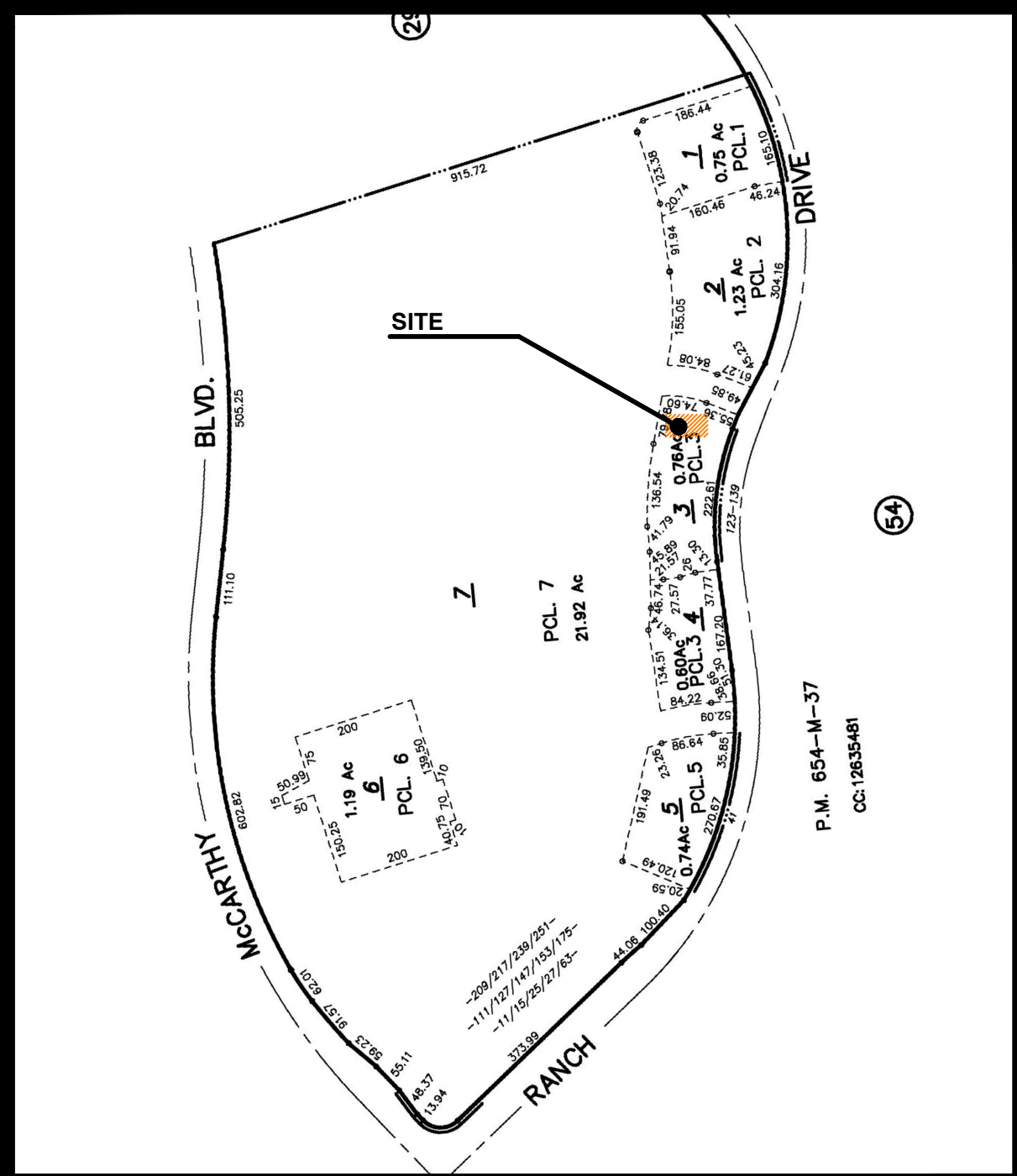
Signature: _____

Printed Name: _____

Title: _____

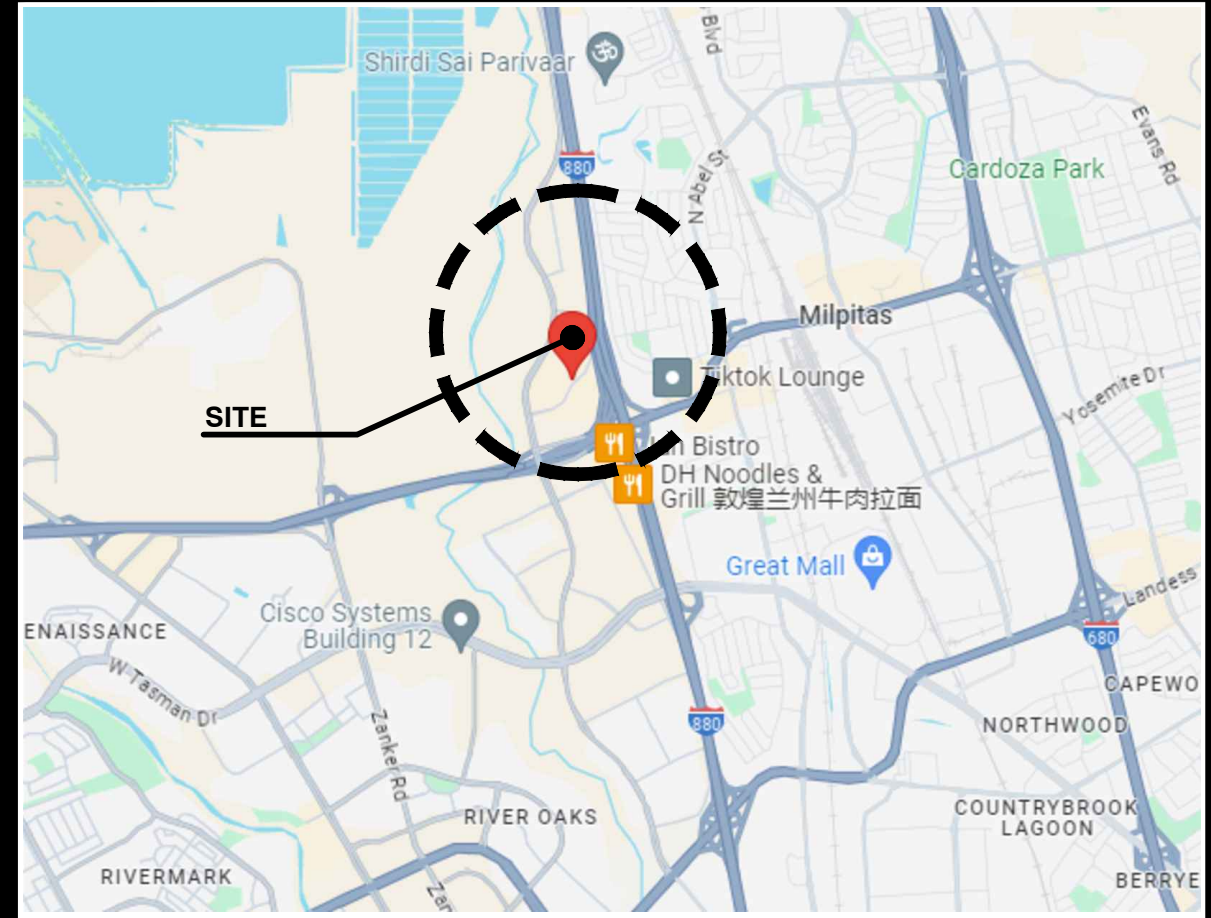
NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.



