

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: April 4, 2019

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit Renewal and Amendment, pursuant to Section 6500 of the San Mateo County Zoning Regulations, to allow the continued use of day care program at the existing Highlands Recreation District facility, located at 1851 Lexington Avenue, in the unincorporated San Mateo Highlands area of San Mateo County.

County File Number: PLN 2001- 00528 (Highlands Recreation District)

PROPOSAL

History

On March 6, 2008, the Zoning Hearing Officer approved an amendment to the Use Permit which consisted of upgrades to the existing Highlands Recreation District facilities, and for the construction of a new two-story day care center building (Building Permit, BLD 2006-00327); an increase in the number of children enrolled in the day care program from 40 to 42; and an increase to the number of students enrolled in the afterschool program from 70 to 86.

In 2015, a staff review of the uses occurring at the Highlands Recreation District Facility determined that the afterschool program was classified as an allowed use associated with Public Parks and Recreation Facilities, and no longer needed a use permit for conducting operations. However, the day care program would remain subject to the conditions of approval of the original use permit when the next use permit renewal date occurred in 2018.

Proposal

The Highlands Recreation District is solely renewing their use permit to allow for the continued operation of the existing day care program and maintain its current enrollment allowed under the previous permit. Additionally, the applicant would like to amend the use permit to omit the after-school program activities since it has been determined that they are an allowed use under Parks and Park Facilities with no expansion proposed. No changes have been proposed to the existing facilities or programs under this use permit renewal amendment.

RECOMMENDATION

Approve the Use Permit Renewal and Amendment, County File No. PLN 2001-00528, by making the required finding and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Bryan Albini, Project Planner, Telephone 650/599-1559

Applicant/Owner: Highlands Recreation District

Location: 1851 Lexington Avenue, San Mateo

APN: 041-132-010

Size: 3.45 acres

Existing Zoning: R-1/S-8 (Single-Family Residential/7,500 sq. ft. minimum parcel size)

General Plan Designation: Medium Low Density Residential (2.4-6.0 dwelling units/acre)

Sphere-of-Influence: City of San Mateo

Existing Land Use: Highlands Recreation Center

Water Supply: California Water Service Company

Sewage Disposal: Crystal Springs County Sanitation District

Flood Zone: Flood Zone X, area of minimal risk, FEMA FIRM Panel No. 06081C0165E; Effective Date October 16, 2012.

Environmental Evaluation: Categorically exempt under Section 15301 of the California Environmental Quality Act, pursuant to Class 1, involving negligible or no expansion of an existing use.

Setting: The subject property lies within a residential area in the unincorporated San Mateo Highlands area of San Mateo County. The recreation center provides a number of services to the residents of the San Mateo Highlands, including tennis, swimming, exercise classes and art classes. The day care program is conducted out of the existing child development center located in a separate building to the rear right side of the main Highlands Recreation District facility building and tennis courts. The existing site slopes upward from the parking lot area located at the front of the parcel along Lexington Avenue and continues to slope up beyond the existing development. The site contains mature vegetation along the sides and rear edges of the property. No construction activity has been proposed at this time.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

Park and Recreation Resources

Policy 6.29 (*Protection, Operation, and Maintenance*) encourages all providers of park and recreation facilities to make provisions to protect, operate and maintain park and recreation systems and related easement. The Highlands Recreation District provides for the maintenance of all facilities and equipment as well as the programming of activities on site. The approval of the use permit for the day care program would enable the Highlands Recreation District to continue to provide a much needed community benefit.

2. Conformance with the Zoning Regulations

a. Conformance with the Development Standards

No new development has been proposed with the Use Permit Renewal and Amendment at this time. The continued use and operation of the Highlands Recreation Facilities is compliant with development standards for the R-1/S-8 Zoning District.

Development Standard	Required	Existing
Minimum Lot Width	50 feet	242 feet (Average)
Minimum Lot Size	7,500 sq. ft.	3.45 acres
Front Yard Setback	20 feet	361 feet/No Change
Rear Yard Setback	20 feet	56 feet/No Change
Side Yard Setback	5 feet	126 feet/No Change
Maximum Height	36 feet	26 feet (Child Care Center)
Lot Coverage	40%	5.4%

b. Conformance with the Parking Regulations

Section 6119 of the San Mateo County Zoning Regulations related to required parking does not specifically address day care programs, and there is no change since the previous Use Permit Renewal and Amendment was approved in 2008. The Highland Recreation Center has 33 parking spaces to serve members and staff, with no proposal for expansion of facilities or parking.

The day care program will continue to maintain the current enrollment of a 42-children capacity with no change in the existing parking

configuration. No complaints regarding traffic or parking since 2015 have been received by the Department.

c. Conformance with the Use Permit Findings

For the Use Permit Renewal and Amendment to be approved by the Zoning Hearing Officer, the following finding must be made:

- (1) *That the establishment, maintenance and/or conducting of the use will not, under the circumstances of this particular case be detrimental to the public welfare or injurious to property or improvements in said neighborhood.*

As there is no change or modification of the existing Use Permit, other than the exclusion of park and recreation uses, staff has determined that this finding can be made. The Highlands Recreation District was established in 1957 and has been operating a park and recreation facility for the San Mateo Highlands community since the 1960s. Staff believes the continued operation of the day care program is a recognized benefit to the community and will not be detrimental to the public welfare but will enable the facility in being able to better serve the community. Negative impacts from the start of the day care program have not been recorded by the department.

