



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 10/14/99
Agenda Item 2

TO: PLANNING COMMISSION

FROM: Arlynne J. Camire, Associate Planner

SUBJECT: **Administrative Use Permit Application No. 99-150-18 - Herminia Cardadeiro/Li'l Angels Childcare Center (Applicant), Calvary Baptist Church (Owner) - Appeal of the Planning Director's conditions of approval in conjunction with administrative approval of a use permit for a State-licensed childcare facility for 112 children. The appealed conditions require re-striping and relocating parking stalls and landscaping within the northerly side yard setback.**

The site is located at 28924 Ruus Road, east side and mid-block between Cinnamon Court and Folsom Avenue in a Single Family Residential (RS) District.

RECOMMENDATION:

It is recommended that the Planning Commission approve the administrative use permit with conditions of approval as modified by staff.

DISCUSSION:

Background

The church was developed under the jurisdiction of Alameda County and does not meet City of Hayward development standards in that there is limited landscaping, parking stalls that do not meet City standards, and chain-link fencing, which is contrary to Hayward development standards. There is no record that a use permit was required for the church by the County. The church may continue to operate indefinitely under current conditions as long as it does not expand or change its use. The change of use currently associated with the church, in this case a change to allow a child care facility, is subject to all applicable provisions of the Zoning Ordinance, including conditions of approval through use permit procedures.

On July 30, 1999, the Planning Director conditionally approved an administrative use permit to allow the operation of a State of California licensed childcare facility for 112 children at the Calvary Baptist Church. The conditions of approval imposed by the Planning Director are similar to those that are required of all new commercial uses and churches that abut residentially developed land. The conditions initially required installing a masonry wall along the entire northerly property line, re-striping all parking stalls, and installing landscaping along the full length of the northerly property line. The applicant, Herminia Cardadeiro, representing Li'l Angels Childcare Center, by appeal, has requested that the Planning Commission review the conditions of approval that dealt with the masonry wall, the landscaped side yard setback, and parking lot striping and re-configuration.

Subsequent to the receipt of the applicant's appeal, staff met with the applicant to re-examine the conditions required to operate the child care facility. At this meeting, staff and the applicant agreed that a masonry wall should be constructed along the northerly property line, but only along that 131-foot portion of the property line adjacent to the parking associated with the childcare business. The applicant agreed to enhance landscaping within the front yard area and to install landscaping within the parking area used for the childcare facility. She disagreed, however, with the condition requiring landscaping along the entire northerly property line, a distance of 300 feet. The applicant believes that the required landscape setback along the northerly property line would present a hazard for the children because a 6-inch concrete curb would separate the planter from the area to be used as a playground (Attachment B). The applicant agreed to re-stripe parking associated with parking for the childcare business, pointing out that the remaining parking serves only the church congregation, which should be the responsibility of the church. Staff finds this proposal reasonable.

Conditions of Approval

The following discussion focuses on the issues associated with the contested conditions of approval.

Masonry Wall

Condition Number 6 requires replacing the chain-link fence, which abuts residential properties to the north, with a 6-foot high decorative masonry block or a pre-cast concrete wall (Attachment B). In addition to aesthetic reasons, the intent of the wall is to mitigate traffic noise and lights created by vehicles that would enter and exit the site, especially during the early morning hours. Since the rear of the property will not be used for parking associated with the childcare center, staff recommends that the wall be extended only from Ruus Road to the point of the existing security fence, which separates the childcare parking area from the parking area used by the church. The applicant has agreed to provide a wall to the security gate. Staff recommends that the Planning Commission amend this condition accordingly.

There are two houses that are adjacent to the parking lot to be used by the childcare facility. They are on a single parcel. The owner of that parcel has written that he prefers chain-link fencing to a wall to maintain visibility of his property from the street and church for security purposes. He adds that he can watch over the church property during non-business hours (Attachment E.) Walls are required to protect adjacent residents from excessive noise and glare associated with adjacent commercial-type activities, but in this case the owner of the adjacent parcel indicates a preference to retain the existing chain-link fence. Staff has been unable to contact the resident to make sure he understands that vehicles will be coming to the site during very early morning hours (6:30 am). Nonetheless, chain-link fencing is discouraged from an aesthetic standpoint and there is no way for staff to determine when the current owner no longer owns or resides on the site. The noise and glare from the childcare center could be offensive to future residents. Therefore, staff recommends that the wall be installed before the opening of the childcare center, and the applicant agrees.

