Item #2  
FOUNTAINHEAD MONTESSORI DAY CARE  
1715 & 1725 OAK PARK BOULEVARD  
PLN 16-0380

Project Planner:  
Troy Fujimoto, (925) 671-5224, tfujimoto@pleasanthillca.org

Applicant  
AD Architects Inc., 3738 Mt. Diablo Blvd. Suite 310, Lafayette, CA 94549

Property Owner:  
Aina East LLC., PO Box 593, Danville, CA 94526

I. INTRODUCTION

A. Project Description

This is a public hearing to review a proposal to remove two existing single family residential buildings that are currently used for day care and to replace them with one new 4,996 square foot commercial building to consolidate the two day care sites into one facility for up to 72 children with a maximum of 12 employees. In addition, various site improvements are proposed including: new vehicular circulation, new parking spaces, a new trash enclosure, refreshed landscaping and outdoor play areas. The project includes the following:

- A development plan for the construction of a new approximately 4,996 square foot facility, including site modifications such as landscaping, a new parking area, outdoor play areas and ancillary structures.
- A variance to allow a five foot high front yard fence and to allow for a reduction in the required front yard landscaped area.
- A conditional use permit for the following:
  - Daycare, general use.
  - Allowing parking spaces to be accessed directly from a public street.
  - Allow perimeter landscaping widths to be reduced to 0 feet.
  - Allowing a reduced landscape planter width down to 1.5 feet.

Note: the project will also require separate approval of an Architectural Review Permit and will require a voluntary lot merger that would have to be completed prior to building permit issuance to ensure the building does not cross over property lines.
B. Background

Both buildings were originally constructed in 1951, with renovations and additions occurring in the late 70’s, early 80’s. A use permit was approved for a day care in 1988 at 1715 Oak Park Boulevard, with a maximum capacity of 55 children. Subsequently, in 2001, the City approved a use permit to expand the day care facility at 1715 Oak Park Boulevard into 1725 Oak Park Boulevard. The expansion allowed up to 72 children and 12 staff members. Both use permits have expired due to inactivity at the site, thus, the applicant will be requesting a new use permit.

The Architectural Review Commission held a study session to provide preliminary input and feedback on the proposed project in June 2017. The Commission provided feedback including the following:

- Preference for the “neighborhood preferred” site plan (more discussion provided later in the staff report).
- Generally pleased with the overall architecture of the building.
- Other architectural and site/landscaping comments (see Attachment C).

Based on the comments provided by the Commission and staff, the applicant revised the plans to address their comments.

II. GENERAL INFORMATION

A. General Plan

The General Plan designates the site as Single-Family High Density.

B. Zoning

The Zoning is R-10, Single Family – 10,000 sq. ft. lots.

C. Site Description and Existing Land Use

The site currently has two vacant residential buildings that were used to operate the previous day care facility. The site contains two parcels with a combined area of approximately 19,000 square feet. The combined sites currently have multiple access points from both Eccleston Avenue and Oak Park Boulevard.
D. Surrounding Zoning and Uses

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>PUD 410</td>
</tr>
<tr>
<td>South</td>
<td>Walnut Creek</td>
</tr>
<tr>
<td>East</td>
<td>Single Family – 10,000 sf lots</td>
</tr>
<tr>
<td>West</td>
<td>Single Family – 10,000 sf lots</td>
</tr>
</tbody>
</table>

E. CEQA Status

Pursuant to California Code of Regulations, Title 14, Chapter 3, Sections 15302, 15303, and 15332 of the Guidelines for the Implementation of the California Environmental Quality Act of 1970, as amended, this project is determined to be Class 2, 3, and 32 categorical exemptions, which consists of replacement and reconstruction of existing facilities, new construction of small structures, and infill development projects as the proposal is replacing two former day cares, at the same site, with the same capacity, the new facility is approximately 5,000 square feet and the project is consistent with the General Plan, less than five acres in size, is not within valued natural habitat, will not have significant effects on traffic noise, air and water quality and can be served by existing utilities and public services.

