

Planning Commission

September 26, 2013

- Proposal:** LITTLE TREE MONTESSORI - 39550 Paseo Padre Parkway - (PLN2013-00260) - To consider a Planned District Major Amendment and Conditional Use Permit for a preschool/day care and educational facility for up to 135 children, two to six years old, within an existing 9,717-square-foot building, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
- Recommendation:** Recommend approval to the City Council
- Location:** 39550 Paseo Padre Parkway in the Central Community Plan Area.
APN 525-850-34
- Area:** 9,717-square-foot existing building on a 0.88-acre lot
- People:** Growing Tree Learning Center - Teresa Lai, Applicant
Janice Yeh, Adaptive Architecture, Architect
Wells Fargo Bank, N.A., Property Owner
Terry Wong, Staff Planner (510) 494-4456;
twong@fremont.gov
- General Plan:** Commercial - City Center
- Zoning:** P-80-3, Planned District

EXECUTIVE SUMMARY

The applicant, Growing Tree Learning Center, requests approval of a Planned District Major Amendment to P-80-3 to add a preschool/day care and educational facility to the list of allowed uses for the building at 39550 Paseo Padre Parkway, subject to a Conditional Use Permit. The original uses within P-80-3 allow only office and restaurant uses. Retail uses are permitted subject to the Planning Manager's approval. In addition, the applicant proposes a Conditional Use Permit for a Montessori school that would occupy the existing 9,717-square-foot building and would accommodate up to 135 students between the ages of two and six years old. Staff recommends that the Planning Commission recommend approval of the project to the City Council as shown in Exhibit "A," based on the findings and subject to the conditions of approval presented in Exhibits "B" and "C."

BACKGROUND AND PREVIOUS ACTIONS

In May 1980, the City Council approved Planned District P-80-3, a five-building complex for offices and a restaurant. The subject portion of the site contains a 9,717-square-foot building that was constructed in 1984. The building is currently vacant; however, it was previously occupied by restaurant uses, including Pacific Buffet and El Torrito. There is no history of other land use entitlements or building permit applications associated with the structure.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, the Planning Commission is charged with completing two primary tasks:

1. Consider the proposed Planned District Major Amendment to P-80-3 to add a preschool/day care and educational facility to the list of uses that are allowed for the building located at 39550 Paseo Padre Parkway, based on the findings specified in Section 18.110.050 of the Fremont Municipal Code (FMC).
2. Consider the proposed Conditional Use Permit to allow a preschool/day care and educational facility for up to 135 children, two to six years old, to be located within an existing building located at 39550 Paseo Padre Parkway based on the findings specified in FMC Section 18.230.070.

PROJECT DESCRIPTION

The applicant requests approval of a Planned District Major Amendment to P-80-3, to add a preschool/day care and educational facility to the list of allowed uses for the building at 39550 Paseo Padre Parkway, subject to a Conditional Use Permit. Currently, P-80-3 allows only office and restaurant uses. Retail uses are also allowed subject to the Planning Manager's approval. In addition, the applicant requests approval of a Conditional Use Permit for a Montessori school that would occupy the existing 9,717-square-foot building and accommodate up to 135 students between two and six years old. The applicant states that the majority of the children would be less than five years old. Children that are younger than four years, nine months old who attend the facility would be enrolled in a preschool program, which is also considered a day care facility. The facility would contain five classrooms with class sizes that would range from 19 to 35 children. The facility would operate between 8 AM and 6 PM.

A new decorative fenced outdoor play area would be created within a landscaped portion of the site that would back onto Paseo Padre Parkway and Stevenson Boulevard. The play area would be divided into two portions. The east side of the play area would contain an earth-tone colored rubber floor matting for toddlers, two to three years old. The west side of the play area would be designed for children four to six years old and would have a wood bark surface and two small play structures that would be four feet in height. The play structures would have matte finishes in brown and dark green colors and would be comprised of low maintenance resin material. The children's outdoor play periods would be staggered in order to accommodate all of the children (refer to Informational Item 1).

The fence would have a two-foot tall masonry base and a two-foot tall wrought iron railing above. The fence pilasters would be enhanced with a trim cap and decorative gray slate tiles. Public art would be integrated into the site near the corner of Paseo Padre Parkway and Stevenson Boulevard. Twelve of the trees on the site would be removed and replaced with new trees. Ample decorative landscaping would be added to beautify and screen the play area from view. A detailed description of the existing and proposed landscaping is contained in the landscaping section of this report.

