



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building



**Date:** June 9, 2014  
**Board Meeting Date:** July 15, 2014  
**Special Notice / Hearing:** Newspaper and 10-Day  
Notice to Property  
Owners within 300 Feet  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Acting Community Development Director

**Subject:** Public hearing to consider an appeal of the Planning Commission's decision to certify the Initial Study/Mitigated Negative Declaration and approve a Use Permit, to allow operation of a 24-child preschool/day care center in an existing single-family residence in the unincorporated West Menlo Park area of San Mateo County.

County File Number: PLN 2013-00191 (Toddle, LLC)

**RECOMMENDATION:**

Deny the appeal and uphold the decision of the Planning Commission to approve a Use Permit to allow operation of Toddle, LLC, a 24-child preschool/day care center, and certify the Initial Study/Mitigated Negative Declaration, based on the findings contained in Attachment A.

**BACKGROUND:**

Proposal: The applicants, Heather Hopkins and Amy Burnett, for Toddle, LLC/3131 Alameda, LLC, request approval of a use permit to allow operation of a preschool/day care center (the Center) in an existing single-family residence in the unincorporated West Menlo Park area of San Mateo County.

As proposed, up to 24 preschool children, ages 2 to 6, would be present at the subject property at any one time. The Center would be staffed by two full-time staff holding degrees in Early Childhood Education and certified in pediatric cardiopulmonary resuscitation (CPR) and first aid, and one part-time staff person. The children will receive instruction in the areas of music, art, movement, words and numbers. The preschool/day care center will differ from a standard facility, as the operations will be based on a business model that targets clientele needing short-term day care services, typically on short notice. Examples of clientele include, but are not limited to, stay-at-

home parents, home business owners and part-time working professionals who do not adhere to a standard work schedule. The Center's computerized reservations system would schedule drop-offs and pick-ups during the course of the day, starting from 8:30 a.m. until 6:00 p.m., with up to forty (40) drop-offs daily, but no more than 10 pickups and drop-offs per hour (10 trips in and 10 trips out). The use of this system would enable the operators to stagger drop-off and pick-up schedules, in order to minimize traffic and parking issues. The Center would operate on weekdays only.

The Center provides two programs with different schedules. For the Penguin Playgroup, drop-off is from 8:30 a.m. to 10:00 a.m. and pick-up is from 12:30 p.m. to 2:00 p.m. The Open Playgroup program allows for flexible drop-offs and pick-ups, to be scheduled at any time within any maximum 4-hour period. Pre-prepared food is offered during meal times (snack/lunch). Outdoor activities are scheduled thrice daily, with no more than 12 children playing outdoors at any one time. The morning sessions are from 9:30 a.m. to 10:00 a.m. (optional) and 11:00 a.m. to 11:30 a.m., while the afternoon session is from 2:00 p.m. to 2:45 p.m., all scheduled during the standard work day.

The proposal includes two garage spaces that would be available for full-time staff parking. A total of four on-site parking spaces would be available for customer parking, including three parking spaces in the driveway accessible from Manzanita Avenue and one Americans with Disabilities Act-compliant parking space (ADA parking space) accessible from Alameda de las Pulgas. Provision of parking would involve widening of the driveway accessible from Manzanita Avenue by 0.5 feet, as well as the removal of vegetation and new paving in front of an existing curb cut for the ADA parking space accessible from Alameda de las Pulgas. Undesignated, on-street parking spaces are located along Alameda de las Pulgas to facilitate drop-offs and pick-ups.

The project involves minor alteration to the interior of the residence to provide play areas, administration and office areas, bathrooms, and an entryway. Only minor exterior upgrades of the residence are necessary to accommodate the project: (1) a new secondary entrance door, stair and landing area at the front elevation along Manzanita Avenue, (2) replacement of an existing deck at the left side elevation with a new exit door, exit stairs and ramp, and (3) minimal new paving and vegetation removal associated with two new on-site parking spaces.

Report Prepared By: Dennis P. Aguirre, Project Planner, Telephone 650/363-1867

Applicants/Owners: Heather Hopkins and Amy Burnett  
Toddle, LLC/3131 Alameda, LLC

Appellants: Joan Jester, et al.

Location: 3131 Alameda de las Pulgas, West Menlo Park (unincorporated San Mateo County)

APN: 074-025-270

Parcel Size: 6,175 sq. ft.

Parcel Legality: Developed Parcel

Existing Zoning: R-1/S-72 (One-Family Residential District/S-72 Combining District with 5,000 sq. ft. minimum parcel size)

General Plan Designation: Single-Family Residential

Sphere-of-Influence: City of Menlo Park

Existing Land Use: Medium Density Residential

Water Supply: California Water Service Company

Sewage Disposal: West Bay Sanitary District

Flood Zone: Zone X, Areas of Minimal Flooding

Environmental Evaluation: Negative Declaration published with a review period of January 22, 2014 to February 10, 2014. Please see Section F of this report for full discussion.

Setting: The site is located in a residential neighborhood, on the corner of Alameda de las Pulgas (an Arterial Collector Street) and Manzanita Avenue. The site is fairly flat in topography. Trees line the streets throughout this neighborhood area.

Chronology:

<u>Date</u>	<u>Action</u>
May 15, 2013	- Application for use permit is submitted to the County.
January 22, 2014	- Initial Study and Mitigated Negative Declaration (IS/MND) are made publicly available and the 20-day public review period commences.
February 10, 2014	- IS/MND public review period ends.
February 12, 2014	- The Planning Commission holds a public hearing and approves the project in a 5-0 vote.
February 26, 2014	- Appeal submitted to the County by 14 neighbors (Attachment G).

- April 26, 2014 - Comment letter received from an interested member of the public (Attachment K).
- July 15, 2014 - Board of Supervisors public hearing of the project.

**DISCUSSION:**

A. PLANNING COMMISSION ACTION AND SUBSEQUENT APPEAL

The Planning Commission considered the project at its February 12, 2014 meeting, and by a vote of 5-0, unanimously approved the project (decision letter is included in Attachment E). Prior to the Planning Commission’s decision, Planning staff received numerous comment letters from members of the public, with 31 letters in support and 19 in opposition of the project. On February 26, 2014, planning staff received an appeal filed by 14 neighbors (Appellants) challenging the Planning Commission’s decision. The Appellants reside at eight separate addresses in the area (see Attachment G). The appeal includes a petition in opposition to the project with over 120 signatures.

B. APPELLANTS’ MAIN POINTS OF APPEAL

The following discussion is a summary of the major points of the appeal. Many of the points reference findings made by the Planning Commission, which are listed and included in the decision letter in Attachment E. Points regarding traffic are followed by a response from the project traffic consultant, Kimley-Horn and Associates, Inc. These responses have been reviewed by the County’s Department of Public Works staff and were found to be adequate. Points regarding other matters are followed by staff’s response. The major points of the appeal are as follows:

1. The Appellants challenge Findings Nos. 1 and 2 made by the Planning Commission regarding the accuracy of the Mitigated Negative Declaration and adequacy of mitigation measures in reducing project impacts, such that the project will have no significant impacts. The Appellants state that project noise would violate the Noise Control Regulations contained in Chapter 4.88 of the San Mateo County Ordinance Code and that the project is expected to result in significant impacts to traffic, parking and neighborhood safety.