III. ANALYSIS

A. Development Regulations

The project site is located within the Single Family – 10,000 square foot Zoning District. While the proposal is not a residence, the project is required to comply with the development standards of the R-10 zone district. The following table summarizes the development standards that would be applicable to the project:

<table>
<thead>
<tr>
<th>Development Regulations (R-10)</th>
<th>Required</th>
<th>Proposed</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>10,000 square feet</td>
<td>Two lots to be combined to approximately 19,000 square feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>80 feet</td>
<td>Combined over 100 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>90 feet</td>
<td>Over 90 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Yards:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 feet</td>
<td>20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>15 feet</td>
<td>27 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Corner Side</td>
<td>15 feet.</td>
<td>18.5 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Side</td>
<td>5 feet.</td>
<td>27 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Development Regulations (R-10)</td>
<td>Required</td>
<td>Proposed</td>
<td>Complies?</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-------------------</td>
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<td>--------------------</td>
</tr>
<tr>
<td>Aggregate Side</td>
<td>15 feet.</td>
<td>Over 20 feet</td>
<td>Yes</td>
</tr>
<tr>
<td>Creek Setbacks</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
<td>17.6 feet to the peak of the roof</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Number of Stories</td>
<td>2½ stories</td>
<td>1 story</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>Approx. 26%</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Landscaping (front yard only)</td>
<td>50% of front yard area</td>
<td>Mix of landscaping and pervious areas</td>
<td>No, see variance analysis in staff report</td>
</tr>
<tr>
<td>Maximum Gross Floor Area Ratio (FAR)</td>
<td>40%</td>
<td>Approx. 26%</td>
<td>Yes</td>
</tr>
<tr>
<td>Refuse Storage Area</td>
<td>No specific requirement.</td>
<td>One trash enclosure</td>
<td>N/A</td>
</tr>
<tr>
<td>Fences:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Maximum 3 ft. height</td>
<td>5 ft. height at property line</td>
<td>No, see variance analysis in staff report</td>
</tr>
<tr>
<td>Street Side</td>
<td>Maximum 3 ft. height, or 6 ft. height when setback 5 feet from property line.</td>
<td>5 ft. height at property line</td>
<td>No, conditioned to comply.</td>
</tr>
<tr>
<td>Rear and Side</td>
<td>Maximum 6 ft. height; if bordering a parking lot, required to be 8 ft. height</td>
<td>7 ft. height</td>
<td>No, conditioned to comply.</td>
</tr>
<tr>
<td>Parking</td>
<td>1 per 6 children = 12</td>
<td>12 (&quot;staff preferred&quot; plan)</td>
<td>Yes</td>
</tr>
<tr>
<td>Small Car Spaces</td>
<td>No more than 50%</td>
<td>17 (&quot;neighborhood preferred&quot; plan)</td>
<td>No, conditioned to comply.</td>
</tr>
<tr>
<td>Drop-off Space</td>
<td>12 feet wide, adjacent to drive aisle</td>
<td>12’6” feet wide adjacent to drive aisle</td>
<td>Yes, Neighborhood Preferred</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>1 bicycle space plus 2% of the vehicle parking space requirement.</td>
<td>Bicycle rack/parking provided.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<p>| Neighbors Preferred                                | Staff Preferred, see discussion. | Yes, Neighborhood Preferred | No, Staff preferred, see discussion. | Yes |</p>
<table>
<thead>
<tr>
<th>Development Regulations (R-10)</th>
<th>Required</th>
<th>Proposed</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motorcycle Parking Space</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking Access from Street</td>
<td>N/A</td>
<td>One on Oak Park Blvd, one on Eccleston Ave.</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking Lot Landscape Median Strip</td>
<td>N/A</td>
<td>50 foot long landscape median strip required if access to a parking lot greater than 25 vehicles.</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking Lot Design Standards:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveway Width</td>
<td>25 feet two way, 12 feet one way</td>
<td>12 feet, six inches, one way</td>
<td>Yes</td>
</tr>
<tr>
<td>Screening</td>
<td>8 foot high solid wood, concrete, masonry wall. 3 foot high fence facing residential at front yard.</td>
<td>7 foot high fence, not solid.</td>
<td>No, conditioned to comply.</td>
</tr>
<tr>
<td>Outdoor Lighting Structures</td>
<td>Maximum 24 feet in height.</td>
<td>Pedestrian bollard style lighting.</td>
<td>Yes</td>
</tr>
<tr>
<td>Interior Parking Lot Landscaping</td>
<td>10%</td>
<td>10%</td>
<td>Yes</td>
</tr>
<tr>
<td>Perimeter Parking Lot Landscape Width</td>
<td>For parking lots up to 100 feet in depth – 5 feet wide.</td>
<td>Down to 0 feet</td>
<td>No, requires approval of an adjustment</td>
</tr>
<tr>
<td>Minimum Landscape Planter Width</td>
<td>Trees – four feet. No trees – three feet.</td>
<td>Down to 1.5 feet</td>
<td>No, requires approval of an adjustment</td>
</tr>
<tr>
<td>End of Parking Aisle Landscaping</td>
<td>End of each row of parking separated by landscaping, sidewalk or other</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Development Regulations (R-10)</td>
<td>Required</td>
<td>Proposed</td>
<td>Complies?</td>
</tr>
<tr>
<td>-------------------------------</td>
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<tr>
<td>similar means.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tree Requirement</strong></td>
<td>One tree for every three parking spaces. Four trees reqd.</td>
<td>14 new trees</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The analysis of the requested variances and parking adjustments are provided later in the staff report.

