

STAFF REPORT

PROJECT INFORMATION:

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| Application: | Lewis-Chen Child Care Center |
| Date of Hearing: | November 20, 2019 |
| Applicant/Owner: | Barbara Lewis / Xiuya (Ted) Li / Yi (Teresa) Chen |
| File Number: | PLN190017 |
| Location: | 1941 Sunset Drive, Hollister |
| APN: | 019-310-009-000 |
| General Plan: | RM Residential Mixed |
| Zoning: | RR Rural Residential |
| Project Planner: | Richard Felsing |

PROJECT DESCRIPTION

The applicants propose to operate a “Day Care Center or “Child Care Center” in an existing residence, on a 1.06-acre parcel under their ownership at 1941 Sunset Drive, in the unincorporated Holliday Subdivision just east of Hollister.

The Child Care Center is proposed to care for up to 14 children between the ages of 2 to 6 years old, and would operate Monday through Friday 7a.m. to 7p.m., with staggered arrival/departure times to minimize traffic impacts. Staff would consist of 2 teachers/care givers (Barbara Lewis & Yi (Teresa) Chen), and the residence is owned by Xiuya (Ted) Li and Yi (Teresa) Chen.

The Child Care Center would offer Montessori programming. The existing residence provides capacity to serve up to 30 children. The applicant’s Child Care Center will be licensed through the California Department of Social Services (CDSS), the same as their existing San Jose Child Care Center and every Child Care Center in the State of California.

DEFINITIONS

Definitions rest on whether child care is based in a home environment, and on facility size; no maximum capacity is specified for child care centers, which need not be based out of a home/primary residence. Licensing requirements are determined by the California Department of Social Services (CDSS) and are specific to the type of facility, and the number and type of student; qualifications of caregivers/teachers vary accordingly.

“Child Day Care Facility” means [any] facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes (§1596.750).

“Family Day Care Home” means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care

home or a small family day care home (§1596.78(a)). “Large family day care” is a home that provides family day care for 7 to 14 children; “small family day care home” is a home that provides family day care for 8 or fewer children.

“Child Care Center” or “Day Care Center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to Section 1596.951 (§1596.76).