Staff’s Response No. 1: It is anticipated that noise levels generated by the proposed preschool/day care center would not be in violation of Noise Control Regulations contained in Chapter 4.88 of the San Mateo County Ordinance Code. These regulations establish a noise level standard of 55-dBA for schools during the daytime (7:00 a.m. to 10:00 p.m.) for 30 cumulative minutes in any 1-hour period.

As stated in the IS/MND, the expected noise from outdoor play activities involving 12 children (ages 2 to 6 years old) would be minimal. The expectation is based on noise levels measured at the University Heights Montessori (Montessori school), located at 2060 Avy Avenue in West Menlo Park, a 30-child preschool/day care facility located within the same R-1/S-72

Residential Zoning District as the proposed Center. Noise levels of 30 children playing outdoors during recess were measured at the Montessori school as a part of the Planning and Building Department's review of its use permit (PLN 1999-00881) application. The resulting readings determined a 55 to 64-dBA ambient noise level range that subsided to 47 to 50-dBA at the conclusion of recess, when the children returned indoors. Outdoor play times at the Center would involve less than half of the number of children at the Montessori school (12 children) and would be limited to two 30-minute morning sessions and one 45-minute afternoon session each day. Therefore, the project is expected to generate ambient noise levels well below the 55 to 64-dBA ambient noise level range attributed to 30 children at play.

In their appeal application, the Appellants include references to various noise studies. Of the citations provided by the Appellants, staff found the publication by the Low Income Investment Fund (LIIFund), titled "Responding to Child Care Facilities: A Practical Guide for City and County Planners" (Practical Guide), most useful in identifying mitigations to helping to resolve the concerns expressed by Appellants.<sup>1</sup> The Practical Guide addresses noise concerns relating to Child Care Centers,<sup>2</sup> acknowledges that Child Care Centers proposed in residential areas may pose concerns, especially if the play areas are near residential living areas. It makes the following suggestions where there is a concern that the play area may be too close to the residential living areas:

- Consider the actual noise impact of a child care center in light of the ambient noise level in the area: Alameda de las Pulgas is designated an arterial highway by the General Plan "Existing Road System" map, with traffic generating higher amounts of ambient noise than a standard residential street. Therefore, project noise levels may to some extent be absorbed with ambient noise levels from traffic along Alameda de las Pulgas, especially during commute hours.
- Consider moving the location of the outdoor play area to reduce noise impacts: Two large outdoor areas exist on-site, in the front yard along Manzanita Avenue and in the rear yard where the play area is proposed. The location of a facility-sized play area at the front of the property would distance noise sources from adjoining neighbors but would change the residential character of the property. Therefore, while the proposed location of the outdoor play area may result in noise impacts to neighbors, the front yard location may present aesthetic impacts.

---

<sup>1</sup> [http://www.liifund.org/wp-content/uploads/2011/03/3-Responding\\_to\\_Child\\_Care\\_Facilities.pdf](http://www.liifund.org/wp-content/uploads/2011/03/3-Responding_to_Child_Care_Facilities.pdf)

<sup>2</sup> Per California Health and Safety Code, Section 1596.76, Child Care Center means any child day care facility other than a family day care home, and includes infant centers, preschools, and extended day care facilities.

- Consider requiring the child care center to develop limitations on the use of the play area, either in terms of the outside hours of play or the number of children in the play area at any one time, as long as the supervision of children and children's access to outdoor playtime are not unreasonably jeopardized: The use permit would limit the number of children in outdoor areas to no more than 12 children at a time. Condition of Approval No. 6 has been revised to include the limit. The Board of Supervisors may consider further reducing the number of children outdoors at any one time to address noise concerns.
- Consider requiring vegetation or other noise attenuation material, such as acoustical fencing: The applicants propose landscaping to provide noise attenuation. Condition of Approval No. 21 requires the applicants to consult with a landscape architect regarding noise reducing landscaping, and consult with adjoining neighbors and submit the plan to the County, prior to the Current Planning Section's approval of the building permit for the project. Acoustical fencing used in residential environments resembles wooden fencing, but consist of acoustical material (such as heavy mineral filled, barium free visco elastic acoustical material). Acoustical fencing is anticipated to be significantly more expensive than a standard wooden fence and is not expected to be needed in order to maintain compliance with noise regulations. This assumption, accompanied by future noise studies, can be evaluated during future use permit renewals.

Staff agrees that many of the noise reduction strategies provided in the Practical Guide are appropriate and staff has incorporated appropriate strategies in the project's conditions of approval in Attachment A, as indicated above.

The Appellants also state that the noise generated by the project would conflict with noise policies of the General Plan, specifically Policies 16.1 through 16.5, and Policies 16.11 through 16.16. As reviewed in Section D.1 of this staff report, the project, as proposed and conditioned, complies with these policies. The Appellants' concerns regarding traffic, parking and neighborhood safety are addressed in Section B.3 of this report.

2. The Appellants challenge Finding No. 5 made by the Planning Commission for the issuance of a use permit, arguing that the proposed use will be detrimental to the neighborhood, as the project would convert the residential property to a commercial use.

Staff's Response No. 2: While a preschool/day care center is considered a non-residential land use, specifically a school use, the structure proposed for the facility is a residential home which requires only minor modifications

to accommodate the use. As discussed in Section D.2 of this report, schools are allowed in the R-1 (One-Family Residential) Zoning District, subject to the approval of a use permit. The County has historically considered day care facilities and preschools to be schools, as they include an educational component (e.g., kindergarten readiness) and have similar operational and land use impacts. Applying this policy, the County approved a use permit (PLN 1999-0088) for the University Heights Montessori, a 30-child preschool/day care facility, on November 7, 1991, with subsequent use permit renewals also having been approved. For reference, staff has listed in Table 1 of Section C of this report the types of day care facilities (where differences are based on number of children present) and permits required at the County and State level.

3. The Appellants challenge that potential project impacts to traffic and parking are less than significant, as stated in Finding No. 5.a.