Landscaping

Currently, the site does not have a landscape setback along the north property line and parking lot trees are not provided. Condition Numbers 8, 9, 11, and 17 require additional landscaping to be planted. Current development standards for this property require a 7.5-foot landscape setback between the north property line and the parking lot (5 foot side yard plus 2.5 feet for vehicle overhang), the installation of one parking lot tree per every 6 parking stalls, additional landscaping to augment the existing landscaping, and the installation of a functioning automatic irrigation system. The landscape requirements are minimum standards required of all similar projects (Attachment I). Because the parking lot will function as a playground in conjunction with the childcare facility (in addition to parking for the church), staff believes that landscaping should be installed, as required by the Zoning Ordinance, to serve as an attractive buffer between the adjacent residential properties and the more intensive childcare/church parking lot area. A landscape buffer would also keep vehicles from damaging the fence separating the parking lot from the adjacent residences.

In addition to cost, the applicant is concerned (1) that parking lot landscaping and trees would reduce the number of parking stalls, resulting in overflow parking on days of church services; (2) that a landscape setback in the playground area may decrease the State required minimum amount of usable playground, resulting in a corresponding decrease in the number of children that could use the facility; and (3) that the 6-inch concrete curb required to separate the planter from the parking area could present a safety hazard to children. As an alternative, the applicant proposes portable redwood planters with a drip system along portions of the northerly property line. She suggested that planting areas where children could plant vegetables would be an asset to her program.

Staff is supportive of the applicant's suggestion to incorporate a vegetable garden within the landscape planter but believes that movable planters would not adequately compensate for the continuous planter required along the northerly property line. Given the use of the parking area for a playground, staff is not suggesting that trees be installed where they could interfere with the use of the property for a playground. Tree wells in a diamond pattern along the northerly property line would not result in a reduction in the number of parking stalls.

The applicant has stated that the State requires that the outdoor activity space be hazard free. The State code section which governs hazards in outdoor play areas states:

101238.2 Outdoor Activity Space

- (c) Equipment and activities areas shall be arranged so that there is no hazard from conflicting activities.
- (d) The surface of the outdoor activity space shall be maintained:
 - (1) In a safe condition for the activities planned.
 - (2) Free of hazards including, but not limited to, holes, broken glass and other debris, and dry grasses that pose a fire hazard.

Staff contacted the State Community Care Licensing Division and according to Ms. Betsy Rutana, Childcare Advocate, the applicant has not applied for the required State license so the site has not been inspected. However, Ms. Rutana reviewed a site plan provided to her by

staff and she has concluded that the 6-inch curb would not affect the licensing of the facility. If it is determined that the curb could present a hazard, she suggests that a 2-foot temporary fence be placed between the play area and the curb during hours of operation. In addition, the state requirements do not prohibit the installation of the curb nor the applicant's ability to meet Zoning Ordinance development standards.

The parking area and areas indicated as outdoor play areas on the plans provided by the applicant indicate that there would be over 27,000 square feet available for outdoor play areas, which is approximately 240 square feet per child. The State requires a minimum of 75 square feet per child, so a landscape planter should not conflict with the requirement for adequate outdoor play areas.

Staff believes there are no special circumstances associated with the proposed use or property that would justify removal of the landscaping condition and that the requirement is reasonable. Staff has offered to meet with the childcare operator and representatives of the church to see if there might be a cooperative effort to meet landscaping requirements since both would benefit by it.

Parking Lot

The existing parking stalls are only 16.5 feet deep and do not meet City standards calling for 19 foot-deep stalls. Irrespective of the existing depth of the stalls, in order to provide the required landscaping and trash enclosure, the parking lot would have to be re-striped. Condition Numbers 11 and 23 require minimum parking standards relating to parking stall size and circulation to be met. For this reason, staff recommends re-stripping the entire parking lot.

Staff also recommends providing adequate on-site vehicle stacking distance from Ruus Road to the parking lot to prevent traffic queuing onto Ruus Road. A distance of 60 feet is recommended (Attachment B.) This provision would address traffic concerns expressed by property owners. The applicant has agreed to designate the first two stalls closest to Ruus Road on both sides of the parking lot to be designated as employee parking. This will allow the 60-foot stacking distance to be available.

Public Concerns

An owner of several neighborhood properties is concerned with the amount of traffic that would be generated by the childcare center. The hours of operation of the childcare center would be weekdays, 6:30 am to 6:30 pm. The information provided by the applicant indicates traffic would be distributed throughout the day and would not be concentrated during any one-hour period, with 58 trips (29 vehicles) during the morning peak period as the maximum hourly trip generation during the day. Therefore, staff believes that the traffic impact on Ruus Road would not be significant.