PROJECT ANALYSIS

General Plan Conformance

The General Plan land use designation for the project site is Commercial - City Center, which permits offices, retail, health care, high-density residential, cultural, and entertainment uses. The following General Plan policies are applicable to the proposed project:

LAND USE POLICY 2-1.5: Fremont City Center

Plan for the transformation of Fremont's Central Business District into a pedestrian-oriented urban district known as "City Center". City Center should contain a mix of office, retail, health care, government, high density residential, cultural, and entertainment land uses, designed to create an active, lively street environment and strong sense of place. By year 2035, Fremont City Center should be the major economic activity center of southern Alameda County.

Analysis: As the City's population increases, the need for child day care and educational facilities also increases. The location of the proposed Montessori school is convenient for professionals working in offices in the vicinity, such as at the hospitals and health care facilities within the City Center.

LAND USE POLICY 2-4.5: Meeting a Range of Needs

Maintain a mix of uses and activities in commercial centers that meet a range of neighborhood and citywide needs. Some centers may be characterized by predominantly retail uses, while others may contain a more varied mix of activities including civic, education, local-serving offices, and group assembly uses.

Analysis: The desire for quality education at an early stage of life continues to be an important community value in Fremont and the demand for Montessori schools has increased over the past decade. The proposed facility would be compatible with the existing office uses within P-80-3 as well as uses in the immediate vicinity because the facility would be located within a free-standing building with a dedicated outdoor play area that would be located away from other businesses within the Planned District. The proposed Montessori school would bring vitality to the office complex by occupying an existing building that has been vacant for an extended period of time.

LAND USE POLICY 2-4.7: Collocation of Public Services in Centers

Encourage the collocation of public services such as education, health care, libraries, child care, senior centers and job training in shared facilities located within neighborhood and community centers. Such facilities and services may be incorporated within new large private development as a way to provide community benefits and meet the needs generated by development.

Analysis: The proposed daycare/educational service would be integrated with other public services in the vicinity, such as health care services, the main library and employment centers.

Zoning Regulations

The subject site is zoned Planned District, P-80-3, which permits office and restaurant uses. Retail uses may be permitted, subject to the Planning Manager's approval. The proposed Planned District Major Amendment, if approved, would allow preschool/day care and educational uses, subject to approval of a Conditional Use Permit. These types of uses are allowed in nearby areas within the City's central core.

Parking

The project would provide 34 parking spaces, which is in excess of the minimum parking requirement of 15 parking spaces. Pursuant to FMC Section 18.183.030 (Required parking spaces by type of use.), the 15 parking space minimum is calculated based on the proposed land use, as follows:

Function	Parking Ratio/Standard	Units/Number of Children	Required Spaces
Nursery School	3 plus 1 per 10 children in excess of 15 children	135	15
Total Required Parking:			15 spaces
Proposed Parking:			34 spaces

Design Analysis

Site Planning

The front of the subject building is oriented toward the parking lot. The building backs up to a landscaped area, which is adjacent to the intersection of Paseo Padre Parkway and Stevenson Boulevard and contains a lawn and seven trees. Five of the trees are eucalyptus and two are magnolias. The applicant proposes to remove the seven trees to install an outdoor children’s play area because of safety concerns. Eucalyptus trees are prone to losing branches during storms with strong winds. The southeast portion of the play area would contain an earth-tone colored rubber mat for toddlers, two to three years old. The southwest portion of the play area would contain two small play structures four-feet in height, plus three-foot hand rails for children four to six years old. The area would also contain a wood bark surface. Staff worked closely with the applicant to ensure the site and the proposed improvements would be attractive due to the site’s visibility from Paseo Padre Parkway and Stevenson Boulevard, by keeping the height of the fence and play structures to a minimum, and by providing ample landscaping and larger new trees. The new fence would have a two-foot tall masonry base and a two-foot tall wrought iron railing above. The fence pilasters would be enhanced with decorative gray slate tiles and trim cap.