3. Compliance with Conditions of Last Approval

All of the use permit's 2008 conditions of approval are assessed below with regard to compliance and if the conditions should be either retained or revised. For those conditions not applicable to this permit, staff recommends that some conditions, as indicated, be dropped in instances where the condition: (1) has been complied with, or (2) is no longer deemed feasible or necessary.

a. Compliance with Planning Conditions

- (1) This approval applies only to the proposal, documents and plans described in this report and submitted and approved by the Zoning Hearing Officer on March 6, 2008. Minor revisions or modifications to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, but modified to reflect current dates and wording.

- (2) The use permit amendment for the modification to the Highlands Recreation Center shall be valid for a period of 5 years from the date of approval, until March 6, 2013, by which time the applicant shall apply for and be issued a building permit for construction. Failure to apply for and be issued a building permit by March 6, 2013, will result in the expiration of this permit and will require a new application for review and processing. An extension of this permit may be requested by submitting a written request for permit extension and payment of applicable extension fees no less than 30 days prior to expiration.

Compliance with Condition? Yes. The childcare development center was finalized in 2015.

Recommend to Retain Condition? No. The Highland Recreation Center has no proposal for development or construction associated with this use at this time.

- (3) This use permit shall also be subject to an administrative review which shall occur no later than 2 years from the date of this use permit approval. The purpose of the administrative review is to assure continued compliance with the conditions of approval. The administrative review shall be conducted at staff level, i.e., without a public hearing. However, should staff determine that (a) the conditions of approval are not being met, or (b) a significant number of complaints have been received to indicate that the facility may be causing adverse impact to the surrounding neighbors, that review shall be conducted at a public hearing by the Zoning Hearing Officer.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The Highland Recreation Center has complied with all conditions of approval, with no complaints received. The day care program operations will be in compliance with approval with the Use Permit Renewal and Amendment.

- (4) Two-thirds of the total number of parking spaces in the parking lot, excluding designated handicap spaces, shall be limited to a maximum of 15 minutes per car between 5:00 p.m. to 6:00 p.m. The applicant may select which spaces are subject to this requirement. Signage shall be posted in the parking lot to convey this requirement.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. The evening pick-up requirements ensure that vehicles can freely circulate into and out of the facility parking lot to reduce impacts to the surrounding community.

- (5) The use permit for the 42-child day care center shall be valid until March 2018 to coincide with the use permit approval period for the 86-student after-school day care program. The applicant shall submit an application for use permit renewal for both the 86-student after-school day care program and the 42-child day care center 6 months before this permit expires.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, with the following modification: The use permit for the 42-child day care program shall be valid until April 2029, 10 years from the date of approval. The applicant shall submit an application for use permit renewal for the 42-child day care program, 6 months before this permit expires.

- (6) Any change, addition or intensification of use on the project site shall require an amendment to the use permit. Amendment to this use permit requires an application for amendment, payment of applicable fees and consideration at a public hearing.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

- (7) Prior to the issuance of a building permit, the applicant shall submit two copies of the geotechnical investigation to the Building Inspection Section upon submittal of construction drawings for additional review and approval by the Geotechnical Section. All construction drawings shall incorporate the recommendations included in the Geotechnical Investigation Report prepared by Romig Engineers.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the Use Permit Renewal and Amendment.

- (8) Prior to the issuance of a building permit, the applicant shall submit a revised erosion and sediment control plan for review and approval by the Current Planning Section prior the issuance of a building permit. The erosion control plan shall clearly

delineate the types of measures to be used, the location of where the measures will be placed as well as a sectional drawing showing how the measures will be installed. Erosion control measures include but are not limited to hay bales, silt fences, straw blankets or fiber rolls. All erosion control devices shall be installed on-site prior to any grading or construction activities on site.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the current Use Permit Renewal and Amendment.

- (9) During the construction phases of the project, the applicant shall be restricted to those limits indicated in the County Noise Regulations.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the current Use Permit Renewal and Amendment.

- (10) The applicant shall make scheduling changes for afternoon classes in order to reduce the demand for parking in the afternoon as well as reduce the demand for parking in the afternoon as well as reduce parking on Lexington Avenue. Documentation of such modifications in scheduling shall be submitted to the Current Planning Section prior to Building Inspection Section's Final approval.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is not necessary as the activities associated with the after-school care programs have been designated as an allowable use ancillary to Public Parks and Recreation as defined in Section 6400(c) of the County Zoning Regulations.

