

RESOLUTION NO. P- 07 -95

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A USE PERMIT REQUEST TO CONVERT THE FORMER PELICAN RESTAURANT INTO A PRIVATE ELEMENTARY SCHOOL (GRADES K-5) - 1998 BEACH PARK BOULEVARD -- KOELLING -- UP-95-001

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, Linda Koelling has requested Planning Commission approval of a Use Permit to convert the former Pelican Restaurant into a private elementary school for 125 students in grades K-5; and

WHEREAS, the proposal has been determined by the Community Development Director to be categorically exempt from the California Environmental Quality Act of 1970; and

WHEREAS, a Notice of Public Hearing was duly posted for consideration of the Use Permit Renewal request at the Planning Commission meeting of February 2, 1995, and, on said date the Public Hearing was opened, held, and closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on facts and analysis in the Staff Report, written and oral testimony, and exhibits presented, finds that:

1. The proposal to convert the former Pelican Restaurant into a private elementary school in conjunction with the adjacent Kids Connection operation and conditions of approval would be consistent with the Foster City General Plan and Chapter 17.22 (C-O Commercial-Office District) of Title 17 (Zoning) and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code, because the proposal would be consistent with the Land Use and Circulation Element Goals (LUC-A) and Land Use Policy (LUC-40) contained in the Land Use and Circulation Element of the Foster City General Plan by strengthening the identity of the surrounding residential neighborhood and provided a needed service in a manner that will not negatively affect the neighboring uses in the vicinity; and
2. The design of the proposal would be consistent and appropriate to the City, the neighborhood and the lot in which it is proposed because the private elementary school will be compatible with the adjacent uses, will provide sufficient parking and circulation as required by the conditions of approval, and will include design features, such as the fence, to match the adjacent fence at Kid's Connection Preschool; and
3. The proposal with the recommended Conditions of Approval will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City because the proposed private elementary school will not adversely impact the subject property or adjacent properties.

BE IT FURTHER RESOLVED that the Planning Commission approves UP-95-001 subject to the Conditions in Exhibit A attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City at a Regular Meeting thereof held on February 2, 1995, by the following vote:

AYES, COMMISSIONERS: DITTMAR, GABBAY, LAWRENCE AND CHAIRMAN DIERKES

NOES, COMMISSIONERS: NONE

ABSTAIN, COMMISSIONERS: NONE

ABSENT, COMMISSIONERS: MCEWEN


JAMES P. DIERKES, CHAIRMAN

ATTEST:


RICHARD B. MARKS, SECRETARY

EXHIBIT A

(Conditions attached to Use Permit, File No. UP-95-001, by
the Planning Commission on February 2, 1995)

1.0 GENERAL

- 1.1 The following conditions shall be met prior to the issuance of a building permit except as otherwise specified. Any questions pertaining to these conditions should be directed to the City department indicated.
(BD = Building, CC = City Council, CDA = Community Development Agency, E/PW = Engineering/Public Works, FIRE = Fire, P/R = Parks and Recreation, PC = Planning Commission, CDD = Community Development Department and POL = Police). Other abbreviations used are as follows: PBP = prior to building permit issuance; PBO = prior to building occupancy; PI = prior to installation; PCW = prior to commencement of work; PFM = prior to approval of Final Map; PFBI = prior to final building inspection; and PTO = prior to opening.
- 1.2 The project shall be built according to plans approved by the Planning Commission on February 2, 1995 labeled Kid's Connection Expansion, sheets A-1 through A-5, dated 1/27/93 (sheets A-2 and A-3) and 12/15/94 (sheets A-4 and A-5). Any modification to the project shall require Planning Commission or the Community Development Director review and approval. The project approval shall expire on February 2, 1997. No extensions of the Use Permit shall be considered or granted except for good or reasonable cause, as determined by the City.
(CDD)
- 1.3 This Use Permit may be modified by the implementation of new or revised conditions when, in the judgement of the Planning Commission, imposition of such new or revised conditions is essential in order to protect the public health, safety, morals, or general welfare or to eliminate or minimize unforeseen problems.
(PC)
- 1.4 Prior to issuance of a building permit, an exterior lighting plan, including fixture and standard design, coverage and intensity, must be approved by the Community Development Department and the Police Department.
(CDD, POL, PBP)
- 1.5 The applicant or any future owner shall provide and conduct regular maintenance of the site in order to eliminate and control the accumulation of trash, excess/waste materials and debris.
(CDD)
- 1.6 Prior to occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City and so reported on the sign-off sheet in the Use Permit file. The project shall be built in substantial compliance with the approved plans on record in the City.
(CDD, PBO)