**B. Adjacent Uses**

The subject property is located at the southwest corner of Oak Park Boulevard and Eccleston Avenue. Residential uses are located to the south within the City of Walnut Creek; additional residential uses are located to the east and west and the former Pleasant Hill High School to the north.

**C. Building Architecture**

*Building*

The proposed design has both ranch and craftsman style features. The design incorporates various window types on the building elevations to break up the mass of the building and add increased visual interest. The building would be one story, centrally located on the two parcels; thus, minimizing its impact on surroundings properties from a massing, privacy and shading perspective. The Architectural Review Commission was generally favorable to the proposed building design when it was reviewed at the previous study session (Attachment G).

*Fencing*

A seven foot high fence (with the top foot comprised of wood lattice) is proposed at the rear and side of the property. While this would exceed the typical height allowed for a residential yard fence, an eight foot high fence is required in this case because the proposed parking area would be along the rear and side yards; consequently, the fence is required to be solid (no openings) and eight feet in height (Condition No. 3).

The applicant also proposes to install three other types of fencing throughout the remainder of the site with a maximum height of five feet:

- Fence A, a five foot high fence with horizontal wood boards on the bottom and wire mesh on top, would be on the street side (fronting Eccleston Avenue).
• Fence B, a five foot high fence with a concrete wall at the bottom and a wire mesh on top, would be on the front yard property line.

• Fence D, a five foot high fence with a concrete wall on the bottom and horizontal wood boards on the top, would mainly be used in interior areas of the site.

The proposed fences along Oak Park Boulevard and Eccleston Avenue would exceed the allowable three foot height limitation. However, the fencing on Eccleston Avenue could be moved five feet back to comply with ordinance standards (Condition No. 4). Moving the fence back five feet may also allow additional landscaping opportunities in this area, improving the appearance of the site. A similar strategy along Oak Park Boulevard may also allow additional landscaping opportunities.

The five foot fence in the front yard, requires approval of a variance, more information is provided later in the staff report.

D. Site Planning/Parking

The proposed building would be located centrally on the two parcels. The reconfigured site would have one-way vehicular access with the entrance off of Eccleston Avenue to the west, and exiting proposed to occur on Oak Park Boulevard at the west end of the site (the exit would be a right turn only movement). Vehicular access would be along the rear of the property with parallel parking along the rear of the site. The outdoor play area would be at the front of the site, protected by a five foot high fence that would be constructed on the front and street side property line. The applicant is proposing three alternative site plans, largely based on different parking space configurations, all three are summarized below.

Neighborhood Preferred Plan (Proposed by Applicant)

This site plan is the preferred plan proposed by the applicant with input from the surrounding neighborhood via the applicant. This plan include 16 parking spaces, however, six of the parking spaces would be directly accessed from Eccleston Avenue. This means, to exit (or enter) the space, a vehicle would need to back up directly onto Eccleston Avenue (a public street). This plan would maintain the existing parking configuration which has a similar configuration to the parking lay-out proposed in this plan (i.e. requires back-up directly onto Eccleston Avenue). While the applicant’s intent is to restrict the parking spaces that require back-up onto Eccleston Avenue for staff (to minimize movements into these spaces), staff does not support this particular lay-out, particularly due to its proximity to the intersection with Oak Park Boulevard. With the total redevelopment of the site, projects are expected to meet current parking lot design
standards which do not allow for parking configurations for non-residential uses that require drivers’ to back up directly into a street.