PARCEL MAP

8



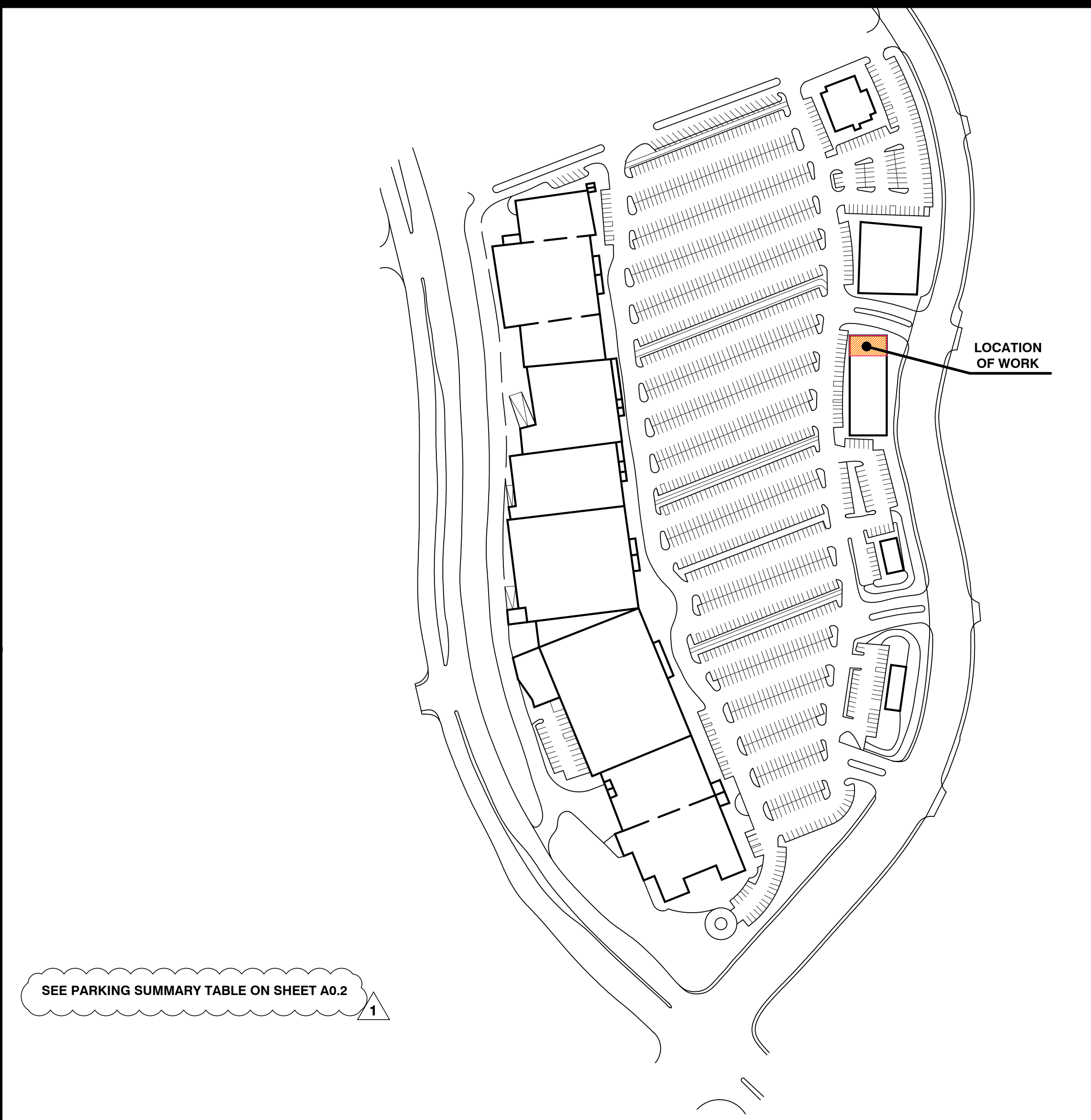
VICINITY MAP

7

SHEET	TITLE
A0.1	COVER SHEET, VICINITY MAP, CONSULTANTS, SHEET INDEX, PROJECT SUMMARY, PARKING ANALYSIS
A0.2	GENERAL NOTES
A1.1	DEMOLITION PLAN
A2.1	PROPOSED PLAN

CONSULTANTS

6



OVERALL SITE PLAN

N.T.S.

3

SHEET	TITLE
A0.1	COVER SHEET, VICINITY MAP, CONSULTANTS, SHEET INDEX, PROJECT SUMMARY, PARKING ANALYSIS
A0.2	GENERAL NOTES
A1.1	DEMOLITION PLAN
A2.1	PROPOSED PLAN

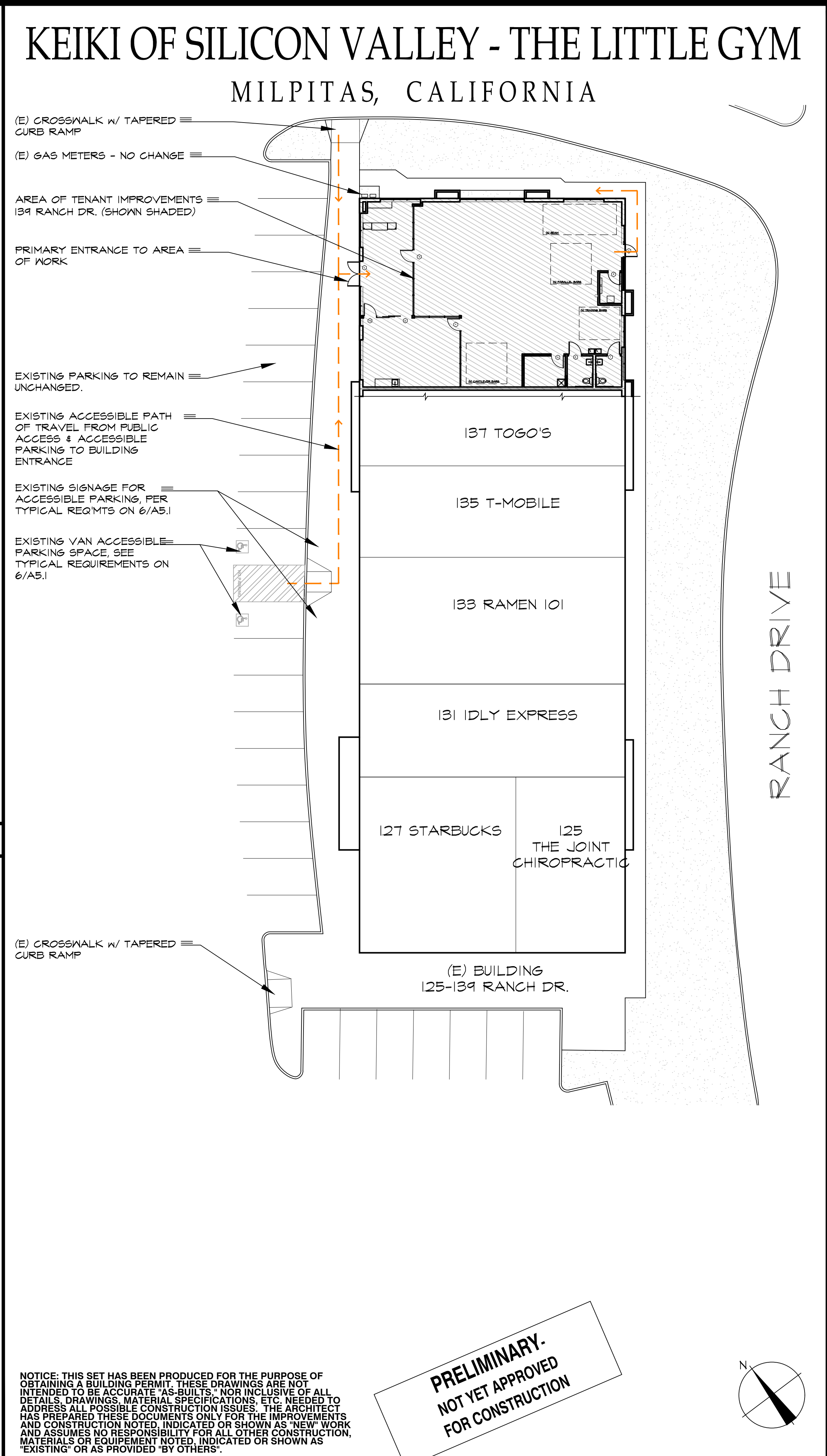
SHEET INDEX

4

SCOPE:	
INTERIOR TENANT IMPROVEMENTS TO THE EXISTING 2,990 SF RETAIL SPACE TO CREATE A "LITTLE GYM" FRANCHISE INSTALLATION (KIDS' PLAY SPACE).	
APN#:	022-53-003
OWNER:	TMS MCCARTHY LP c/o CROSSPOINT REALTY SERVICES INC.
TENANT:	KEIKI OF SILICON VALLEY ATTN: JOSH MONZON
PROJECT ADDRESS:	139 RANCH DRIVE MILPITAS, CA 95035
ZONING:	C2-RE
PROPOSED UNIT OCCUPANCY:	A-3 (EXERCISE)
AREA OF PROPOSED T.I.:	2,990 S.F.
OCCUPANT LOAD:	74
TYPE OF CONSTRUCTION:	V-B, W/ AUTOMATIC FIRE SPRINKLERS THROUGHOUT
STORIES:	1
REQ'D OFF-STREET PARKING PER USE:	20 SPACES (INSTRUCTIONAL STUDIO, 1 SPACE/150 SQ FT.)
PROJECT DESIGN DATA:	
2022 CALIFORNIA BUILDING CODE - VOL. 1&2 2022 CALIFORNIA MECHANICAL CODE 2022 CALIFORNIA PLUMBING CODE 2022 CALIFORNIA ELECTRIC CODE 2022 CALIFORNIA FIRE CODE 2022 CALIFORNIA GREEN BUILDING STANDARDS (CalGreen) 2022 CALIFORNIA ENERGY CODE 2022 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS	
ALONG WITH ALL OTHER LOCAL AND STATE LAWS AND REGULATIONS.	
THE DOCUMENTS PREPARED BY THESE CONSULTANTS ARE AN INTEGRAL PART OF THE ARCHITECTURAL CONSTRUCTION DOCUMENTS AND SHALL BE INCORPORATED INTO THIS SET BY REFERENCE, I.E. SOILS REPORT, TITLE-24, STRUCTURAL CALCULATIONS, ETC. THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED. THE CONTRACTOR SHALL OBTAIN CURRENT COPIES OF ALL DOCUMENTS, READ, UNDERSTAND AND CONFIRM ANY CONFLICTS OR DISCREPANCIES OR QUESTIONS WITH APPROPRIATE CONSULTANTS.	

