



CITY OF HAYWARD AGENDA REPORT

Meeting Date 3/27/03
Agenda Item 2

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: **Referral by the Planning Director: PL-2003-0036 AUP-Jay Siapno (Applicant/Owner):** To Operate a Childcare Facility and for an Exception to the City's Design and Performance Standards Requiring a Masonry Wall

The Property is Located at 493 Blanche Street in the Neighborhood Commercial (CN) District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15301, Class 1, Existing Facilities; and
2. Approve the Administrative Use Permit, subject to the attached findings and conditions of approval.

DISCUSSION:

Approval of an Administrative Use Permit is required for the project, which may be approved by the Planning Director. However, due to the concerns by individuals receiving the public notice, the Planning Director is referring the matter to the Planning Commission.

The Setting

The project is located at the intersection of Blanche Street and Mission Boulevard. The project site is bordered by one and two-story single-family dwellings to the south and west, Mission Boulevard to the east and the Hayward Fire Station No. 3 across Blanche Street to the north.

The Proposal

The applicant proposes to convert a 2,400-square-foot commercial building to a childcare facility for up to 45 children ranging in age from 3 to 5 years old. The childcare facility

would operate from 6:00 am to 7:00 pm, Monday through Friday. Most of the children would be there fulltime, however some children may attend part time.

The outdoor play area would wrap around the rear of the building, along the south side of the parking lot and driveway and where the property abuts three residences. Two parking spaces and a concrete ramp on the south side of the existing parking lot would be eliminated and the driveway along Mission Boulevard reduced to expand the outdoor play area. A masonry wall currently separates the property and one of the single-family lots to the south. A condition of approval requires continuation of that masonry wall where the childcare center abuts the remaining two residentially developed properties. The new masonry wall would replace the existing wood fences. A 4-foot-high wrought iron fence would enclose the remaining play area. As conditioned, a 3-foot-high wrought iron fence with decorative pilasters would surround the perimeter of the parking area street frontage to prevent children from running out onto the adjacent streets.

The Mission Boulevard driveway would be reduced to a one-way exit and Blanche Street driveway would remain unchanged. Two drop off spaces would be provided along the Mission Boulevard driveway. To minimize traffic impacts on the neighborhood, the applicant indicates that they are willing to stagger start and pickup times in half-hour increments.

New street trees would be planted along Mission Boulevard and Blanche Street. Additional trees would be provided along the southwest property line to provide a screen buffer from the adjacent single-family properties.

A sign consisting of individual, illuminated letters is proposed on the face of the building. Although plans show that a monument sign is being proposed in the landscape setback at the corner of Mission and Blanche, staff recommends that a monument sign not be allowed because it could interfere with drivers visibility and it is not necessary given the visibility of the building. Because it is not unusual for good childcare centers to have waiting lists, staff believes additional signage is not necessary.

General Plan Policies

There is a shortage of childcare facilities in Hayward. The General Plan states "*Hayward has approximately 5,603 licensed childcare spaces compared to an estimated 14,807 children (ages 0-12) who need care. While some of these children are being cared by relatives or unlicensed caregivers, there are thousands more that are in critical need of licensed, consistent care in order for their parents to work*". The General Plan Policies encourages looking for "*ways to make child care more affordable and geographically available to working parents...*" and to "*consider modifications to existing procedures and regulations that would promote the development of child care facilities...*" The proposed childcare facility would help to fill a need for licensed childcare facilities.

Community Support

The Fairway Park Neighborhood Association supports the project and would like to see the project move forward as soon as possible. Their preferences for a wrought iron fence, muted tones for the building exterior and staggered drop-off and pick up times have been incorporated into the conditions of approval. Their preference for one entrance and exit has been partially met. The preschool will have one entrance and two exits.

Exception to Design and Performance Standard

The applicant would like to modify City standards to allow a 6-foot high sound-attenuating wood fence instead of the required 6-foot high masonry. The Zoning Ordinance states, "*A masonry wall not less than 6-feet in height, shall be required where any commercial district abuts any residential district... unless waived or another material is approved by the approving authority because the abutting activity... is of low intensity and any impact can be otherwise mitigated.*" The applicant has submitted a letter and fence detail from an acoustical consultant that states, "*Wood, steel or masonry can work equally well as sound-attenuating fences assuming that the construction is airtight and has a minimum surface weight of 4 pounds-per-square-foot.*" Wood fences do not last as long as masonry walls, are subject to cracking and shrinkage, and are more susceptible to damage than masonry walls. As the intent of a use permit is to ensure compatibility between surrounding uses, in this case residences, staff recommends that a masonry wall be installed. The applicant has discussed the wood fence with the three adjacent property owners and the only concern staff has received regarding the fence was, who would pay for it. In this case the wall or fence would be the responsibility of the applicant. In spite of the acoustical consultants comments and the lack of objects from the adjacent property owners, staff recommends that the applicant provide a 6-foot masonry wall because it has a longer life than a wood fence.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1, Existing Facilities.