The Appellants assert that the traffic study prepared for the project does not adequately evaluate project impacts due to the inappropriate timing and scope of the study. The Appellants' concerns are included in full in the Appeal Application (Attachment G). The traffic consultant's full response to the concerns is included in Attachment H of this report. The following is a summary of the Appellants' main concerns, followed by staff's response prepared in consultation with the traffic consultant:

a. The Appellants claim that the traffic study should have been conducted over multiple days rather than one day:

Traffic Consultant's Response No. 3.a: Due to the expensive and time-intensive process of traffic data collection, collection of baseline traffic data for a single day is common, particularly when studying a use that generates relatively little traffic, such as the proposed project. For example, per the San Mateo County Traffic Impact Study Guidelines, a formal traffic impact study is generally needed when a project generates over 500 vehicle trips per day or over 100 trips during the peak hour. The proposed project is expected to generate 164 daily trips and 20 trips (10 in and 10 out) during the highest trip-generating hour. Traffic data was collected during a typical weekday (excluding Mondays and Fridays), and efforts were made to avoid collecting data during unusual circumstances (i.e., on days of special events, construction activity, closures, etc.). Due to the scheduling of this study, traffic data was collected during the summer of 2013 when many schools are closed. In order to provide a conservative analysis and minimize concerns regarding a potential underestimation of existing traffic levels when using summer traffic data, existing summer traffic count volumes were adjusted upward by 18%, based on available traffic count data collected in 2012 to reflect traffic conditions at a time of year when schools are in session.

- b. The Appellants fault the traffic study because it was conducted in July when residents were out of town and off the roads:

Traffic Consultant's Response No. 3.b: As noted, the traffic count data collected in the summer of 2013 was adjusted upward by 18%, based on recent (2012) traffic count data for Alameda de las Pulgas that was collected when schools were in session. In addition, after submittal of Kimley-Horn's traffic study, the traffic count data collected in the summer of 2013 was compared to another traffic data sample for Alameda de las Pulgas, within three blocks vicinity of the proposed project, collected during April 2014, when schools were in session. The second data sample revealed that peak hour traffic volumes on Alameda de las Pulgas were only 6% higher compared to the summer of 2013 data. Thus, the 18% adjustment factor used in the project traffic study provides a conservative analysis.

- c. The Appellants state that the traffic study did not factor in a pedestrian controlled traffic light located two blocks away, which stops traffic on Alameda de las Pulgas many times every school day.

Traffic Consultant's Response No. 3.c: The project generates relatively few new vehicle trips during peak commute periods (12 trips or less). Thus, the traffic operations analysis focused only on the primary access point to the project site (Alameda de las Pulgas/ Manzanita Avenue). The upstream pedestrian-activated traffic signal provides a high-visibility, controlled crossing location for existing pedestrians and potential new pedestrian trips generated by the project. In turn, by stopping vehicular traffic on Alameda de las Pulgas upstream from the project access intersection, this signal helps provide additional gaps in eastbound traffic flow to allow vehicles exiting Manzanita Avenue to turn onto Alameda de las Pulgas. For this reason, the actual delays experienced by side-street vehicles waiting to turn onto Alameda de las Pulgas may be lower than estimated in the traffic study analysis.

- d. The Appellants state that the traffic study used to adjust traffic volumes for school being in session was performed 1 mile away and over a year ago, while enrollment for the school district continues to grow.

Traffic Consultant's Response No. 3.d: Traffic data collected within the previous two years is typically considered appropriate for use in a traffic impact study. As mentioned, after submittal of the project traffic study, a second traffic data sample collected in April 2013 for Alameda de las Pulgas at Cedar Avenue (within three blocks of the primary project access intersection) was also compared to the data collected



in the summer of 2013. The second data sample indicated only a 6% increase in traffic compared to the summer traffic data; thus, the 18% adjustment used in the traffic study provides a conservative analysis.

- e. The Appellants state that the 18% traffic adjustment factor used in the traffic study is too low and ignores large differences between east and west traffic volumes on Alameda de las Pulgas.

Traffic Consultant's Response No. 3.e: The variance in school traffic adjustment factors by direction was not ignored. Application of the school traffic adjustment by individual peak hour (AM and PM) and by direction was originally considered; however, application of the average combined adjustment factor of 18.4% was found to be more conservative. This is because the peak hour directional adjustment factor is much higher for the non-peak direction than for the peak direction.

For example, during the AM peak hour, the peak direction (eastbound) volume would require an 11% school adjustment factor and the non-peak direction (westbound) would require a 36% school adjustment factor. The peak direction volume is approximately 50% higher than the non-peak direction volume. Thus, by applying an average adjustment factor of 18.4%, the resulting adjusted peak directional volume is higher, which results in higher estimated delay (and Level of Service (LOS)) for side-street vehicles trying to cross Alameda de las Pulgas.

- f. The Appellants state that the average 10-minute drop-off/pick-up parking time used in the traffic study is too short and conflicts with conservative assumptions from the Institute of Transportation Engineers' 1987 Trip Generation Manual.

Traffic Consultant's Response No. 3.f: The research study Trip Generation of Day Care Centers (Hitchens, 1990) was published in the Institute of Transportation Engineers' 1990 Compendium and included a survey of six day care facilities. The study observed an average drop-off/pick-up time ranging from 5.6-6.8 minutes. The average drop-off time (approximately 6 minutes) was referenced in Kimley-Horn's parking study; however, a conservative drop-off time of 10 minutes was used for the purposes of the parking loading analysis. The Hitchens research study noted an unrelated finding that the observed trip generation for the surveyed sites was approximately 55% lower than presented in The Institute of Transportation Engineers' 1987 Trip Generation Manual. This conclusion was not related to drop-off/pick-up time and should not be interpreted as such.

- g. The Appellants state that the traffic study does not adequately address traffic and pedestrian safety concerns on Manzanita and Barney Avenues.

Traffic Consultant's Response No. 3.g: As discussed in Kimley-Horn's traffic study, potential neighborhood cut-through impacts are anticipated to be minimal.

First, the project applicants have agreed to limit the number of reservations to no more than two every 12 minutes to more evenly disperse project traffic throughout the day, and to minimize project traffic during the peak commute periods. Second, the project owners/managers require all customers to sign a traffic circulation policy agreement requiring parents/caregivers to agree to travel to/from the site using Alameda de las Pulgas, park in the site driveway or on Alameda de las Pulgas directly in front of the property, and not to block neighbor driveways or use them to turn around. Third, the parking loading analysis indicates that even during the busiest drop-off/pick-up periods, there is very little probability (<5%) that all on-site driveway parking spaces would be occupied, which reduces the likelihood of drivers circling through the neighborhood unnecessarily. Lastly, the project trip generation was developed to provide a very conservative estimate of project traffic. For example:

- i. The traffic and parking analysis for the project considers the maximum demand of 40 total drop-offs per day with the maximum occupancy of 24 children being maintained for the majority of the day.
- ii. The trip generation estimates assume that all trips to the site will be made by car and each car will only drop-off/pick-up one child. In reality, some parents/caregivers that live nearby will likely walk to the site and some parents/caregivers will drop-off/pick-up more than one child.
- iii. At the time that the traffic and parking data was collected for the study, the existing property was occupied by residential tenants. Thus, the site is already generating trips during the day and peak periods. The trips generated by the existing residential tenants were not subtracted from the project trip generation estimates.

Additionally, Conditions of Approval No. 9 and 11, respectively, prohibit parking on Manzanita and Barney Avenues as well as access to the site using Barney Avenue.

- h. The Appellants state that, due to the timing of the traffic study during the vacation season, the observed available street parking is not representative of typical parking conditions.