PROJECT SUMMARY

2



EXISTING SITE PLAN

N.T.S.

1

KEIKI OF SILICON VALLEY - THE LITTLE GYM

MILPITAS, CALIFORNIA

(E) CROSSWALK W/ TAPERED CURB RAMP

(E) GAS METERS - NO CHANGE

AREA OF TENANT IMPROVEMENTS
139 RANCH DR. (SHOWN SHADED)

PRIMARY ENTRANCE TO AREA
OF WORK

EXISTING PARKING TO REMAIN
UNCHANGED.

EXISTING ACCESSIBLE PATH
OF TRAVEL FROM PUBLIC
ACCESS & ACCESSIBLE
PARKING TO BUILDING
ENTRANCE

EXISTING SIGNAGE FOR
ACCESSIBLE PARKING, PER
TYPICAL REQMTS ON 6/AS.1

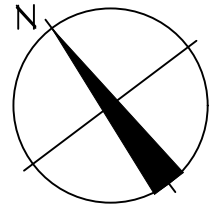
EXISTING VAN ACCESSIBLE
PARKING SPACE, SEE
TYPICAL REQUIREMENTS ON
6/AS.1

(E) CROSSWALK W/ TAPERED CURB RAMP

(E) BUILDING
125-139 RANCH DR.

NOTICE: THIS SET HAS BEEN PRODUCED FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT. THESE DRAWINGS ARE NOT INTENDED TO BE ACCURATE "AS-BUILTS." NOR INCLUSIVE OF ALL DETAILS, DRAWINGS, MATERIAL SPECIFICATIONS, ETC. NEEDED TO ADDRESS ALL POSSIBLE CONSTRUCTION ISSUES. THE ARCHITECT HAS PREPARED THESE DOCUMENTS ONLY FOR THE IMPROVEMENTS AND CONSTRUCTION NOTED, INDICATED OR SHOWN AS "NEW" WORK AND ASSUMES NO RESPONSIBILITY FOR ALL OTHER CONSTRUCTION, MATERIALS OR EQUIPMENT NOTED, INDICATED OR SHOWN AS "EXISTING" OR AS PROVIDED "BY OTHERS".

PRELIMINARY.
NOT YET APPROVED
FOR CONSTRUCTION



ISSUE LOG

CUP SUBMITTAL	MAY. 13, 2024
PLAN CHECK REVISIONS	JUNE. 20, 2024 1

LEONARD ARCHITECT

DATE: 07/11/2024

PROJECT: 022-53-003

ARCHITECT: C-7089

STATE OF CALIFORNIA

Young & Borlik Architects

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LOS ALTOS, CALIFORNIA 94022

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Y&B

Architects

INTERIOR TENANT IMPROVEMENTS FOR:

KEIKI OF SILICON VALLEY

139 RANCH DRIVE

MILPITAS, CA 95035

A.P.N. 022-53-003

CHECKED	DRAWN
DSR	JL, SS
DATE	MAY. 02, 2024
JOB #	KEIKI OF SV

A0.1

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TABLE 4.504.1 ADHESIVE VOC LIMIT ^{1,2} Less Water and Less Exempt Compounds in Grams per Liter	
ARCHITECTURAL APPLICATIONS	VOC LIMIT
Indoor carpet adhesives	50
Carpet pad adhesives	50
Outdoor carpet adhesives	150
Wood flooring adhesive	100
Rubber floor adhesives	60
Subfloor adhesives	50
Ceramic tile adhesives	65
VCT and asphalt tile adhesives	50
Drywall and panel adhesives	50
Cove base adhesives	50
Multipurpose construction adhesives	70
Structural glazing adhesives	100
Single-ply roof membrane adhesives	250
Other adhesives not specifically listed	50
SPECIALTY APPLICATIONS	
PVC welding	510
CPVC welding	490
ABS welding	325
Plastic cement welding	250
Adhesive primer for plastic	550
Contact adhesive	80
Special purpose contact adhesive	250
Structural wood member adhesive	140
Top and trim adhesive	250
SUBSTRATE SPECIFIC APPLICATIONS	
Metal to metal	30
Plastic foams	50
Porous material (except wood)	50
Wood	30
Fiberglass	80

1. If an adhesive is used to bond dissimilar substrates together, the adhesive with the highest VOC content shall be allowed.
2. For additional information regarding methods to measure the VOC content specified in this table, see South Coast Air Quality Management District Rule 1168.

TABLE 4.504.2 SEALANT VOC LIMIT ¹ Less Water and Less Exempt Compounds in Grams per Liter	
SEALANTS	VOC LIMIT
Architectural	250
Marine deck	760
Nonmembrane roof	300
Roadway	250
Single-ply roof membrane	450
Other	420
SEALANT PRIMERS	
Architectural	
Nonporous	250
Porous	775
Modified bituminous	500
Marine deck	760
Other	750

TABLE 4.504.5 FORMALDEHYDE LIMITS ¹ Maximum Formaldehyde Emissions in Parts per Million	
PRODUCT	CURRENT LIMIT
Hardwood plywood veneer core	0.05
Hardwood plywood composite core	0.05
Particleboard	0.09
Medium density fiberboard	0.11
Thin medium density fiberboard ²	0.13

1. Values in this table are derived from those specified by the California Air Resources Board, Air Toxics Control Measure for Composite Wood as tested in accordance with ASTM E1333. For additional information, see *California Code of Regulations*, Title 17, Sections 93120 through 93120.12.
2. Thin medium density fiberboard has a maximum thickness of $\frac{7}{16}$ inch (8 mm).

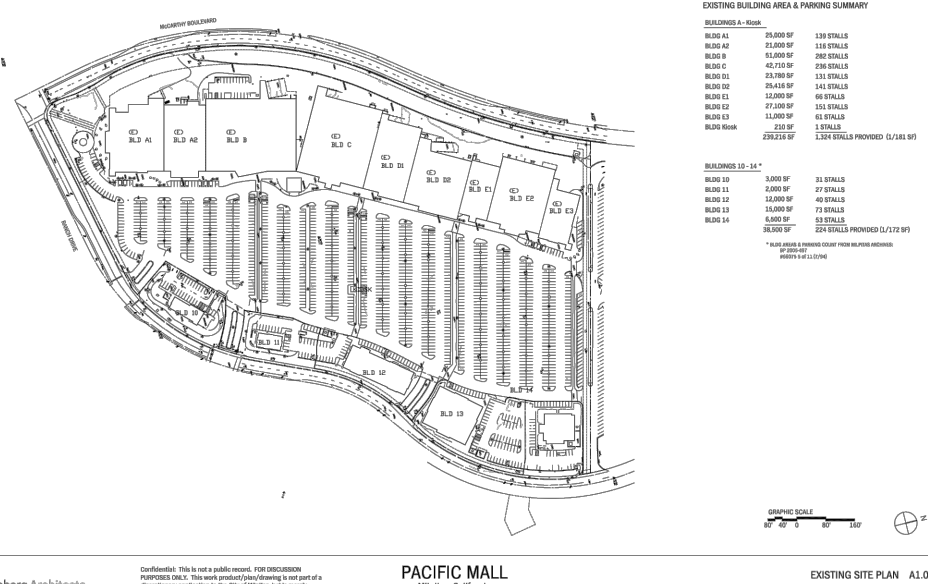
V.O.C. LIMITS

3

Parking Supply

To calculate the total parking supply of the shopping center, we contacted the landlord, who informed us that the most recent parking count was conducted in 2012, with no subsequent changes to the parking arrangements. As depicted in Figure 3, the count reveals a total of **1548 parking spots** within the shopping center.

Figure 3: Parking Count Provided by Landlord



These parking facilities are shared among shopping center occupants and permittees, as stipulated by the Covenants, Conditions, and Restrictions (CC&Rs) established by the original developers of the McCarthy Ranch Marketplace Shopping Center. Section 4.1 of the CC&R, displayed in Figure 4, explicitly states that common areas, including parking spaces, are shared among businesses. Copies of the CC&R and its amendments are attached for reference. This confirms that all 1548 parking spots are collectively utilized by all businesses in the area, including our proposed children's gym.

Tenant	Address	GFA (sf)	NFA (sf)	Use	Municipal Code Requirement	Spots Needed
Proposed: The Little Gym ¹	139 Ranch Drive	+ 2990	+ 2392	Instructional Studios	1/150 sf	16
Big Al's ²	27 Ranch Drive	+ 46000	18 lanes, + 13012 sf (arcade), + 4405 sf (dining)	Bowling Alley, Arcade, Sit Down Restaurant	6 per/lane + 1/200 sf - arcade + 1/39 sf - dining	287
Best Buy	63 Ranch Drive	+ 51250	+ 41000	Appliance Store	1/350 sf	117
US Cricket Store	121 Ranch Drive	+ 11094	+ 8875	General Retail	1/200 sf	44
Big Lots ¹	111 Ranch Drive	+ 31610	+ 25288	Furniture store	1/350 sf	72
Michaels	153 Ranch Drive	+ 23500	+ 18800	General Retail	1/200 sf	94
Petsmart	175 Ranch Drive	+ 25416	+ 20333	General Retail	1/200 sf	102
Mancini's	217 Ranch Drive	+ 12000	+ 9600	Furniture store	1/350 sf	27
Ross	239 Ranch Drive	+ 27000	+ 21600	General Retail	1/200 sf	108
Dollar Tree	251 Ranch Drive	+ 11000	+ 8800	General Retail	1/200 sf	44
Cajun Crack'n	275 Ranch Drive	+ 6500	+ 5200	Sit Down Restaurant	1/39 sf	133
Mattress Firm	187 Ranch Drive	+ 4870	+ 3896	Furniture store	1/350 sf	11
KoKoLo Donburi	179 Ranch Drive	+ 2970	+ 2376	Sit Down Restaurant	1/39 sf	76
Nanna's Restaurant	181 Ranch Drive	+ 3000	+ 2400	Sit Down Restaurant	1/39 sf	80
AT&T Mobility	185 Ranch Drive	+ 3930	+ 3144	Ground Floor Retail	1/250 sf	13
Togo's Eatery ³	137 Ranch Drive	+ 1700	+ 1360	Take Out	1/2.5 seat + 1/60 sf of take-out area	11
Ramen 101 ¹	133 Ranch Drive	+ 1500	+ 1200	Sit Down Restaurant	1/39 sf	31
T-Mobile ¹	135 Ranch Drive	+ 1300	+ 1040	Ground Floor Retail	1/250 sf	4
Idly Express ³	131 Ranch Drive	+ 1517	+ 1214	Take Out	1/2.5 seat + 1/60 sf of take-out area	7
Starbucks ³	127 Ranch Drive	1475	1180	Take Out	1/2.5 seat + 1/60 sf of take-out area	15

- ¹ Square footage driven by actual floor plans included in our CUP application.
- ² Parking capacity of 287 for Big Al's was obtained from Big Al's CUP application.
- ³ Parking analysis count performed by Young and Borlik Architects in our CUP application.

Taco Bell ⁴	81 Ranch Drive	2000	1600	Sit Down Restaurant	1/39 sf	41
McDonalds ⁴	41 Ranch Drive	3000	2400	Sit Down Restaurant	1/39 sf	62
The Joint	125 Ranch Drive	1500	1200	Medical Clinic	1/225 sf	5
Total Spots Needed						1400

Conclusion

According to the existing parking counts, the total of 1548 parking spots sufficiently accommodates the required count of 1400 parking spots for all existing businesses, including the proposed The Little Gym.

Attachments

1. CC&R for McCarthy Ranch
2. PDF version of the Parking Count for McCarthy Ranch

GENERAL NOTES:

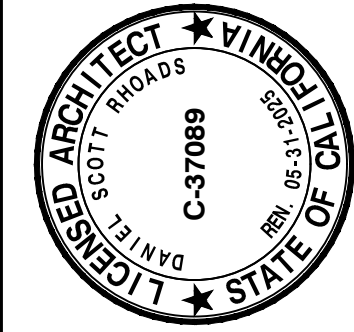
1. THE CONTRACTOR TO PROVIDE ALL WORK AND MATERIALS IN ACCORDANCE WITH OR AS REQUIRED BY THE 2022 CALIFORNIA BUILDING CODE (CBC), 2022 CALIFORNIA MECHANICAL CODE (CMC), 2022 CALIFORNIA PLUMBING CODE (CPC), 2022 CALIFORNIA ELECTRICAL CODE (CEC), CALIFORNIA ENERGY CODE, AND ALL OTHER APPLICABLE STATE, FEDERAL AND LOCAL CODES.
2. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS REQUIRED BY THE PUBLIC AUTHORITIES HAVING JURISDICTION.
3. THE INTENTION OF THE CONTRACT DOCUMENTS IS TO INCLUDE ALL LABOR AND MATERIALS, EQUIPMENT AND TRANSPORTATION NECESSARY FOR THE COMPLETE AND PROPER EXECUTION OF THE WORK.
4. THE CONTRACTOR SHALL VISIT THE JOB SITE PRIOR TO BIDDING ANY PORTION OF THE WORK. BEFORE COMMENCING WORK THE CONTRACTOR SHALL VISIT THE SITE ACCOMPANIED BY THE OWNER AND ARCHITECT AND SHALL NOTE ALL EXISTING CONDITIONS AND DIMENSIONS THAT AFFECT THE WORK. SHOULD ANY CONDITION ARISE WHERE THE INTENT OF THE DRAWINGS IS IN DOUBT OR WHERE THERE IS A DISCREPANCY BETWEEN THE CONTRACT DOCUMENTS AND FIELD CONDITIONS, OR WITHIN THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY FOR CLARIFICATION.
5. not used
6. WRITTEN DIMENSIONS TAKE PRECEDENCE. DO NOT SCALE DRAWINGS. WALLS NOT DIMENSIONED ARE TO ALIGN WITH EXISTING WALLS OR BE ABUTTED OR APPLIED TO EXISTING WALLS PER DRAWINGS. DOORS NOT DIMENSIONED AND SHOWN JAMB TIGHT SHALL BE SET 3" FROM PERPENDICULAR WALL TO OUTER EDGE OF DOOR JAMB.
7. REFERENCE TO ANY DETAIL OR DRAWING IS FOR THE CONVENIENCE ONLY AND DOES NOT LIMIT THE APPLICATION OF SUCH DETAILS OR DRAWINGS.
8. THE CONTRACTOR'S ATTENTIONS IS DIRECTED TO THE FACT THAT THE ADJACENT SPACES IN THE BUILDING ARE OCCUPIED AND OPERATIONAL. ALL EFFORTS SHALL BE TAKEN TO MINIMIZE NOISE, DUST AND INCONVENIENCES TO THE ON-GOING OPERATIONS OF THE BUILDING.
9. ANY SHUT DOWN OF BUILDING SERVICES SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE, AND SCHEDULED TO MINIMIZE DISRUPTION TO THE CURRENT TENANTS. AVOID ANY UNSCHEDULED SERVICE INTERRUPTIONS. BUILDING SECURITY SYSTEMS SHALL REMAIN OPERATIONAL THROUGHOUT CONSTRUCTION AND SHALL NOT BE SHUT DOWN.
10. THE CONTRACTOR SHALL CONFINE OPERATIONS TO THE SITE AREAS PERMITTED BY LAW, ORDINANCES, PERMITS, AND THE CONTRACT DOCUMENTS AND SHALL NOT UNREASONABLY ENCUMBER THE SITE WITH ANY MATERIALS OR EQUIPMENT. BUILDING SHALL BE MAINTAINED IN WEATHERPROOF AND SECURE CONDITION THROUGHOUT THE WORK.
11. ANY ADJACENT PART OF THE BUILDING THAT BECOMES SOILED OR DAMAGED DUE TO THIS WORK DURING ANY PHASE OF CONSTRUCTION SHALL BE CLEANED, REPAIRED, OR REPLACED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER OR TENANT.
12. CONTRACTOR SHALL PROVIDE FOR PROTECTION OF CITY STREETS, SIDEWALKS, PEDESTRIANS AND PROPERTY, AS REQUIRED BY GOVERNMENTAL AND LOCAL AGENCIES, INCLUDING CAL OSHA AND THE OWNER.
13. CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES, LANDSCAPING, MATERIALS, ETC., DURING CONSTRUCTION. CONTRACTOR SHALL PATCH AND REPAIR ALL SURFACES DISRUPTED OR DAMAGED DURING CONSTRUCTION TO MATCH EXISTING ADJACENT SURFACES.
14. SAFETY MEASURES: AT ALL TIMES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS OF THE JOB SITE, INCLUDING THE SAFETY OF PERSONS AND PROPERTY, AND FOR ALL NECESSARY INDEPENDENT REVIEW OF THESE CONDITIONS. THE ARCHITECT'S, ENGINEER'S OR OWNER'S JOB SITE REVIEW IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES.
15. THE DESIGN, ADEQUACY AND SAFETY OF ERECTION BRACING, SHORING TEMPORARY SUPPORTS, ECT., IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STABILITY OF THE STRUCTURE AND PROVIDE NECESSARY BRACING PRIOR TO THE APPLICATION OF SHEER WALLS, ROOF AND FLOOR DIAPHRAGMS, AND FINISH MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
16. THE STRUCTURAL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS, AS WELL AS THE DRAWINGS OF OTHER CONSULTANTS, ARE SUPPLEMENTARY TO THE ARCHITECTURAL DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CHECK WITH THE ARCHITECTURAL DRAWINGS BEFORE THE INSTALLATION OF WORK SHOWN ON THE DRAWINGS OF THE CONSULTANTS. THE CONTRACTOR SHALL BRING ANY DISCREPANCY BETWEEN THE ARCHITECTURAL DRAWINGS AND THE DRAWINGS OF THE CONSULTING ENGINEERS TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION. ANY WORK INSTALLED IN CONFLICT WITH THE ARCHITECTURAL DRAWINGS AND NOT BROUGHT TO THE ARCHITECT'S ATTENTION SHALL BE CORRECTED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE AND AT NO EXPENSE TO THE OWNER OR ARCHITECT.
17. IF UNUSUAL SITUATIONS ARE ENCOUNTERED DURING THE COURSE OF CONSTRUCTION, SUCH AS CONFLICTS BETWEEN NEW CONSTRUCTION, AND EXISTING UTILITIES SYSTEMS, ANY OF WHICH MAY HAVE TO BE REROUTED OR MODIFIED, OR ANY OTHER SUBSTANTIAL COMPLICATION WHICH COULD NOT BE FORSEEN AT THE OUTSET OF THE CONSTRUCTION WORK, THE OWNER, ARCHITECT, CONTRACTOR, AND SUBCONTRACTORS INVOLVED SHALL MEET TO DETERMINE A FAIR AND EQUITABLE SOLUTION AS EACH PROBLEM OCCURS.
18. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND INFORMING ALL TRADES OF THEIR SEQUENCE OF WORK OPERATIONS, AND MAKING CERTAIN THAT THEY HAVE COORDINATED THEIR WORK WITH ONE ANOTHER. GENERAL CONTRACTOR SHALL SEQUENCE WORK IN THE MOST ECONOMIC AND EFFICIENT MANNER TO BENEFIT THE OWNER. OUT OF SEQUENC WORK WHICH IS REQUIRED TO MEET THE INTENT OF THE CONSTRUCTION DOCUMENTS, OR DIRECTED BY THE GENERAL CONTRACTOR, SHALL NOT CAUSE THE OWNER ANY ADDITIONAL EXPENSE.
19. PRIOR TO PERFORMANCE OF WORK, THE CONTRACTOR SHALL REQUIRE EACH SUBCONTRACTOR TO NOTIFY THE CONTRACTOR OF ANY WORK TO BE CALLED OUT IN THE DRAWINGS FOR HIS TRADE THAT CANNOT BE FULLY GUARANTEED.
20. CONTRACTOR SHALL VERIFY THE LOCATION AND SIZE OF ALL OPENINGS WITH ALL DRAWINGS AND MANUFACTURED ITEMS WHERE APPLICABLE. CONTRACTOR TO VERIFY THAT NO CONFLICTS EXIST IN LOCATIONS OF ANY AND ALL MECHANICAL, TELEPHONE, ELECTRICAL, LIGHTING, AND PLUMBING (INCLUDING ALL PIPING, DUCTS, AND CONDUITS) AND THAT ALL REQUIRED CLEARANCES FOR INSTALLATION AND MAINTENANCE OF EQUIPMENT ARE PROVIDED.
21. THE CONTRACTOR SHALL SUPERVISE, DIRECT THE WORK AND BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION, MEANS, METHODS, TECHNIQUES, SEQUENCES, PRECEDURES, AND FOR COORDINATING ALL PORTIONS OF THE WORK.
22. THE CONTRACTOR HERE IN AGREES TO REPAIR OR REPLACE ANY OR ALL WORK, TOGETHER WITH ANY OTHER ADJACENT WORK WHICH MAY BE DAMAGED IN CONNECTION WITH THE REPAIR OR REPLACE. THE REPAIR OR REPLACE TO BE DEFECTIVE IN WORKMANSHIP OR MATERIALS WITHIN A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE, ORDINARY WEAR AND UNUSUAL ABUSE OR NEGLECT EXCEPTED.
23. OPENINGS IN CEILING, FLOORS, AND WALLS AS A RESULT OF REMOVAL OF EXISTING MECHANICAL, PLUMBING, AND ELECTRICAL WORK SHALL BE INFILLED, PATCHED AS REQUIRED TO MATCH WITH ADJACENT FINISHES OR EXISTING CONSTRUCTION. ALL PATCHING MATERIALS SHALL COMPLY WITH FIRE RATED CONSTRUCTION REQUIREMENTS WHERE APPLICABLE.
24. THE CONTRACTOR SHALL ON A DAILY BASIS KEEP THE PREMISES FREE FROM ALL ACCUMULATIONS OF WASTE MATERIAL OR RUBBISH CAUSED BY HIS EMPLOYEES, SUBCONTRACTORS, OR WORK. WORK SHALL BE PERFORMED IN AN ORDERLY AND CAREFUL MANNER WITH DUE CONSIDERATION FOR THE SAFETY AND PROTECTION OF ALL PERSONNEL, EXISTING SURFACES, MATERIALS AND EQUIPMENT. PROTECTIVE AND DUST PROTECTIVE DEVICES SHALL BE INSTALLED AND MAINTAINED AS NECESSARY, AND AS REQUIRED BY THE OWNER OR AUTHORITIES.
25. ALL ITEMS TO BE REMOVED ARE TO BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE NOTED.
26. ANY DEVIATION FROM THE CONSTRUCTION DOCUMENTS OR SPECIFICATIONS BY THE CONTRACTOR OR OWNER WITHOUT THE ARCHITECT'S APPROVAL RELEASES THE ARCHITECT OF RESPONSIBILITY AND LIABILITY IN CONNECTION WITH ALL WORK INVOLVED.
27. CLARIFICATIONS AND/OR INCONSISTENCIES WITH THE DRAWINGS AND SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK. ADDITIONAL CHARGES WILL NOT BE GRATED BASED ON CLAIMS OF INCOMPLETE, INACCURATE, OR INCONSISTANT DRAWINGS AND SPECIFICATIONS.
28. ASBESTOS ABATEMENT, LEAD PAINT REMOVAL, AND OTHER HAZARDOUS MATERIAL REMOVAL IS NOT IN CONTRACT. THE OWNER SHALL CONTRACT WITH OTHER FOR THIS WORK. SHOULD THE CONTRACTOR ENCOUNTER THE PRESENCE, OR POSSIBLE PRESENCE OF POTENTIALLY HAZARDOUS MATERIAL, THE CONTRACTOR SHALL NOTIFY THE OWNER FOR INSTRUCTIONS PRIOR TO CONTINUING WORK.
29. THE CONTRACTOR AT THE COMPLETION OF THE WORK SHALL REMOVE ALL RUBBISH, DEBRIS, EQUIPMENT, AND SURPLUS MATERIALS FROM IN AND ABOUT THE BUILDING ALSO CLEAN AND POLISH ALL NEW GLASS, HARDWARE, AND OTHER SUCH ITEMS WITH FACTORY FINISHES. REMOVE ALL DUST WITH TREATED DUST CLOTHES OR VACUUM CLEANERS.
30. ALL WASTE AND REFUSE CAUSED BY THE WORK SHALL BE REMOVED FROM THE PREMISES AND DISPOSED OF BY THE CONTRACTOR. CLEAN SITE AT END OF PROJECT. REMOVE DUST, DEBRIS, OILS, STAINS, FINGERPRINTS, AND LABELS FROM EXPOSED SURFACES, INCLUDING GLAZING.
31. NOTE THAT STRUCTURAL DETAILING WITHIN THE STRUCTURAL SHEETS MAY INDICATE HARDWARE, BRACKETS, BOLTED CONNECTIONS AND METAL FASTENERS WHICH PROTRUDE FROM THE PLANE OF THE ROUGH FRAMING. IT IS THE FRAMING CONTRACTORS RESPONSIBILITY TO INCLUDE FURRING STRIPS, TAPER STRIPS, FILL WEDGES AND BLOCKING AS REQUIRED TO BRING FINISH SURFACES PAST THE PLANE OF ROUGH STRUCTURAL COMPONENTS. ALTERNATIVE DETAILING, SUCH AS WELDED RODS IN PLACE OF BOLTED CONNECTIONS MAY BE SUBSTITUTED ONLY AS APPROVED BY THE STRUCTURAL ENGINEER.
32. NO PORTION OF THE WORK REQUIRING A SHOP DRAWING OR SAMPLE SUBMISSION (PER THE REQUEST OF THE OWNER, GENERAL CONTRACTOR, OR ARCHITECT) SHALL BE COMMENCED UNTIL THE SUBMISSION HAS BEEN REVIEWED AND ACTED UPON BY THE SAID PARTY. ALL SUCH PORTIONS OF THE WORK SHALL BE IN ACCORDANCE WITH THE APPROVED SHOP DRAWINGS AND SAMPLES.
33. ALL NEW EXTERIOR DOORS TO BE WEATHER-STRIPPED. SEE TITLE-24 COMPLIANCE MEASURES WITHIN THIS SET.
34. ALL GLASS AND GLAZING SHALL COMPLY WITH 2022 CBC, CHAPTER 24.
35. SKYLIGHTS - SHALL COMPLY WITH 2022 CBC, SECTION 2405. CONTRACTOR SHALL PROVIDE ICC NUMBERS FOR PREFABRICATED SKYLIGHTS AND ASSEMBLIES TO BUILDING INSPECTOR FOR APPROVAL PRIOR TO PURCHASE AND INSTALLATION. INDICATE GLAZING TYPE.
36. STAIRWAYS - STAIRWAYS SHALL MEET EGRESS REQUIREMENTS AS DESCRIBED FOR SPECIFIC TYPE WITHIN THE 2022 CBC, CHAPTER 10. GENERALLY, STAIRWAYS SHALL NOT BE LESS THAN 44 INCHES IN WIDTH. THE RISE SHALL NOT BE LESS THAN 4 INCHES OR GREATER THAN 7 INCHES. THE RUN SHALL NOT BE LESS THAN 11 INCHES AS MEASURED HORIZONTALLY BETWEEN THE GENERAL CONTRACTOR'S FOREMOST PROJECTION OF THE ADJACENT TREADS. THE LARGEST RISER AND/ OR TREAD DEPTH SHALL NOT EXCEED THE SMALLEST BY MORE THAN 3/8 INCH.
37. MANUFACTURED STAIRS - CONTRACTOR SHALL PROVIDE SHOP DRAWINGS AND ICC NUMBER OF ANY MANUFACTURED STAIR TO THE BUILDING INSPECTOR FOR APPROVAL PRIOR TO INSTALLATION. CONTRACTOR TO VERIFY ALL STAIRWAY DETAILS WITH THE ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR TO VERIFY ALL STAIRWAY DETAILS WITH THE ARCHITECT PRIOR TO FRAMING STAIRWELL. SUBMIT SHOP DRAWINGS BY STAIR MANUFACTURER IF APPLICABLE.
38. STAIRWAY HEADROOM - PER 2022 CBC SECTION 1009.2 EVERY STAIRWAY SHALL HAVE A HEADROOM CLEARANCE OF 80 INCHES MEASURED VERTICALLY FROM A LINE CONNECTING THE EDGE OF THE NOSINGS. HEADROOM SHALL BE CONTINUOUS TO THE POINT WHERE THE LINE INTERSECTS THE LANDING BELOW, ONE TREAD DEPTH BEYOND THE BOTTOM RISER. THE MINIMUM CLEARANCE SHALL BE MAINTAINED THE FULL WIDTH OF THE STAIRWAY AND LANDING.
39. HANDRAILS - PER 2022 CBC, SECTION 1012.2 HAND RAILS SHALL BE 34 INCHES TO 38 INCHES ABOVE THE NOSING OF TREADS. ENDS OF HANDRAILS SHALL BE RETURNED OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS. HANDRAILS PROJECTING FROM A WALL SHALL HAVE A CLEAR SPACE OF NOT LESS THAN 1-1/2 INCHES BETWEEN THE WALL AND THE HANDRAIL PER SEC. 1012.7.
40. HANDGRIPS - PER 2022 CBC, SECTION 1012.3 CIRCULAR HANDRAILS SHALL BE NOT LESS THAN 1-1/4 INCHES OR MORE THAN 1-1/2 INCHES IN DIAMETER, AND SHALL HAVE A SMOOTH GRIPPING SURFACE WITH NO SHARP CORNERS. SEE THE ABOVE MENTIONED CODE SECTION FOR ADDITIONAL INFORMATION REGARDING ALTERNATIVE (TYPE II) HANDRAIL REQUIREMENTS.
41. GUARDRAILS - PER 2022CBC, SECTION 1013.2 AND CRC R312.2, GUARDRAILS SHALL BE MINIMUM OF 42" INCHES IN HEIGHT. OPEN GUARDRAILS SHALL HAVE INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SUCH THAT A SPHERE 4" IN DIAMETER CANNOT PASS THROUGH (SEC. 1013.3) SEE EXCEPTIONS 1 AND 2 FOR ALLOWABLE EXCEPTIONS BETWEEN 36" AND 42", AND TRIANGULAR OPENINGS ABOVE STAIR TREADS.
42. SUPPORT - HANDRAILS AND GUARDRAILS TO BE CAPABLE OF SUPPORTING A 200LB. CONCENTRATED LOAD AT ANY ANGLE TO THE RAIL.