PUBLIC NOTICE:

On January 23, 2003, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records, the Fairway Park Neighborhood Association and former Fairway Park Neighborhood Task Force members. There were three responses to the public notice, two of which opposed the proposal because of safety and traffic concerns and one that expressed concern about traffic, parking and noise but did not state that he opposed the project but merely inquired who would pay for the proposed property fence. On March 17, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed.

CONCLUSION:

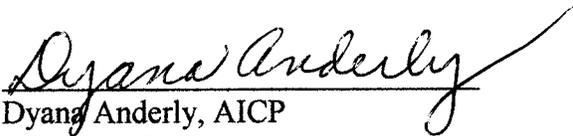
There is a need for childcare facilities in Hayward and this project would fill that need. The concerns expressed by the residents have been addressed. Staggered drop and pickup hours will minimize traffic impacts, a 3-foot fence would prevent children running directly onto Mission Boulevard and Blanche Road and a 6-foot-high masonry wall would reduce noise from the outdoor play area. Therefore staff recommends approval of the proposed childcare facility.

Prepared by:



Carl T. Emtira ASLA
Associate Planner

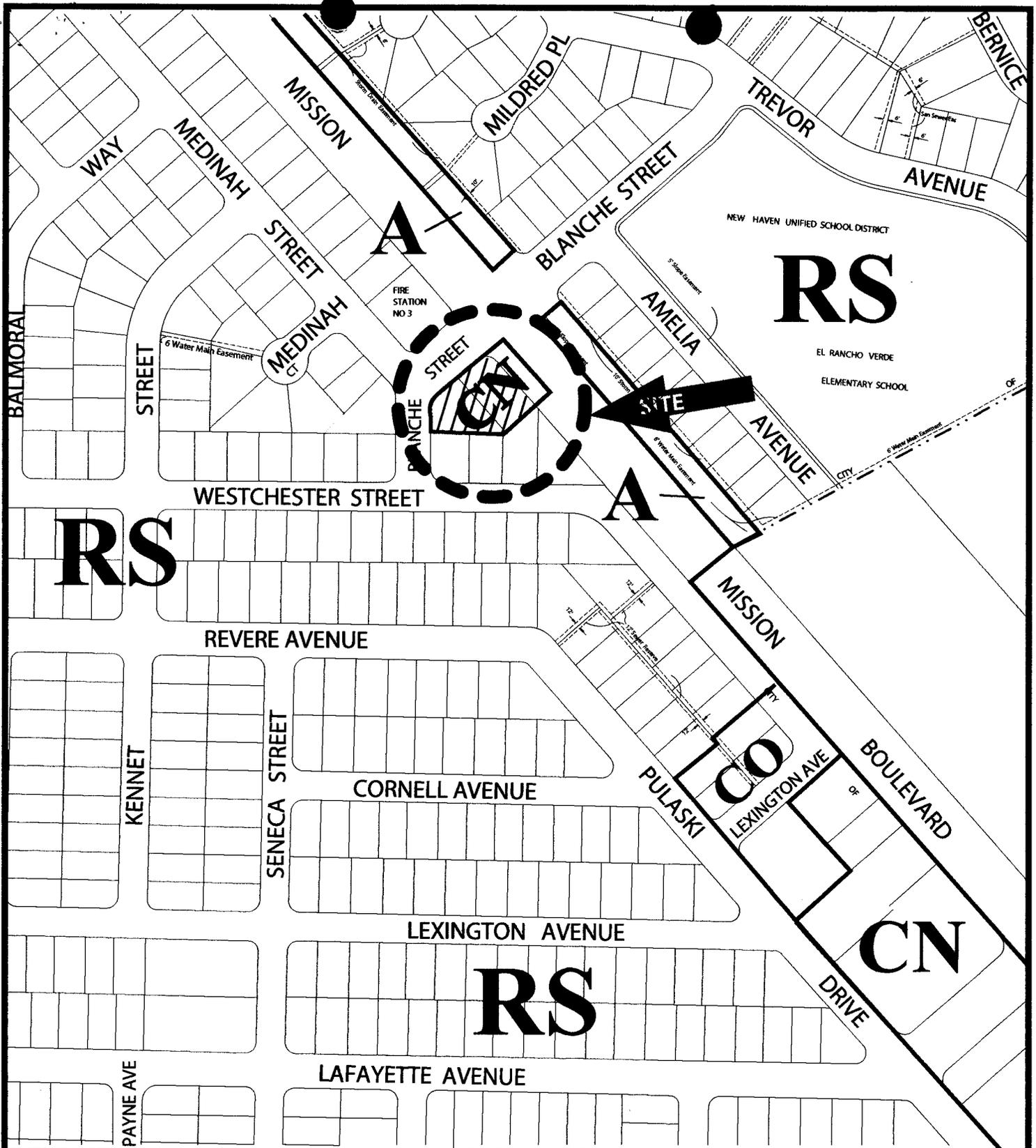
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings and Conditions of Approval
- C. Public Comments
- D. Acoustical Consultant Letter/Exterior Noise Barrier Detail Plans



