Item No. ____

DATE: **FOR THE PLANNING COMMISSION MEETING OF JANUARY 22, 2014**

TO: **THE PLANNING COMMISSION**

FROM: **NEAL J. MARTIN, TOWN PLANNER**
LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: **50 VALPARAISO AVENUE (APN 070-360-070) MENLO SCHOOL, CONDITIONAL USE PERMIT NO. CUP13-00007 AMENDING CONDITIONAL USE PERMIT CUP10-00007 ELIMINATING REQUIRED INTERSECTION RECONSTRUCTION AND REVISING TDM PROGRAM GOALS**

RECOMMENDATION:

Staff recommends that the Planning Commission conduct the public hearing, make the findings listed below, approve the Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND), and approve the amendments to the Conditional Use Permit for the Enrollment Increase Project with conditions specified in the draft certificate of approval.

Mitigation Measure Findings:

The Mitigation Measures described in the 2011 IS/MND for the Menlo School Enrollment Increase Project to improve the Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue/Elena Avenue intersections are no longer necessary to mitigate a significant impact. This determination is based on substantial evidence presented in this staff report and detailed in a finding contained in the draft Certificate of Approval attached to this report.

Conditional Use Permit Findings:

1. The proposed use at the proposed location will not be detrimental or injurious to persons, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.

   Basis for Finding: The proposed use is a private school, which is the existing use of the property. An Initial Study/Mitigated Negative Declaration was prepared and certified for the school Enrollment Increase Project. Mitigation measures included in the IS/MND and incorporated as conditions of Use Permits approval will reduce potential impacts to a level of insignificance. The use is educational in nature and is not detrimental or injurious to persons, property or improvements in the vicinity. The increased enrollment and changes to

the Transportation Demand Management (TDM) threshold will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.

2. The proposed use will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the Zoning Title of the Atherton Municipal Code.

   Basis for Finding: The proposal is consistent with the Atherton General Plan and the PFS Zoning District Standards. The proposed project is consistent with the Menlo School Campus Master Plan.

INTRODUCTION AND BACKGROUND:

An IS/MND for the Menlo School Enrollment Increase Project was adopted by the Planning Commission on June 29, 2011. Subsequent to adoption of the IS/MND the Planning Commission approved the School's Conditional Use Permit application for an enrollment increase from 750 to 795 students. The Use Permit was conditioned upon implementation of traffic mitigation measures consisting of the construction of certain intersection improvements listed below. The Use Permit required construction by August 31, 2013 and a bond was posted to guarantee the construction.

1. Add a second lane on the Emilie Avenue stop sign controlled intersection approach. Stripe the approach for one left and one right turn lane
2. Add a second lane on the Elena Avenue stop sign controlled intersection approach. Stripe the approach for one left and one right turn lane

Condition 22 of the CUP Certificate required the School to construct the intersection improvements and to implement a TDM program to reduce the number of vehicle trips during peak traffic hours, and it included thresholds for the maximum number of AM and PM peak hour trips. Condition 22 also specified maximum parking utilization thresholds for the campus. The School's compliance with the TDM program, peak hour thresholds, and parking utilization thresholds require verification by annual monitoring.

PROJECT DESCRIPTION:

The proposed project consists of amendments to conditions of approval that were adopted as part of CUP 10-00007 (2010 CUP) for the Enrollment Increase Project. The CUP, approved by the Planning Commission on June 22, 2011, allowed the School to increase its enrollment from 750 to 795 students. The School seeks to modify the requirements of Condition 22, which address the traffic impacts from the Enrollment Increase Project. The proposed amendments to Condition 22 would 1) revise the PM peak hour trip generation goal to reflect a more realistic threshold, 2) substitute 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, 3) eliminate intersection improvements required as mitigation measures for the original IS/MND, and 4) amend the schedule in which the Menlo School would be required to reduce enrollment, if deemed out of compliance with the peak hour thresholds.

Subsequent to approval of CUP10-00007 Menlo School, together with Sacred Heart Schools, embarked upon design of the required intersection improvements. When the intersection improvements were actually designed, it was discovered that approximately 12 heritage trees would need to be removed to accommodate the expanded roadways. Menlo School, Sacred Heart and Town Staff believe the tree removal would be environmentally unacceptable.