The proposed parking lot includes landscaping (compliant with the ordinance requirement for 10% interior landscaping), however, various landscape dimensional requirements would not meet current standards. Some of the proposed parking spaces would not meet the minimum required dimensional standards, however, it appears with modifications to the site plan, compliant parking dimensions can be achieved (Condition No. 8). More information on these project specific adjustments is provided later in the staff report.

Neighborhood Preferred (Sheet A-1)

This site plan is similar to the one discussed above, however, this plan includes an elongated drop-off area that would include an additional parking space, thus providing a total of 17 parking spaces. However, the proposed configuration of this additional parking space and drop-off area would not work, as the drop-off area would not have adequate ingress and egress; thus, in addition to what was discussed previously, staff does not support this site plan. This site plan would also reduce the amount of space for the proposed vegetable and herb planting areas.

Staff Preferred (Minimizes Vehicles Required to Back-up onto Public Streets).

This site plan has 12 parking spaces, with only one parking space requiring direct access off of Eccleston Avenue. While this site plan still would have one parking space accessed off of Eccleston Avenue, the Engineering Division supports the proposal as it significantly reduces the number of parking spaces (as compared to the existing condition) that require backing out onto the public street, and the one parking space that would still require backing out onto the street would be located further from the intersection than the other site plans. It should be noted that this site plan has the same issue as the neighborhood preferred plan (sheet A-1), as the drop-off area would not have adequate ingress and egress. Thus, the applicant would be required to revise the drop-off area design subject to final approval by the Zoning Administrator (Condition No. 5).

It should be noted that if the Commission approves the staff preferred site plan, the applicant would have to revise various plan sheets prior to Architectural Review Commission review as these plan sheets are based on the various neighborhood preferred site plan.
E. Scenic Corridor

The General Plan defines Oak Park Boulevard as a scenic corridor, which, as the General Plan notes, does not require a specific additional setback for development; however, it would typically merit additional landscaping and other improvements to enhance the visual quality of the corridor.

The applicant proposes additional landscaping along the Oak Park Boulevard frontage, based on recommendations from the Architectural Review Commission. The additional landscaping proposed includes shrubs and trees that would front the proposed five foot high fence, however, this would only be for a short length of the frontage and be only 2.5 feet in depth. The applicant is proposing to install landscaping off-site, within the portion of the public right-of-way that fronts the property, however, this area is only nine feet in width. In addition, the City, at some point in the future, may need to widen or modify this portion of Oak Park Boulevard that may result in the loss of this landscape area. This, in combination with a lack of front yard setback landscaping, could result in minimal landscaping within the scenic corridor. Additional landscaping could be incorporated by reducing the size of the children’s play area and/or making small indentations in the fence line to accommodate landscape planters. Since the proposed fence would exceed the typical fence height allowed in a residential front yard area (if the variance is approved), and the property is located along a scenic corridor, staff recommends providing additional landscaping along this entire frontage within the front yard setback area. The Commission could still allow a reduction in front yard landscaping, but staff recommends increasing the landscaped area to at least a minimum of 20% of the front setback area (Condition No. 6). Final landscape plans would be reviewed by the Architectural Review Commission.

F. Landscaping/Tree Removal

There are 11 trees on the site. The project arborist report notes that ten of these trees are proposed to be removed, however, the project plans (confirmed by the applicant) note that only six trees are proposed to be removed. The six trees that appear to be removed would either conflict directly with the proposed building or with the new parking/driveway paving.

The landscape plan includes planting 22 new trees of various species, including Chinese Pistache, Chinese Elm, Western Redbud, Raywood Ash, and Flowering Cherry. Landscaping would be provided primarily on the perimeter of the property site, particularly at the front of the property, adjacent to the children’s play area. It should be noted that the play area is proposed to extend to the front yard lot line, thus, all of the landscaping proposed would be located within the City public right-of-way rather than on private property as required. The landscape proposed at the front of the property would help to screen and soften the appearance of the proposed five foot high fence/wall from views. As a result, the project would not comply with the requirement that 50% of the front yard
setback area must be landscaped. Additional information on the variance request pertaining to this issue is provided later in the staff report.