Traffic Consultant's Response No. 3.h: On-street parking occupancy observations were collected in order to develop a general understanding of parking conditions within the project vicinity. The project applicants plan to improve the existing site driveway pad to accommodate three driveway parking spaces (in addition to two garage spaces).

With the proposed on-site parking supply (excluding garage spaces and the ADA parking space), the parking analysis concludes that even during the busiest drop-off/pick-up periods, there is an extremely high likelihood (>95%) that at least one of the on-site driveway parking spaces will be available. This minimizes the need for parents/care-givers to rely on the on-street parking supply for drop-offs/pick-ups; thus, the project is not anticipated to significantly impact on-street parking activity, even if parking demand is higher during school months.

- i. The Appellants state that the traffic study assumes seven available parking spaces, including three parking spaces on Alameda de las Pulgas which cannot be claimed by the Center.

Traffic Consultant's Response No. 3.i: As noted, the parking analysis concludes that even under worst-case conditions, the on-site parking supply is anticipated to sufficiently accommodate the projected parking demand nearly all the time.

- j. The Appellants state that an unrealistic assumption was made at the public hearing that many customers will walk to the facility.

Traffic Consultant's Response No. 3.j: The traffic and parking analysis is conservative and assumes no carpooling and that all project-generated trips are made by car. As discussed at the Planning Commission hearing, it is possible that some customers will likely walk to the site.

- k. The Appellants question how effective the reservation system will be in practice, when client drop-offs or pick-ups are late.

Traffic Consultant's Response No. 3.k: As mentioned in previous comments, the project traffic and parking study provides a very conservative analysis. In addition to the points discussed previously in Response No. 3.g, the following additional assumptions/method-

ologies are reflected in the traffic and parking analysis to provide a conservative assessment:

- i. The traffic operations analysis includes “peak hour factors” that adjust hourly traffic conditions to represent the worst-case 15-minute period within the AM and PM peak hour periods.
  - ii. The parking loading demand analysis identifies the probability of all on-site parking spaces being occupied assuming random arrivals during the busiest peak hour. For the limited times that this may occur, street parking was determined to be able to adequately accommodate the proposed use.
4. The Appellants challenge the Planning Commission’s Finding 5.c that only minor modifications are proposed for the facility and that the residential appearance of the structure is not compromised and will not deviate from the residential character of the neighborhood. The Appellants state that the finding does not address changes proposed to the interior of the residence, such as removal of the kitchen and construction of a row of toilets, that will eliminate any future residential use at the property.

Staff’s Response No. 4: Only minor exterior modifications are proposed for the facility such that the exterior residential appearance of the structure remains unchanged. Projects involving interior renovations (such as the removal of child toilets) are not uncommon, whether for a residence or other building types and they do not affect the external residential character of the structure. The kitchen, including kitchen cabinets and service connections to utilities, would remain intact which would facilitate any future return to residential use.

5. The Appellants request the Board of Supervisors modify Condition of Approval No. 2, which allows for a five-year term for the use permit. The Appellants state that a one-year term will allow the use to be observed and validated prior to the granting of a longer term. A shorter term is justified based on operator inexperience, no method to enforce time and parking restrictions associated with drop-offs/pick-ups, potential need for the Center to hire more employees, and unreliability of the reservation system.

Staff’s Response No. 5: The County’s policy for the initial term for use permit approvals has generally been for five years. The annual administrative review process provides staff the opportunity to review operations and address violations of conditions, including enforcement to achieve compliance, on an annual basis.

6. The Appellants request the Board of Supervisors modify Condition of Approval No. 3, which requires and sets terms for the annual administrative review of the project. The Appellants request that the condition require a

detailed evaluation by planning staff of the applicants' compliance with conditions of approval, instead of sole reliance on neighborhood complaints, if any. Appellants state that the first administrative review should be conducted upon submittal of the approved State license to evaluate any project changes.

Staff's Response No. 6: The County's annual administrative review process involves a site inspection by planning staff and a detailed evaluation by planning staff of the applicants' compliance with conditions of approval. The process does not solely rely on the receipt of neighborhood complaints. Should this use permit be approved, the applicants would be allowed to operate the facility only as approved by the Board of Supervisors. Should the State require the applicants to modify the project, the applicants are required, per Condition of Approval No. 1, to request approval of such modifications from the County. Condition of Approval No. 1 has been revised to clarify that modifications include project changes required by the State, and to outline the process for minor and major project modifications. Condition of Approval No. 4 has been revised to require proof of State licensing prior to the Current Planning Section's approval of the building permit for the project.

7. The Appellants request the Board of Supervisors modify Condition of Approval No. 6, which limits the number and duration of outdoor daily play times. The Appellants state that Condition of Approval No. 6 is confusing and should be revised to reflect the Planning Commission's desire to limit outdoor play times to two 30-minute sessions in the morning and one 45-minute session in the afternoon, without reference to specific time frames for outdoor play.

Staff's Response No. 7: Staff has revised Condition of Approval No. 6 to clarify this requirement.

8. The Appellants request the Board of Supervisors modify Mitigation Measure 2 (Condition of Approval No. 18), which regulates the number per hour, timing, and duration of drop-offs/pick-ups at the facility, to prohibit drop-offs after 3:00 p.m. The Appellants also request that the County require the applicants to revoke the membership of a client who does not adhere to these restrictions.

Staff's Response No. 8: The Center's business model is based on the ability to drop-off and pick-up in the allotted time during business hours (8:30 a.m. to 6:00 p.m.). Regarding prohibiting drop-offs after 3:00 p.m., the traffic report states that the project is anticipated to generate only six (6) PM peak hour trips (PM peak hour is between 4:00 p.m. and 6:00 p.m.). It states that the worst-case peak hour is expected to occur between 12:00 p.m. and 3:00 p.m. outside of the AM and PM peak commute periods. Drop-offs after 3:00 p.m. are not prohibited, as the traffic report does not

identify a significant traffic impact during the PM commute hour that requires the suggested mitigation.

Regarding membership revocation, contractual relationships between the applicants and their clients are outside of the purview of the County. However, compliance with the conditions of this permit is the responsibility of the owners and is enforceable by the County. Any violation, as received via a complaint from the public or discovered during the permit administrative review process, would be referred to the Code Compliance Section of the Planning and Building Department for verification and enforcement.

9. The Appellants request the Board of Supervisors modify Mitigation Measure 3 (Condition of Approval No. 19), which requires the applicants to consult with adjacent neighbors on the landscape plan and submit the plan to the County. The Appellants request that the Board of Supervisors require the applicants to obtain approval from adjoining neighbors of the landscape plan and to install a noise reducing fence or residential sound wall.