Menlo School is proposing to eliminate the Use Permit condition that requires the intersection improvements described above (including the removal of 12 heritage trees). In its materials supporting this application, the School describes the success of the Go Menlo TDM Program in reducing school-generated traffic, resulting in a corresponding reduction of traffic impacts at nearby intersections, including those that were identified for improvements as mitigation measures in the IS/MND.

The process to achieve this change consists of three steps.

1. Preparing an Addendum to the previously adopted IS/MND.
2. Making a finding based on substantial evidence that the Intersection Improvements are no longer necessary to mitigate a significant impact and a better alternative exists in the form of the existing TDM program.
3. Amending the Use Permit condition to (1) eliminate the existing Intersection Improvements condition, (2) modify the condition requiring the TDM Program by amending the PM peak hours threshold standard, (3) substitute 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 independent auditing by the Town and (4) amend the schedule in which the Menlo School would be required to reduce enrollment, if deemed out of compliance with the peak hour thresholds.

ANALYSIS:

1. Traffic Reductions due to Menlo School and Sacred Heart Schools TDM Programs

In May 2013 the School submitted a letter to the Town summarizing the status of the School's efforts to meet the traffic and parking goals specified in the 2010 CUP. The letter included an April, 22, 2013 report from Hexagon Transportation Consultants, Inc. documenting that the School was meeting its parking goals, but was not meeting the CUP goals for reducing the AM and PM peak hour goals. However, the letter points out that the School has successfully implemented a TDM program required by the 2010 CUP, which has resulted in a significant reduction in traffic generated by the School.

The success of the Go Menlo TDM Program in reducing school-generated traffic has resulted in corresponding reduction of traffic impacts at nearby intersections, including those that were identified for improvements as mitigation measures in the IS/MND. Further, the nearby Sacred Heart Schools (SHS) has recently implemented its own TDM program, as well as physical

improvements to its campus circulation system as part of its Master Plan improvements. The combined impact of the SHS TDM program and its campus improvements, along with the Go Menlo TDM Program, have resulted in significant reductions in neighborhood traffic, with corresponding improvements to the Level of Service (LOS) at area intersections.

The SHS Master Plan EIR Addendum, adopted by the City Council on December 18, 2013 demonstrates that with the cumulative traffic reductions from the SHS TDM program and campus circulation improvements and the Go Menlo TDM program, delay times have been significantly reduced at the Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue /Elena Avenue intersections from 2009 to 2013. For example, in 2009 at the Valparaiso Avenue/Emilie Avenue intersection, delay during the AM Peak, was 536 seconds and the Level of Service (LOS) was F. In 2013 at the same intersection during the AM Peak the delay was 37.4 seconds and the LOS improved to E. Similar improvements to delay times, but not levels of service, also occurred at the Valparaiso Avenue/Elena Avenue intersection. The Park Lane/Emilie Avenue and Park Lane/Elena Avenue intersections also experienced improvements in delay times. These improved conditions reflect the combined effectiveness of the Schools' TDM programs and also the on-campus physical improvements implemented by SHS.

Table A from SHS Master Plan EIR Addendum illustrates the change in traffic congestion at four of the 12 intersections evaluated in the IS/MND, including Valparaiso Avenue /Emilie Avenue and Valparaiso Avenue /Elena Avenue, which were identified for improvements as mitigation for the enrollment increase at both the Menlo School and SHS. This data is derived from the 2009 SHS EIR and the 2013 TDM Program report, which analyzed the same intersections under cumulative conditions (including traffic from both SHS and Menlo School). The SHS EIR contains an evaluation of traffic conditions at three points in time:

- Existing (2009) Without SHS Project (i.e. without SHS increased enrollment)
- Base Case (2014) + SHS Project (i.e. SHS enrollment increased to 1,196)
- Future (2030) (i.e. cumulative condition)

Table A shows the level of service and average delay for the Base Case (2014) + SHS Project and the Future (2030) points in time at the four intersections. The Base Case (2014) + SHS Project scenario represents the SHS campus traffic conditions as they exist today. The reference to "SHS EIR Alternative A Mitigation Implemented" means the reconstruction of the Valparaiso Avenue /Emilie Avenue, Valparaiso Avenue/Elena Avenue intersections described in the "Background" section above, as well as the addition of a second lane to the southbound Elena Avenue approach to the Park Lane all-way stop intersection, which was required mitigation in the SHS Master Plan EIR. The calculated LOS and delay data as compared to the 2013 counts show significant reductions in average delay. These improvements in average delay at all of the intersections result from the combined effect of the TDM programs implemented by both Menlo School and SHS plus the SHS circulation improvements. In fact, these strategies have resulted in improvements in delay far beyond those predicted for both the Base Case (2014) + SHS Project and the Future (2030) scenarios.