- 1.7 Prior to the issuance of a building permit, all City Departments must submit written verification to the Building Division that all pertinent Use Permit conditions of approval have been satisfied and have been so reported on the sign-off sheet in the Use Permit file.
(BD, PBP)
- 1.8 All construction shall be completed and maintained in a professional manner and appearance.
(CDD)
- 1.9 Prior to installation, all onsite signage must be approved by the City. Details of address signs shall be provided prior to final inspection, to the satisfaction of staff. All street addresses shall be clearly visible (i.e., internally illuminated) from the adjacent street. Numerals shall be of a size satisfactory to the Fire and Police Departments. Buildings not fronting on a roadway shall be required to have their locations identified along the vehicle roadway nearest the building or at other locations as determined by the Fire and Police Departments.
(CDD, FIRE, POL, PI, PFBI)
- 1.10 No rooftop equipment of any kind shall be visible from the ground level on the site or from adjacent public rights-of-way.
(CDD, PBP)
- 1.11 The school shall display a street number in a prominent location on the street side of the building in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than 6 in. in height and shall be of a contrasting color to the background surface to which they are attached. Rear building entrance doors shall also be clearly marked with building number identification so that they can be found quickly in emergencies. All building identification numbers shall be provided with a light source during the hours of darkness.
(CDD, PBO)
- 1.12 N/A
- * 1.13 Prior to issuance of a building permit, a complete set of elevations shall be included in the building permit plans for any exterior changes, indicating colors and materials, listing manufacturers' names and product identification, and shall be approved by the Community Development Director.
(CDD, PBP)
- 1.14 N/A

- 1.15 Prior to placement of any construction trailers, the applicant shall submit a site plan showing placement of the construction trailers and shall agree to abide by all conditions of approval required by the Community Development Director.
(CDD)
- 1.16 Employers in the project, including any future employers, shall participate in a joint Transportation Systems Management (TSM) program or administer a separate TSM program designed to significantly reduce work-related vehicle trips and onsite employee parking for the project, pursuant to Chapter 10.76 of the Foster City Municipal Code.
(CDA)
- 1.17 N/A
- 1.18 Prior to issuance of a building permit, the applicant shall agree to cause the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvements and/or land uses which are different than those presently set forth in the City's Codes and Ordinances, Standard Specifications and Standard Plans, such standards must be presented to and approved by the City. The applicant shall prepare Standard Specifications and Standard Drawings in a format to be approved by the Engineering Division. A Construction permit for underground utilities may be required.
(E/PW, PBP)
- 1.19 N/A
- 1.20 Before commencing any work in the City's right-of-way, the applicant shall obtain an encroachment permit, posting the required bonds and insurance.
(E/PW, PCW)
- 1.21 N/A
- 1.22 N/A
- 1.23 N/A
- 1.24 N/A
- 1.25 Prior to issuance of a building permit, four (4) sets of construction plans shall be submitted to the Building Division for plan check.
(BD, PBP)

- 1.26 The building shall comply with all building codes in effect at the time of issuance of the building permits.
(BD)
- 1.27 N/A
- 1.28 N/A
- 1.29 Prior to such storage or use, individual businesses that intend to store or use hazardous materials must obtain a permit from the Fire Department (in accordance with the adopted Uniform Fire Code)
(FIRE)
- 1.30 State safety regulations regarding the transport, handling and storage of hazardous materials shall be strictly adhered to and periodic inspection by State inspectors and the City Fire Marshal is required.
(FIRE)
- 1.31 Storage of hazardous materials shall be directed to areas in the complex or building where maximum protection of office, other active work areas and public areas can be provided.
(FIRE)
- 1.32 N/A
- 1.33 N/A
- 1.34 The site plan submitted as part of the building permit plans shall include a certification by the author that the site plan accurately indicates the location of any existing buildings, property lines, and frontage improvements, that the site plan is consistent with the Planning Commission approval of the project, and that the remaining sheets comprising the building permit plans are consistent with the site plan.
(BD, PBP)
- 1.35 N/A
- * 1.36 Prior to installation, the applicant shall submit a catalog cut of the proposed play yard equipment for review and approval by the Community Development Director.
(CDD; PI)
- * 1.37 Use of the building, including the auditorium, parking lot or site for activities or events other than normal school activities shall require prior review and approval by the Community Development Director. No event shall be held that requires parking

in excess of that which is available on-site or through an agreement reviewed and approved by the Community Development Director.
(CDD)

- * 1.38 The applicant shall instruct parents to exit the parking lot by continuing northward through the parking lot and exiting onto Beach Park Boulevard from the driveway located between the Preschool and the School.
(CDD)
- * 1.39 Prior to issuance of a Building Permit, the applicant shall indicate one or two well-defined paved drop-off areas that provide enough space for a large car to park parallel to a paved waiting area. If the parking area located in front of the project site on Beach Park Boulevard is desired as one of drop-off areas, then the applicant shall obtain from the City's Traffic Committee, permission to identify the curbed area along the frontage as a passenger loading zone. The applicant shall instruct parents not to drop off their children in the fire lane located in the south driveway of the building.
(CDD)
- * 1.40 Prior to issuance of a building permit, the applicant shall provide an Off-Site Parking Agreement in accordance with Section 17.62.060.D. indicating provision of the required 10 employee parking spaces or shall provide such spaces on-site. Such Off-Site Parking Agreement shall be reviewed to ensure that the off-site parcel will continue to contain parking in accordance with the City's requirements for uses on that site.
(CDD; PBP)
- * 1.41 Prior to issuance of the building permit, the applicant shall provide evidence of permission to use the driveway(s) located to the north and/or south of the building for access to the site.
(CDD; PBP)
- * 1.42 Prior to building occupancy, the new fence shall exactly match the design, materials, color, and height of the existing fence at the Preschool at 1970 Beach Park Boulevard.
(CDD, PBO)
- * 1.43 The roof and exterior of the building shall be cleaned or repainted to the satisfaction of the Community Development Director prior to occupancy.
(CDD, PBO)
- * 1.44 Prior to building occupancy, the applicant shall install typical wheelstops to be located in front of the rear play yard fence (Parking Area A, which is located on the property of 1291-1295 East Hillsdale Boulevard, as shown on the submitted plans). The applicant shall submit to the Community Development Director for review and approval a letter from the property owner of 1291 - 1295 East Hillsdale Boulevard authorizing the installation of the wheel stops.
(CDD, PBO)