The applicant also proposes to incorporate public art into the project near the intersection of Paseo Padre Parkway and Stevenson Boulevard. Staff would work with the applicant in selecting an appropriate design for the site.

The applicant would replace a sub-standard trash enclosure located adjacent to the east side of the building. A new covered trash enclosure would be installed on the north side of the building within the parking lot. The trash enclosure would have masonry walls that are textured and painted to match the building.

Architecture

As stated, the only exterior construction would consist of a new four-foot tall masonry and wrought iron fence. Because the building’s facade is understated, the fence would enhance the appearance of the site. In addition, the building would be repainted a sage color (refer to Information Item 2).

Green Building Technologies

The applicant would incorporate green building techniques into the project, as required by the California Green Building Code.

Open Space/Landscape Design

The applicant proposes to remove 12 private protected trees that range in size from 12-inch to 30-inch DBH (diameter at breast height). The trees are primarily located on the south side of the property and include eight Eucalyptus trees, two magnolia trees and two tulip trees. The tree removal is consistent with the City's Tree Preservation Ordinance because removal is necessary to enable reasonable and conforming use of the property and to achieve a superior project, and the trees cannot be preserved by a reasonably required project redesign, in that the trees impact safety and the placement of the proposed improvements. The removal of the trees would not adversely affect the appearance of the subject property due to the proposed replacement of the trees with two large 60-inch box camphor trees, three 24-inch box crepe myrtle trees and one 24-inch box ray wood tree.

Seven of the trees that would be removed are located within the proposed play area. In order to provide space for the new trees to grow, the applicant would plant six new trees. Typically, staff would require 15-gallon trees to be installed at a 1:1 ratio as replacement trees; however, to off-set the fewer number of replacement trees, the applicant would increase the size of the new trees. Two of the new trees would be large 60-inch box camphor trees that would be planted to enhance and anchor the southern portion of the site, nearest the intersection of Paseo Padre Parkway and Stevenson Boulevard. The remainder of the new trees would be 24-inch box crape myrtle trees and ray wood ash trees.

Circulation

The project site has vehicular access from both Paseo Padre Parkway and Stevenson Boulevard, which are arterial streets with full street improvements along the project's frontage. No off site work is required. Pedestrian access to the building's entrance from the public sidewalk would be improved because a new pedestrian walkway would be installed on the west side of the property, along the site's Paseo Padre Parkway street frontage.

The parents/guardians of the children enrolled in the preschool/day care educational facility would park their cars in front of the building and walk their children into the building to register them each day. The children would wait inside the building or in an adjacent fenced patio area until their parents pick them up.

FINDINGS FOR APPROVAL

In order to approve the proposed Planned District Major Amendment and Conditional Use Permit, the project must be found consistent with the General Plan and Zoning Ordinance. Based on the above analysis, staff finds the proposed Montessori day care/school is in conformance with General Plan and Zoning Ordinance and recommends the following findings:

Planned District Major Amendment Findings

- (a) **The proposed amendment to Planned District, P-80-3, or a given unit thereof, can be substantially completed within four years of the establishment of the P district** because the applicant would submit an application for building permits soon after approval of the Planned District Major Amendment and Conditional Use Permit.

- (b) **Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts** because the Planned District Major Amendment would apply only to the subject building located at 39550 Paseo Padre Parkway. As such, the project would be able to function as an individual, fully independent facility. The use is appropriate for the site because the building is located on an arterial along the periphery of P-80-3, and has a site access from both Paseo Padre Parkway and Stevenson Boulevard.
- (c) **The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district** because the streets in the vicinity, Paseo Padre Parkway and Stevenson Boulevard, are fully improved arterial streets and can accommodate the traffic generated by the proposed business.
- (d) **Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed** because the project would provide an early educational opportunity for children, prior to beginning elementary school.
- (e) **Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council** because the site is zoned P-80-3. The physical characteristic of the site and its surroundings along Paseo Padre Parkway has not changed since the property developed in the early 1980s. The proposed preschool/day care and educational facility would offer a service that does not currently exist in P-80-3.
- (f) **The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development** because the project site and buildings in the vicinity have been fully developed with a variety of service uses, such as general offices and medical offices. A preschool/day care and educational facility would be compatible with the existing uses in P-80-3.
- (g) **The P district is in conformance with the General Plan of the City of Fremont** because the Planned District Major Amendment would conform to the General Plan in that the proposed use is consistent with the General Plan land use designation of Commercial - City Center, and components of the project comply with various goals and policies of the Land Use Chapter of the General Plan as discussed in the "General Plan Conformance" section in the report.
- (h) **Existing or proposed utility services are adequate for the population densities proposed** because there are existing water, sewer, and public storm drain systems serving the area located within Paseo Padre Parkway and Stevenson Boulevard which are capable of accommodating the existing building.