Table A

Level of Service and Average Delay Comparisons

	2009		2014		2014		2030		2030		2013	
Intersection	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

* Letter designates Level of Service, number designates average delay time in seconds.
Source: SHS Master Plan EIR, 2010.

The Hexagon report also provides data about the AM and PM traffic volumes accessing the campus during the 2011-12 and 2012-13 academic years. The report summarized in Table B on the next page, documents that the School generated 856 trips in the AM and 410 trips in the PM in 2010 when counts were taken in 2010 and the School enrollment was 810 students. During the 2012-13 academic year, per the Hexagon data measured in April 2013, when the School enrollment was 793 students, the School's AM peak hour trip count was 656, a reduction of 200 trips or 23% from the 856 in 2010. The 2013 PM peak count was 436 trips compared to 2010 count of 410 trips, an increase of 26 trips, at lower enrollment and with the TDM plan in place. This clearly calls into question the 410 trip count in 2010 as a reliable baseline.

In addition, current counts for SHS reflect a 21% reduction in vehicles accessing the Sacred Heart Schools campus over the past 5 years, despite an increase in the number of students of 10%. Similarly, improvements in roadway segment conditions have been experienced.

Therefore, as shown above, the cumulative traffic reductions from the SHS TDM program and campus circulation improvements and the Go Menlo TDM program, have significantly reduced the delay times at the Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue /Elena Avenue intersections from 2009 to 2013, and the impacts from the School Enrollment Increase Project have been reduced to below the pre-project (Approved Use Condition with 750 students). As such, the intersection improvements are no longer required mitigation measures and can be eliminated.

2. Change in Peak Hour Thresholds

Annual traffic counts have documented that the school is in compliance with the parking utilization rate specified in the 2010 CUP. However, annual trip monitoring has documented that while vehicle trips generated by the school have declined since the adoption of the Go Menlo TDM Program, the School is still not in compliance with the maximum thresholds.

The 2010 CUP Condition 22.C.iv. specifies that non-attainment with the trip reduction thresholds requires the school to reduce its enrollment to a maximum of 755 students. In this condition, the School would no longer be required to implement the TDM program, nor would it be required to construct the intersection improvements to the Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue/Elena Avenue intersections.

Out of a desire to maintain its current enrollment of 795 students and to address the compliance with the peak hour thresholds, the School hired the transportation engineering firm Kittelson & Associates (Kittelson) to conduct a comprehensive analysis of the School's traffic data to determine why it has been unable to meet the thresholds set by the 2010 CUP. The Kittelson report concluded that the PM peak hour trip counts documented in the 2011 Kimley-Horn Associates Traffic Impact Study (TIS) were unusually low when compared to other PM peak hour counts for the School, because the PM peak data was only measured on one day (April 13, 2010), which proved to have an unusually low number of trips.

Table B, below, excerpted from the Kittelson report summarizes the peak hour traffic generation as documented in traffic counts since 2001.

Table B: Summary of Trips for Menlo School[1]

Source	Memo to Neal Martin (Kimley-Horn 2010)	Memo to Neal Martin (Kimley-Horn 2010)	Sacred Heart School MP DEIR (CAJA 2010)	Traffic Impact Study-Menlo School (Kimley-Horn 2011)	Menlo School Automatic Counter	Menlo School Automatic Counter	Letter to Neal Martin (Hexagon 2013)	Current Menlo CUP Targets	Proposed Menlo CUP Targets
Dates of Data Collection	Nov. 15, 2001	April 8,9,10 2003[2]	March & Dec. 2009	10/13/10-AM & PM, 10/14/10-AM[2]	January - May 2012[3]	Aug. - Dec., Feb.-May 2013[2]	April 9, 16 2013[2]		
Enrollment at Time of Measurement	740	756	786[4]	810	794	793	793	795	795
East Gate Counted	No	No	No	Yes (136)	Yes	Yes	Yes		
Proforma Adjustment for East Gate[5]	124	127	132	0	0	0	0		
AM Peak Hour Trips	706	685	648	856	641	648	656	627	627
PM Peak Hour Trips	551	481	465	410	465	432	436	302	453
Ratio PM Trips / AM Trips	78%	70%	72%	48%	73%	67%	66%	48%	72%

Notes:

1. Trips are defined as vehicles entering or exiting Menlo School. A vehicle that enters and then exits generates two trips.