Area & Zoning Map

PL-2003-0036 AUP

Address: 493 Blanche Street

Applicant: Jay Siapno

Owner: Jay Siapno

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CN-Neighborhood Commercial

CO-Commercial Office

RS-Single-Family Residential,RSB4,RSB6



FINDINGS FOR APPROVAL

Administrative Use Permit No. PI-2003-0036

Jay Siapno (Applicant/ (Owner)

March 27, 2003

1. The proposed project is Categoricaly Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1, Existing Facilities.
2. The proposed use is desirable for the public convenience or welfare in that it provides needed child care services for the surrounding neighborhood.
3. The proposed use will not impair the character and integrity of the zoning district and the surrounding area in that it the building will be refurbished and the landscape renovated to enhance the property. In addition start times will be staggered to minimize any traffic impact to the surrounding neighborhood.
4. The proposed use will not be detrimental to the public health, safety and general welfare in that the child care facility will provide fences to prevent children from running out into the street.
5. The proposed use is in harmony with applicable City policies in that it provides needed services for the surrounding neighborhood.

CONDITIONS FOR APPROVAL
Administrative Use Permit No. PI-2003-0036
Jay Siapno (Applicant/Property Owner)
March 27, 2003

1. The proposed application (Administrative Use Permit Application No. PI-2003-0036) is to operate a childcare facility in an existing building. The childcare facility shall operate according to these conditions of approval and plans approved by the Planning Commission on March 27, 2003, labeled Exhibit "A". This permit is void one year after the effective date of approval unless a building permit application for the subject project has been accepted for processing by the Building Official or business operations have commenced prior to that date in accordance with all applicable conditions of approval. If a building permit is issued for construction of improvements authorized by the administrative use permit approval, the permit approval shall be void two years after issuance of the building permit, or three years after approval of the administrative use permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the administrative use permit.
2. Any modification to this permit, including number of children, shall require review and approval by the Planning Director.
3. Prior to final inspection and occupancy of the building, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
4. The applicant shall apply for all necessary building permits.
5. The facility shall comply with the Department of Social Services Community Care License Division guidelines for childcare facilities.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
7. The applicant shall maintain in good repair all fencing, parking lot surfaces, landscaping, lighting, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence or the City has the right to enter and remove and charge the property owner for the clean-up.
8. Muted tones shall be used for the exterior of the building. Color shall be approved by the Planning Director.

9. The street address number shall be no less than 10 inches in height with a minimum ½-inch stroke width and of a contrasting color to background. Street address shall be installed on the building and be visible from the street.
10. A 3-foot-high metal picket fence with brick pilasters to match the building materials shall be provided along the parking lot. Layout and design of fence shall be approved by the Planning Director.
11. A 6-foot-high masonry wall to match the existing wall shall be placed on the southwest property line. The masonry wall shall be approved by the Planning Director.
12. Lighting within the parking area and all walkways shall be maintained at a level that is adequate for illumination and protection of the premises. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. A photometric lighting plan shall be submitted and approved by the Planning Director. Lighting Plan shall comply with the City's Security Ordinance.
13. Play area and play equipment shall comply with the Consumer Product Safety Commission Guidelines for playgrounds.
14. Provisions shall be made for the disposition of solid waste materials and approved by the Planning Director prior to issuance of a building permit.
15. Signage for the business shall be limited to one wall sign facing Mission Boulevard not to exceed 54 square feet in area and shall require a separate sign permit to be approved by the Planning Director prior to installation.
16. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
17. Existing rain gutters shall be replaced.
18. Violation of conditions is cause for revocation of permit after public hearing before the duly authorized review body.