Staff's Response No. 9: Regarding noise attenuation, please see Response No. 3.a. Condition of Approval No. 21 has been revised to require the applicants to consult with a landscape architect regarding noise reducing landscaping, in addition to consulting with adjoining neighbors, in the preparation of a landscape plan. Required consultation with a landscape architect will achieve maximum noise buffering through landscaping, and consultation with the neighbors regarding the plan is intended to facilitate agreement regarding the type and extent of vegetation to be installed. The plan shall be submitted to the County prior to the Current Planning Section's approval of the building permit for the project.

10. The Appellants challenge the adequacy of mitigation measures to reduce project traffic impacts to a less than significant level and request traffic barriers and a new 10-minute loading zone in the place of one of the parking spaces on Alameda de las Pulgas.

Staff's Response No. 10: Regarding potential for cut-throughs and parking impacts, the traffic report does not identify a significant traffic impact that requires the suggested mitigations. The barrier and loading zone may be requested by any member of the public to the Department of Public Works for their review and consideration, and if they are determined to be beneficial and appropriate by the Department of Public Works, may be installed at a future date.

11. The Appellants state that the project decision relies on the mischaracterization of the facility as a "school."

Staff's Response: Please see Response Nos. 1 and 2, above.

C. MAIN POINTS OF COMMENT LETTER

On April 26, 2014, Planning staff received an email from Janet Davis, interested member of the public, regarding the Planning Commission’s approval of the project on February 12, 2014, comments on the project itself, and comments on the staff report for the item. The following is a summary of the main points of the email, followed by staff’s response:

Ms. Davis requests a description of County ordinances relating to family day care facilities and clarification of State laws regulating child care centers.

Staff’s Response: As shown in Table 1, the County regulations relate to three types of day care facilities: Small Family Day Care Homes (1-6 children), Large Family Day Care Homes (7-12 children), and Schools (13 or more children, includes child care centers).

State regulations also relate to three types of day care facilities, which have similar but not identical limits: Small Family Child Care Homes (1-8 children), Large Family Child Care Homes (9-14 children), and Child Care Centers (15 or more children). According to the California Community Care Licensing Division (Division), child care facilities should provide activities to help preschool children grow mentally, physically, socially, and emotionally. The Division’s Manual of Policies and Procedures defines a Child Care Center to mean any child care facility of any capacity, other than a family child care home, in which less than 24-hour per day non-medical care and supervision are provided to children in a group setting.

<b>Table 1 Types of Day Care Facilities (Based on Capacity) and Required Permits</b>					
<b>County</b>			<b>State</b>		
<i>Facility Type</i>	<i>No. of Children*</i>	<i>Required County Permits</i>	<i>Facility Type</i>	<i>No. of Children</i>	<i>Required State Permits</i>
Small Family Day Care Homes	1-6	None	Family Child Care Home, Small	1-8	State license required
Large Family Day Care Homes	7-12	Large Family Day Care Permit issued by Planning Director	Family Child Care Home, Large	9-14	
Schools (includes child care or day care centers)	13 or more	Use Permit	Child Care Center	15 or more	
<p>*Age restrictions apply.            Source: Community Care Licensing, LIIF Report, and County Zoning Regulations.            Note: Both State and County permit requirements shall be met. A building permit is required for modifications to an existing structure or for any new structure.</p>					

Ms. Davis challenges the accuracy of the traffic study for the project and requests that, prior to any Board of Supervisors' action, the County require a new traffic study. Please see Section B.3 above.

D. ANALYSIS OF PROJECT COMPLIANCE WITH APPLICABLE COUNTY POLICIES AND REGULATIONS

The following is an analysis of the project's compliance with all applicable County regulations, policies and standards:

1. Conformance with the County General Plan

Upon review of the applicable provisions of the General Plan, staff has determined that the project complies with all applicable General Plan Policies, including the following:

Visual Quality Policy 4.14(a) (*Appearance of New Development*) requires development to promote and enhance good design, site relationships, and other aesthetic considerations. The proposed preschool/day care center will be operated in an existing single-family residence. Only minor exterior upgrades are proposed for the project, such as entrance and exit modifications, minimal new paving, and vegetation removal associated with two new on-site parking spaces. Existing views from the neighboring residences will not be adversely impacted by this project.

Urban Land Use Policy 8.3a (*Land Use Objectives for Urban Neighborhoods*) sets land use objectives for Urban Neighborhoods, including, though not exclusively, single-family residential areas which appear and function as residential neighborhoods of contiguous cities. The project site is located in West Menlo Park, which is designated as an Urban Neighborhood (*Land Use, Policy 8.9*). Although this neighborhood area is predominantly a residential community, other institutional uses, such as day care centers and schools, are located in the area to serve the needs of the community.

Urban Land Use Policy 8.34 (*Uses*) allows uses in zoning districts that are consistent with the overall land use designation. The approval of a use permit will allow the operation of the preschool/day care center in this residential zone, consistent with the allowed institutional uses in residential areas.

Urban Land Use Policy 8.39 (*Parking Requirements*) regulates minimum on-site parking requirements and parking development standards in order to: (1) accommodate the parking needs of development, (2) provide convenient and safe access, (3) prevent congestion of public streets, and (4) establish orderly development patterns. The proposal includes two parking spaces within the garage for full-time Center staff, three parking spaces in the driveway along Manzanita Avenue, and one ADA parking space accessible from Alameda de las Pulgas. Condition of Approval



No. 11 allows for one part-time aide and requires the aide to park at Heather Hopkins' home address (three blocks from the site) or use a non-vehicular mode of transportation (e.g., walk, bike, bus, etc.). A total of four on-site parking spaces would be available for drop-offs/pick-ups. As discussed previously, the project, as proposed and mitigated, provides adequate parking and would not result in significant impacts to parking in the project vicinity.

Noise Policies 16.1 through 16.5 establish as a goal an environment that is free from unnecessary, annoying, and injurious noise for all County residents; promote measures which protect noise sensitive land uses and preserve and protect existing quiet areas; and call for the reduction of noise impacts through mitigation measures that prioritize reduction of noise at the source rather than at the receiver. As proposed and conditioned, outdoor play times would be staggered, take place during the standard work day, and involve no more than 12 children playing outside at any one time. Condition of Approval No. 21 requires the applicants to consult with a landscape architect regarding noise reducing landscaping, in addition to consulting with adjoining neighbors, in the preparation of a landscape plan.

Noise Policies 16.11 through 16.16 call for the County to regulate the distribution of land uses to attain noise compatibility by separating noise generating land uses from noise sensitive land uses; regulating noise generating land uses through nuisance thresholds; separating noise sensitive buildings from noise generating sources; and using natural topography and intervening structures (e.g., earth berms, walls, fencing, or landscaping) to shield noise sensitive land uses. As previously discussed, the project is anticipated to comply with the County Noise Control regulations. Condition of Approval No. 21 requires the applicants to consult with a landscape architect regarding noise reducing landscaping, in addition to consulting with adjoining neighbors, in the preparation of a landscape plan.