Conditional Use Permit Findings

- (a) The proposed use is consistent with the General Plan as set out in the staff report because a range of uses is needed in the central core of the City. The desire for quality education at an early stage of life continues to be an important community value in Fremont and the demand for Montessori schools has increased over the past decade. The proposed facility would be compatible with the existing office uses within P-80-3 as well as uses in the immediate vicinity because the facility would be located within a free-standing building with a dedicated outdoor play area that would be located away from other businesses within the Planned District. The proposed Montessori school would bring vitality to the office complex by occupying an existing building that has been vacant for an extended period of time.
- (b) The site is suitable and adequate for the proposed use because it would be located within an area that is accessible by existing streets, not located in a sensitive area, and would not require site work (e.g., grading) as the building already exists.
- (c) The proposed use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or other public facilities or services because the trips generated by the proposed use would be acceptable, as the use under normal operation would generate less than 100 vehicle AM and PM peak hour trips.
- (d) The proposed use would not have a substantial adverse economic effect on nearby uses because it would not reduce or restrict business activities or commercial uses in the area.
- (e) The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the proposed facility would serve residents and employees in the vicinity.
- (f) The design of the project is compatible with existing and proposed development in the district and its surroundings because the building exists. The fenced children's play area was designed to improve the appearance of the building, as viewed from the intersection of Paseo Padre Parkway and Stevenson Boulevard.
- (g) With respect to Site Plan and Architectural Approval, the building would be repainted in a sage hue and the proposed new masonry and wrought iron fence, and new trees and landscaping would enhance the appearance of the site.

Tree Removal Finding

- (a) The proposed tree removal would be consistent with the City's Tree Preservation Ordinance because removal is necessary to enable reasonable and conforming use of the property and to achieve a superior project, and the trees cannot be preserved by a reasonably required project redesign, in that the trees impact safety and substantially impact the placement of the proposed improvements. The removal of the trees would not adversely affect the appearance of the subject property because the trees that would be lost would be replaced with two large 60-inch box camphor trees, three 24-inch box crepe myrtle trees and one 24-inch box ray wood tree.

The findings above are also contained in Exhibit "B" enclosed.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

PUBLIC NOTICE AND COMMENT

Public hearing notification is applicable. A total of 40 notices were mailed to owners and occupants of property within 300-feet of the site. The notices to owners and occupants were mailed on September 11, 2013. A Public Hearing Notice was published by *The Argus* on September 13, 2013.

RECOMMENDATION

1. Hold public hearing.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
3. Recommend that the City Council find that the Planned District Major Amendment and Conditional Use Permit (PLN2013-00260) are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies in the General Plan's Land Use Chapter.
4. Recommend that the City Council introduce an ordinance approving a Planned District Major Amendment (PLN2013-00260) to P-80-3 in order to allow a preschool/day care and educational facility as an allowable use subject to a conditional use permit, based on findings and subject to the conditions of approval in Exhibit "B."
5. Recommend that the City Council approve a Conditional Use Permit (PLN2013-00260), as depicted in Exhibit "A" (including the Site Plan and Floor Plan), based on findings and subject to the conditions of approval in Exhibit "C."
6. Recommend that the City Council approve the proposed removal and mitigation for twelve protected trees pursuant to the City's Tree Preservation Ordinance as described in the staff report.

ENCLOSURES

- Exhibit A Site Plan, Floor Plan and Landscape Plan
- Exhibit B Planned District Major Amendment Recommended Findings and Conditions of Approval
- Exhibit C Conditional Use Permit Recommended Findings and Conditions of Approval
- Exhibit D Zoning and General Plan Designation Maps
- Exhibit E Aerial Image of Site and Vicinity
- Informational 1 Applicant's Project Description
- Informational 2 Colored Rendering of Building and Site