Engineering

19. The portion of the driveway to be abandoned on Mission Boulevard shall be removed and replaced with standard curb, gutter and sidewalk.

20. The broken concrete driveway and curbs along Blanche Street shall be removed and replaced.
21. The parking lot shall be repaired, resurfaced and restriped and any damaged curbs be repaired.
22. The existing on-site drainage inlet shall be retrofitted with filter, in order to clean the surface runoff prior to discharge into the storm drainage system.
23. An encroachment permit shall be obtained from Caltrans for any work along Mission Boulevard.
24. The new driveway shall be constructed to meet Standard Detail SD-110 (Standard Driveway Arterial & Major Collector Streets).

Transportation

25. The supplemental building construction and improvement tax shall be paid prior to the issuance of the Certificate of Occupancy.

Landscape

26. Prior to the issuance of the building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy.
27. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Tree shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City pursuant to Municipal Code. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
28. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed within all required landscape areas. An individual adjustable flood bubbler shall be provided at each tree. Provide check valves for all sprinkler heads to minimize erosion.
29. All above ground utilities and mechanical equipment and trash enclosures shall be screened from the street with shrubs.

30. One 24" box street tree is required for every 20-40 lineal feet of frontage. Spacing of the trees is dependent on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
31. A landscape buffer including shrubs and one 15-gallon evergreen tree for every 20 lineal feet of property line shall be planted. Existing palms or deciduous trees shall not be counted as a part of the required buffer.
32. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. Add vines and shrubs against walls.
33. New landscaping immediately adjacent to the driveways shall be less than 30 inches tall to prevent obstructing views of vehicles entering and existing the facility.
34. Parking and loading areas shall be screened from the street with shrubs. Shrubs shall create a continuous 30-inch high hedge within two years.
35. Where any landscape area adjoins parking areas, a Class "B" Portland cement concrete curb shall be constructed to a height of 6 inches above the finish pavement.
36. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within ten days of the inspection.
37. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Fire Department

38. A manual and automatic fire alarm system shall be installed to include pull stations at each exit door leading to the exterior, smoke detectors in each classroom, and audible/visual devices throughout the building. The fire alarm system shall be designed and installed to meet NFPA 72 Standards and California Fire Code (CFC), Article 10 requirements.
39. The fire alarm system shall be supervised and monitored by an approved central station service or the alarm notification shall be sent to a constantly attended location, which has been approved by the Fire Department.
40. Approved type fire extinguishers shall be installed throughout the building, which shall include the classroom areas, offices, activity rooms, library and kitchen.

41. Design of exiting shall meet the California Building Code (CBC), Chapter 10 (Table 10-A).
42. Design of exiting shall meet the California Building Code (CBC), Chapter 10 (Table 10-A).
43. An approved exit plan shall be installed and posted in the building in areas as approved by the Fire Department.
44. Occupant load signage shall be posted in approved locations. Maximum occupant load for this facility is being proposed at 45 children plus staff.
45. There shall be no commercial cooking allowed in the kitchen unless reviewed and approved by the Fire Department. If a residential-type cooking appliance is installed, it shall be limited to heating of foods only, and shall not be used to cook foods that will produce grease-laden vapors. If commercial cooking equipment is installed, it will require a Type I exhaust hood to extract heated vapors. If applicable, the commercial cooking equipment, associated hood and duct, shall be protected with an automatic fire suppression system.
46. A State of California (Community Care Licensing) 850 clearance form shall be submitted to the Fire Department prior to certificate of occupancy.
47. The proposed use will require an annual Fire Department permit to operate. The permit shall be obtained prior to certificate of occupancy.
48. All driveways for the site shall be designated fire lanes and shall have an all weathered surface with a minimum 20-foot width capable of meeting fire truck turning radii at turns and a fire truck turnaround at the dead end. Red-curb/striping and fire lane signage shall be installed per City of Hayward Fire Department Standards.
49. A manual and automatic fire alarm system shall be installed to include pull stations at each exit door leading to the exterior, smoke detectors in each classroom, and audible/visual devices throughout the building. The fire alarm system shall be designed and installed to meet NFPA 72 Standards and California Fire Code (CFC), Article 10 requirements.