G. Lighting

The project proposes wall lighting and freestanding lighting in the form of 42 inch bollard style lighting. Both lighting types would be dark sky compliant light fixtures. The use of short, bollard style lighting in the driveway and parking areas would minimize lighting spilling over onto adjacent properties. The photo-metric plan submitted by the applicant notes that light levels would comply with the recently adopted parking lot lighting standards. Final building permit plans will be required to provide information to document compliance (Condition No. 14).

H. Mechanical Equipment and Trash Enclosure

The applicant is proposing to locate a trash storage at the rear of the building, closer to Eccleston Avenue with direct access to exterior areas for pickup. The applicant proposes mechanical units along the rear and sides of the building, closest to adjacent residences which could result in noise-related concerns from these neighboring properties. The applicant has provided information that the equipment will produce noise levels up to 54 dB. Thus, staff recommends considering potential relocation of this equipment to provide improved screening and noise buffering; or alternatively, the applicant could provide additional noise buffering at the equipment location to reduce noise levels to no more than 50dB, such as a incorporating a solid barrier (Condition No. 10).

I. Engineering Comments

The City Engineering Division has reviewed the proposed plans and offers the following comments:

The project site is proposing one (1) accessible parking stall along Eccleston Avenue, path of travel & ADA related improvements, new and improved circulation pattern.

Based on the proposed project, staff has determined that a number of facilities need to be retrofitted or upgraded to be compliant with current ADA and City standards. The Engineering staff recommends correction of the following deficiencies:

- Upgrade proposed and existing driveway ramps to comply with current ADA standards (e.g. configuration, slope)
- Remove and replace existing sidewalk, curb & gutter along Oak Park Boulevard and Eccleston Avenue.
• Provide accessible path of travel to trash enclosure and clear truck access for trash hauler.

• Provide adequate storm water treatment facilities to meet City’s 25 year storm event, 6 hour duration, zero net runoff and Municipal Regional Permit Provision C.3 requirements.

• Modification and upgrade to existing traffic signal and striping configuration as needed at the Oak Park Boulevard and Monticello Avenue to accommodate new driveway exit (right, left and thru movement)

To safely facilitate the egress from the day care driveway at the south side of Oak Park Boulevard/Monticello Avenue intersection, the project is conditioned to modify the existing traffic signal at Oak Park Boulevard/Monticello Avenue to incorporate a fourth (northbound) signalized approach to the intersection. The project is required to install all the necessary signal poles, mast arms, heads, and vehicle detection necessary to safely facilitate full movement egress from the project site at the intersection. Staff also reviewed site access against proposed landscaping and fencing around the play area and added recommendations to modify existing and proposed landscaping to maintain adequate sight visibility for various driveways and street intersection per City’s design standards.

J. Development Plan Permit Analysis

The findings required for Development Plan permit approval are reviewed below:

1. The proposed development will not be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity of the proposed development. The proposed site plan would buffer adjacent residential uses from activities in the children’s outdoor play area by locating the play area on the north side of the site, furthest from the adjacent residential uses; the project would provide adequate parking for the use and lighting would comply with ordinance standards. In addition, the project would significantly improve two existing properties that have not been upgraded for an extended period of time. Therefore, the project would not be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity of the proposed development.

2. The proposed development will not be injurious or detrimental to adjacent properties or to property in the neighborhood or the City. As noted previously, the proposed project would improve an existing site that has not been upgraded for an extended period of time, the site plan and related improvements are proposed to minimize effects to surrounding residential properties and the circulation plan is proposed to minimize impacts to
adjacent streets; therefore, the project would not be injurious or detrimental to adjacent properties or to property in the neighborhood or the City.

3. The proposed development is consistent with the policies and goals established by the General Plan. The project would be consistent with the General Plan goals, policies and programs as noted in Section N of the staff report.

4. The proposed development is architecturally compatible with other development in the vicinity, both inside and outside the district. The project’s architecture has will be reviewed by the Architectural Review Commission to ensure compatibility with surrounding properties.

K. Condition Use Permit Analysis

Day Care (General) Use

The findings required for conditional use permit approval are reviewed below:

1. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use. See Development Plan findings above.

2. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the City. See Development Plan Findings above.

3. The proposed use is consistent with the policies and goals established by the general plan. See discussion Section N of this staff report.