2.0 STREET IMPROVEMENTS

- 2.1 Prior to commencement of work, approval by the City Engineer shall be obtained for the trenching of completed streets.
(E/PW, PCW)
- 2.2 Prior to occupancy, the applicant shall repair and replace to City standards any curbs, gutters and sidewalks damaged now or during construction of the project.
(E/PW, PBO)
- 2.3 N/A

3.0 SANITARY SEWER SYSTEM

N/A

4.0 STORM SEWER SYSTEM

N/A

5.0 WATER SYSTEM

N/A

6.0 OTHER UTILITIES

N/A

7.0 LANDSCAPING

- 7.1 Prior to the issuance of a building permit, a final planting plan neatly and accurately drawn to scale, indicating types, quantities, locations and sizes of all plant material including existing major vegetation designated to remain and street trees, method of protecting planting areas from vehicular traffic, and planting areas to be irrigated on separate valves shall be submitted for Planning staff review and approval.
(CDD, PBP)
- 7.2 N/A
- 7.3 N/A
- 7.4 N/A
- 7.5 N/A

7.6 N/A

7.7 N/A

7.8 N/A

7.9 Upon occupancy of the project buildings, the applicant shall be responsible for maintaining area landscaping in a healthy and vigorous condition. All landscape plant materials and all hardscape and project amenities shall be kept and maintained as originally approved by the City. Modification of plant materials other than routine pruning or maintenance shall require the prior approval of the City.
(CDD)

8.0 BICYCLE TRAIL/PEDESTRIAN WALKWAYS

N/A

9.0 BUS SYSTEM ACCOMMODATION

9.1 N/A

9.2 N/A

10.0 EASEMENTS/DEDICATIONS

N/A

11.0 PUBLIC SAFETY

11.1 Prior to issuance of a building permit or prior to occupancy, whichever is applicable, the applicant shall submit a letter from the Foster City Police Department to the Planning Division that the proposed project complies with all applicable requirements of Chapter 15.28, Burglar Security Ordinance, of the Foster City Municipal Code.
(POL, PBP, PBO)

11.2 Prior to issuance of a building permit or prior to occupancy, whichever is applicable, the applicant shall submit a letter to the Planning Division from the Foster City Fire Marshal that the proposed project meets all City fire safety and construction standards and requirements and meets all nationally recognized code standards and all additional safeguards or special systems suitable for the protection from any hazard as determined by the Foster City Fire Department.
(FIRE, PBP, PBO)

12.0 BONDING/FEES

12.1 N/A

12.2 N/A

12.3 N/A

12.4 N/A

12.5 N/A

13.0 LAGOONS/WATER AREAS

N/A

14.0 CONSTRUCTION PRACTICES

The applicant shall conform to the following construction practices:

14.1 Construction activities shall be limited to the hours of 8 a.m. to 5 p.m. on weekdays unless deviations from this schedule are approved in advance by the City. Nonconstruction activities may take place between the hours of 7 a.m. and 8 a.m. on weekdays and 9 a.m. and 4 p.m. on Saturdays but must be limited to quiet activities and shall not include the use of engine-driven machinery. No actual construction activities may take place between 7 a.m. and 8 a.m., except when post-tension slab foundations are being poured, the concrete pumper may be set up but no concrete may be poured. Forklifts shall be allowed to operate onsite between the hours of 5 p.m. and 6:30 p.m. on weekdays. The Planning Commission reserves the right to rescind or revise this condition and further, if necessary, to restrict construction activities in the event that the public health, safety and welfare is not protected due to noise levels emanating from the construction of the project.
(PC, BD)

14.2 In order to minimize construction noise impacts, all engine-driven construction vehicles, equipment and pneumatic tools shall be required to use effective intake and exhaust mufflers; equipment shall be properly adjusted and maintained; all construction equipment shall be equipped with mufflers in accordance with OSHA standards.
(BD)

14.3 N/A

14.4 N/A

- 14.5 The General Contractor shall provide qualified supervision on the job site at all times during construction.
(BD)
- 14.6 All work shall conform to the applicable City/District codes. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods, equipment and/or materials on the public sidewalk and/or a public street shall not be allowed unless a special permit is issued by the Engineering Division.
(BD, E/PW)
- 14.7 N/A
- 14.8 N/A

T:\PDSR\TEMPKIDS.LJC