



Item No: 1
Meeting Date. July 24, 2012

To: Planning Commission
Date: July 12, 2012
Authorized By: Stephen Scott
Acting Chief of Planning
By: Christy Usher AICP Associate Planner
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**Subject: PA 12-035 Building Kidz School Special Use Permit Modification
39 East 39th Avenue (APN: 040-071-340)**

RECOMMENDATION

That the Planning Commission approve the project by making the following motions:

- A. Approve the Categorical Exemption from environmental guidelines, pursuant to the California Environmental Quality Act Guidelines, Class 1 Section 15301 (a) Existing Facilities, based upon the Findings for Approval in Exhibit A; and
- B. Approve the Modification to an existing Special Use Permit to allow an increase in the number of children attending Building Kidz School based upon the Findings for Approval in Exhibit A and subject to the Conditions of Approval in Exhibit B.
- C. Approve the Fence Exception request to permit a newly constructed 8 foot tall wood fence (6 ft solid wood with 2 ft of lattice) in the front yard area which abuts an existing residence to abate noise and privacy issues.

BACKGROUND

In 1999, a special use permit was granted at 39 East 39th Avenue, establishing a day care for a maximum of 49 children (ages 2-6). Building Kidz School, an established day care, recently relocated to the project site from 1950 Elkhorn Court. Enrollment at the Elkhorn Court facility included 67 children (ages 0-6). Building Kidz is requesting a use permit modification to allow their enrollment from Elkhorn Court to transfer to the new site, as well as, the ability to grow their enrollment to a maximum of 85 children. Building Kidz provides year round day care to

children ages 0-6. Building Kidz is relocating pending the demolition of the existing commercial building and construction of approximately 200 residential units as part of an approved development application (PA 09-003 Polo Court now renamed Elkhorn Court). The existing day care facilities located at 39 East 39th Avenue have recently undergone interior and exterior improvements approved by the Zoning Administrator. No additional floor area was added.

SITE DESCRIPTION

The project site is 11,250 square feet and is located in a residential neighborhood off Pacific Avenue with predominately single family residences to the north and multi-family residences to the south of the project site. George Hall Elementary School is located to the East and Pacific Avenue is located to the West. The project site has street frontage and vehicle access points off both 38th and 39th Avenues. Paved surface parking is provided on site with 58 parking spaces and an additional 17 tandem spaces (75 total spaces including tandem). The 17 additional tandem spaces are not recognized by the zoning code nor are they required to satisfy parking requirements (Site Plan, Attachment 1).

In addition to the day care facilities that were recently renovated the site also includes facilities for Trinity Baptist Church. The church facilities are separate from the day care buildings and are located in one building which includes a sanctuary with 19 pews and small meeting rooms. The day care facilities are comprised of two buildings. A total of three structures occupy the site. The church will utilize a portion of the day care facility (performing arts room) on Sundays to gather for fellowship after Sunday service otherwise these two uses will operate in separate facilities. They also operate at different times of the day and days of the week. See more discussion of these uses in the Issues section of this administrative report below.

The General Plan land use designation for the project site is Single Family Residential and Medium Density Multi-Family. The Zoning Classification is R-1-C (Single Family Dwellings) and R3 (Multi-Family Dwellings).

PROJECT DESCRIPTION

No physical changes to the existing structures are sought under this use permit modification. This use permit modification request includes increasing the number of children from the existing use permit allowance of 49 children to 85 children. The use permit modification also includes expanding the ages of children enrolled to include the ages 0-2 which was excluded in the existing use permit approval from 1999.

The applicant provided information about Building Kidz School (Applicant Statement, Attachment 3). In summary, this facility recently relocated from its location on Elkhorn Court in San Mateo to the project site at 39 East 39th Avenue. The operation at Elkhorn Court included 67 children ages 0-6. The special use permit modification request includes an allowance to

transfer the existing enrollment (67 children), as well as, the option to expand enrollment to a total 85 children in a range of ages 0-6. The school employs 12 staff members and this number is not anticipated to change with the requested increase in enrollment. Hours of operation are from 7am to 6pm Monday thru Friday. Two special events are held annually, during the week, typically from 4-6pm. Pick up and drop off of children occurs throughout the day. Children are dropped off during the hours of 7-10am and picked up from noon-6pm. See more discussion of the day care operations in the Issue section of this administrative report below.

ISSUES

The Trinity Baptist Church and Building Kidz School Day Care are very compatible as shared land uses from the standpoint that they operate at different times of the day and different days of the week. The Church provided a detailed description of their typical weekly and monthly activities and hours of operation (Attachment 6). These activities all occur on the weekend or during the week, in the evening, after school hours. In 2011, the church held no weddings and one funeral. In the unlikely event a wedding or funeral were to be held at the Church during Building Kidz hours of operation the existing surface parking can accommodate both uses (see Vehicle parking discussion in the Issues section of this administrative report). Currently, the church rents out their facility to one other organization on Sunday evening.

The hours of operation for Building Kidz School are 7am – 6pm, Monday thru Friday which do not conflict with the church's hours of operation. Building Kidz will not be renting the facility out to other groups or organizations and State licensing strictly prohibits the day care facility from operating simultaneously during church hours.