## 2. Conformance with Zoning Regulations

### Permitted/Conditional Uses

Pursuant to Section 6161(k)1 of the County's Zoning Regulations, schools are allowed in the R-1 (One-Family Residential) Zone, subject to the approval of a use permit. Although a day care center is not named specifically in this section, the County has historically considered day care facilities and preschools to be schools within the meaning of the Zoning Regulations, as they include an educational component (e.g., kindergarten readiness) and have similar operational and land use impacts. Center staff would hold degrees in Early Childhood Education and would be certified in pediatric CPR and first aid. The owners state that the children at the facility will receive instruction in the areas of music, art, movement, words and numbers.

## Development Standards

Table 2 summarizes the existing single-family dwelling's conformity with the development standards of the R-1/S-72 Zoning District. As previously mentioned, the proposed upgrades are minor in scope and do not alter the existing conditions of the residence relative to compliance with zoning standards.

<b>Table 2 Project Conformity with the Development Standards of the R-1/S-72 Zoning District</b>			
<b>Development Regulations</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Building Site Area	5,000 sq. ft.	6,175 sq. ft.	No Change
Minimum Front Yard Setback	20 ft.	20 ft.	No Change
Minimum Rear Yard Setback	20 ft.	18 ft.	No Change
Minimum Right Side Setback	10 ft.	10 ft.	No Change
Minimum Left Side Setback	5 ft.	5 ft.	No Change
Maximum Height	28 ft.	18 ft.	No Change
Maximum Lot Coverage	50%	34%	35%
Maximum Floor Area Ratio	3,105 sq. ft.	2,118 sq. ft.	No Change

### 3. Conformance with Parking Regulations

Per Section 6119 of the County's Zoning Regulations, required parking for the project is one parking space per classroom. As proposed, the Center includes two classrooms. The proposal includes two parking spaces within the garage for the Center staff, three parking spaces in the driveway along Manzanita Avenue, and one ADA parking space accessible from Alameda de las Pulgas. A total of four on-site parking spaces would be available for drop-offs/pick-ups. Therefore, the six proposed parking spaces exceeds the two required parking spaces by four parking spaces. Condition of Approval No. 11 requires the part-time aide to park at Heather Hopkins' home address (three blocks from the site) or use a non-vehicular mode of transportation (e.g., walk, bike, bus, etc.). Ms. Hopkins states that there is adequate parking at her home address to accommodate her family's vehicles and an additional vehicle.

### 4. Conformance with Use Permit Findings

Section 6503 of the San Mateo County Zoning Regulations requires that the following finding be made in order to approve a use permit: "That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or

injurious to property or improvements in said neighborhood.” In order to support this finding, staff has determined the following:

a. Traffic Impacts

The establishment of a preschool/day care center in this residential area may result in the increase of traffic to a significant level that would negatively impact the neighborhood. A traffic study (Traffic Study) prepared by the applicants’ consultant, Kimley-Horn and Associates, Inc., and included in the IS/MND (Attachment F), estimates project trip generation and analyzes site circulation and access; the potential for neighborhood cut-through on Manzanita, Barney, and Monterey Avenues; driveway conflicts; and parking needs and availability. The following is a summary of the findings of the Traffic Study:

- i. Project Trip Generation: The proposed project is anticipated to generate approximately 164 weekday trips, twelve (12) AM peak hour trips and six (6) PM peak hour trips. During the worst-case peak hour, which is expected to occur between 12:00 p.m. and 3:00 p.m. outside of the AM and PM peak commute periods, the highest hourly trip project generation is approximately 20 trips (10 in and 10 out).
- ii. Traffic Operations: The primary project access intersection, the intersection of Alameda de las Pulgas/Manzanita Avenue, currently operates at deficient LOS E during the AM peak hour, with the critical delay occurring at the northbound Manzanita Avenue intersection approach. The proposed project does not add any trips to this approach, but does increase the average side street control delay for the northbound approach by approximately 2 seconds per vehicle. The project traffic causes an increase in the volume-to-capacity (V/C) ratio for this movement by only 0.01, and does not significantly impact intersection operations.
- iii. Neighborhood Traffic Concerns: During the busiest periods, there is some chance that all of the driveway parking spaces may be occupied at times – in turn, some drop-off/pick-up drivers may first turn onto Manzanita Avenue, only to circle around the block to the on-street parking spaces on Alameda de las Pulgas. Only a small proportion of the daily project trips (conservatively eight inbound trips) are anticipated to use neighborhood streets to access the project site, which represents a relatively low proportion of the existing local street traffic volumes.

- iv. Parking Evaluation: The probability of the project parking demand exceeding the available driveway parking supply and the on-street parking supply fronting the property is very low. Based on a conservative analysis considering existing neighborhood on-street parking demand and an average drop-off/pick-up parking time of 10 minutes, the proposed parking demand generated by the child care facility would have a very small probability (<5%) of exceeding the available on-site driveway parking supply during the busiest time of day. During the rare instances when all driveway parking spaces are occupied, child care center drop-off/pick-up drivers would need to utilize one of the three on-street parking spaces on Alameda de las Pulgas fronting the property.

The Traffic Study provides recommendations that have been incorporated as Conditions of Approval Nos. 17 through 19 of this report. Mitigation Measure 1 (Condition of Approval No. 17) requires the applicants to make driveway modifications to accommodate a third parking space on the driveway along Manzanita Avenue. Mitigation Measure 2 (Condition of Approval No. 18) limits drop-offs/pick-ups to two per 12 minutes per hour and no more than 10 in-bound vehicle trips and (or plus) 10 out-bound vehicle trips and requires the applicants to include language in client contracts that requires clients to park for less than 10 minutes when signing in or out; park in designated areas or in street parking spaces; avoid blocking or turning around in neighbor driveways; and access the Center via Alameda de las Pulgas and Manzanita Avenue. Mitigation Measure 3 (Condition of Approval No. 19) requires the applicants to maintain sight lines at the northeast corner of the Alameda de las Pulgas/Manzanita Avenue intersection by keeping vegetation trimmed to a maximum height of 30 inches (2.5 feet).

As proposed and mitigated, the project would result in traffic and parking impacts which are considered less than significant. Although the Traffic Study was conducted when schools were not in session, the data was adjusted upward based on traffic data collected during the school session. The Traffic Study was referred to the Department of Public Works for review and comment. The Department of Public Works concurs with the analysis and recommended mitigation measures.

- b. Noise Impacts

Outdoor monitored playtime activities could contribute to ambient noise in the area and are scheduled thrice daily. The operators have scheduled outdoor activities to coincide with the times when most residents are at work. Since the preschool/day care center will only

operate during weekdays, no noise impacts will occur during evenings and weekends. As discussed in Response No. 1 in Section B, above, noise levels from outdoor play areas are expected to comply with the County's Noise Control regulations. Condition of Approval No. 20 has been added to require compliance with allowed timeframes for construction noise.

c. Visual Impacts

With regard to visual impacts, only minor exterior modifications are proposed for the facility such that the residential appearance of the structure is not compromised and will not deviate from the residential character of the neighborhood.

d. Community Benefit

With regard to essential neighborhood services, the availability of a preschool/day care center that offers a flexible program addresses the needs of families that only require short-term day care services without the mandatory long-term enrollment commitment.