Parking Adjustments

The findings required for parking adjustment approval (through the use permit) are reviewed below:

1. The adjustment is consistent with the intent of the zoning ordinance;

2. The adjustment will not adversely affect adjacent properties;

3. The adjustment is necessary due to practical difficulties involved in the strict application of zoning ordinance standards; and

4. For an adjustment of 20% or more, the planning commission shall also make use permit findings under PHMC § 18.95.040.
The following adjustments are requested by the applicant:

1. **Parking Lot Perimeter Fencing adjacent to Residential** – The applicant is proposing a seven foot high perimeter fence that would separate the proposed parking lot from residential uses to the west and south. This would not comply with the eight foot height requirement. With no justification to reduce the fence height, staff recommends that the fences on the western and southern property line be eight feet in height and be of a solid construction as required by the City ordinance (Condition No. 3).

2. **Parking Space Depth** – The applicant has proposed parking spaces that are up to one foot less than required. However, it appears that with a simple reconfiguration, that the minimum parking depths could be achieved (Condition No. 8).

3. **Drop-off Area Dimensions** – The dimensions would comply for the applicant preferred site plan option but not for the staff preferred plan. If the Commission approves the staff preferred site plan, staff recommends that the drop-off area dimensions comply with ordinance standards (Condition No. 5).

4. **Allowing Parking Spaces to Directly Access the Street** – The project proposes parking spaces that require vehicles to back-up directly into the street. If approved by the Commission, to ensure that existing and future users are aware of this situation, staff recommends a condition of acknowledgement be made that this is being approved in this manner without any future liability by the City in the event of future traffic conflicts (Condition No. 13).

   a. The adjustment is consistent with the intent of the ordinance and would not adversely affect adjacent properties as the staff preferred site plan would reduce the number of parking spaces with this substandard configuration to just one parking space, thereby minimizing any potential for adverse effects. Staff recommends against granting this adjustment for the applicant’s preferred site plans as these plans would result in more parking spaces being designed with substandard access. The City does not have a record of traffic accidents from the existing condition. The current condition has parking spaces that require vehicles to back out into the public street.

   b. The adjustment is necessary as the site is constrained in size, and is a corner lot that has larger setbacks which minimizes the area for building sizes, thus, requiring a more compact development. The strict application of the ordinance would result in the loss of parking spaces, thus, either reducing the number of students served at the facility, or causing increased parking overflow to adjacent streets.

   c. For the reasons noted above, the adjustment would not be detrimental or injurious to the health, safety and general welfare of persons residing or work in the neighborhood or to adjacent properties and general welfare of
the City. The proposed project would be consistent with General Plan as noted in Section N of the staff report.

5. Perimeter Parking Lot Landscape Width and Minimum Landscape Planter Width – The proposed landscape plan for the parking lot area would not comply with the minimum required landscape planter width, adjacent to the public right-of-way (down to 0 feet, where 10 feet is required) and would not comply with the minimum landscape planter width (down to 1.5 feet, where five feet is required adjacent to residential zoning districts, and an overall three feet minimum width for landscape areas) in multiple locations throughout the site. Similar to the interior parking lot adjustment, both adjustments could be supported as follows:

a. The adjustment is consistent with the intent of the ordinance and will not adversely affect adjacent properties as the applicant is proposing permeable paving to address runoff reduction, the project would still incorporate landscaping within the area of the parking lot, only in a reduced planter width, and staff recommends that species planted in this area be verified for long-term success from a licensed landscape architect (Condition No. 7). In addition, while the applicant proposes a zero width landscape fronting the public right-of-way, the project proposes to have a landscape area fronting the parking lot within the public right-of-way, which would help to screen/buffer the parking lot from views.

b. The adjustment is necessary as the site is constrained in size, has a shallow depth, and is a corner lot that has larger setbacks which minimize the area available for construction, thus, requiring more compact development. The strict application of the ordinance would result in substandard parking lot dimensions or a reduction in building size or reduced setbacks elsewhere on the property, however, as noted previously, the applicant proposes pervious paving to address runoff, a licensed landscaper will be required to certify that the plantings will be successful and an eight foot high perimeter fence is required to screen the parking lot from adjacent properties. The Commission could consider requiring increased landscaping (such as in the front yard setback areas) in remaining areas to replace the loss of landscaping in the parking lot area.

c. For the reasons noted above, the adjustment would not be detrimental or injurious to the health, safety and general welfare of persons residing or work in the neighborhood or to adjacent properties and general welfare of the City. The proposed project is consistent with General Plan as noted in Section M of the staff report.
L. Variance Analysis

The findings required for variance approval are reviewed below. The applicant is requesting a variance to allow a five foot high fence within the front yard setback and a reduction of the 50% landscaping requirement within the front yard setback.