DISABLED ACCESS NOTES

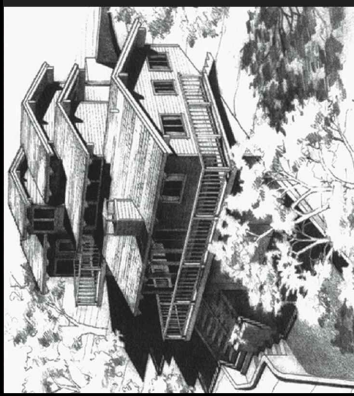
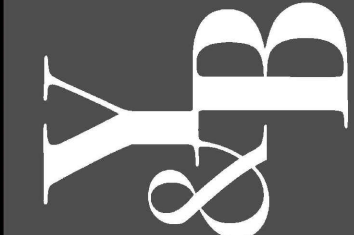
1. CALIFORNIA DISABLED ACCESS CODE, TITLE 24 PART 2, CALIFORNIA STATE BUILDING CODE, APPLIES AS RELATED TO PRIVATE CONSTRUCTION.
2. THE TENANT SPACE, ALL ITS EXITS FROM THE BUILDING, THE PRIMARY PATH OF TRAVEL FROM THE ENTRANCE TO THE TENANT SPACE, AND SANITARY FACILITIES, DRINKING FOUNTAINS AND PUBLIC TELEPHONES SERVING THE TENANT SPACE MUST BE ACCESSIBLE TO THE HANDICAPPED, SUBJECT TO FIELD VERIFICATION.
3. THE FLOOR ON THE INSIDE AND OUTSIDE OF EACH DOORWAY SHALL BE LEVEL FOR A DISTANCE OF 5 FEET FROM THE DOOR IN THE DIRECTION OF THE DOOR SWING AND SHALL EXTEND NOT LESS THAN 12 INCHES BEYOND EACH SIDE OF THE DOOR, AND 24 INCHES BEYOND THE STRIKE SIDE OF THE DOOR.
4. FLOORS SHALL HAVE NON-SLIP SURFACE.
5. THE UPPER APPROACH AND LOWER TREAD OF EACH FLIGHT OF STAIRS SHALL BE MARKED WITH A CONTRASTING COLOR STRIPE 2" IN WIDTH.
6. FACILITIES ACCESSIBLE TO THE PHYSICALLY HANDICAPPED SHALL BE IDENTIFIED WITH THE INTERNATIONAL SYMBOL OF ACCESSIBILITY. THE SYMBOL SHALL CONSIST OF A WHITE FIGURE ON A BLUE BACKGROUND. BLUE COLOR TO BE EQUAL TO COLOR NO. 15090 FEDERAL STANDARD 595a. LETTERS AND NUMBERS ON SIGNS SHALL HAVE A WIDTH TO HEIGHT RATIO OF BETWEEN 3:5 AND 1:1 AND A STROKE WIDTH TO HEIGHT RATIO BETWEEN 1:5 TO 1:10. CHARACTERS AND SYMBOLS SHALL CONTRAST WITH THEIR BACKGROUND
7. RESTROOMS SHALL MEET ACCESSIBILITY STANDARDS AS DEFINED BY SECTION 2-511.
8. WHERE A DRINKING FOUNTAIN IS PROVIDED, IT SHALL BE LOCATED IN AN ALCOVE NOT LESS THAN 32" WIDE BY 18" DEEP. THE DRINKING FOUNTAIN SHALL CONFORM TO THE REQUIREMENTS OF SEC. 2-516c, TITLE 24, PART 2, CALIFORNIA STATE BUILDING CODE, AND SEC. 5-1507, CALIFORNIA STATE PLUMBING CODE.
9. LOCATE FLOOR DRAINS SO AS NOT TO INTERFERE WITH A LEVEL PATH OF TRAVEL TO AND AROUND ALL FIXTURES.
10. THE CENTER OF FIRE ALARM INITIATING DEVICES (BOXES) SHALL BE LOCATED 48 INCHES ABOVE THE LEVEL OF THE FLOOR, WORKING PLATFORM, GROUND SURFACES OF SIDEWALK.
11. IF EMERGENCY WARNING SYSTEMS ARE REQUIRED THEY SHALL ACTIVATE A MEANS OF WARNING THE HEARING IMPAIRED. FLASHING VISUAL WARNING SHALL HAVE A FREQUENCY OF NOT MORE THAN 60 FLASHES PER MINUTE.