E. ALTERNATIVE BOARD OF SUPERVISORS DECISION

If the Board of Supervisors finds that there is insufficient evidence to determine the extent of project impacts on the environment, specifically that the findings made by Kimley-Horn and Associates, Inc., in a report dated October 8, 2013, were not adequately supported by evidence, staff has included findings for denial of the certification of the IS/MND and the denial of the use permit in Attachment B. Specifically, the findings state that there is insufficient evidence to determine the extent of project impacts on the environment, as traffic counts were collected during a vacation season and when school was not in session, such that existing traffic conditions were not accurately represented. A decision of denial would not preclude a Small Family Day Care Home (1-6 children) at this location, as regulated by the State and allowed by the County without a discretionary permit. Types of day care facilities and associated required permits are listed in Section C of this report. The Board may also choose to continue the item until a revised traffic report, including new traffic counts taken during the school year, is submitted to the County.

F. ENVIRONMENTAL REVIEW

Due to potential traffic impacts associated with the project, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project, pursuant to the California Environmental Quality Act (CEQA). The IS/MND (Attachment F) was made available to the public on January 22, 2014, with a public review period ending on February 10, 2014. No comments regarding the IS/MND were received during the comment period.

The IS/MND found that the location of a preschool/day care center in the subject residential area may result in the increase of traffic to a significant level that would negatively impact the neighborhood. The IS/MND included three mitigation measures, as recommended by Kimley-Horn and Associates, Inc., to reduce project impacts to a less than significant level. These mitigation measures have been incorporated as Conditions of Approval Nos. 18 through 20 in Attachment A of this report.

G. OTHER REVIEWING AGENCIES

Building Inspection Section  
Department of Public Works  
Menlo Park Fire Protection District  
West Bay Sanitary District

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by extending the existing system of preschool and day care services offered in San Mateo County and improving access to such services by locating a facility where residents reside.

**FISCAL IMPACT:**

No fiscal impact.

**ATTACHMENTS:**

- A. Recommended Findings and Conditions of Approval
- B. Alternative Findings for Denial of a Use Permit for a 24-Child Preschool/Day Care Center
- C. Vicinity Map
- D. Project Plans
- E. Letter of Decision, dated February 19, 2014, and Planning Commission Staff Report, dated February 12, 2014
- F. Initial Study/Mitigated Negative Declaration, dated January 22, 2014
- G. Appeal Application, filed on February 26, 2014
- H. Kimley-Horn and Associates, Inc., response to Traffic-Related Points of Appeal, dated May 6, 2014
- I. Aerial View of Property and Adjoining Properties
- J. Applicants' Responses to Points of Appeal (undated)
- K. Comment Letter from Janet Davis, dated April 26, 2014
- L. Memorandum from Applicants, submitted June 11, 2014

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2013-00191

Board Meeting Date: July 15, 2014

Prepared By: Dennis P. Aguirre  
Project Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS:**

**Regarding the Environmental Review, Find:**

1. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. That, on the basis of the Initial Study and comments hereto, there is no evidence that the project, subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicants, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

**Regarding the Use Permit, Find:**

5. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood based on the following:
  - a. As proposed and mitigated, the project would provide sufficient parking and would not have an adverse impact on traffic, based on the following:
    - (1) Project Trip Generation: The proposed project is anticipated to generate approximately 164 weekday trips, twelve (12) AM peak hour trips and six (6) PM peak hour trips. During the worst-case peak hour,

which is expected to occur between 12:00 p.m. and 3:00 p.m., outside of the AM and PM peak commute periods, the highest hourly trip project generation is approximately 20 trips.

- (2) **Traffic Operations:** The primary project access intersection, the intersection of Alameda de las Pulgas/Manzanita Avenue, currently operates at deficient Level of Service (LOS) E during the AM peak hour, with the critical delay occurring at the northbound Manzanita Avenue intersection approach. The proposed project does not add any trips to this approach but does increase the average side street control delay for the northbound approach by approximately 2 seconds per vehicle. The project traffic causes an increase in the volume-to-capacity (V/C) ratio for this movement by only 0.01, and does not significantly impact intersection operations.
  - (3) **Neighborhood Traffic Concerns:** During the busiest periods, there is some chance that all of the driveway parking spaces may be occupied at times, in turn, some drop-off/pick-up drivers may first turn onto Manzanita Avenue, only to circle around the block to the on-street parking spaces on Alameda de las Pulgas. Only a small proportion of the daily project trips (conservatively eight inbound trips) are anticipated to use neighborhood streets to access the project site, which represents a relatively low proportion of the existing local street traffic volumes.
  - (4) **Parking Evaluation:** The probability of the project parking demand exceeding the available driveway parking supply and the on-street parking supply fronting the property is very low. Based on a conservative analysis considering existing neighborhood on-street parking demand and an average drop-off/pick-up parking time of 10 minutes, the proposed parking demand generated by the child care facility would have a very small probability (<5%) of exceeding the available on-site driveway parking supply during the busiest time of the day. During the rare instances when all driveway parking spaces are occupied, child care center drop-off/pick-up drivers would need to utilize one of the three on-street parking spaces on Alameda de las Pulgas fronting the property.
- b. As proposed and mitigated, the project would result in a less than significant impact in the area of noise. Noise levels from outdoor play areas are expected to comply with County Noise Control regulations. Outdoor play times would be limited to a maximum of three times daily to coincide when most residents are at work. Since the preschool/day care center (the Center) will only operate during weekdays, no noise impacts will occur during evenings and weekends. Condition of Approval No. 20 has been added to require compliance with allowed timeframes for construction noise.



- c. With regard to visual impacts, only minor exterior modifications are proposed for the facility such that the residential appearance of the structure is not compromised and will not deviate from the residential character of the neighborhood.
- d. With regard to essential neighborhood services, the availability of a preschool/day care center that offers a flexible program addresses the needs of families that only require short-term child care services without the mandatory long-term enrollment commitment.

**RECOMMENDED CONDITIONS OF APPROVAL**

Changes in the conditions of approval since the Planning Commission’s approval of this project are shown in underline (additions) and strike-through (deletions) format.

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the ~~Planning Commission~~ Board of Supervisors on July 15, 2014 ~~February 12, 2014~~. Minor ~~adjustments~~ modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and are in substantial conformance with, this approval. Major modifications, as determined by the Community Development Director, are subject to review and approval of the Planning Commission. Modifications to be reviewed by the Community Development Director include changes required by the State for facility licensing.
2. The use permit shall be valid for five (5) years from the date of final approval.
3. The applicant(s) shall apply for a use permit renewal with the applicable fees six (6) months prior to the expiration of the use permit. On each anniversary date of the approval, an administrative review shall be conducted to evaluate traffic and other conditions associated with the operation of the Center.
4. The applicant(s) shall obtain and submit proof of a license from the State of California for the operation of the Center, prior to the Current Planning Section’s approval of the building permit for the project.
5. The hours of operation of the Center shall be from 8:30 a.m. to 6:00 p.m., Monday through Friday.
6. The outdoor play times shall be scheduled at the discretion of the operator, to allow two ~~optional and one regular~~, thirty (30) minute morning sessions, and one ~~regular~~, forty-five (45) minute afternoon session. Outdoor play areas shall be limited to no more than 12 children at any one time.
7. No more than forty (40) drop-offs shall be allowed daily.

