

**ITEM V-A: CONDITIONAL USE PERMIT MODIFICATION – FUSION EARLY LEARNING – 202 BONITA ST – FILE# 2013PL-032 (CUP- 000086)**

**REQUEST**

The applicant requests approval of a Conditional Use Permit Modification to allow a daycare to operate in an existing building in a Two-Family Residential (R2) zone.

Applicant – Building Blocks Child Development Centers, LLC., Tom Hamilton  
Property Owner – The Rock of Roseville, Kenneth Wahlberg

**SUMMARY RECOMMENDATION**

The Planning Division recommends that the Planning Commission take the following action:

- A. Adopt the two (2) findings of fact for the Conditional Use Permit Modification; and
- B. Approve the Conditional Use Permit Modification subject to six (6) conditions of approval.

**SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues. The applicant is in agreement with the recommended conditions of approval.

**BACKGROUND**

The project site is located at 202 Bonita St. at the southeast corner of Clinton Av. and Bonita St. (see Figure 1). This property is located within the Cherry Glen neighborhood within the Infill Area of the City. The property is zoned Two-Family Residential (R2) with a land use designation of Low Density Residential (LDR). The property is currently developed with a 10,000 square foot two-story building with associated parking, lighting and landscaping.

Consistent with the existing CUP, the building was previously occupied by Cornerstone Christian School with a K-12 school which allowed up to 200 students within the building. The building located at 143 Clinton Av. had also been included as part of Cornerstone's school campus which allowed for up to 60 students within that building. Following the end of the 2011-2012 school year, Cornerstone Christian School did not renew their lease, leaving the school facilities vacant. In August 2012, a CUP MOD was approved for the 143 Clinton Av. property to allow for American Montessori Elementary to locate their grades 1<sup>st</sup> – 6<sup>th</sup> program for up to a maximum of 60 students.

At this time, the applicant proposes a CUP MOD to allow for a daycare use for Pre-K through sixth grade for up to 200 students to operate from 202 Bonita St. A CUP MOD is required for Fusion Early Learning to address the change in use from a private school to a daycare facility as well as modify the operational plan of the current CUP.

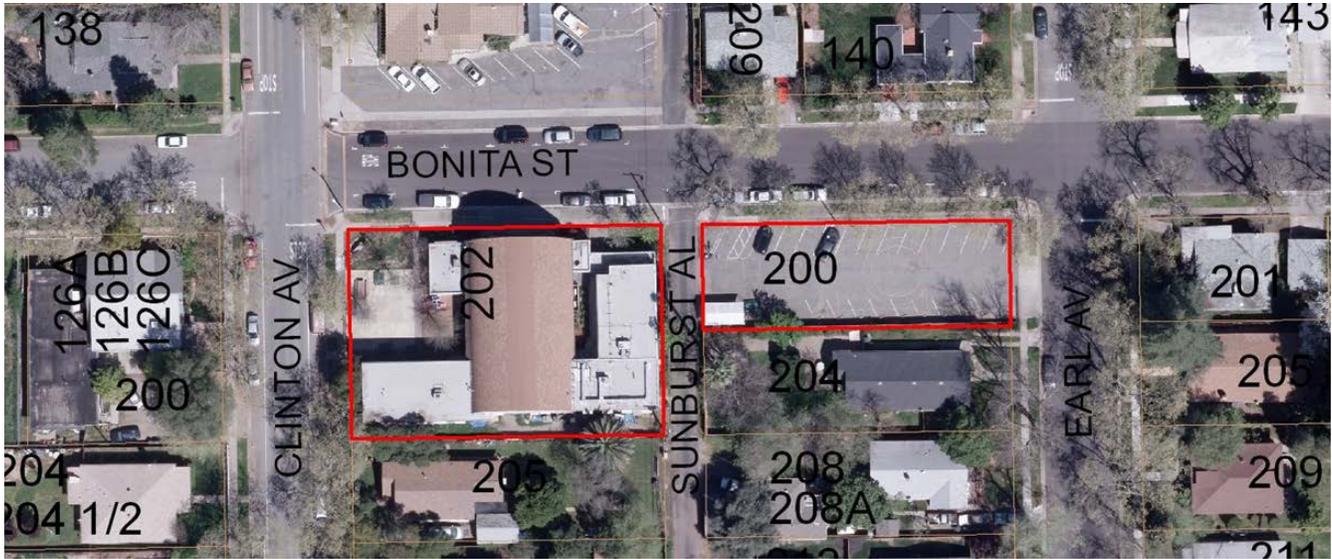


Figure 1: Project Location

## **FINDINGS/EVALUATION**

Section 19.78.060(J) of the Zoning Ordinance requires that two findings be made in order to approve a Conditional Use Permit Modification. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

1. ***The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval and all applicable design, development, and improvement standards in effect as of the date of application for the modification.***

Cornerstone Christian School provided a K-12 private school program for up to 200 students at 202 Bonita St. and 60 students 143 Clinton Av. The applicant would like to modify the existing CUP to allow for a daycare facility to operate at 202 Bonita St. for up to 200 students grades Pre-K – sixth (ages 2 to 12). Fusion Early Learning offers year round part day and full day preschool programs, private Kindergarten and before and after school programs for children up to age 12. The facility will be licensed by the State through Community Care Licensing. The applicant has provided a project summary for the CUP MOD which is provided as Exhibit A to this report.

**Change in Use** - 202 Bonita St. has a zoning designation of R2 which conditionally permits a daycare facility. Staff has found, as described below, that the daycare use is less intensive than the previous school and the daycare use in this location can be supported based on the proposed operations plan.