Five Foot High fence in the Front Yard Setback (where three feet is allowed)

1. Special circumstances are applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under the R-10 zoning designation.

   **Applicant Justification** - The applicant notes that special circumstances exist due to the previous configuration of the two day care facilities including rear play area. The applicant also notes that the new site configuration would have landscaping fronting the fence (towards the public right-of-way) and that design of the fence would not obstruct any views (for vehicular movement purposes from Eccleston Avenue).

   **Staff Analysis** – Staff notes that there do appear to be special circumstances applicable to the property. The proposed use is relatively unique to the R-10 zoning district, and to minimize noise impacts to residents at the rear and sides of the property, the necessary outdoor play area for the children is proposed to be located towards the front of the property. In addition, due to the unique condition of the site being long, with a shallow depth, and located on a street corner, the opportunities to site an outdoor play area are limited. For safety purposes, a three foot high fence may not provide adequate safety and security for the children of the facility and the State of California requires a five foot high fence/barrier. The fence would be required to have design review approval to ensure an attractive and functional design. Staff will work with the ARC and applicant to achieve a design that would soften the appearance of the fence, such as a partial ornamental iron element combined with a solid element and/or a green wall design.

2. This proposal would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.

   **Applicant Justification** – The applicant notes the proposed fencing is required for pre-schools and other child care facilities for safety purposes for users and properties in the surrounding areas. The fencing would also mitigate noise generated from the play area.

   **Staff Analysis** – The proposed variance for fence height would not be a granting of special privilege due to the unique use of a day care center and the lot
configuration of being long and shallow, and on a street corner, thus, its application is limited.

3. **The variance substantially meets the intent and purpose of the zoning district in which the property is located.**

**Applicant Justification** – The applicant notes the proposal will ensure safety of the children and mitigate noise concerns.

**Staff Analysis** – The fence height allowance of up to five feet would allow a compatible child day care use within a residential zoning district and would better protect residences at the sides and rear of the property, as the outdoor play area would be moved away from these properties. The neighboring residential properties would also benefit from the physical noise buffering qualities of the building and perimeter fence that would exist between the outdoor play area and adjacent residences.

**Front Yard Landscaping below the 50% Minimum**

1. **Special circumstances are applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under the R-10 zoning designation.**

**Applicant Justification** – The existing condition has been to utilize the front yard for parking, with almost no landscaping, thus, the proposed project, would increase the landscaping. The project would also include new hardscape that would define the children’s play area.

**Staff Analysis** – Staff notes that there do appear to be special circumstances applicable to the property. The proposed use, is relatively unique to the R-10 zoning district; and to minimize noise impacts to residents at the rear and sides of the property, the required outdoor play area for the children would be located towards the front of the property. In addition, due to the unique condition of the site being long, with a shallow depth, and located on a street corner, the opportunities to site an outdoor play area are limited. The variance request to not meet the 50% landscaping provision, does appear to be warranted as this is the play area for the children and would be partially screened from views (with approval of the perimeter fence). However, at a height of five feet and with the open design of the wall/fence, this area would be visible. Staff recommends requiring additional landscaping within the outdoor play areas. This can include, but not limited to:

- Planting additional trees with the play area;
- Incorporating planters within the play area that would have vegetation visible from the street;
• Additional “cut-outs” and “recessed” areas in the fence that can accommodate natural landscaping, separate from the play area;
• Planting vines, or other vegetation that can “crawl” up the fence, softening its appearance.

Staff recommends that the landscape area be increased to at least 20% of the front setback area (Condition No. ___).

2. This proposal would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.

Applicant Justification – The reduction in landscape to accommodate the outdoor play area would not be a special privilege as an outdoor play area is a requirement for pre-schools and other child care facilities and the new landscaping would improve the appearance of the site and eliminate a blighted frontage.