ISSUE LOG

CUP SUBMITTAL
MAY. 13, 2024
PLAN CHECK REVISIONS
JUNE. 20, 2024



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Architects
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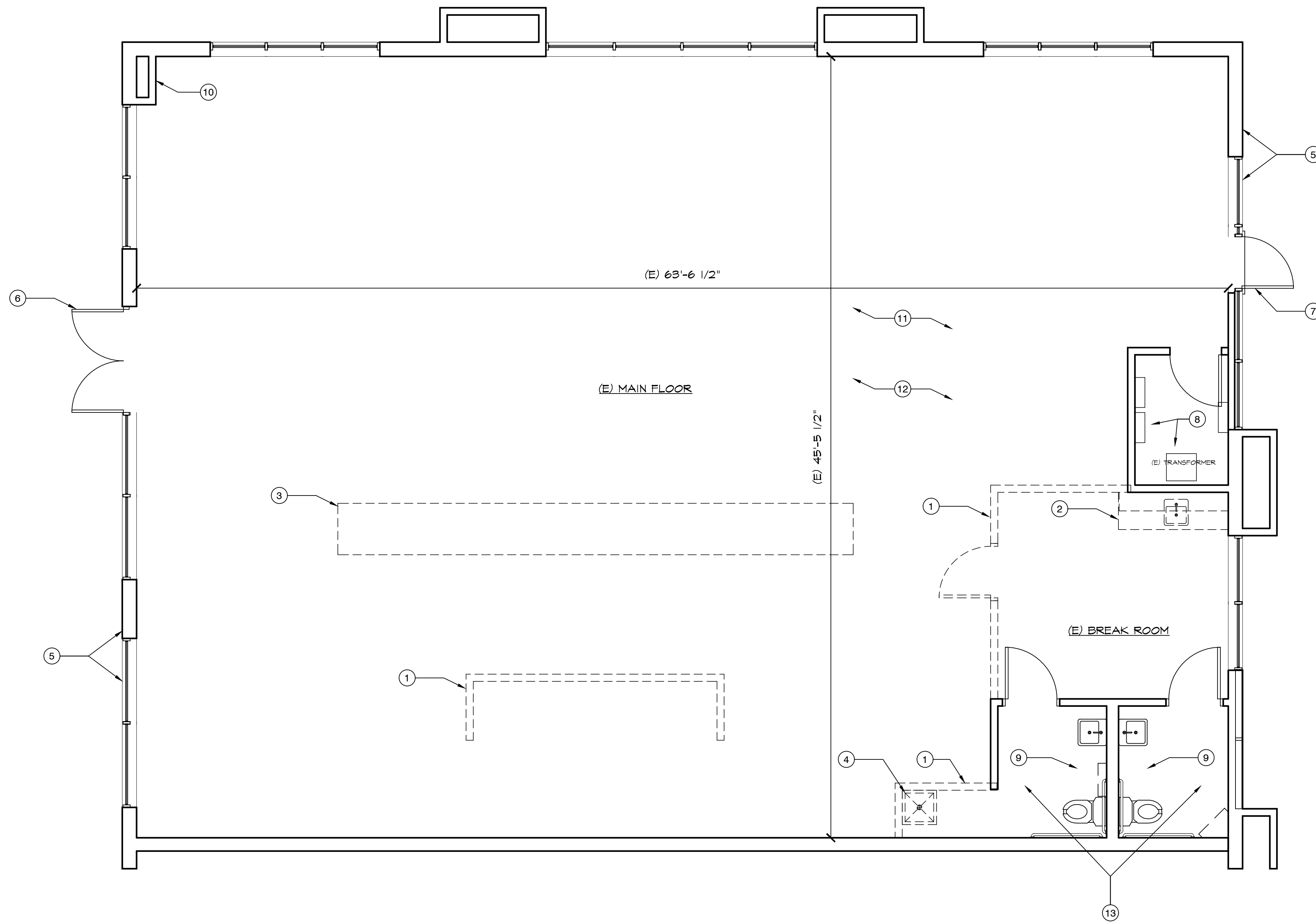
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PARKING ANALYSIS

2

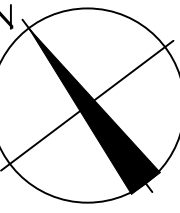
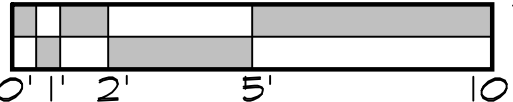
GENERAL NOTES

1



PRELIMINARY.
NOT YET APPROVED
FOR CONSTRUCTION

FOR OFFICIAL CITY USE, STAMPING



- LEGEND**
- KEY NOTES
 - (E) WALL TO REMAIN
 - - - (E) WALL TO BE DEMOLISHED
- KEY NOTES:**
- (E) INTERIOR PARTITION WALLS, DOORS, ETC TO BE REMOVED (SHOWN DASHED, TYPICAL).
 - (E) KITCHENETTE TO BE COMPLETELY DEMOLISHED. REMOVE EXISTING CABINETS, COUNTERTOPS, FINISHES, AND PLUMBING.
 - (E) SOFFIT TO BE REMOVED.
 - (E) MOP SINK TO BE REPLACED AND RELOCATED
 - (E) EXTERIOR STRUCTURE WALLS AND STOREFRONT GLAZING SYSTEM TO REMAIN UNCHANGED
 - (E) MAIN ENTRANCE DOOR TO REMAIN, 6 FOOT PAIR.
 - (E) REAR EXIT DOOR TO REMAIN, 3 FOOT SINGLE
 - (E) TRANSFORMER AND ELECTRICAL PANELS. SEE ELECTRICAL PANELS FOR NEW DISTRIBUTION CIRCUITS.
 - (E) SINGLE OCCUPANT RESTROOMS WITH A.D.A. CLEARANCES AND DIMENSIONS PER I/A5.1
 - (E) FIRE RISER ACCESS PANEL
 - REMOVE (E) FLOOR FINISHES THROUGHOUT MAIN SPACE
 - (E) T-BAR ACOUSTIC CEILING ABOVE, SEE A 1.2
 - (E) RESTROOM FINISHES TO BE REMOVED

EXISTING FIRST FLOOR PLAN w/ DEMOLITION NOTES

1/4" = 1'-0"

1

ISSUE LOG

CUP SUBMITTAL	MAY. 13, 2024
PLAN CHECK REVISIONS	JUNE. 20, 2024 1

REGISTERED ARCHITECT

DAVID S. COTT

NO. C-37089

STATE OF CALIFORNIA

Young & Borlik Architects

4962 EL CAMINO REAL, STE 218

LOS ALTOS, CALIFORNIA 94022

650-688-1950 | YBarchitects.com

Y&B

Architects

INTERIOR TENANT IMPROVEMENTS FOR:

KEIKI OF SILICON VALLEY

139 RANCH DRIVE

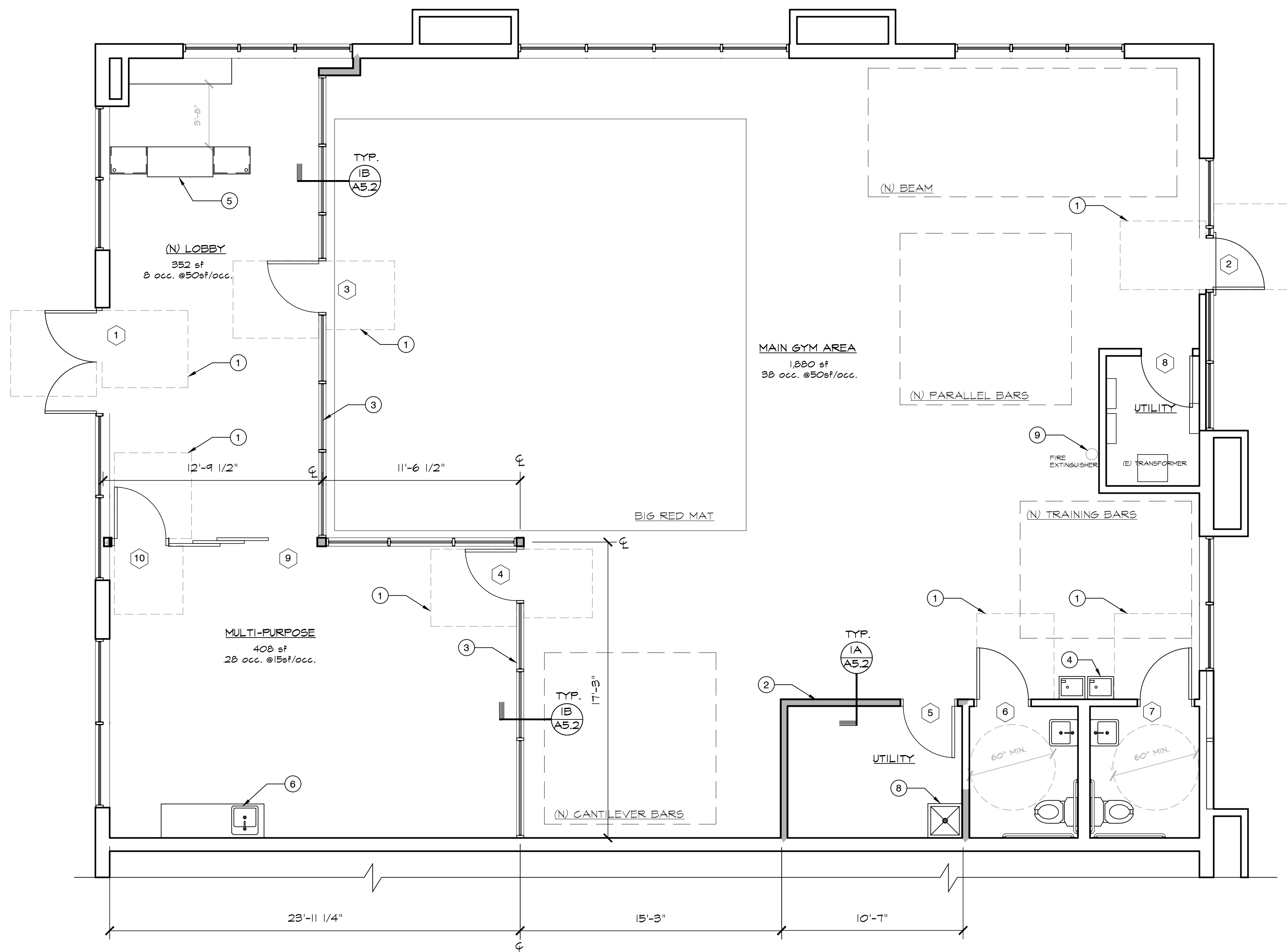
MILPITAS, CA 95035

A.P.N. 022-53-003

CHECKED	DRAWN
DSR	JL, SS
DATE	MAY. 02, 2024
JOB #	KEIKI OF SV

A1.1

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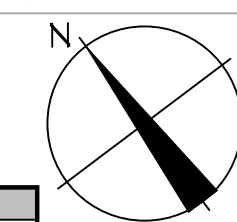
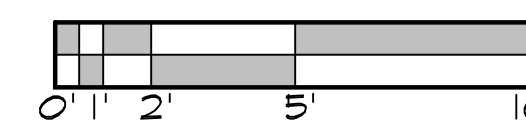
- KEY TO SYMBOLS:
- PROPOSED WALL
 - FLOOR PLAN KEY NOTES
 - WINDOW UNIT SYMBOL, SEE SHEET A9.1
"E" FOR EGRESS
"T" FOR TEMPERED
 - DOOR UNIT SYMBOL, SEE SHEET A9.1

- GENERAL NOTES:
- GYM EQUIPMENT SUPPLIED AND INSTALLED BY OWNER
 - GYM MATS SUPPLIED BY OWNER AND INSTALLED BY GENERAL CONTRACTOR

- KEY NOTES:
- MAINTAIN OR PROVIDE REQUIRED CLEAR FLOOR SPACE LANDING AREA AT EXTERIOR AND INTERIOR DOORS PER DETAIL 4 ON A5.1.
 - NEW INTERIOR PARTITION WALL AT UTILITY ROOM UP TO EXISTING GRID, PER DETAIL 1A/A5.2
 - NEW STOREFRONT GLAZING SYSTEM TO 7 FOOT HEIGHT WITH INFILL FRAMING WALL TO GRID HEIGHT PER DETAIL 1B/A5.2
 - NEW DRINKING FOUNTAIN, SEE SPEC SHEET A5.3
 - NEW CHECK-IN COUNTER MILLWORK PER TL6 SPECS, SEE SHEET A7.01
 - NEW MILLWORK WITH NEW SINK PER TL6 SPECS, SEE SHEET A7.02, SEE ALSO PLUMBING PLANS
 - MIRROR WALL, 16 FOOT LENGTH
 - NEW MOP SINK AT RELOCATED LOCATION, SEE PLUMBING PLANS
 - NEW FIRE EXTINGUISHER LOCATION, PER FIRE DEPT. STANDARDS.

PRELIMINARY.
NOT YET APPROVED
FOR CONSTRUCTION

FOR OFFICIAL CITY USE, STAMPING



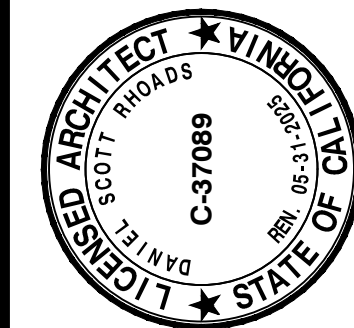
PROPOSED FLOOR PLAN

1/4" = 1'-0"

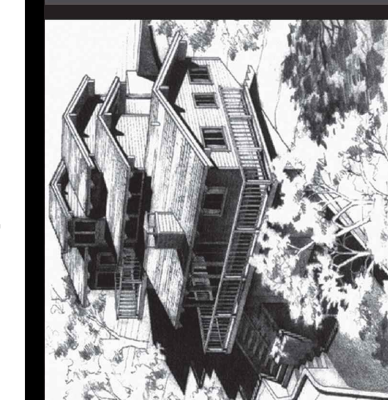
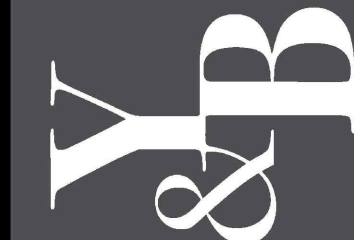
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INTERIOR TENANT IMPROVEMENTS FOR:
KEIKI OF SILICON VALLEY
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MILPITAS, CA 95035

A.P.N. 022-53-003

CHECKED
DSR
DRAWN
JL, SS

DATE
MAY. 02, 2024

JOB #
KEIKI OF SV

A2.1

MEMORANDUM

Milpitas Police Department



Jared Hernandez
Chief of Police

DATE: June 4, 2024
TO: Captain Matthew Miller #262
FROM: Lieutenant Tyler Jamison #286
SUBJECT: **The Little Gym – 139 Ranch Drive, Milpitas, CA 95035**
Project #P-UP24-0005 (1st Submittal)

The City of Milpitas received a project application (P-UP24-0005) from Keiki of Silicon Valley for a Little Gym in Milpitas, which was formed with the intent of providing children with high quality programs that will build motor skills while having fun, and simultaneously foster enhanced emotional, intellectual, and social skills. The Little Gym of Milpitas is tailored for children ages 4 months to 12 years old.

The application is for a conditional use permit to allow group instruction use for this new gym within an existing 2,990 square foot space formerly used as a bank. According to the project description/design package, there will be no significant structural changes in construction outside the tenant space. Any glass doors in the business should continue taking advantage of natural light, making it easily accessible for surveillance and visibility from the exterior.

I have reviewed the plans for the Little Gym of Milpitas utilizing concepts and principles of Crime Prevention through Environmental Design (CPTED). Based on my review, the police department can continue delivering professional and responsive police services with limited suggestions for this application, as no significant changes are expected.

Our police department, however, should continue having input with all safety and security measures before issuing any permit(s) and work closely with city planners to prepare proactive patrol tactics and security measures for this project.

Based upon my review of the site plan, surveying the area of 139 Ranch Drive, and to enhance crime prevention measures, service delivery, and additional concerns, the following suggestions are proposed:

Parking:

- Parking is not affected by the proposed permit, and the current parking lot is of

sufficient capacity to accommodate additionally parked vehicles. No changes are recommended for the parking lot.

- The parking lot should continue allowing accessible circulation for police patrols (vehicles, foot, and bicycles) to prevent and reduce the likelihood of criminal activity occurring in the area.

Visibility:

- Lighting around the business shall be of sufficient wattage to adequately illuminate and make visible the presence of any person in or about the outside premises during hours of darkness.
- Line of sight obstructions, including business signs, advertisements, or other markings, should be avoided on the exterior windows to maximize natural surveillance during the business's closed hours.

Security:

- Video/security cameras shall be required for the site, with coverage at all access points into the business. The interior video/security cameras shall record in high definition and cover any cash register or other device that stores currency, entrances/exits, and hallways or paths leading to a restroom. The video/security system shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall be made available to law enforcement upon request for investigative purposes. It is recommended the employees of the business be appropriately trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police department if needed.
- The cashier area or other devices that stores currency should be away from the front doors, windows of the business, and not in plain view to help prevent burglaries when the company is closed. If these areas cannot be moved, window treatments such as shades or blinds preventing the site from being visible from the outside should be considered.
- Child safety locks shall be placed on all interior/exterior doors and windows to provide additional safety and security for attending children.
- Install door chime/alert system on exterior doors to notify employees of persons entering and exiting the Little Gym of Milpitas.
- Ensure staffing is adequate for proper supervision (student-to-teacher ratio).

Accessibility:

- An up-to-date map of the interior of the building should be provided to the Police Department. The map should minimally identify the locations of each entry/exit point, storage area, maintenance area, etc.

Miscellaneous:

- Applicant shall file an emergency notification form with the Police Department so law enforcement can contact the applicant in case of any significant accident, emergency, or unforeseen circumstance.
- Applicant shall have fire extinguishers on site during normal business hours.

An increase in calls for service is not expected, nor will approval affect our current patrol or traffic staffing levels. Implementing these requirements will increase the effectiveness of police personnel's crime prevention efforts and reduce the likelihood that perpetrators are attracted to this area. The police department shall continue to have input with all safety measures before the issuance of permits.