

## AGENDA ITEM 1.A

REQUEST

**PUBLIC HEARING TO CONSIDER THE RENEWAL OF A CONDITIONAL USE PERMIT FOR EIGHTEEN MONTHS FOR A DAY CARE CENTER TO OCCUPY AN EXISTING STRUCTURE ON THE NORTHEAST CORNER OF W 7TH AND B STREET (89 W 7<sup>TH</sup> STREET, ASSESSOR'S PARCEL NUMBER 235-065-14) – THE APPLICANT IS SHANIKA TENNAKON; THE PROPERTY OWNER IS BAY AREA INVESTMENTS COMPANY, INC– APPLICATION NUMBER EXT18-0006**

DISCUSSIONProject Description

On February 28, 2018, the Planning Commission approved a Conditional Use Permit (CUP17-0005) and Development Review Permit (D17-0021) for a day care center to operate within an existing 2,200 square foot structure located at 89 W. 7<sup>th</sup> Street. That permit was set to expire on September 15, 2018. An application was timely filed extending that expiration pending action on this application. The approved project includes minor site improvements, including an outdoor play area and the addition of three off-street parking spaces along the northern property line. The day care center would provide space for up to 45 children and up to three staff members. Hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m. with the exception of possible special events occurring outside of the regular hours such as graduation ceremonies, dinners, or open house events. Exhibit A is the February 28, 2018 Planning Commission staff report (including attachments) with further details regarding the previous approval.

This request is for a time extension of the original Planning Commission approval of the conditional use permit for an additional eighteen months (beyond the original six month life), to March 15, 2020, to correspond with the time approval of the project's Development Review permit. The prior applicant (Little Investigators) is no longer pursuing this site and the current applicant (Montessori on the Prairie) submitted a request for a renewal within the required timeframe and would like to utilize the existing approval, which would allow them to set up their business and begin operating. Without this renewal, the conditional use permit will lapse and become void.

Neighbor Comments

At the time of publishing the City staff report, staff had received two e-mails from neighboring property owners that expressed concerns regarding the land use, condition of the building, increased traffic, parking demands, and noise (Exhibit B).

Day care centers are conditionally permitted within the Medium Density Residential (MDR) zone subject to the granting of a use permit and compatible with the surrounding neighborhood. Through the conditional use permit and development review permit process of the original approval, the Planning Commission placed conditions and requirements on the project, including requiring the addition of three off-street parking spaces to help reduce impacts on the surrounding neighborhood and restricted hours of operation to limit any noise impacts. Traffic impacts were discussed

at the February Planning Commission meeting and the applicant explained that since the operation is a day care center that does not have set hours of starting or ending, drop-off and pick-up is spread out over a longer period of time than a school would have with everyone beginning and ending at the same time.

#### CEQA Documentation

The project is categorically exempt from the California Environmental Quality Act, pursuant to Guidelines Section 15303, New Construction or Conversion of Small Structures, which pertains to construction of new facilities or structures not exceeding 10,000 square feet on sites zoned for such use. In accordance with CEQA Guidelines, no further environmental assessment is required.

#### RECOMMENDATION

Staff recommends the Planning Commission approve the Renewal of the Conditional Use Permit for Montessori on the Prairie as indicated in the attached Planning Commission Resolution.

#### RECOMMENDED MOTION

Move that the Planning Commission approve the Renewal of the Conditional Use Permit for Montessori on the Prairie, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 10, 2018.

Prepared by: Genevieve Federighi, Assistant Planner  
Reviewed by: Alan Bell, Senior Planner  
Approved by: Bill Dean, Assistant Development Services Director

#### EXHIBITS

- Exhibit A - Planning Commission Staff Report dated February 28, 2018 with attachments and approved Resolution
- Exhibit B - Correspondence from Neighbors (2)
- Exhibit C - Planning Commission Resolution (with recommended conditions of approval)