- (11) All materials and colors used for the new day care center shall be similar to those used for the existing structures so the new buildings will be integrated into the design of the site. Either the building inspector or planning staff shall confirm that the approved materials and colors were used prior to the Building Inspection Section's final approval.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the Use Permit Renewal and Amendment.

- (12) The day care center shall provide services for up to 42 children per day. Any modifications to this number will require an amendment to this use permit.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

- (13) The day care program shall operate between the hours of 7:30 a.m. and 6:00 p.m. Any modifications to these hours shall require an amendment to this use permit.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

- (14) During the construction phases of the project, the applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into storm drain systems and water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision" guidelines.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the current Use Permit Renewal and Amendment.

- (15) All new utility lines to the proposed project shall be installed underground.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the current Use Permit Renewal and Amendment.

- (16) The applicant's building plans shall include an exterior lighting plan showing the location and type of all new exterior lighting, be it freestanding or attached to structures/building. Such lighting shall be limited to that required for security and safety during the nighttime hours and shall be designed and directed downward such that all light glare is contained on the facility property. This

plan shall be reviewed and approved prior to issuance of the building permit. The installation of all approved fixtures shall be confirmed by Building Inspection Section or Planning staff prior to final approval of the building permit.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is no longer applicable as no development has been proposed at this time with the current Use Permit Renewal and Amendment.

- (17) The use permit for the 86-student after-school day care programs shall be valid until March 2018.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. This condition is not necessary as the activities associated with the after-school care programs have been designated as an allowable use ancillary to Parks and Recreation as defined in Section 6400(c) of the County Zoning Regulations.

- (18) The use permit for the 86-student after-school day care program is valid only in conjunction with a valid State day care license, which shall be made available to the Current Planning Section any time during the valid period of this use permit. An increase in the State license capacity for the day care or after-school program does not amend this use permit and will require a separate use permit amendment with San Mateo County Planning and Building Department.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, with the following modification: The use permit for the 42-child day care program is valid only in conjunction with a valid State day care license, which shall be made available to the Current Planning Section any time during the valid period of this use permit. An increase in the State license capacity for the day care program does not amend this use permit and will require a separate use permit amendment with San Mateo County Planning and Building Department.

- (19) The 86-student after-school day care operation shall not exceed the noise standards established by the County Noise Ordinance at any time.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, with the following modification: The 42-student day care operation shall not exceed the noise standards established by the County Noise Ordinance at any time.

- (20) This permit allows the relocation of four tennis court lights at courts 1, 2 and 3. The new lighting units shall cease operation each day at 9:00 p.m. The lighting units shall also be pre-aimed, shielded and positioned so as to confine the direct rays to the tennis courts, i.e., not increase light levels on, or cause glare when observing from the neighboring parcels.

Compliance with Condition? Yes.

Recommend to Retain Condition? No. The tennis courts have been determined to be part of the park facilities, and therefore not subject to use permit regulations. There is no development or site modifications associated with this Use Permit Renewal and Amendment.

C. ENVIRONMENTAL REVIEW

The continual use of the day care facilities is categorically exempt under the provisions of Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines for the permitting of existing facilities.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Facility Photos

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2001-00528

Hearing Date: April 4, 2019

Prepared By: Bryan Albini, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the continued use of the child care facilities are exempt from environmental review, pursuant to provisions of Class 1, Section 15301, of the California Environmental Quality Act (CEQA) Guidelines for the permitting of existing facilities.

Regarding the Use Permit Renewal and Amendment, Find:

2. That the establishment, maintenance and/or conducting of the use, under the circumstances of this particular case, and as conditioned, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Since 2015, the Planning Department has not received complaints regarding the approved operation of the day care program and its capacity. Staff's evaluation of the use permit renewal and amendment application indicates that, the continued use and operation of the day care program will not overburden existing public facilities.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted and approved by the Zoning Hearing Officer on April 4, 2019. Minor revisions or modifications to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. Two-thirds of the total number of parking spaces in the parking lot, excluding designated handicap spaces, shall be limited to a maximum of 15 minutes per car between 5:00 p.m. to 6:00 p.m. The applicant may select which spaces are subject to this requirement. Signage shall be posted in the parking lot to convey this requirement.

3. The use permit for the 42-child day care center shall be valid until April 2029, ten years from the date of approval. The applicant shall submit an application for a use permit renewal and amendment for the 42-child day care center 6 months before this permit expires.
4. Any change, addition or intensification of use on the project site shall require an amendment to the use permit. Amendment to this use permit requires an application for amendment, payment of applicable fees and consideration at a public hearing.
5. The day care program shall provide services for 42 children per day. Any modifications to this number will require an amendment to this use permit.
6. The use permit for the 42-child day care program is valid only in conjunction with a valid State day care license, which shall be made available to the Current Planning Section any time during the valid period of this use permit. An increase in the State license capacity for the day care or after-school program does not amend this use permit and will require a separate use permit amendment with San Mateo County Planning and Building Department.
7. The 42-child day care operation shall not exceed the noise standards established by the County Noise Ordinance at any time.

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant:

Attachment:

File Numbers: