

**TOWN OF ATHERTON  
PLANNING COMMISSION  
AMENDED CONDITIONAL USE PERMIT CERTIFICATE  
MENLO SCHOOL ENROLLMENT INCREASE PROJECT**

**CONDITIONAL USE PERMIT NO. CUP13-00007 AMENDING CONDITIONAL  
USE PERMIT NO. CUP10-00007 BY DELETING AN INTERSECTION  
IMPROVEMENT CONDITION, REVISING THE PM PEAK HOUR TRIP  
GENERATION GOAL, AMENDING THE TRAFFIC MONITORING PROGRAM  
AND PROVIDING PENALTIES FOR NON-COMPLIANCE**

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, January 22, 2014, did adopt a finding based on substantial evidence demonstrating that certain mitigation measures included in the Initial Study/Mitigated Negative Declaration for the Menlo School Enrollment Increase Project, adopted by the Planning Commission on June 29, 2011, are no longer necessary to mitigate significant impacts. The impacts and mitigation measures are listed below.

<p>Traffic Impact #1: The Valparaiso Ave./Emilie Ave. intersection would operate at an unacceptable level of service F during AM and school PM peak hours in the Approved Use (i.e. with 750 students) condition. With the addition of the increased enrollment traffic, the intersection will be subject to an increase in delay of 0.8 seconds due to the project. This is a significant impact.</p>	<p>Mitigation Measure #1 (Valparaiso Ave./Emilie Ave. Level of Service and Delay Impact)</p> <p>Add a second lane on Emilie Ave. intersection approach. Stripe the approach for on left and one right turn lane. (Reduces impact to level of insignificance)</p>
<p>Traffic Impact #2: The Valparaiso Ave./Elena Ave. intersection would operate at an unacceptable level of service F during AM and school PM peak hours in the Approved Use (i.e. with 750 students) condition. With the addition of the increased enrollment traffic, the intersection will be subject to an increase in delay of 0.8 seconds due to the project. This is a significant impact.</p>	<p>Mitigation Measure #2 (Valparaiso Ave./Elena Ave. Level of Service and Delay Impact)</p> <p>Add a second lane on Elena Ave. intersection approach. Stripe the approach for on left and one right turn lane. (Reduces impact to level of insignificance)</p>

The evidence supporting the finding that the intersection improvements mitigations are no longer necessary is listed below (see Table A for data). These reductions are a result of the existing Sacred Heart Schools Transportation Demand Management Program.

1. The average delay time at the Valparaiso Ave./Emilie Ave. and Valparaiso Ave./Elena Ave intersections have been reduced from 72% to 93% from 2009 to 2013.
2. The level of service at the Valparaiso Ave./Emilie Ave. intersection has improved from F to E from 2009 to 2013.
3. The average delay time at the Valparaiso Ave./Emilie Ave. and Valparaiso Ave./Elena Ave intersections have been reduced from 47% to 95% from the

projected 2014 SHS Master Plan EIR Base Case + SHS Project with EIR Alternative A Intersection Improvements Implemented compared to Existing 2013.

4. The level of service at the Valparaiso Ave./Emilie Ave. intersection has improved from F to E from the projected 2014 SHS Master Plan EIR Base Case + SHS Project with SHS EIR Alternative A Intersection Improvements Implemented compared to Existing 2013.
5. Similar but greater improvements in average delay times are projected at the Valparaiso Ave./Emilie Ave. and Valparaiso Ave./Elena Ave. intersections from the Future (2030) case with SHS EIR Alternative A Intersection Improvements Implemented compared to Existing 2013 conditions.
6. In addition, the Menlo School's 2013 peak hour counts reflect a 14% reduction in peak hour trips at the School campus over the past 3 years. In the same time frame the student enrollment was reduced just 2 % from 810 to 793.

**Table A**

**Level of Service and Average Delay Comparisons**

Intersection	2009		2014		2014		2030		2030		2013	
	Existing		EIR Base Case + Project		EIR Alt. A Mit. Implemented		Future		EIR Alt. A Mit. Implemented		Existing 2013	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Valparaiso/Emilie	F/536	F/300	F/817	F/475	F/684	F/292	F/1034	F/584	F/836	F/364	E/37.4	F/50.5
Valparaiso/Elena	F/915	F/366	F/1623	F/622	F/886	F/189	F/2086	F/785	F/1138	F/245	F/116.9	F/101.4
Park/Elena	C/20.6	B/11.7	C/34.2	B/13.9	D/27.3	No impact	E/43.3	B/14.5	D/33.7	No impact	B/12.9	B/10.9
Park/Emilie	C/16.2	B/11.7	C/20.0	C/18.2	No impact	No impact	C/21.7	C/19.2	No impact	No impact	B/13.2	B/12.7

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, June 22, 2011, did grant Conditional Use Permit No. CUP 10-00007 Amending Conditional Use Permit No. CUP08-00010 By Increasing Permitted Enrollment From 750 To 795 Students to Menlo School pursuant to Atherton Municipal Code Chapter 17.12 and 17.36 and to permit construction of three new buildings; an Athletic Center, a Performing Arts Center and a Creative Arts Classroom Building containing approximately 133,500 square feet of gross floor area under roof at 50 Valparaiso Avenue (Assessor's Parcel Number 070-360-070).

THIS IS TO FURTHER CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, January 22, 2014, did approve the IS/MND Addendum and grant a Conditional Use Permit No. CUP13-00007 amending Conditional Use Permit No. CUP10-00007 by 1) revising the PM peak hour trip generation goal, 2) substituting annual three-day independent traffic monitoring with a annual average of daily counts collected throughout the academic year, using the Menlo School's in-pavement counting system, with Town audit, 3) eliminating intersection improvements

required as mitigation measures for the original IS/MND, and 4) amending the schedule in which the Menlo School would be required to reduce enrollment, if deemed out of compliance with the peak hour thresholds, pursuant to Atherton Municipal Code Chapter 17.12. The Permit was approved subject to the following conditions:

1. The project shall be constructed in accordance with the plans submitted as part of the conditional use permit application, to the satisfaction of the Town Planner.
2. All other present and future improvements to the property shall comply with PFS Zoning provisions and other applicable ordinances.
3. The applicant shall follow San Mateo County Storm Water Pollution Prevention Program (STOPPP) recommended “Construction Materials Handling and Disposal” and “Construction Practices” and prohibit the occurrence of any non-storm water discharges into the storm drain system.
4. The applicant shall remove from the campus the 10 portable buildings within 45 days of issuance of an occupancy permit for the last building constructed in Phase III consisting of the new Athletic Center, Performing Arts Center and Creative Arts Classroom buildings.
5. The starting and ending times of performances or uses of the Performing Arts Center that will attract more than 200 off-campus attendees shall be limited to hours other than the 5:00 p.m. to 6:00 p.m. weekday timeframe to avoid conflict with peak traffic hours.
6. Hours of operation for the new Athletic Center shall be limited to 8:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays.
7. Noise levels shall conform to the Atherton Noise Ordinance. The noise produced by use of new buildings shall not exceed 60 decibels (day) and 50 decibels (night) at the owners’ property line. Based on the recommendations of an acoustical engineer, there shall be no direct line of sight between a noise source and residential property. To further attenuate sound, each classroom shall be designed to be acoustically absorptive. Special attention shall be given to areas surrounding clearstory vents.
8. To mitigate potential traffic and parking impacts during construction require the contractor to identify offsite parking for part or all of the workers’ vehicles to offset the impacts of construction traffic added at the main driveway. Also require the contractor to shuttle workers parked offsite to and from the school.
9. To mitigate potential impacts associated with drop off and pickup of students while the temporary school buildings are in operation, develop a detailed plan for operation of the parking area during drop off and pickup times which shall

include removal of or restriction of parking spaces during peak times to create room for multiple drop off lanes. Loss of parking on site shall be mitigated by the provision of offsite parking with a shuttle. The Building Official shall have the right and obligation to stop construction work on site should traffic on Valparaiso Ave. or University Ave. be severely hampered as a result of the on site pick up and drop off and parking operation.