Utilities

50. A Reduce Pressure Backflow Prevention Assembly as per the City of Hayward Standard Detail 202 shall be installed on all domestic & irrigation water meters. All Backflow Prevention Assemblies must be the same size as the water meter or line size which ever is larger.

51. Prior to issuance of a building permit, the gallon-per-minute water demand shall be shown on plans and approved by the Water Department.
52. Keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate shall be provided as per Hayward Municipal Code 11-2.02.1.

Fairway Park Neighborhoods Association

October 24, 2002

Mr. Jim DeLuz and Mr. Richard E. Patenaude
City of Hayward
Planning Division
777 "B" Street
Hayward, CA 94541

Subject: Proposed Ambrose Pre-School
493 Blanche Street, Hayward, CA

Dear Messrs. DeLuz and Patenaude:

We appreciate your office informing Mr. Siapno of the existence of the Fairway Park Neighborhoods Association and your suggestion that he share his plans for the above referenced project with us prior to completion of design.

Members of the association board met with Mr. Siapno October 23, 2002 for several hours and reviewed his plans and goals. From what we have seen, it would appear that Mr. Siapno and his family are exactly what Hayward is looking for in small businesses and deserves both city and community support. Mr. Siapno's presentation was professional, considerate and showed a strong sense of responsibility. We appreciate his working cooperatively with the city and seeking us out after being informed of our existence to ensure that his project is a success in all our eyes.

We highly approve of the proposed project and wish to see it move forward as soon as possible. However, as we explained to Mr. Siapno, we do have a few preferences regarding the project that we would like taken into account. They are:

- ❖ Prefer wrought iron fencing
- ❖ Prefer more play area for children than parking space
- ❖ Prefer muted tones for the outside of the building
- ❖ Prefer one entrance only and one exit only
- ❖ Encourage staggered drop-off and pick up times

Sincerely,

Mimi Bauer, President
Fairway Park Neighborhoods Association

cc: Dyana Anderly, DRS Administrator
Jesus Armas, City Manager
Jay A. Siapno, Ambrose Preschool

ATTACHMENT C

-----Original Message-----

From: SHAUNA1641@aol.com [mailto:SHAUNA1641@aol.com]

Sent: Monday, February 10, 2003 11:21 AM

To: Carl Emura

Subject: (no subject)

my name is michael quiriconi. I live at 448 westchester st., hayward ca.. My property is directly behind the proposed child care facility. I have some concerns. Traffic and parking are my main thoughts, also noise... my property will share a fence of some sort, who is going to pay for it? I have met Jay Siapno a couple of times, there were some issues regarding homeless persons using the 493 Blanche property. Jay was very cooperative and the problem was solved. I would appreciate your feed-back. thank you, Michael Quiriconi. please use this e-mail address: shauna1641@aol.com

2/10/2003

Carl Emura

From: m ledda [etetlim@yahoo.com]
Sent: Friday, January 31, 2003 7:28 PM
To: Carl Emura
Subject: PL-2003-0036 AUP, Jay Siapno, Applicant Owner

Mr. Emura,

This concerns the subject request to operate a childcare facility for 45 children at 493 Blanche Street. I write to object to the anticipated increased vehicular traffic that will come to this neighborhood when this facility opens. I live where Blanche ends on Westchester Street. Before acting on the subject application, someone from the city should visit Westchester and Blanche and take note of the burned rubber marks on these streets that speeding cars leave behind. Cars are parked on both sides of Westchester close to Blanche, and drivers do not slow down as they make the turns from Westchester to Blanche and from Blanche to Westchester. The danger is heightened because most of the time all year round RVs parked on Blanche and on Westchester block the view on that corner of Blanche and Westchester. This stretch of Blanche is already an accident waiting to happen and will be the site of many when the families using the daycare center start taking Westchester instead of taking Mission Blvd. to and from Blanche. I hope this risk will be considered when the city weighs the application to operate a childcare facility.

Thank you for providing notice.

Marianne L. Ledda

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Pamela M Vold
Kevin Frye
Ian Graven
Marva D Noordzee

12 December 2002

James V. DeLuz
Assistant Planner
Department of Community and Economic Development
City of Hayward
777 B Street
Hayward, CA 94541-5007

Subject: **Ambrose Pre-School**
CSA Project No: 02-0416

Dear Mr. DeLuz:

At the request of the subject project architects, Lyndon/Buchanan Associates, I have recommended a sound-attenuating wood fence that will meet the needs of the subject project.