Environmental Review:

The proposal is defined as a project under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines, however it qualifies for a Categorical Exemption under Section 15031 (Existing Facilities) Class 1 of the CEQA Guidelines.

Public Notice:

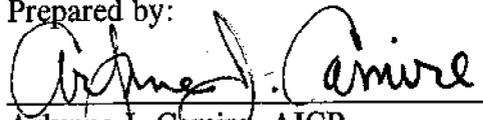
On October 4, 1999, a Notice of Public Hearing was mailed to every property owner and resident within 300 feet of the property as noted on the latest assessor's records. Written responses are attached (Attachments E and F).

Conclusion:

Staff supports the operation of the childcare center; however, staff does not support the parking exceptions or the variance from minimum development standards with the exception of the partial installation of the 6-foot masonry wall. The installation of the wall in the area used by childcare center patrons would enhance the appearance of the property and mitigate early morning traffic noise. Therefore, staff recommends modifying Condition Numbers 6 and 23.

It is important that parking meets minimum standards to assure safe and adequate parking and circulation. The installation of landscaping would provide a buffer between the adjacent residential property and would result in a higher quality project.

Prepared by:


Arlynn J. Camire, AICP
Associate Planner

Recommended by:

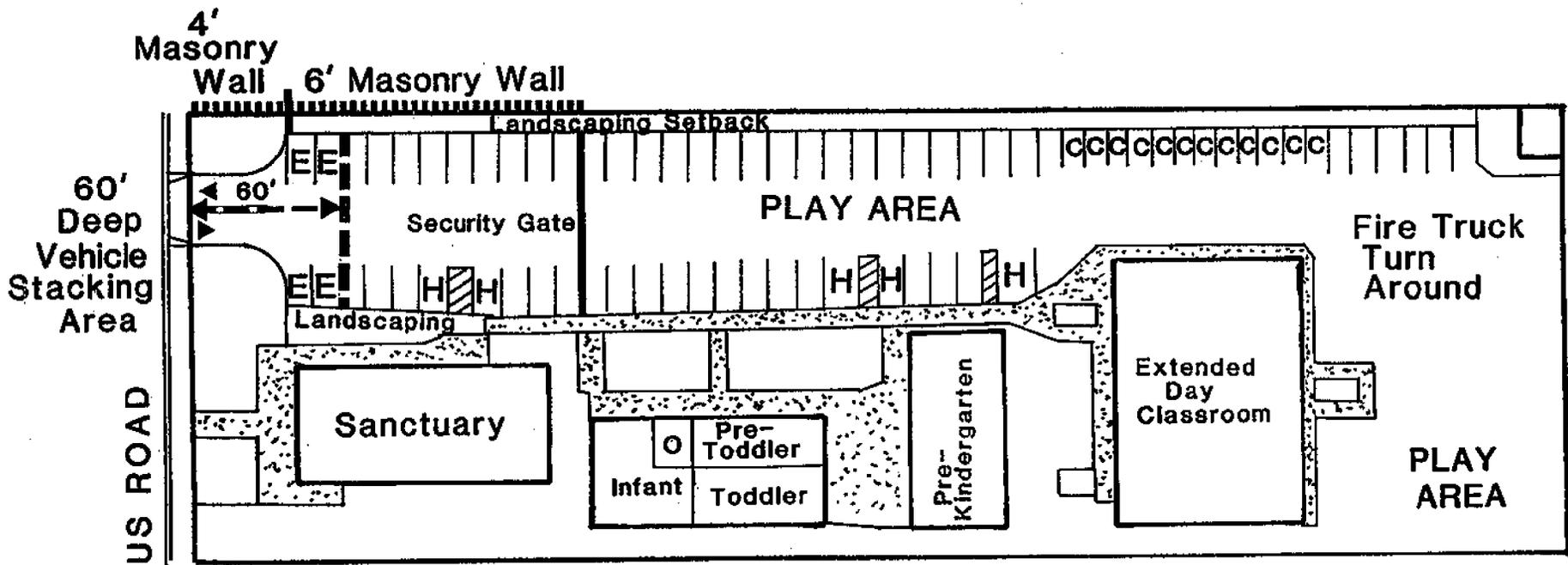

Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area and Zoning Map
- B. Site Plan Depicting Recommended Stacking Distance and Parking Lot Design
- C. Appeal Letter Dated September 9, 1999
- D. Letter of Concern from the Applicant Received October 1, 1999
- E. Letter from an Adjacent Property Owner Dated September 2, 1999
- F. Email from Barbara Mitchell-Wade, resident
- G. Findings for Denial of Variance and Parking Exceptions
- H. Findings for Approval of Administrative Use Permit
- I. Conditions of Approval
Plan