2. Trips are averages of the dates when data were collected.

3. Trips are averages of the dates when data were collected excluding three abnormal PM peak hours on days in June at the end of the school year.

4. Enrollment was 780 students in March and 791 students in December 2009. The DEIR does not identify specific dates of data collection.

5. Adjustment is based on 2010 counts at east gate times the enrollment ratio.

Source: Kittelson & Associates, Inc., 2013.

The Kittelson report also identified that the PM to AM peak hour trip ratio specified by Condition 22 (302 / 627 = 48%) was highly unusual, as it is significantly different than other traffic data for the School, and is also inconsistent with national studies documented in the Institute of Transportation Engineers (ITE) Trip Generation Manual. As a result of the inaccurate PM to AM peak hour trip ratio, the Kittelson report concluded that the PM peak hour threshold established in the CUP is not feasibly attainable, and recommends a change to the threshold reflect the ITE standard PM to AM peak hour trip ratio of 72%, which is close to the actual ratio observed for the School's in traffic studies conducted since 2001. The report recommends that the AM peak hour threshold remain at 627, but that the PM peak hour threshold be increased from 302 to 453.

By approving the change in the PM peak hour threshold from 302 to 453, as requested by the School, the PM peak hour threshold would be reflect a realistic, attainable threshold, and reflect a PM to AM peak hour trip ratio that is consistent with past traffic studies and national standards.

3. Traffic Monitoring

CUP Condition 22 requires that annual monitoring be conducted by a qualified independent third party, approved by the Town, to assess both vehicle trips and parking capacity utilization. The School is proposing to utilize its permanent in-ground traffic count system to document compliance with the conditions of approval. The benefit of this system is that it documents AM and PM trips daily, and allows for the exclusion of unrepresentative dates, as opposed to the annual Spring counts specified in the 2010 CUP, which only offer a snapshot in time. However, because the trip monitoring system is owned, managed and controlled by the School, the Town will continue to require the option of annual independent traffic audit.

4. Determination that IS/MND Mitigation Measures No Longer Necessary

Mitigation measures adopted when a project is approved may be changed or deleted if the agency states a legitimate reason for making the changes (see e.g., *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 359). The reason for the changes must be supported by substantial evidence (*Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal. App. 4th 1385). Here, the evidence contained in this Addendum and the referenced traffic studies supports the finding that the intersection improvements mitigation is no longer necessary for the reasons summarized below. In summary, the reductions in trip generation, which result from implementation of the Go Menlo TDM program, and the SHS TDM program and its campus improvements, reduce the School's traffic impacts to a less-than-significant level. This traffic reduction is evidenced by the following facts documented in the Addendum for the SHS Master Plan EIR:

a. The average delay time at the Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue /Elena Avenue intersections have been reduced from 72% to 93% from 2009 to

2013.

b. The level of service at the Valparaiso Avenue /Emilie Avenue intersection has improved from F to E from 2009 to 2013.
c. The average delay time at the Valparaiso Avenue /Emilie Avenue and Valparaiso Avenue /Elena Avenue 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 conditions.
d. The level of service at the Valparaiso Avenue /Emilie Avenue 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 conditions.
e. Similar but greater improvements in average delay times are projected at the Valparaiso Avenue /Emilie Avenue and Valparaiso Avenue/Elena Avenue intersections for the Future (2030) case with SHS EIR Alternative A Intersection Improvements Implemented as compared to Existing 2013 conditions.
f. In addition, the Menlo School's the 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.

Therefore, as shown above the IS/MND mitigation measures to improve the Valparaiso Avenue/Emilie Avenue and Valparaiso Avenue /Elena Avenue intersections are no longer required to reduce traffic impacts from the Enrollment Increase Project to less than significant.

