

**Minutes  
Zoning Administrator Meeting  
May 5, 2011**

**Staff Present**

Charley Stump, Zoning Administrator  
Jennifer Faso, Associate Planner  
Cathy Elawadly, Recording Secretary

**Others Present**

Delia Gonzalez  
Javier Gonzalez  
Zenya Leyva Chou

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 2:07 p.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Zoning Administrator Stump confirmed the site visit for item 6A.

**3. APPROVAL OF MINUTES: January 18, 2011**

**Zoning Administrator Stump** approved the minutes for January 18, 2011, as submitted.

**4. APPEAL PROCESS**

**Zoning Administrator Stump** read the appeal process. For matters heard at this meeting, the final date to appeal is May 16, 2011.

**5. VERIFICATION OF NOTICE**

**Associate Planner Faso** confirmed Minor Use Permit 11-02 UP-ZA was legally noticed in accordance with the provisions of the Ukiah Municipal Code.

**6. PUBLIC HEARINGS**

- A. Minor Use Permit 11-02 UP-ZA**, 556 Empire Drive, APN 001-460-41. Request for approval of a Minor Use Permit to allow a large family daycare within a residential zone to provide care for up to fourteen (14) children.

**Associate Planner Faso** provided a brief staff report:

- Project is a proposed Minor Use Permit for a Large Daycare facility.
- After properly noticing the neighbors, staff received correspondence from some neighbors in opposition to the project citing primarily noise attributed to outdoor play, traffic congestion due to pick-up and drop-off.
- Staff has analyzed the project in relation to what is allowed and drafted conditions of approval for the project that address the concerns of the neighbors.
- Requested the applicant review the draft conditions of approval to make certain they are acceptable.
- Staff supports approval of the project.

**PUBLIC HEARING OPENED: 2:09 p.m.**

It was noted the applicant does not speak English. Javier Gonzalez translated in Spanish the proceedings of the meeting.

**Delia Gonzalez:**

- Generally agreed that the conditions of approval were acceptable and supported further discussion particularly as they relate to the issues of noise and time associated with outdoor playtime and the matter of pick-up and drop-off.

**Javier Gonzalez:**

- Provided staff with correspondence in support of the project and with photographs of the existing fence.
- With regard to noise and outdoor play, the children are not always outside because the daycare operation has a daily schedule of activities that are conducted indoors.

**Zenia Chou:**

- Resides in the area, is a parent of children attending the daycare and notes traffic and traffic congestion to be an issue, but that pick-up and drop-off for the daycare facility is not a problem.
- Children attending the daycare facility are not all there at the same time because some children go to school and parent work schedules vary.
- Has observed children typically spend time in the outdoors in the afternoon.
- The applicant operates a very clean and efficient daycare.

There was general discussion about the times and length of time children at the daycare play outside.

There was also discussion regarding possible other reasons why some of the neighbors are opposed the daycare.

**Javier Gonzalez:**

- The daycare facility is subject to State licensing and regulations regarding health and safety. Precautions and great measures are taken on the part of the daycare provider to ensure their health and safety of the children all times.
- The applicant is very concerned about complying with the State rules and regulations for operation of a children's daycare facility and careful about not going over the limit for the number of children allowed at one time.
- Children are not outdoors all day. Due to weather conditions, outdoor playtime hours vary. During the summer months when children like to be outdoors, playtime is limited for health purposes so as not to be over-exposed the children to the sun or heat.
- In response to the noise concerns expressed by the neighbors to the rear of the facility, they may be just 'too picky' because the applicant is very conscientious about responsibly operating her daycare facility and is concerned about potential impacts to neighbors.
- In terms of the pick-up and drop-off, children arrive and leave at different times depending upon their school schedule and parents work schedule. Some parents work a regular schedule during the day while others work a later shift that runs into the evening.
- All parents picking up or dropping off children walk the children into the daycare home.

**Zoning Administrator Stump: Kept the public hearing open to allow translation.**

- The best approach may be to limit the number of hours children can be outdoors however, it would not be fair or reasonable to the Day Care Provider to require exactly when the children can be outdoors given that there is a daily schedule in place.
- Supports regulating outdoor playtime to a specific number of hours daily to address noise issues expressed by neighbors and allow the applicant flexibility to pick and choose the times up to a specified number of hours so the children can go outdoors when they want and when it is safe.
- Reviewed the photographs regarding the condition of the fence and determined the fence is fine.
- The drop-off times as provided for in Condition of Approval appear to be reasonable given the schedule of the children and parents.
- There is a need for daycare facilities in the community.
- The applicant clearly operates a well-run daycare facility.
- Noted a typographical error regarding Condition of Approval No. 11 and asked staff to correct the word 'acknowledgement' to 'acknowledge.'