ZONING/AREA MAP ■ AUP 99-160-22
 Herminia Cardadeiro (Applicant) ■ Calvary Baptist Church (Owner)
 28924 Ruus Road



- E - Employee Parking
- C - Compact Stalls
- H - Parking for Persons with Physical Disabilities



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PLANNING DIVISION

Arlynn Camire
City of Hayward
Department of Community
and Economic Development
777 B Street, Hayward, Calif. 94541

RE: Conditions of approval
Conditional Use Permit Application No. 99-150-18
Applicant : Herminia Cardadeiro ; Li'l Angels Child Care Center
28924 Ruus Road (RS) (APN: 465-15-4).

September 09, 1999

To whom it may concern,

The intent of this letter is to serve as a formal appeal in response to the conditions of approval for the proposed child care facility, to be operated in the *pre existing buildings* on the premises of Calvary Baptist Church. The property's primary use has been and is to continue to be used as a church. The proposed child care center is to be owned by an individual, Herminia Cardadeiro, lessee and Calvary Baptist as the lessor. Regarding this matter, a conditional use permit was approved on an administrative level in July of this year, citing that the proposed use of the facility, would in no way have a negative impact on the surrounding areas however, there are several issues with regards to the "conditions of approval" received July 23 of this year which are being appealed :

" Prior to the opening of the school " :

- 1) A six (6) foot high cement sound barrier wall be erected on the north side of the property, replacing the existing chain link fence.
- 2) Extensive landscaping in and around the parking area , eliminating every sixth parking stall and planting one (1) 15-gallon tree planted in tree wells or landscape medians.
- 3) Reconfiguration of the *pre existing* parking area to accommodate a turn around type loading / unloading area for child care clients.

In response to these conditions, the appeal is being based on information gathered since this request.

The neighbors living on the north side of the property have asked that the sound wall not be installed as it is felt that their security will then be compromised by limiting their view to and from their property. A letter is enclosed for your review.

As earlier mentioned, the property is currently used as a church, the church has determined that eliminating one sixth of the current parking slots will not accommodate the total number of Sunday worshipers thusly creating an out flow of on street parking on adjacent streets, which is already accessed by neighboring churches.

The request being made for landscaping of this nature is not appropriate for this type of multi-use facility.

Secondly, the open space in the parking area is a major deterrent for the invitation of crime and criminal related acts. Landscaping that could conceal areas, will make these areas unsafe with the first and foremost concern being that the children in our care be visible at all times. It is also my concern that the evening child care employees will be leaving the facility after dark, and given the increase in crime in the city of Hayward, especially in the area in question, it would seem that the issue of safety for all users of the facility would surpass current zoning standards that are placed on aesthetics.

Further more it has been determined that landscape improvements beyond the first five yards from the street would not be visible and therefore serves no value to the community. Additionally, deciduous trees planted along Ruus Road have in the past caused drainage problems during wet winter weather. Adding more will only compound this problem. Lastly, with regards to the turn around area for the proposed parent parking, I have viewed numerous child care sites, as well as the two facilities that Li'l Angels currently operates (both at churches in San Leandro). The Dowling Blvd. site allows for only on street parking and the Fargo Ave. site shares a parking lot with tenants of a 150 unit senior citizen complex and there have been no incidents or concerns with increased traffic flow resulting from child care clients.

I would be more than happy to provide you with the name of the appropriate contacts in planning and zoning with the city of San Leandro should you wish to contact them directly regarding the 2 child care sites currently in operation.

As a business owner, I am aware of the importance of certain aesthetics within a city however, it would seem that the Planning Division, the City Landscape Architect, the Transportation and Engineering Dept. as well as the Director of Community and Economic Development Dept. are placing the burden of these extensive upgrades on the business owner in an attempt to accomplish a task that was overlooked years ago at this proposed location.