**Number of Students** - The number of students proposed is the same as the previous CUP with a maximum number of students of 200. The applicant has indicated that it is unlikely they would operate consistently with 200 students and anticipate operating consistently with 100 students. Consistent with the existing CUP, children ages 2-7 will be located on the first floor of the building.

**Hours of Operation** – The existing CUP allows for academic hours of 8 a.m. to 3:30 p.m. with additional school activity hours from 7 a.m. to 10 p.m. The proposed facility would have academic/main care hours from 8 a.m. to 3:30 p.m. with additional operating hours from 7 a.m. to 6 p.m. for before school/after school care. Outdoor play will take place within the fenced courtyard towards the west side of the site. Outdoor play times will take place from 11:30 a.m. to 12:30 p.m. and 3:15 p.m. to 4:00 p.m. consistent with school operating hours. Under the previous CUP outdoor activity areas included this space as well as the on-site parking lot at 200 Bonita St. Under this CUPMOD only

the courtyard area is proposed as a designated outdoor play area. The applicant intends to have occasional school events such as back to school night and parent/teacher meetings within the school building which would be scheduled between 5 p.m. and 7 p.m. As it relates to hours of operation, the proposed use will have fewer operating hours than the previous school.

**Parking and Drop-off/Pick up** - Daycare uses have a parking requirement of one space per employee, one per company vehicle and one loading space for every eight children at the facility. Based on 200 students, 8 staff members and no company vehicles, the proposed use has a parking requirement of 33 spaces. The facility has an existing parking lot on site with 28 parking spaces. Additionally, the property has on-street parking directly fronting the school on both Clinton Av. and Bonita St. totaling 19 spaces. These spaces are directly in front of the school and not in front of neighboring residential properties. Adequate parking is available to support the daycare use.

The existing CUP included a detailed drop off and pick up plan based on the number of students attending the school and the fact that the campus included two buildings in which drop off and pick up occurred on both sides of the street. For the previous school, the academic hours began at 8 a.m. and concluded at 3:30 p.m. so there was a larger influx of drivers into the area at those specific times. With the proposed daycare, which offers half day, full day and before/after school programs, pick up and drop off will be spread out over a wider number of hours resulting in fewer trips during typical drop off and pick up times. Additionally, caregivers are required to sign in and sign out their children from the daycare facility which requires parents to park and walk into the school based on their specific schedule.

Based on the analysis above and as conditioned, staff finds the proposed CUP MOD for Fusion Early Learning to be in substantial compliance with the existing use permit and conditions of approval.

**2. *The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies, and objectives set forth in the General Plan and the applicable Community Design Guidelines.***

**General Plan & Zoning Consistency:** The project site has a land use designation of Low Density Residential (LDR) and a zoning designation of Two-Family Residential (R2). The LDR land use designation anticipates mostly single family residential uses. However, the General Plan does indicate that childcare facilities are considered an acceptable secondary use. The General Plan relies on the Zoning Ordinance to dictate specific uses allowed within a zoning district.

The Zoning Ordinance indicates that daycares are permitted within this zone subject to approval of a CUP. The Zoning Ordinance identifies that a daycare has the potential to be compatible with a residential neighborhood; and therefore, conditionally permits the use subject to further review. The CUP is the entitlement to evaluate the appropriateness of the proposed project in comparison to the existing CUP. A CUP also allows for "operational conditions" to be placed on the project to ensure that the use operates in a manner that is compatible with the neighborhood (i.e. hours of operations limitations, maximum number of students, etc.).

Lastly, no exterior improvements are proposed and therefore the City's Community Design Guidelines are not applicable to this project. Based on this information, staff finds that the proposed project is in compliance with the requirements and goals of the General Plan and Zoning Ordinance.

**CONCLUSION**

Based on the analysis contained in this staff report and as conditioned, staff finds that the proposed project is consistent with the original CUP and meets the requirements of the General Plan and Zoning Ordinance; and therefore, the required findings to approve the CUP can be made.

## **PUBLIC OUTREACH**

A project notice and legal notice were mailed to the Cherry Glen Neighborhood Association. Additionally, legal notices were mailed to property owners and residents within a 300 foot radius of the project site. To date, no comments have been received by staff. The applicant sent out a mailer to 85 properties immediately surrounding the project site to make them aware of the proposed CUP MOD. The applicant indicated they have not received any comments to date.

## **ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) per Section 15301 pertaining to Existing Facilities and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

## **RECOMMENDATION**

The Planning Division recommends that the Planning Commission:

- A. Adopt the two (2) findings of fact as discussed in the staff report for the Conditional Use Permit Modification – Fusion Early Learning – 202 Bonita St. – FILE# 2013PL-032 (CUP- 000086); and
- B. Approve the Conditional Use Permit Modification – Fusion Early Learning – 202 Bonita St. – FILE# 2013PL-032 (CUP- 000086), with the six (6) conditions of approval listed below.

## **CONDITIONS OF APPROVAL FOR CUP- 000086:**

- 1. The project is approved as shown and described in Exhibits A and B and as conditioned or modified below.
- 2. The maximum number of students for 202 Bonita St. shall be 200. (Planning, Fire, Building)
- 3. Children ages two through seven are not permitted on the second floor. Direct egress to the exterior is required. (Fire, Building)
- 4. Academic school hours of operation shall be limited to 8:00 a.m. to 4 p.m. Monday through Friday. (Planning)
- 5. Before school care and after school care and activities shall occur no earlier than 7 a.m. and shall end by 8 p.m. (Planning)
- 6. Sunburst Alley shall not be used as a short cut between Douglas Bl. and Bonita St. (Planning)

## **EXHIBITS**

- A. Fusion Early Learning Operations Plan
- B. Site Plan and Floor Plan

<p><b>Note to Applicant and/or Developer:</b> Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.</p>
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