8. No more than twenty-four (24) children shall be in the Center at any one time.
9. Individuals engaged in drop-off and pick-up activities shall occur only in the four designated on-site parking spaces, and three non-designated parking spaces along Alameda de las Pulgas or other street parking (with the exception of Barney and Manzanita Avenues).
10. The operator of the Center shall closely monitor all drop-offs and pick-ups to ensure that vehicles of its customers do not block neighbors' driveways or double park during these activities. The operator of the Center shall maintain records of all complaints received of its customers allegedly blocking neighbors' driveways or double parking.
11. The operator of the Center shall submit, for review and approval of the Planning and Building Department, a client contract agreement that includes language requiring that the child care center parents/guardians/caregivers to park for less than 10 minutes when signing in or out of the Center; that users park in the designated areas, or on-street parking spaces per Condition No. 9, to avoid blocking or turning around in neighborhood driveways; and that access to the Center shall be via Alameda de las Pulgas and Manzanita Avenue (not Barney Avenue). Should full-time Center staff drive to the work, staff shall park within the on-site garage. One part-time aide is allowed and shall park at Heather Hopkins' home address (three blocks from the site) or use a non-vehicular mode of transportation (e.g., walk, bike, bus, etc.). (See also Condition No. 18, Mitigation Measure 2.)
12. During project construction, the applicant(s) shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

- f. Limiting and timing applications of pesticides and fertilizers to avoid polluting runoff.
13. The applicant(s) shall include an erosion and sediment control plan on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
  14. The applicant(s) shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
  15. No site disturbance shall occur, including ~~any grading or tree~~ any vegetation removal, until a building permit has been issued, ~~and then only those trees approved for removal shall be removed.~~
  16. To reduce the impact of construction activities on neighboring properties, comply with the following:
    - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant(s) shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
    - b. The applicant(s) shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
    - c. The applicant(s) shall ensure that no construction-related vehicles shall impede through traffic along the rights-of-way on Alameda de las Pulgas and Manzanita Avenue. All construction vehicles shall be parked on-site outside the public rights-of-way or in locations which do not impede safe access on Alameda de las Pulgas and Manzanita Avenue. There shall be no storage of construction vehicles in the public rights-of-way.
  17. **Mitigation Measure 1:** ~~The operators shall ensure~~ that the third on-site parking space is provided by implementing the planned driveway improvements to widen the existing pad from 26.5 feet to 27 feet in width. This would provide sufficient width to accommodate three (3) standard 9-foot by 20-foot parking stalls. The driveway modifications could be implemented through minor improvements, including removal of the existing temporary fenced trash receptacle enclosure, and widening of the existing driveway pad by 0.5 feet with additional concrete paving, or installation of grasscrete (or other permeable pavers).

18. **Mitigation Measure 2 (as modified from the Negative Declaration):** The owners/managers of the child care facility shall ~~follow the County's request to~~ allow no more than two drop-offs/pick-ups during any 12-minute period~~per 12 minutes~~, not to exceed ten (10) drop-offs/pick-ups per hour (10 in-bound vehicle trips and 10 out-bound vehicle trips). In addition, client contracts will include language requiring that the child care center parents/guardians/caregivers park for less than 10 minutes when signing in or out of the Center; that users park in the designated areas, or on-street parking spaces, to avoid blocking or turning around in neighborhood driveways; and that access to the Center shall be via Alameda de las Pulgas and Manzanita Avenue (not Barney Avenue). (See also Condition of Approval No. 11.)
19. **Mitigation Measure 3:** The owners/managers of the child care facility shall ensure that sight lines are maintained at the northeast corner of the Alameda de las Pulgas/Manzanita Avenue intersection by keeping tree branches trimmed and shrubs/foliage trimmed to a maximum height of 30 inches (2.5 feet).
20. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
21. The applicant(s) shall submit a landscape plan, for review and approval by the Planning and Building Department, subject to prior consultation with the following persons: (1) a landscape architect regarding noise reducing landscaping to minimize noise to adjoining property owners, and (2) the adjacent neighbors, in order to address potential noise impacts from the operation of the Center, prior to issuance of a building permit. The landscaping shall be installed prior to the Final Inspection for the building permit.

#### Building Inspection Section

22. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
23. An automatic fire sprinkler system will be required. This permit must be issued prior to or in conjunction with the building permit.
24. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the building permit, or the applicant(s) must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
25. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved disposal area.

26. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
27. All drawings must be drawn to scale and clearly define the whole project and its scope.
28. Please call out the right codes on the code summary: The design and/or drawings shall be done according to the 2013 Edition of the California Building Standards Code, Title 24; the 2013 California Plumbing Code (Part 5); the 2013 California Mechanical Code (Part 4); and the 2013 California Electrical Code (Part 3).
29. Provide cross-sections of an accessible restroom. If you have playground equipment, please provide drawings showing that this equipment is accessible (ADA compliant) as well.
30. This is an I-4 Use Day Care Center.

Menlo Park Fire Protection District

31. The new facility will require automatic fire sprinkler protection and an automatic fire alarm system, including a manual fire alarm system.
32. After Planning approval, building plans shall be submitted to the Menlo Park Fire Protection District for California Fire Code review.

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**ALTERNATIVE FINDINGS FOR DENIAL OF A  
USE PERMIT FOR A 24-CHILD PRESCHOOL/DAY CARE CENTER**

Permit File Number: PLN 2013-00191

Board Meeting Date: July 15, 2014

Prepared By: Dennis P. Aguirre  
Project Planner

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS FOR DENIAL:**

**Regarding the Environmental Review, Find:**

1. That the Mitigated Negative Declaration is not complete, correct or adequate, and was not prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines, as the analysis of project traffic and parking impacts does not fully represent the extent of potential impacts on Alameda de las Pulgas or Manzanita Avenue.
2. That, on the basis of the Initial Study and comments hereto, there is insufficient evidence to determine the extent of project impacts on the environment. The findings made by Kimley-Horn and Associates, Inc., in a report dated October 8, 2013, were not adequately supported by evidence. Specifically, findings, that the project would result in a less than significant level of traffic and parking impacts, were based on traffic counts collected during a vacation season and when school was not in session, such that existing traffic conditions were not accurately represented.

**Regarding the Use Permit, Find:**

3. That the establishment, maintenance and/or conducting of the use may, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The Initial Study/Mitigated Negative Declaration did not provide sufficient evidence to determine the extent of project impacts on the environment.