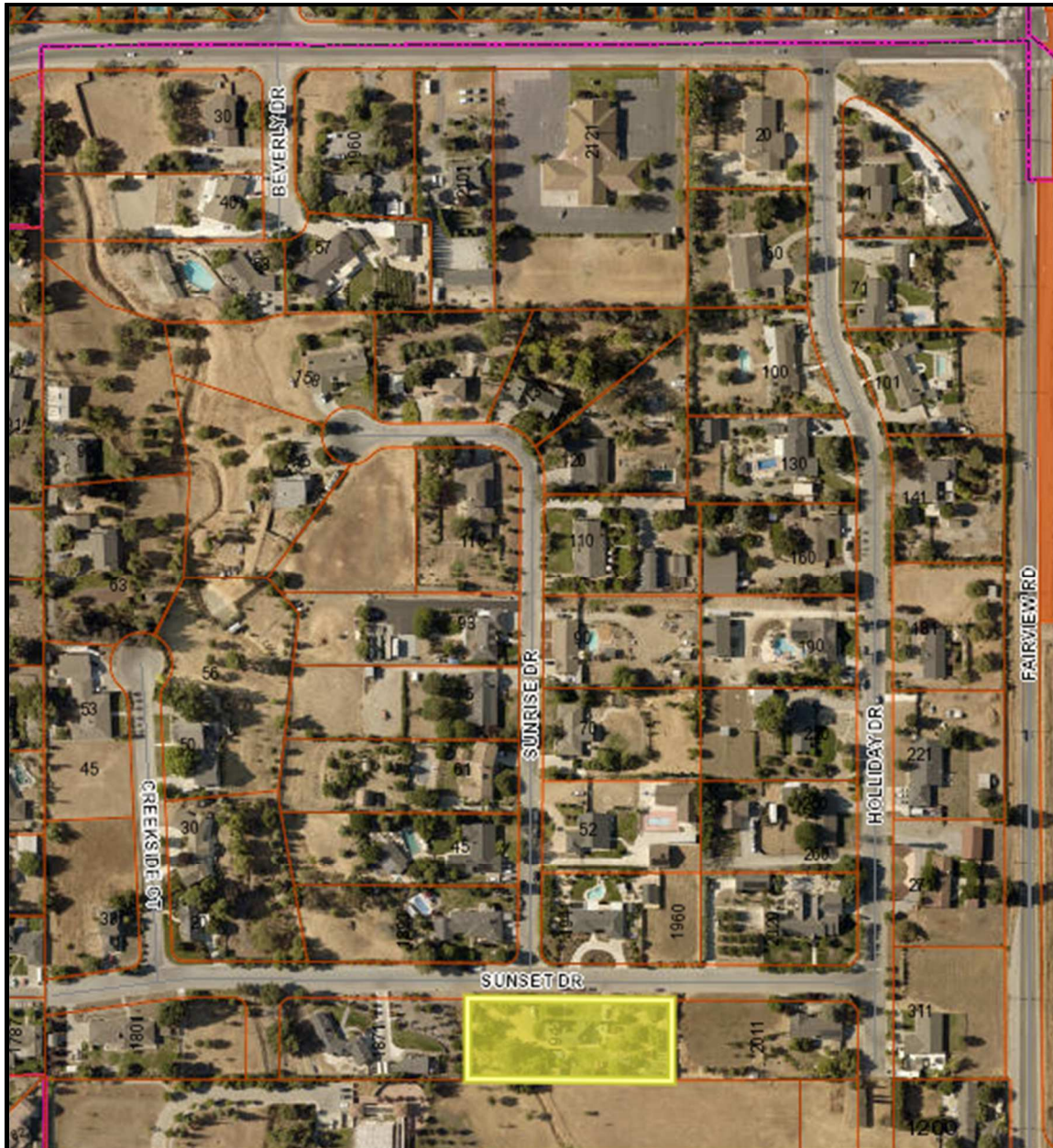


Figure 1. Project Site and Vicinity, with Road Network

PLANNING & ZONING

The property zoned RR Rural Residential and carries an RM Residential Mixed land use designation in the General Plan. The County's Rural Residential zoning provisions states that "[u]ses listed in §25.29.106 of this title" (H) "are conditional uses in an RR district"; section §25.29.106 Additional Uses Permitted specifies that a "Day nursery" is allowed "where . . . deemed essential or desirable to the public convenience or welfare, and . . . in harmony with the various elements or objectives of the general plan." The purpose of the Residential Mixed (RM) land use classification is to:

allow areas of unincorporated urban uses where circulation and utility services exist. This will provide individuals with the opportunity to live in an unincorporated village or neighborhood atmosphere composed primarily of residential land uses with some commercial uses serving the residences. This designation applies to areas that are largely developed and have public infrastructure and services necessary to support the increased density.

Conditional use permits require the Planning Commission to determine that a proposed use (A) "is properly located in relation to the general plan and to the community as a whole"; and (B) "will not adversely affect other properties in the vicinity or cause any damage, hazard or nuisance to person or property, "if it complies with all conditions up on which approval is made contingent" §25.43.004(A), §25.43.004(B).

Use permit PLN190017 proposes a "Child Care Center" (or day care center, day nursery, preschool) as defined under state statute and county ordinance (Calif. Health & Safety Code §1596.76; SBCC §25.29.106). The facility does not need to be operated out of a primary residence, and could in the future potentially serve more than 14 students. Child Care Centers are subject to local land use regulations, and is not considered a residential use (unlike family day care centers).

DISCUSSION

Conditional use permit approvals must find that the proposal is (a) "properly located in relation to the general plan and to the community as a whole"; and (b) "will not adversely affect other properties in the vicinity or cause any damage, hazard or nuisance to person or property," §25.43.004(A),(B).

Here, County staff has been unable to make either finding.

As proposed, a Child Care Center operated as a commercial facility from a secondary residence, with a Montessori curriculum, would qualify as a preschool. As such, it would not conform to the Residential Mixed land use designation in that it would not be "serving the residences of the subdivision," but would instead draw customers from the surrounding area. The proposed site is not properly related to other land uses. The increase in traffic, this deep in the subdivision, would likely alter the character of the area.

As a preschool the facility bears attributes of a school which may be operated only by “non-profit or governmental entities” under RR Rural Residential zoning (§25.29.106(G)). The project is a for-profit facility. Schools attract substantial traffic, and this deep in a one-outlet subdivision, the level of traffic generated indicates that the proposed child care center is not properly located in relation to infrastructure or services, here, the local road network.

As proposed, the proposal has some potential to adversely affect other properties in the vicinity or cause hazard or nuisance to persons or property, based on unpredictable traffic patterns and traffic volumes generated.

Traffic Patterns. Day care or school drop-off/pick-up locations are hot-spots for chaotic traffic patterns and unpredictable driver behavior. Few drivers navigate drop-offs the same way, and here drivers must execute a U-turn or Y-turn in a driveway to reverse direction to drop-off their child with the passenger side door facing the subject property on the south side of Sunset Drive. These maneuvers could be further complicated, as children ages 2yo to 6yo might require some parental assistance in delivering to or retrieving their child from child care staff. As such, project design has not yet accounted for adequate “parking, loading” arrangements (§25.43.005(B)) to alleviate unpredictable vehicle movements at peak traffic hours.