1 **Zoning Administrator Stump** added the following findings:  
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- 3 1. Pictures submitted at meeting provided evidence that rear fence is adequate.
- 4 2. The daycare is a valuable asset to the community and is conducted in a clean and safe  
5 manner and provides a strong benefit to the community as a whole.
- 6 3. The Conditions of Approval agreed upon by the applicant will successfully attenuate the  
7 noise associated with the large family daycare.  
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9 **Zoning Administrator Stump** noted the conditions of approval will have to be re-numbered and  
10 made the following modifications to the Conditions of Approval to more appropriately address the  
11 issues discussed above:

- 12 • Condition of Approval No. 2: The drop-off times shall **generally** be between the hours of  
13 5:00 a.m. and 9:00 p.m. and the pick-up times shall be between 4:30 p.m. and 9:15 p.m.
- 14 • Condition of Approval No. 4: Outside play time for the children shall only be between the  
15 hours of 9:00 a.m. and 6:00 p.m. **for a maximum of four (4) hours per day.**
- 16 • Condition of Approval No. 6(b): Times for outside play shall be limited to 9:00 a.m. and  
17 6:00 p.m. **for a maximum of four (4) hours per day.**
- 18 • Delete Conditions of Approval Nos. 7 and 8 as originally provided for in the staff report.
- 19 • Delete Condition of Approval No. 15 as originally provided for in the staff report.
- 20 • Delete Condition of Approval No. 21 because it is a duplication of Condition of Approval  
21 No. 20.  
22

23 There was discussion concerning Condition of Approval No. 16 whether or not to delete since the  
24 applicant has paid the fees.  
25

26 **Zoning Administrator Stump:**

- 27 • Condition of Approval No. 16 is a requirement and should be left in the Conditions of  
28 Approval even though the fee has been paid.
- 29 • Condition of Approval No. 19 should be left in because this is a building code  
30 requirement.  
31

32 The applicant agrees with the Findings and addition of Findings and the Conditions of Approval,  
33 as modified.  
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35 **PUBLIC HEARING CLOSED: 2:26 p.m.**  
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37 **Zoning Administrator Stump** has visited the site, supports approval of the project, agrees with  
38 staff's findings and project conditions and approved Minor Use Permit 11-02 UP-ZA with Findings  
39 1-6 and the additional three findings referenced above and Conditions of Approval 1-21 as re-  
40 numbered and modified as referenced above.  
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43 **USE PERMIT FINDINGS TO ALLOW A LARGE FAMILY DAYCARE TO PROVIDE CARE FOR**  
44 **UP TO FOURTEEN (14) CHILDREN**  
45 **556 EMPIRE DRIVE, APN 001-460-41**  
46 **FILE NO. 11-02-UP-ZA**  
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48 The following findings are supported by and based on information contained in this staff report,  
49 the application materials and documentation, and the public record.  
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- 51 1. The proposed project, as conditioned, is consistent with the goals and policies of the  
52 General Plan as described in the staff report.  
53

- 1           2. The proposed project, as conditioned, is consistent with the uses allowed in the Las  
2           Casas Planned Development (PD) which defaults to the R-1 zoning district standards.  
3           The R-1 zoning district allows a large family daycare with approval of a Use Permit.  
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- 5           3. The proposed project, as conditioned, is consistent with the development standards for  
6           the Las Casas Planned Development (PD) which defaults to R-1 in that the site is  
7           developed in manner consistent with the R-1 standards and no modifications are  
8           proposed as part of this application.  
9
- 10          4. The proposed project, as conditioned, is compatible with surrounding land uses and shall  
11          not be detrimental to the public's health, safety and general welfare based on the  
12          following:  
13                a. Based on information from Community Care Licensing there are no other  
14                daycares adjacent to the subject property, therefore there is not a  
15                overconcentration of large family daycares in the neighborhood.  
16                b. Three onsite parking spaces are located in the driveway and are available during  
17                the day for use by parents dropping off and picking up children. There is one  
18                parking space available for street parking. With the condition requiring staggered  
19                pickup and drop-off times, this will provide adequate parking for the daycare.  
20                c. Drop off and pick up times will be staggered throughout the day. Given that the  
21                on-site parking spaces are not used by the property owner during the day,  
22                parents dropping-off and picking-up children can pull off the street to park. As  
23                such, the additional vehicles from the expansion of the daycare would not create  
24                a traffic hazard or substantially increase vehicle trips over what exists with the  
25                small family daycare.  
26                d. The property is fenced on three sides with a six foot wood fence. There is also a  
27                wood fence dividing the front yard from the rear creating a play area for the  
28                children. The rear fencing separating the neighbor to the north is not solid and  
29                therefore does not provide privacy or noise attenuation. Draft condition of  
30                approval number 6 has been added to address this concern.  
31                e. Draft condition of approval number 5 has been added to limit outside play time to  
32                9:00 AM to 6:00 PM in the effort to minimize noise disturbance to the neighbors  
33                and to make the use compatible with the surrounding single-family land uses.  
34                f. The proposed large family daycare has completed the licensing process and has  
35                been licensed by the State of California.  
36                g. The project has been reviewed by the Fire Marshal, Police Department, Building  
37                Official, and Public Works and any requirements have been includes as  
38                conditions of approval.  
39                h. The project is required to comply with all federal, state and local laws.  
40                i. The project promotes the public health, safety, and welfare by providing a  
41                licensed in home daycare within the City of Ukiah.  
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- 43          5. The proposed project is statutorily exempt from the provisions of the California  
44          Environmental Quality Act (CEQA) pursuant to Article 18 Section 15274 (a) in that CEQA  
45          does not apply to the establishment or operation of a large family daycare home, which  
46          provides in-home care for up to fourteen children as defined in Section 1596.78 of the  
47          Health and Safety Code.  
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2 6. Notice of the proposed project was provided in the following manner as required by the  
3 Zoning Ordinance:  
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5 a. Posted in three places on the project site on April 22, 2011;  
6 b. Mailed to property owners within 300 feet of the project site on April 22, 2011;  
7 and  
8 c. Published in the Ukiah Daily Journal on April 22, 2011.  
9