Wood, steel or masonry can work equally well as sound-attenuating fences assuming that the construction is airtight and has a minimum surface weight of 4 pounds-per-square-foot. Figure 1 shows a board-on-board sound isolating fence design scheme. Another approach would be to use 1-1/8-inch t & g marine grade plywood. Freeway-type wood noise barriers typically use wood fences which are at least 2 inches thick.

This completes my comments on the subject matter. Please call if you have any questions.

Sincerely yours,

CHARLES M. SALTER ASSOCIATES, INC.



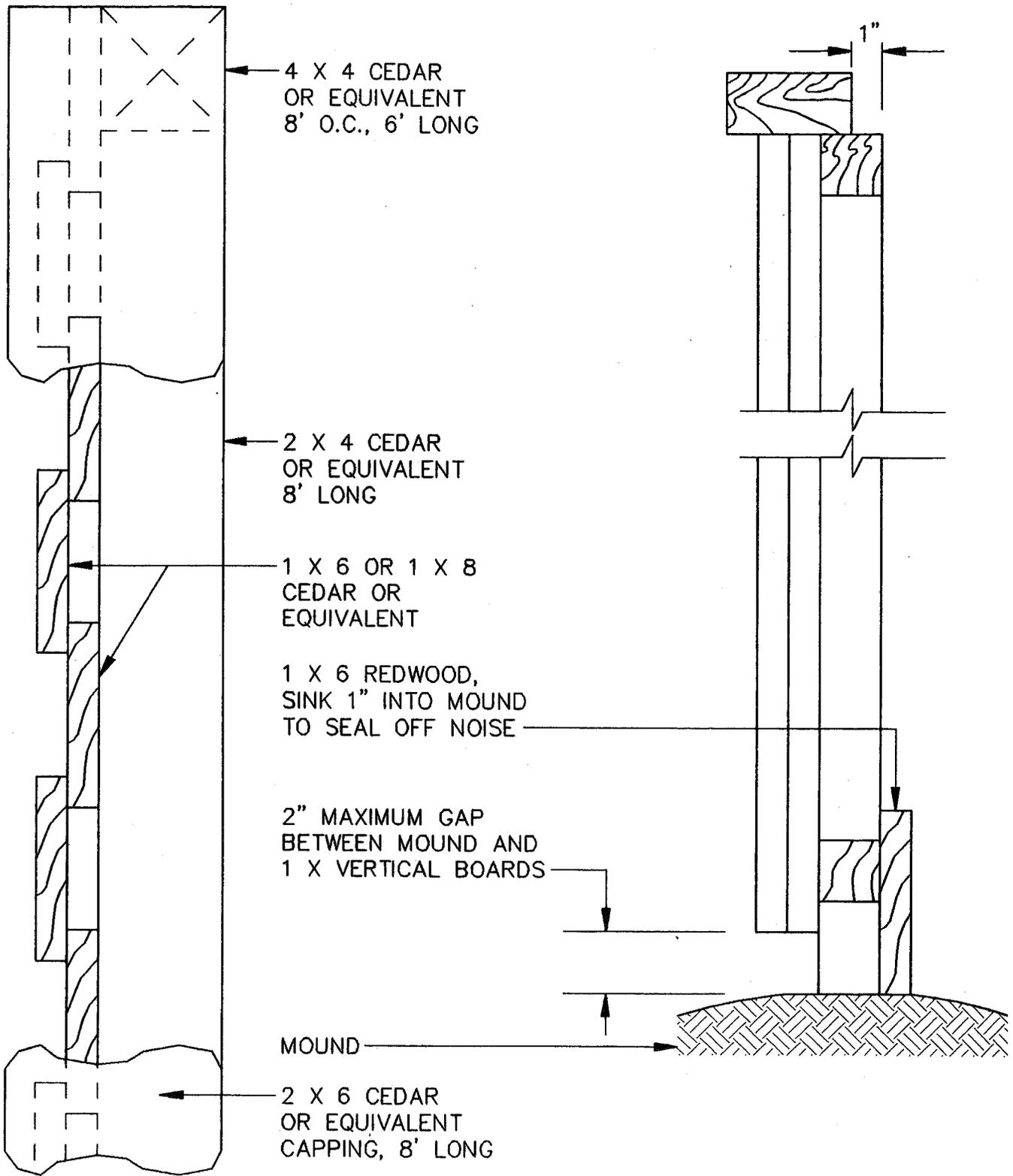
Charles M. Salter, P.E.
President

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cc: **Marvin Buchanan**
Lyndon/Buchanan Associates
2560 Ninth Street, Suite 220B
Berkeley, CA 94710
(fax: 510/849-9025)