10. To mitigate potential traffic impacts during dirt haul operations require the contractor to develop a detailed traffic management plan to control off-haul and crew traffic, including traffic controls/flagging personnel to manage traffic flow effectively during the morning school access hours and construction hours.
11. Any removed heritage trees shall be replaced in accordance with the Atherton Municipal Code Chapter 8.10 requirements.
12. To mitigate the effect of dust during construction implement the following measures:
  - a. Cover dirt haul and other vehicles carrying materials that could generate dust.
  - b. Water structures during demolition and water exposed earth surfaces during grading and periods of dry weather.
  - c. Daily sweep or otherwise clean spilled dirt or mud from paved surfaces.
  - d. Comply with Air Quality Control Board standards and practices for construction activities.
13. Enrollment of the combined Middle and Upper Schools at the Menlo School campus shall not exceed 795 students.
14. All exterior lighting shall be shielded or down lit so the source of light is not visible from other properties to the satisfaction of the Building Official.
15. Air conditioning and heating equipment shall be shielded and not be a visible part of the building structure.
16. Building colors and materials shall be consistent with the general colors and materials used for the existing Middle School, Upper School and Stent Hall.
17. The applicant shall obtain approval for a landscape screening plan pursuant to Chapter 17.50 of the Atherton Municipal Code.
18. The School shall maintain property line landscaping at a level comparable to main campus landscaping.

19. The applicant shall follow tree protection measures to ensure the preservation of other heritage trees on the site during construction of the projects to the satisfaction of the Town Arborist.
20. Mechanical noise shall be mitigated so as not to be detectable from adjacent residential property.
21. Applicant shall conduct a noise study to determine current ambient noise level.
22. The applicant shall implement traffic mitigation measures listed below. Further, ~~the improvements to the intersection of Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue/Elena Avenue shall be completed no later than December 31, 2011 provided however that the City Engineer may authorize a later completion date if necessitated by construction delays or problems. A performance bond or other form of security satisfactory to the City Attorney in the amount of the total estimated cost of the improvements shall be required to guarantee completion of the work. Such bond or security shall be posted prior to issuance of the first building permit for the proposed Creative Arts Classroom Building.~~<sup>1</sup>
  - a. ~~To mitigate the project impacts expected to occur in the maximum 795 student enrollment condition, an exclusive left turn lane on the Emilie Avenue approach shall be added and the left shared right lane shall be restriped as a right turn lane. Because the Menlo School increased enrollment adds more than 0.8 seconds of delay to an intersection currently operating unacceptably, the project applicant shall be responsible for a proportionate share of the mitigation costs, based on the City of Menlo Park impact threshold. Modifying the intersection will reduce the impact to less than significant and improve the level of service to better than maximum 750 student enrollment condition at LOS F and LOS E during the AM and PM peak hours.~~
  - b. ~~To mitigate the project impacts expected to occur in the maximum 795 student enrollment condition, an exclusive left turn lane on the Elena Avenue approach shall be added and the left shared right lane shall be restriped as a right turn lane. Because the Menlo School increased enrollment adds more than 0.8 seconds of delay to an intersection currently operating unacceptably, the project applicant shall be responsible for a proportionate share of the mitigation costs, based on the City of Menlo Park impact threshold. Modifying the intersection will reduce the impact to less than significant and improve the level of service to better than maximum 750 student enrollment condition at LOS F and LOS D during the AM and PM peak hours.~~

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<sup>1</sup> Strike-overs indicate language proposed to be deleted from the originally approved Certificate, underlining indicates language to be added to the amended Certificate.