Sincerely,


Herminia Cardadeiro

c:/c Mayor Roberta Cooper
c:/c Hayward City Council
c:/c State Senator Liz Figueroa
c:/c Representative Pete Stark

L'il Angels Child Development Centers
44842 S. GRIMMER BLVD.
FREMONT, CA 94539
(510) 651-8003

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PLANNING DIVISION

Reference: 28924 Ruus Rd.

September 30, 1999
Arlynn Camire
Associate Planner
City Of Hayward
777 B Street
Hayward, Calif. 94541

Dear Arlynn Camire:

There are several issues that are still of great concern to me and it is at this time that I would like to briefly touch on these issues. Below I have outlined each of these concerns and how each has the potential to negatively impact the proposed childcare and / or the safety of the children entrusted to us as well as an alternate solution for your consideration.

- 1) A cyclone security fence has divided the parking area of the property. This fence splits the area from north to south. It is a rolling type fence including a pedestrian walk through gate. The front half of the parking area will continue to be used for visitors and employees *and will be appropriately landscaped as per city specifications to meet the standardized requirements.*

Behind the fence, is the proposed outside play area for the childcare center. The area though currently striped for church parking is the area that would be used as a playground for large motor activities, which are crucial for the physical development of children. This area is quite similar in comparison to the standard "black top" play area found at most Elementary schools and has a basket ball court, a tether ball area as well as a volleyball area and a horse shoe pit.

Based on conditions for approval it would require that this area be landscaped. It is my concern that the landscape required poses an immediate safety hazard to young children injured during play by falls due to the obstacles (parking medians) According to the manual of policies and procedures set forth by the State Of California Department of Social Services it is written in section 101238.2 c "The surface of the outside activity space be free of any and all hazards"

Attachment D

September 30, 1999

These potential dangers and the prevention of any and all injuries sustained by the children placed in our care are my main concern. The standardized landscape requirements that the city has adopted is an admirable one and much needed for the beautification of all cities however it would seem that in this particular case there might be an alternate solution that best meets the needs of all, keeping in mind, that the *main use of this area* will be for children's play.

Secondly, the proposed landscape will reduce our available usable square footage, to meet our requirements necessary for the number of children we will have enrolled.

Therefore the proposal that I would like to offer for your consideration is as follows:

In place of the planned medians per six parking slots, I purpose that a redwood planter 4ft / 4ft / 4ft be placed against the wall of the property per six stalls and watered by drip irrigation. The trees would provide the aesthetics needed as well as ensure the safety of the children, by eliminating any possibility of injuries caused by falls. The height of the planters would comply with licensing regulations regarding any containers that hold water or other liquids and deter children from destroying trees.

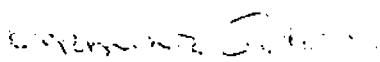
Within a year or two after opening, I would also like to have a cement planter type box, which would span the entire length of the wall, to provide a garden type area specifically for the children to grow vegetables, plants and herbs as well as learn responsibility for caring for them, and include a compost box for recycling of "greens"

With regards to the sound wall, the home owner who's two properties the wall would affect, has asked that the wall not be erected. Mr. Ali, on numerous occasions has shared his concerns with regards to what he feels will be a lack of security for his properties if the wall is erected and most recently expressed the feeling that he and his family would be "imprisoned" behind the wall. Mr. Ali is well aware of the increase in early morning traffic, and maintains that this is not an issue for him. Mr. Ali plans on attending the upcoming meeting where he can voice his concerns publicly.

I can't help but feel partially responsible for Mr. Ali's undue grief and unhappiness. It has never been my intention to cause anyone to have hard feelings, especially between neighbors, and the thought of any of our "new neighbors" having feelings of animosity toward us is something I take very personally. I would hope on this issue as well that we might work together to find a solution that works for everyone.

I look forward to hearing from you soon, in response to this letter and the amended conditions of approval.

Respectfully,



Herminia Cardadeiro
Lil' Angels Child Development Center

Mohammed Hannif Ali
28046 Ruus Rd
Hayward CA 94544-5725
510/782-2919

September 2, 1999

Arlynn J. Camire
Associate Planner City of Hayward
777 B Street
Hayward CA 94541

Dear Arlynn,

Pastor Chuck Horner of Calvary Baptist Church told me that you request:

"The existing chain link fencing abutting residential properties to the north shall be replaced with a 6-foot high decorative masonry block or precast concrete sound wall."

Years ago, the church removed the broken redwood strips from the fence with a plan to replace them with more solid plastic strips. This would make it impossible to see through the fence.

The church honored my request that the chain link fence remain clear because of security problems in the neighborhood. I want others to be able to see that side of my property. The church also appreciates my ability to watch their property.