Jay Siapno
26678 Joshua Street
Hayward, CA 94544

ATTACHMENT D



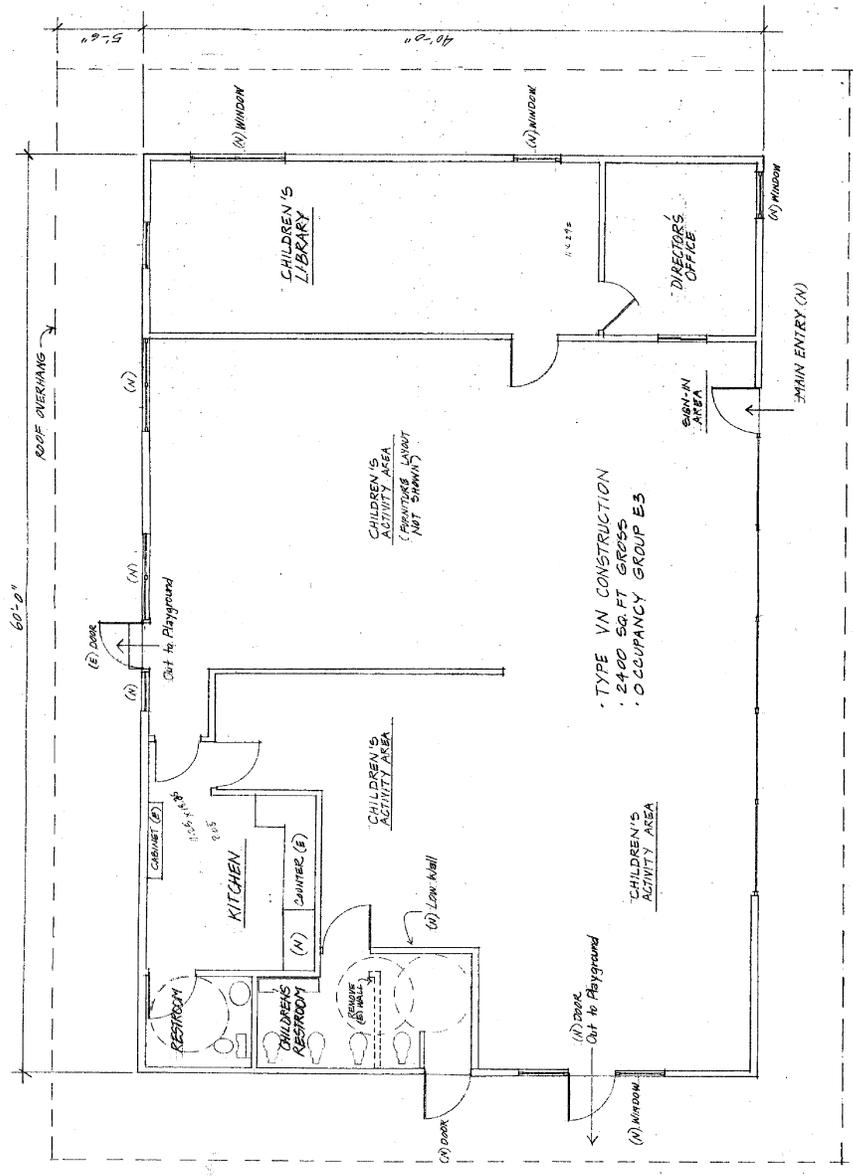
BOARD ON BOARD CONSTRUCTION

EXTERIOR NOISE BARRIER

FIGURE I

1380
7.3

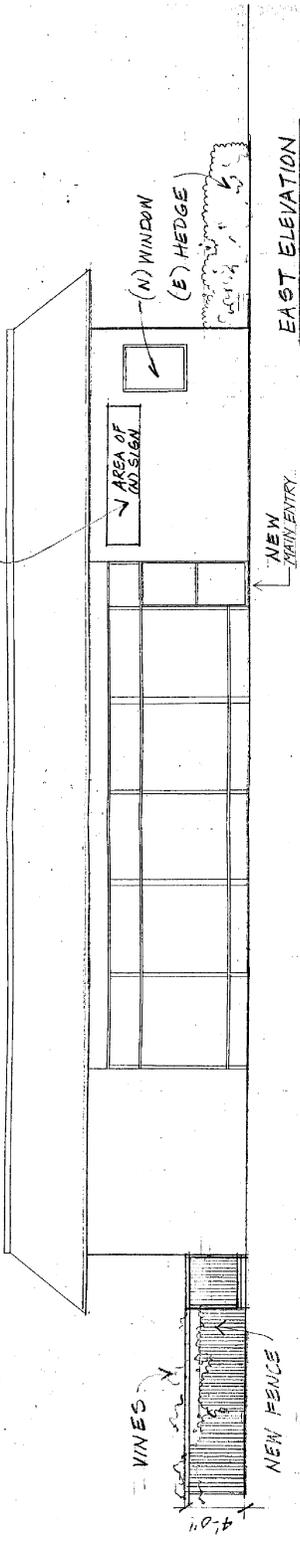
ATR
G, E



AMBROSE PRE-SCHOOL
 PROPOSED FLOOR PLAN SHEET 1/2/10
 475 BLANCHE STREET, HAYWARD, CA