- c. To mitigate the project impacts expected to occur in the maximum 795 student enrollment condition and in the cumulative conditions Menlo School shall:
- i. Implement a Transportation Demand Management (TDM) program to reduce the number of vehicle trips generated in the first year (School year beginning August 2011) to a maximum of 711 trips in the morning peak hour and a maximum of ~~513~~ ~~332~~ trips in the afternoon peak hour, and to a maximum average of 627 and ~~453~~ ~~302~~ trips, respectively, during the morning peak hour and the afternoon peak hour by the end of the third ~~second~~ year (School year beginning August ~~2013~~ ~~2012~~) and continuing thereafter for the life of this Conditional Use Permit. The morning and afternoon peak periods are defined, respectively, as 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. The peak hour is defined as the peak 60 minute vehicular volume that occurs during the peak period.
  - ii. Maintain a parking capacity utilization rate of on-campus parking lots equal to or less than 86.5%. Only faculty, staff and student vehicles will be counted in determining that a parking space is being utilized for the purpose of measuring parking capacity utilization.
  - iii. Undertake ~~annual~~ daily mechanical monitoring to assess compliance with Conditions 22.c.i and ii above. ~~by funding a qualified independent third party, approved by the Town, who shall assess both vehicle trips and parking capacity utilization. The annual monitoring shall take place in March or April of each year during a representative week chosen by the third party. The Town of Atherton shall annually audit the monitoring, the cost of which shall be paid for by Menlo School.~~ Results shall be reported ~~by the third party~~ to the Town and to the School for inclusion in the School's Annual Update to the Master Plan. Monitoring for traffic shall cover the peak periods to determine the peak hours; trip generation will be determined based on the peak hour. Monitoring for parking shall include all designated spaces and cover the typical 2-3 hour maximum parking hours; an occupancy study shall be conducted at 30 or 60 minute intervals during the hours of data collection.
  - iv. If as a result of the average of the daily trip counts collected by the School's mechanical counter and annually audited by the Town of Atherton ~~annual monitoring conducted in spring 2013-2014 school year~~ it is determined that the School is not in compliance with Conditions 22.c.i, ii or iii above, the School shall be required to reduce its enrollment to a maximum of 755 students by the School year beginning in the fall of ~~2017~~ ~~2016~~. If the School is found to be out of compliance with Conditions 22.c.i or ii above in any two successive years after the 2013 school year, or is out of compliance with Condition 22.c.i by more than 20% (i.e. >752 AM trips or 543

362 PM trips), or Condition 22.c.ii by more than 5 percentage points (i.e. >91.5% utilization) in any single school year, the School shall be required to reduce its enrollment to a maximum of 755 students by the fall three calendar years later. (For example, non-compliance in the ~~spring~~ of 2015 and 2016 school years would require the School to reduce maximum enrollment to 755 by the start of the school year beginning in the fall of 2019.) Should the School be required to reduce its enrollment level, Conditions 22.c.i, ii and iii above shall no longer apply. Additionally, should the School be required to reduce its enrollment level, it will reduce its enrollment by at least 25% of the total required reduction in the school year beginning in the fall of the calendar year following the triggering event, 40% of the remaining balance of the required reduction in the school year after that and the balance of the reduction in the third year. For example, if in Spring 2013 it is determined that the School must reduce its enrollment to 755, at least 25% of the total reduction will occur in the school year beginning in 2014, at least 40% of the remaining balance in the school year beginning in 2015 and the balance in the school year beginning in 2016.

- v. Perform an annual self-audit of compliance with conditions listed in Menlo School Conditional Use Permits dated 1995 and later. The audit results will be reported with the School's Annual Master Plan Update to the Town.

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Neal J. Martin,  
Town Planner

Effective Date:

Atherton, CA