Traffic Volumes. The ITE Trip Generation Manual estimates the facility would generate 11.76 trip ends/peak weekday commute using a 0.84 trip generation rate (per student, average rate, pp. 932-936). A single-family residence would be projected to generate 1.02 trip ends/peak weekday commute using a 1.02 trip generation rate (per dwelling unit, p. 267). Over an entire weekday, a fourteen-child day care center would generate about 31.64 trips (4.52 trip ends/child, p. 932)—or 63.57 ‘trip ends’.

Staff finds that the facility would more properly be located along an arterial or collector road rather than sited as deep in the subdivision as now proposed, near the terminus of residential-serving roadways. Projected traffic increases would be expected this far into the Holliday Subdivision, and as proposed, project proponents have not yet found a suitable way to minimize unpredictable traffic patterns at pickup/dropoff.

ENVIRONMENTAL EVALUATION

The California Environmental Quality Act (CEQA) Section 15270 states that “CEQA does not apply to projects which a public agency rejects or disapproves.”

CONCLUSION

County Resource Management Agency staff recommends denial of the proposed 14-child child care center at 1941 Sunset Drive for reasons outlined above and as follows: a) the proposed project is not properly located in relation to the road network or to other land uses; b) measures to reduce potential impacts of school-like attributes and potential future increases in child-care capacity have not yet been identified, and c) for the above reasons, the proposed project is not yet ripe for review and approval.

Should the Planning Commission wish to entertain an approval of the request, staff suggests a continuance so that the Commission may impart to the applicants and to staff the conditions or project adjustments that the Commission feels would work. Findings and Evidence may also be identified by the Planning Commission and conveyed for the record to applicants and staff.

EXHIBITS

- A. Draft Resolution denying PLN190017; with Attachments:
 - 1. Revised Project Site Map & Floor Plan
- B. Project Data Sheet
- C. Project Operational Details

Exhibit B: Project Data Sheet
Lewis / Chen Child Care Center UP PLN190017
1941 Sunset Drive, Hollister

Project proposal: Application to operate a child care center (aka day nursery, day care, preschool)

Assessor Parcel Numbers: 020-570-048

Legal Lot of Record: Lot 47, as shown on map of Holliday Ranch Tract No. 150, Unit No. 2; was established as a legal lot of record according to Book 8 PM Page 83, County of San Benito Records, recorded May 9, 1979.

Permit Requirement: Conditional Use Permit

Zoning: RR Rural Residential

General Plan: RM Residential Mixed

Land Use: Residential

Minimum Building Site Allowed: One-half acre where sewer and water services are available. One acre minimum where either sewer or water service are not available.

Lot Size: 1.06 acres

Sewage Disposal: On-site Septic

Water: Sunnyslope County Water District

FEMA Flood Zone: Southwest 15% of parcel is drainage easement rated Zone AE; unlikely to flood. 85% Zone X, not in a floodplain; areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0205D, effective April 15, 2009.

Fire Severity: Urban Unzoned Fire Severity

Within earthquake fault zone: None. The property is 7,400 feet east of the Calaveras Fault Zone, and 20,000 feet west of the Quien Sabe Fault zone.

Williamson Act Contract Area: No

Exhibit C: Project Operational Details

LIGHTHOUSE EDUCATION INC,

To: Richard Felsing, Taven Kinison Brown
County of San Benito Resource Management Agency

From: Barbara Lewis, Director
Child Care @ 1941 Sunset Dr. Hollister

Date: November 11, 2019

In our last meeting with Tavin Brown and Richard Felsing, it was recommended that we present in writing some clarification of our Project Description, specifically; number of children served, age of children served and roles of Xiuya Li(Ted), Yi Chen(Teresa) and Barbara Lewis.

Age of children served: Infant through (Kindergarten) – 5 years old.

Number of children served: 14

Roles of Barbara, Ted and Teresa:

(Ted) Xiuya Li is co-owner of the property of the proposed child care with Yi Chen(Teresa) Ted currently resides upstairs in the property. Ted maintains the physical property but is not involved in the day to day operation of the proposed child care. Ted is also co-owner of Lighthouse Montessori School in San Jose, Ca.

(Teresa) Yi Chen is co-owner of the Hollister property of the proposed child care with (Ted) Xiuya Li. She does not reside at the said property. Teresa is not responsible for day to day operations but will assist with administrative duties, as she does at their Lighthouse Montessori child care in San Jose.

Barbara Lewis will be the Director of the proposed child care in Hollister at 1941 Sunset Drive. She will be responsible for day to day operations. Barbara Lewis is co-founder of Lighthouse Montessori child care with Ted and Teresa.

Changes: A revised site plan will be submitted November 12, 2019 to show semi-circular drive-way in front of the property.

Please let me know if any of the items above or any parts of our project planning at this point is not in accordance with what you would recommend.

Sincerely,

Barbara Lewis