Please do not have the church change the fence.


Mohammed Hannif Ali

The idea sounds great. My only concern are the 4 houses in our area that are half-way houses for people that are trying to get their lives back on track. I walk my dog in the area each day and some of the men seem to be spaced out half the time. They wonder around the neighborhood and sometimes will try to flirt with my daughter who walks to Peixoto Campus. They have never tried to hurt her in any way but I am still cautious and tell her to be the same.

Barbara Mitchell-Wade
Mother and citizen of hayward

FINDINGS FOR DENIAL

Variance Application No. 99-180-10

Herminia Cardadeiro/Li'l Angels Childcare Center (Applicant)

Calvary Baptist Church (Owner)

Based on the staff report and the public hearing record:

1. That there are not special circumstances applicable to the property in that the subject property has ample area to provide a setback between parking stalls and the north property line to a landscaped setback, and there is ample space to provide parking lost trees and landscaping.
2. That strict application of the Zoning Ordinance and the Off-Street Parking Regulations does not cause a hardship nor deprive such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that all childcare centers and churches in the Single Family Residential Zoning District are required to meet minimum development standards and off-street parking regulations.
3. That the approval of the variance and parking exception would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and Single Family Residential zone in which the property is situated in that other variances have not been approved to allow new child care centers or churches not to meet minimum development standards related to setbacks and landscaping.
4. The granting of an exception to the Off-Street Parking Regulations will create a safety hazard and create conditions inconsistent with the purposes of the Off-Street Parking Regulations in that standard parking stalls and parking stalls for persons with physical disabilities will not meet the minimum development standards.

FINDINGS FOR APPROVAL

**Administrative Use Permit Application No. 99-150-18
Herminia Cardadeiro/Li'l Angels Childcare Center (Applicant)
Calvary Baptist Church (Owner)**

Based on the staff report and the public hearing record:

1. That approval of Administrative Use Permit Application No. 99-150-18, to allow the operation of a State of California licensed child care facility for 112 children at a church located at 28924 Ruus Road will have no significant impact on the environment, cumulative or otherwise. This project is Categorically Exempt from the provisions of Section 15301, Class 1(a) (Existing Facilities) the California Environmental Quality Act.
2. The proposed child care facility will not impair the character and integrity of the Single Family Residential zoning district or surrounding area in that it is determined to be a compatible with other uses in the Single Family Residential zoning district as conditioned.
3. The proposed child care facility will not be detrimental to the public health, safety or general welfare in that the project will be conditionally approved to properly regulate the operating procedures and activities associated with the use.
4. That the proposed child care facility as permitted with the attached conditions of approval is consistent with applicable City regulations adopted under the City of Hayward Zoning Ordinance, Section 10-1.202 Single Family Residential zoning district, which is designated for child care facility activities.

CONDITIONS OF APPROVAL

Administrative Use Permit Application No. 99-150-18
Herminia Cardadeiro/Li'l Angels Childcare Center (Applicant)
Calvary Baptist Church (Owner)

General Requirements

1. That Administrative Use Permit Application No. 99-150-18, to allow the operation of a State of California licensed child care facility for 112 children at a church located at 28924 Ruus Road shall be according to the plans approved by the Director of Community and Economic Development/Planning Director on August 23, 1999, labeled Exhibit "A." This approval is void one year after the effective date of approval unless all required improvements are completed and/or a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
2. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director and the Fire Marshall.
3. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

Planning Division

4. A license to operate a child care facility for not more than 112 children shall be obtained from the State of California, Department of Social Services, Community Care Licensing Division prior to the commencement of operation.
5. The childcare facility is allowed to operate Monday through Friday 6:30 am to 6:30 pm. Any changes in the hours/days of operation shall be approved by the Director of Community and Economic Development/Planning Director.
6. The existing chainlink fencing abutting residential properties to the north shall be replaced with a 6-foot high decorative masonry block or precast concrete sound wall *from the back of the front yard set back to the existing security gate. The wall shall be 4 feet high within the front yard set back.* Wall design shall be approved by the Director of Community and Economic Development/Planning Director prior to the issuance of a building permit. The decorative masonry wall shall be treated with a graffiti sealant.
7. Only one freestanding monument sign is permitted. The freestanding sign located on the north side of the driveway shall be removed. The existing signs in the southern landscape area shall be repaired and maintained.