Vehicle Circulation: The site includes vehicle access off both 38th and 39th Avenues. On 38th Avenue two access points are provided. As indicated on the site plan, 39th Avenue will be designated as an "entrance" only. On 38th Avenue the northwest access point will be designated as "exit" only and the northeast access point will be designated as "entrance" only. (Site Plan, Attachment 1)

Circulation Plan for Adults and Children: Children arrive at the facility in the morning over a three hour time period from 7am-10am and in the afternoon from 2:30-6pm. An adult is required to sign in and sign out their child inside the facility. Please refer to data provided by the applicant that illustrates the typical pattern of vehicles on site during pick up and drop off hours (Circulation Plan for Parents and Children, Attachment 4). The worst case scenario, according to the data collected at the Elkhorn Court facility for 67 children, indicates as many as 19 cars could be expected in a half hour interval. Typically, according to the data, less than 10 cars are on site during a half hour interval of the drop off and pick up window. Queuing of vehicles is not expected as parents are required to sign in and out their child(ren). As a result, they park and enter the facility. In the unlikely event that queuing does occur, the existing paved surface parking lot depth of 220 feet and the 58 parking spaces are expected to

accommodate this worst case scenario. Additionally, staff will utilize parking spaces along the west property line to make parking spaces closest to the building more accessible to parents for drop off and pick up.

Vehicle Parking: The project site provides a total of 58 parking spaces (75 including tandem spaces) in an existing paved surface parking lot. The 17 additional tandem spaces are not recognized by the zoning code nor are they required to satisfy parking requirements. The Trinity Baptist Church requires 37 parking spaces per the Zoning Code. Building Kidz School requires 12 parking spaces, one for each employee and spaces for loading and unloading children. According to the circulation data collected at the Elkhorn Court facility for the 67 children, loading and unloading children can be accommodated by the existing onsite parking spaces (Attachment 4).

Bicycle Parking: Short term and long term bicycle parking is required for Building Kidz. Specifically, five short term parking spaces and one long term space are required and indicated on the site plan (Attachment 1). The project has been conditioned to require installation of these required bicycle spaces within 60 days of occupancy (Exhibit B, Conditions of Approval).

Fence Exception: An existing newly constructed 8 ft tall wood fence (6 ft solid wood with 2 ft lattice) was recently constructed adjacent to an existing residence to mitigate any potential noise and privacy issues. The fence was a constructed in agreement with the adjacent neighbor, as required by the City's fence standards. The fence, because it is over 3 ft tall in a front yard area, requires a fence exception. The zoning code limits fence heights to 3 feet in front yard areas. Findings for Approval of this Fence Exception request have been provided (Findings, Exhibit A).

Playground Areas: Two outdoor playground areas are proposed: Playground A and Playground B (Site Plan, Attachment 1). Both playground areas are monitored by day care staff. Playground A will be utilized by infants and toddlers, ages 0-2. A maximum number of 6 children at any one time may be in this space, in short intervals, for a total of 2 hours in the morning and 2 hours in the afternoon. The location of Playground A was relocated away from the area directly adjacent to an existing residence to mitigate potential noise impacts. Playground B is intended for the older children ages 2-6. Both playground areas will be located away from property lines and buffered by fences and buildings from adjacent residences (Attachment 1, Site Plan). Detailed hours the playgrounds will be in use, as well as, how many children will be utilizing the space are provided in the Outside Playground Schedule, Attachment 5.

Garbage and Recycling: Recology has an extensive program for schools and day care facilities to encourage recycling and composting including educational and promotional programs for children. The church stores two-95 gallon containers inside the church facility and then takes these containers to the street for servicing off 38th Avenue in the Northwest property corner.

This service location is buffered from an adjacent residence by an existing brick wall fence and landscaping. The school will similarly take two-95 gallon containers and one-64 gallon composting container to this same location for servicing. The schools portable containers will be stored between the two day care buildings away from property lines and adjacent residences.

In summary, the purpose of the Special Use Permit is to allow the City to consider special uses on a case by case basis to determine if the proposed use is appropriate for the location and compatible with surrounding uses. Findings must be made that the use will not adversely affect the general health, safety, and/or welfare of the community, nor will it cause injury or disturbance to adjacent properties by traffic or excessive noise, smoke, odor or noxious gas, dust, glare, heat or fumes, or industrial waste. The Planning Commission retains continuing jurisdiction over the Special Use Permit and may at any time modify, delete or impose new conditions of the permit to comply with the required findings. Any modifications to the Special Use Permit are subject to review by the Planning Commission.

EXHIBITS

- A. Findings for Approval
- B. Conditions of Approval

ATTACHMENTS

- 1. Site Plan
- 2. Vicinity Map
- 3. Applicant Statement
- 4. Circulation Plan for Parents and Children
- 5. Outside Playground Schedule
- 6. Trinity Church Operations, email dated July 9, 2012

CC: (AR and attachments)

Vineeta Bhandari, President Building Kidz, 39 East 39th Avenue San Mateo, CA 94403

CC: (Email notification)

Interested Parties