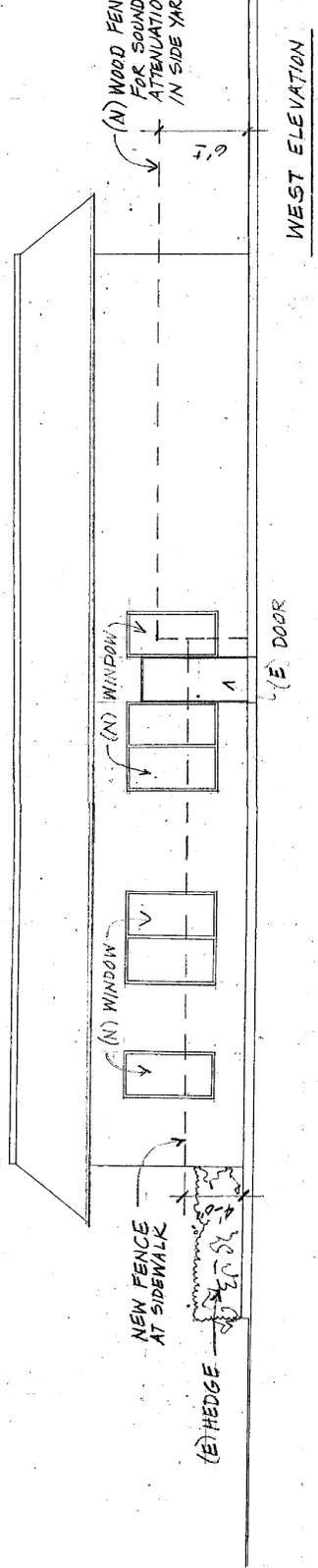


(N) INDIVIDUAL LETTER SIGN & LOGO



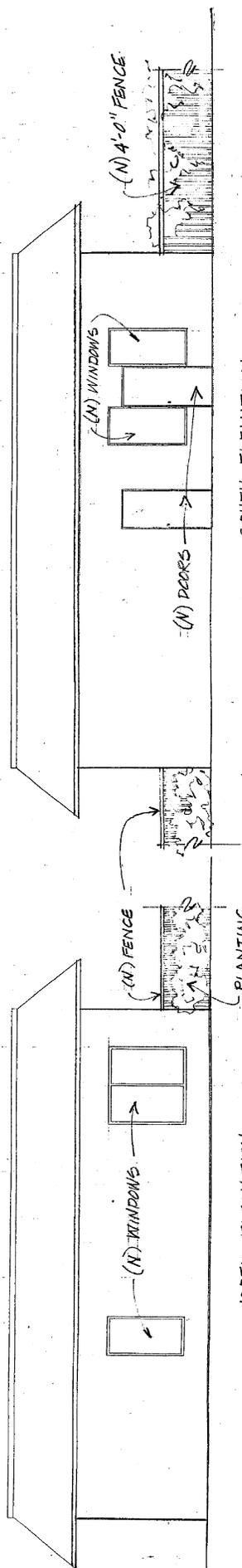
EAST ELEVATION

(N) WOOD FENCE FOR SOUND ATTENUATION IN SIDE YARD



WEST ELEVATION

(N) 4'-0" FENCE



SOUTH ELEVATION

1/8" = 1'-0"

NORTH ELEVATION

AMBROSE PRE-SCHOOL
PROPOSED BUILDING ELEVATIONS
499 BLANCKE STREET, HAYWARD, CA