8. Prior to the commencement of operations of the childcare facility, landscaping and irrigation plans shall be prepared by a landscape professional and submitted for review and approval by the City Landscape Architect. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. The plans shall include the following:
 - a. Three 24-inch box trees shall be placed within the street frontage. Trees shall be planted according to the City's Standard Street Tree Planting Detail SD-122. Trees should be planted a minimum of 5 feet from the city sidewalk. The appropriate species of trees include Mayten boaria, Gleditsia tricanthos and, Lagerstromia indica.
 - b. New landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high, class "B" Portland Cement concrete curb.
 - c. Parking and loading areas shall be screened from the street with shrubs. The shrubs shall be 5-gallon in size. Shrubs shall be spaced to create a continuous 30-inch high hedge within 2 years. Suitable shrubs include but are not limited to: Ligustrum lucidum (existing shrubs lining the walkway), and Carrisa grandiflora (thorns will deter kids from damaging plants).
 - d. Parking lots shall include one 15-gallon tree for every 6 parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscape median. All tree wells and medians shall be a minimum of 5 feet wide measured inside the curbs.
 - e. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs.
9. Landscape improvements shall be installed according to the approved plans prior to opening of the school.
10. 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 10 days of the inspection. Trees 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 and pursuant to Municipal Code.
11. Prior to Final Inspection the following shall be completed:
 - a. Landscaping shall be installed per the approved plans and a Certificate of Substantial Completion shall be submitted.
 - b. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance; the parking stalls shall be striped in accordance with Exhibit "A." Any parking stalls for people with physical disabilities or compact stalls shall be clearly marked accordingly.
12. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The

premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 7 days of occurrence.

13. The use of exterior loud speakers shall be monitored to ensure that noise is not audible from adjacent residential properties. Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 dB, whichever is greater.

State of California, Department of Social Services, Community Care Licensing

14. Restrooms and toilet facilities:

- a. One toilet and one sink shall be provided for every 15 children.
- b. One handwashing sink shall be provided for every 15 infants. One potty-chair for every 5 infants who are being toilet trained.
- c. A sink must be within arm's reach of the changing table.
- d. Restrooms for school-age children must provide individual privacy. Children of the opposite sex are not permitted to use the same restroom facility simultaneously.
- e. A separate staff/isolation restroom is required for all programs.

15. If food is prepared on site, there shall be a food preparation area with a sink, hot and cold running water, a refrigerator, and food storage space

16. Play area requirements:

- a. Thirty-five square feet per child are required for indoor play. This measurement is not allowed to include stationary storage areas, kitchen, restroom facilities, office, hallways, or isolation areas.
- b. Seventy-five square feet per child are required for outdoor play area.
- c. All outdoor play areas shall be fully enclosed by a minimum 4-foot high fence. The fence shall be constructed of a material other than chain link. The fence shall be to the satisfaction of the State of California, Department of Social Services, Community Care Licensing Division.
- d. A shady rest area shall be provided in the outdoor play area(s).
- e. Children must have free access outdoors to drinking water.
- f. Cushioning material is required beneath all playground equipment, such as climbing bars and swings. Sand, pea gravel, and purchased rubber matting are acceptable.

17. There shall be separate indoor and outdoor spaces for infants, pre-schoolers, and school-age children.

18. Napping equipment and facilities shall meet State of California Department of Social Services, Community Care Licensing Division regulations.

19. A Fire Department inspection and clearance is required prior to the commencement of operation of the child care facility.