10 Added by the Zoning Administrator  
11

- 12 7. Pictures submitted at meeting provided evidence that rear fence is adequate.  
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14 8. This daycare is a valuable asset to the community and is conducted in a clean and safe  
15 manner and provides a strong benefit to the community as a whole.  
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17 9. The Conditions of Approval agreed upon by the applicant will successfully attenuate the  
18 noise associated with the large family daycare.  
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21 **USE PERMIT CONDITIONS OF APPROVAL TO ALLOW A LARGE FAMILY DAYCARE TO**  
22 **PROVIDE CARE FOR UP TO FOURTEEN (14) CHILDREN**  
23 **556 EMPIRE DRIVE, APN 001-460-41**  
24 **FILE NO. 11-02-UP-ZA**  
25

- 26 1. Approval is granted for the operation of a large family daycare to provide care for up to  
27 fourteen (14) children. Approval is granted based on the project description submitted to  
28 the Planning and Community Development Department and as shown on the site plan  
29 date stamped March 3, 2011, except as modified by the following conditions of approval.  
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31 2. The drop-off times shall generally be between the hours of 5:00 a.m. and 9:00 a.m. and  
32 the pick-up times shall be between 4:30 p.m. and 9:15 p.m.  
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34 3. All parents picking up or dropping off the children shall turn off car engines and walk the  
35 children into the day care home.  
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37 4. Outside play time for the children shall only be between the hours of 9:00 a.m. and 6:00  
38 P.M. for a maximum of (4 ) four hours per day.  
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40 5. During outside play times the day care provider shall monitor the noise level of the  
41 children as to not adversely impact the surrounding neighbors, if necessary the day care  
42 provider shall take measures to quite the children.  
43  
44 6. Provide in writing to parents/clients informational handout that states the following  
45 approved operating characters.  
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47 a. Parents dropping off and picking up children shall park in the driveway when  
48 available as to not add to traffic congestion on the Empire Drive.  
49 b. Times for outside play shall be limited to 9:00 AM and 6:00 PM. for a maximum  
50 of (4) four hours per day.  
51 c. When parents are dropping-off or picking – up children car engines shall be  
52 turned off and the children shall be walked to the door.  
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54 7. In the future, should recreation equipment exceeding eight feet in height be installed in  
55 any yard area intended for day care use, the equipment shall not be closer than five feet  
56 from the rear or side property lines.

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- 8. A City of Ukiah Business license must be applied for and approved prior to operation of the large family daycare.
- 9. That applicant (Javier Gonzales) working on behalf of the day care provider (Delia Gonzales) shall acknowledge by signing the conditions of approval that he is able to translate to Mrs. Gonzales the conditions of approval for operation of the Large Family Daycare.
- 10. The day care provider/property owner (Delia Gonzales) shall acknowledge by signing the conditions of approval that she understands and will abide by the conditions of approval for operation of the large family daycare at this location.

From the Fire Marshal (Chuck Yates)

- 11. This occupancy is classified as an R-3; Large Family Day Care. Smoke alarms are required in accordance with CFC 907.2.10.1.2.
- 12. Section 907.2.6.3.4 applies regarding System annunciation.
- 13. A fire inspection is required and a fee of \$50.00 will be charged.

From the Building Official ( David Willoughby)

- 14. Smoke detectors are required in each bedroom and the hallway giving access to the bedroom.
- 15. A fire extinguisher is required with a minimum 2A10BC rating.
- 16. A manual fire alarm pull station is required that will actuate an audible alarm throughout the home at a minimum level of 15 DB. Above ambient noise level. Locate the pull station on the path of egress to or at the front door as required by the Fire Marshall.

Standard City Conditions of Approval

- 17. Business operations shall not commence until all permits required for the approved use, including but not limited to business license, tenant improvement building permit, have been applied for and issued/finaled.
- 18. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.
- 19. The property owner shall obtain and maintain any permit or approval required by law, regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal agencies as applicable. All construction shall comply with all fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
- 20. A copy of all conditions of this Use Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
- 21. This Use Permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.

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22. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

**7. ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:27 p.m.

\_\_\_\_\_  
Charley Stump, Zoning Administrator

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Cathy Elawadly, Recording Secretary