CONSISTENCY WITH MASTER PLAN:

The Menlo School Campus Master Plan was accepted for filing by the Atherton Planning Commission on March 27, 2002. The latest update to that plan was reviewed by the Planning Commission on December 4, 2013. The Master Plan document includes a proposed land use plan. The Master Plan specifies a maximum enrollment of 795 students and references its Go Menlo TDM Program.

It is recommended that the Planning Commission find that the proposal is consistent with the Menlo School Campus Master Plan.

CONSISTENCY WITH GENERAL PLAN AND ZONING:

The Atherton General Plan designates Menlo School for Public Facilities and Schools uses. This land use category is defined as including the types of activities and facilities that are generally recognized as more conveniently provided by public or quasi-public agencies than by the private sector. Such uses include utilities such as water, sewer and power, basic facilities such as local government and schools, and services such as police and fire protection.

The property is zoned PFS (Public Facilities and Schools) District which allows private schools as a conditional use. A Conditional Use Permit is required for any new uses proposed at the site. As

noted above, a condition of CUP10-00007 limits maximum enrollment at the School to approximately 795 students. The buildings and structure on site comply with all of the building and lot requirements established in Section 17.32.040 of the Atherton Municipal Code. The maximum building height is 34 feet. Front, side and rear yards comply with zoning regulations. A 75-foot side yard is provided along the Mac Bain Avenue side of the property. Lot coverage is less than the 40 percent maximum.

It is recommended that the Planning Commission find that the proposal is consistent with the Atherton General Plan and PFS zoning district standards.

CONCLUSION:

It is Planning Staff's professional opinion that the requested changes will provide significantly more traffic congestion relief, preserve at least 12 heritage trees, avoid creating additional impervious surface and help retain the rural character of the Town of Atherton.

ALTERNATIVES:

Alternatives are listed as follows:

- Request changes in the existing TDM Program
- Require implementation of the Intersection Improvements without the TDM Program

FISCAL IMPACT:

All costs covering the processing of this application are paid for by the applicant.

ENVIRONMENTAL IMPACT:

An Initial Study/Mitigated Negative Declaration for the Menlo School Enrollment Increase Project was adopted by the Planning Commission on June 29, 2011. An Addendum to the Menlo School IS/MND was prepared to address the elimination of certain traffic-related mitigation measures since the Town's approval of the Conditional Use Permit and its associated IS/MND in June 2011. Pursuant to CEQA Guidelines Section 15164.(c) the addendum was not circulated for public review. The Planning Commission shall consider the addendum with the adopted IS/MND prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR, supported by substantial evidence, is included in the addendum to the IS/MND. That environmental document contains recommended mitigation measures to minimize potential impacts. Those mitigation measures have been incorporated as recommended conditions in the draft amended Conditional Use Permit Certificate.

FORMAL MOTION:

I move that the Planning Commission make the findings outlined in the Staff Report, take the

following actions and approve the following permits with the conditions listed in the draft approval certificate:

1. Consider the addendum with the adopted IS/MND prior to making a decision on the project.
2. Make a finding based on substantial evidence that the Intersection Improvements are no longer necessary to mitigate a significant impact and a better alternative exists in the form the existing TDM program.
3. Approve the draft Amended Conditional Use Permit Certificate (Enrollment Increase Project) that 1) revises the PM peak hour trip generation goal, 2) substitutes 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) eliminates intersection improvements required as mitigation measures for the original IS/MND, and 4) amends the schedule in which the Menlo School would be required to reduce enrollment, if deemed out of compliance with the peak hour thresholds.

Prepared by:

Neal J. Martin, Town Planner	Lisa Costa Sanders, Deputy Town Planner

Attachments:

1. *Addendum to the Menlo School Enrollment Increase Project Initial Study/Mitigated Negative Declaration, 50 Valparaiso Avenue (APN 070-360-070, State Clearinghouse #2011XXX,* December 2013
2. Town of Atherton, *Menlo School Enrollment Increase Project Revised Initial Study and Mitigated Negative Declaration,* June 2, 2011
3. Draft amended Conditional Use Permit Certificate for Enrollment Increase Project
4. Letter from Nathaniel Healy, Head of Schools, Menlo School, requesting the Planning Commission to amend the Enrollment Increase Project Conditional Use Permits, October 21, 2013 and including attachments such as the Kittelson & Associates Traffic Memorandum
5. Conditional Use Permit Certificate for Enrollment Increase Project, June 22, 2011