Fire Department

20. The applicant/property owner shall comply with all requirements of the Uniform Fire Code including but not limited to the following:
- a. Provide an emergency turnaround at the end of the property to the satisfaction of the Fire Marshall.
 - b. All gates shall have lock boxes, key switches (if electric) and/or breakaway type locks provided.
 - c. **BUILDING A** (See Exhibit "A"): The 2-story building will be an A-3/E-3 occupancy with a maximum occupancy of 79 persons. This building will be used as an extended day care classroom for children ages 5 - 12. For licensing requirements, 36 children will occupy the building between the hours of 7:00 am to 8:30 am and from 3:00 pm to 6:30 pm. The following Fire Department requirements shall be met:
 1. Manual and automatic fire alarm system with smoke detectors.
 2. Fire protection system for commercial cooking equipment in the kitchen.
 3. Supervision for the fire alarm system. In addition, the fire protection system for the cooking equipment shall be tied into monitoring.
 4. Fire extinguishers on both floors.
 5. Post occupant load signage at "79 persons Maximum Occupancy."
 6. Exit illumination signs as per the Uniform Building Code.
 7. Panic hardware is required on all exit doors leading to the exterior of the building.
 8. All decorative materials shall be flame resistive.
 - d. **BUILDING B**: This building has an occupancy classification of B/E-3 with a maximum occupancy of 44 persons. It will be used for Pre-K classroom activity. For licensing requirements, there will be a total of 36 children between the hours of 6:30 am to 6:30 pm. This building is also used on the weekends for prayer worship. The following Fire Department requirements shall be met:
 1. Fire extinguishers throughout the building to the satisfaction of the Fire Marshall.
 2. Post occupant load signage at "44 persons Maximum Occupancy."
 3. Battery operated smoke detectors shall be installed to the satisfaction of the Fire Marshall.
 - e. **BUILDING C**. This building will be used for infant care (0-1 years old) and toddler care (18-36 months old). This is an E-3 occupancy with a maximum occupant load of 80 persons. For licensing requirements, there will be a total of 8 infants and 24 toddlers in the room between the hours of 6:30 am to 6:30 pm. The following Fire Department requirements shall be met:
 1. Install a manual and automatic fire alarm system with smoke detection and central station monitoring to the satisfaction of the Fire Marshall.
 2. Provide fire extinguishers throughout.
 3. Post occupant load signage at "80 persons Maximum Occupancy."

22. Prior to Fire Department clearance, State Department of Social Services, Community Care Licensing Division shall make contact with this office and provide all necessary paperwork.

Transportation and Engineering

23. Submit a revised to scale plan. Indicate scale of the plan and include a bar scale. The plan shall include the following:
- a. Standard parking stalls must be 19 feet deep; a 2.5-foot overhang is permitted.
 - b. Minimum 8-foot wide loading area for two stalls for persons with physical disabilities.
 - c. A 7.5-foot landscape set back on the north side of the parking area. *Where there is not sufficient area to provide a planter, tree wells may be installed.*
 - d. Fire Department Turn Around Area.
 - e. *Employee parking shall be posted in the first-2 stalls on the north and south sides of the parking lot.*
 - f. Five-foot clearance for all parking stalls adjacent to a wall/fence on the passenger/driver side. This area shall be striped.
 - g. Location of covered trash/recycling enclosure and elevation of trash enclosure.
 - h. Locations of play areas by age groups with access.
 - i. Four-foot fence around play areas and shade areas.
 - j. *Direction arrows and a double yellow line at the parking lot entrance.*
 - k. *Indicate a minimum of 39 parking spaces.*
24. Catch basins shall be equipped with fossil filters.
25. Paving shall be repaired or replaced as needed to the satisfaction of the City Engineer.

Water Division

26. The Utilities System requirements shall include but not be limited to the following:
- a. Existing 1-inch water meter may be inadequate for proposed use. Prior to site improvements, submit a gallon per minute demand to the Senior Utility Service Representative to determine adequate meter size.
 - b. Install a Reduced Pressure Backflow Prevention Assembly per City of Hayward Standard Detail SD-202 on all domestic and irrigation water meters.
 - d. Install separate water meter to avoid sewer charges on irrigation consumption.
 - e. On all future plan submittals please add the following
 1. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
 2. Provide key/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.

Solid Waste Management

27. The applicant shall indicate on revised plans the number and type of refuse and recycling containers that will be used. The space provided for the storage of recyclables must be the same size as that provided for trash.
28. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of the trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 foot long, should also be placed between the refuse dumpster(s) and the recycling containers.
29. A minimum space of 12-inches must be maintained between the dumpster(s) and the walls of the trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s).
30. A dumpster capacity of 3 cubic-yards, to be serviced weekly and perhaps more frequently, is required. The trash enclosure is required to accommodate this dumpster that has the dimensions of 7 feet in length, 4 feet in width, and 5 feet in height.
31. If the trash enclosure is a gated design, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and the gate be flush with the enclosure wall, to allow adequate maneuverability of the dumpster in and out of the enclosure to service it.
32. The applicant must ensure that there is adequate space for a garbage truck to service the trash enclosure(s). For safety reasons, a turnaround must be provided for any property that would otherwise require the collection truck to back up a distance greater than 150 feet. A 40-foot turning radius is required.
33. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
34. If it comes to the attention of the Director of Community and Economic Development/Planning Director that there are problems occurring as a result of the operation of the childcare facility, the Director may call this administrative use permit application up to the Planning Commission for consideration of imposing additional conditions or restrictions.