Staff Analysis – The proposed variance for front yard landscaping can be supported provided that additional natural landscaping is provided within the play area, or fronting the fence (a minimum of 20% of the front setback area). This would ensure that the development would provide at least a minimal amount of front yard landscaping that is required in the zoning district, while being sensitive to adjacent uses.

3. The variance substantially meets the intent and purpose of the zoning district in which the property is located.

Applicant Justification – The proposal would ensure the safety of children and mitigate noise concerns from surrounding properties.

Staff Analysis – The proposed variance for front yard landscaping can be supported provided that at least 20% of the front yard setback area is landscaped in order to ensure compatibility with surrounding residential uses and provide for enhanced landscaping within the designated scenic corridor along Oak Park Boulevard.

M. General Plan

The proposed project would be consistent with policies and goals established by the General Plan:

• Community Development Policy 2A. Encourage uses needed by the community at appropriate locations. Quality day care facilities are needed in any city to serve families with young children. The proposed project would be located along Oak Park Boulevard and would be adjacent to residential
uses which this use would serve. In addition, the proposed day care would accommodate more families within the City by providing an additional child care facility in the community, particularly one that is replacing two former facilities at the same location.

- **Community Development Policy 19A. Encourage new and expanded youth recreation and extracurricular education programs.** The proposed day care use would provide recreational activities and educational programs for pre-school aged children. The new day care would increase the opportunity for more children to participate in the provided activities and programs.

- **Growth Management Program 1.6 – Continue to require developers to pay costs necessary to mitigate impacts of their projects on the local and regional transportation system, including establishment of trails and other alternatives to vehicle use.** During the land use and design review entitlement process performance standards are reviewed in order to determine project compliance with local standards. These may include, but not be limited to, traffic, circulation, parking, drainage systems, noise emissions, etc. The applicant is required to pay for traffic related improvements in the area, and rebuilding the entire sidewalk fronting the project site.

- **Safety and Noise Goal 7. Protect persons from noise that interferes with human activity or causes health problems.** The proposed use will occur during daytime hours and will be largely operate indoors. When activities occur outdoors, it will be separated from nearby residential uses by the existing buildings and the conditioned solid eight foot tall fence that will all provide sound buffering.

N. **Public Comments**

Since the notice of the study session was released, the City has not received public input on the project.

IV. **SUMMARY/CONCLUSION**

The proposed project would replace two former day care facilities, combine the properties into one site, and construct a new facility. The following issues were noted in the staff report for further input and direction from the Commission:

1. **Site Plan Alternatives:** the staff preferred site plan, with a revised drop-off space design, is recommended in order to minimize the number of parking spaces that would require vehicles to back-out onto a public street.

2. **Fence Variance:** staff recommends approval of this variance as the preferred location of the children’s play area to minimize impacts on adjacent residential properties is on the north side of the site adjacent to Oak Park Boulevard; consequently, a five foot
high fence would be required along Oak Park Boulevard to adequately enclose this play area and meet State regulatory requirements.

3. Landscaping Variance: the proposed reduction in front yard setback landscaping would be partially off-set by additional landscaping in the adjacent public right of way; staff also recommends that a minimum of 20% of the front yard setback area be landscaped.

4. Parking Lot Development Standard Adjustments: approving an adjustment to allow one parking space that requires a vehicle to back up directly onto the public street would be a substantial improvement over the existing condition on the site. The configuration of this parking space in the “staff preferred” plan would also be much further from the intersection than under either the existing parking configuration or the applicant’s preferred plan. Staff does not support granting this parking adjustment for the applicant’s preferred parking plan as it would result in six parking spaces which would involve vehicles backing directly into the street and in closer proximity to the adjacent intersection.

V. RECOMMENDATION

Conduct the public hearing, receive input from all interested parties and approve the project subject to the findings and conditions in the attached resolution with any modifications that may be required by the Commission.

VI. ATTACHMENTS

Attachment A Proposed Resolution and Conditions of Approval
Attachment B Location Map
Attachment C Project Plans
Attachment D Applicant Information, including Development Plan, Conditional Use Permit and Variance Analysis
Attachment E Arborist Report, Joseph McNeil, Consulting Arborist
Attachment F Traffic Study, PHA Transportation Consultants
Attachment G Architectural Review Commission Summary Letter
Attachment H Public Notice
Attachment I Public Comments (including Outside Agency Comments)