

**Minutes  
Zoning Administrator Meeting  
September 29, 2011**

**Staff Present**

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

**Others Present**

Bonnie Lorenzi  
Rebecca Brown

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 2:02 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.

**3. APPROVAL OF MINUTES: May 5, 2011**

Zoning Administrator Stump approved the May 5, 2011 meeting minutes as submitted.

**4. APPEAL PROCESS**

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is October 11, 2011.

**5. VERIFICATION OF NOTICE**

Associate Planner Faso verified Minor Use Permit 11-13 UP-ZA was publicly noticed in accordance with the requirements of the UMC.

**6. PUBLIC HEARINGS**

- A. Minor Use Permit 11-13 UP-ZA, 848 Yosemite Drive, APN 179-080-05.** Request for approval of two minor use permits 1) allow a large family daycare within a residential zone to provide care for up to fourteen (14) children and 2) allow the parking located within the setback on the driveway to count as required on-site parking.

Zoning Administrator Stump dispensed with a presentation of the staff report.

**PUBLIC HEARING OPENED: 2:05 p.m.**

**Rebecca Brown, Applicant:** Has reviewed the staff report and agrees with staff's findings and conditions of approval.

**Zoning Administrator Stump:**

- Appreciated the fine description submitted by the applicant about her daycare operation.
- Noted there are many letters in support of the project and one letter asking that the daycare be limited to seven children as opposed to a maximum of 14 children.

Zoning Administrator Stump asked about the daycare operation when it was located on Standley Street and whether or not there were any issues pertaining to complaints about traffic or noise and/or other problems.

**Rebecca Brown:** There were no problems or complaints at the Standley Street location.

**Zoning Administrator Stump:**

- The Yosemite Drive daycare operation appears to be a 'tighter fit' in that Yosemite Drive neighborhood has smaller lots compared to Standley Street. Given the smaller lots noise could be an issue.

- Reviewed the daycare curriculum and noted outdoor playtime is regulated so that children are not outdoors all day.
- Is pleased to see that parents whose children have attended Browns Daycare highly recommend the applicant especially that the applicant's program prepares children for kindergarten.
- Appreciates that the applicant distributed flyers to the neighborhood advising of her possible daycare operation in the neighborhood.
- Asked about the number of employees.

**Bonnie Lorenzi:**

- Her children attended Browns Day Care when the applicant first began her operation on Standley Street.
- Can highly attest the applicant provided quality daycare for her children.

**Rebecca Brown:**

- Thoroughly enjoys her work as a daycare provided.
- Is looking forward to relocating her daycare facility to Yosemite Drive.
- Will utilize Oak Manor Park for playtime since her backyard is not that large.
- Addressed the issue of potential noise impacts to the neighborhood and stated noise was never been a problem when her daycare operation was located on Standley Street.
- Has never had any complaints with her current daycare operation in Redwood Valley.
- As a daycare provider, she is cognizant of the neighborhood. She is in control of the children, the children are not in control of her in terms of operating a daycare that is respectful of the neighborhood.
- One former daycare operator in the neighborhood noted in response to the flyer that the only persons that *may* complain would be older persons while other persons stated having a daycare in the neighborhood would not be a problem. She has tried to talk to as many persons in the neighborhood as possible. The neighborhood has been welcoming.
- Has been in the daycare business for more than 20 years and understands how to effectively minimize impacts to the neighborhood that most commonly relate to traffic and noise.
- The employees will include one full-time and one part-time person.
- Most of the parents whose children attended her daycare, despite gas prices, have continued to bring their children to her despite the commute to Redwood Valley. Cited examples of parents that worked in Ukiah, lived in Hopland or Willits and commuted to Redwood Valley so their children could attend Brown's Daycare because this is what parents will do for quality daycare.

**Zoning Administrator Stump** noted it is likely that most people in the neighborhood will be working during the hours of operation for the daycare facility and therefore will not be effected by the daycare operation.

**Rebecca Brown:** People can contact Department of Social Services about her reputation/track record as a licensed daycare provider.

**Zoning Administrator Stump:**

- The fact that no one is present in opposition to the project says a lot about the proposed daycare facility.
- Daycare facilities provide an invaluable service to the community.

**PUBLIC HEARING CLOSED: 2:13 p.m.**

**Zoning Administrator Stump** agrees with staff's findings and project conditions and approved Minor Use Permit 11-13-UP-ZA with Findings 1-6 and Conditions of Approval 1-20.

1 **USE PERMIT FINDINGS TO ALLOW A LARGE FAMILY DAYCARE TO PROVIDE CARE FOR**  
2 **UP TO FOURTEEN (14) CHILDREN AND TO ALLOW ONE PARKING SPACE LOCATED IN**  
3 **DRIVEWAY TO COUNT AS REQUIRED ON-SITE PARKING**  
4 **848 YOSEMITE DRIVE, APN 179-080-05**  
5 **FILE NO. 11-13-UP-ZA**  
6

7 The following findings are supported by and based on information contained in this staff report,  
8 the application materials and documentation, and the public record.  
9

- 10 1. The proposed project, as conditioned, is consistent with the goals and policies of the  
11 General Plan as described in the staff report.  
12
- 13 2. The proposed project, as conditioned, is consistent with the uses allowed in the R-1  
14 zoning district standards. The R-1 zoning district allows a large family daycare with  
15 approval of a Use Permit.  
16
- 17 3. The proposed project, as conditioned, is consistent with the development standards for  
18 the R-1 zoning district, any interior building modifications necessary for this use will  
19 require a building permit.  
20
- 21 4. The proposed project, as conditioned, is compatible with surrounding land uses and shall  
22 not be detrimental to the public's health, safety and general welfare based on the  
23 following:  
24
  - 25 i. Based on information from Community Care Licensing there are not other  
26 daycares adjacent to the subject property, therefore there is not an over  
27 concentration of large family daycares in the neighborhood.
  - 28 ii. Surrounding uses include residential uses zoned R-1 and R-2. The proposed  
29 project site will continue to function as a single-family dwelling.
  - 30 iii. Prior to submitting her application the applicant canvassed the neighborhood and  
31 distributed an introduction letter to properties within approximately 300 feet from  
32 the project site.
  - 33 iv. Two on-site parking spaces are located in the driveway and available for use by  
34 the parents for dropping off and picking up children. There are two parking  
35 spaces available for street parking in front of the property and two parking  
36 spaces available for street parking directly across Yosemite Drive.
  - 37 v. No portion of the parking spaces located in the driveway will encroach into the  
38 public right-of-way.
  - 39 vi. The property is fenced on three sides with a six foot wood fence.
  - 40 vii. The proposed large family daycare will complete the licensing process with the  
41 state prior to operation.
  - 42 viii. The project was reviewed by Fire Marshal, Police Department, Building Official  
43 and Public Works and any requirements have been included, if any, as  
44 conditions of approval.
  - 45 ix. The project promotes public health, safety and welfare by providing an  
46 opportunity for a licensed in-home daycare within the City of Ukiah.  
47
- 48 5. The proposed project is statutorily exempt from the provisions of the California  
49 Environmental Quality Act (CEQA) pursuant to Article 18 Section 15274 (a) in that CEQA  
50 does not apply to the establishment or operation of a large family daycare home, which  
51 provides in-home care for up to fourteen children as defined in Section 1596.78 of the  
52 Health and Safety Code.  
53
- 54 6. Notice of the proposed project was provided in the following manner as required by the  
55 Zoning Ordinance:  
56

- a. Posted in three places on the project site on September 8, 2011;
- b. Mailed to property owners within 300 feet of the project site on September 8, 2011; and
- c. Published in the Ukiah Daily Journal on September 11, 2011.

**USE PERMIT CONDITIONS OF APPROVAL TO ALLOW A LARGE FAMILY DAYCARE TO PROVIDE CARE FOR UP TO FOURTEEN (14) CHILDREN AND TO ALLOW ONE PARKING SPACE LOCATED IN DRIVEWAY TO COUNT AS REQUIRED ON-SITE PARKING**  
**848 YOSIMITE DRIVE, APN 179-080-05**  
**FILE NO. 11-13-UP-ZA**

1. Approval is granted for the operation of a large family daycare to provide care for up to fourteen (14) children. Approval is granted based on the project description submitted to the Planning and Community Development Department and as shown on the site plan date stamped August 18, 2011, except as modified by the following conditions of approval.
2. The drop-off times shall be between the hours of 7:00 a.m. and 9:00 a.m. and the pick-up times shall be between 4:30 p.m. and 6:00 p.m.
3. All parents picking up or dropping off the children shall turn off car engines and walk the children into the day care home.
4. Outside play time for the children shall only be between the hours of 9:00 a.m. and 6:00 P.M.
5. During outside play times the day care provider shall monitor the noise level of the children as to not adversely impact the surrounding neighbors, if necessary the day care provider shall take measures to quite the children.
6. Provide in writing to parents/clients informational handout that states the following approved operating characters.
  - A. Parents dropping off and picking up children shall park in the driveway when available.
  - B. Times for outside play shall be limited to 9:00 AM and 6:00 PM.
  - C. When parents are dropping-off or picking – up children car engines shall be turned off and the children shall be walked to the door.
7. In the future, should recreation equipment exceeding eight feet in height be installed in any yard area intended for day care use, the equipment shall not be closer than five feet from the rear or side property lines.
8. A City of Ukiah Business license must be applied for and approved prior to operation of the large family daycare.

From the Fire Marshal (Chuck Yates)

9. Fire inspection will be required (state licensing will send inspection form). Topics for inspection include exit/emergency plan, emergency notification/alerting device, fire extinguishers, security systems, smoke and CO detectors, exit lights (standby flashlights) and signs, corridor widths, and housekeeping.

From the Building Official (David Willoughby 467-5718)

10. Smoke detectors and CO detectors are required.

1 11. Building permit required for garage conversion.  
2

3 From the Public Works Department ( Ben Kageyama 469-6284)  
4

5 12. In regards to the building permit for the proposed garage conversion; the existing sanitary  
6 sewer lateral shall be tested in accordance with City of Ukiah Ordinance No. 1105, and  
7 repaired or replaced if required.  
8

9 13. If the building permit value is equal to or greater than one-third of the value of the existing  
10 structure, curb, gutter, sidewalk, and street trees, along the subject property street  
11 frontage, will be evaluated, and may be required to be constructed, repaired, or upgraded  
12 pursuant to Section 9181 of the Ukiah City Code.  
13

14 Standard City Conditions of Approval  
15

16 14. Business operations shall not commence until all permits required for the approved use,  
17 including but not limited to business license, tenant improvement building permit, have  
18 been applied for and issued/finaled.  
19

20 15. No permit or entitlement shall be deemed effective unless and until all fees and charges  
21 applicable to this application and these conditions of approval have been paid in full.  
22

23 16. The property owner shall obtain and maintain any permit or approval required by law,  
24 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
25 Federal agencies as applicable. All construction shall comply with all fire, building,  
26 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
27 at the time the Building Permit is approved and issued.  
28

29 17. A copy of all conditions of this Use Permit shall be provided to and be binding upon  
30 any future purchaser, tenant, or other party of interest.  
31

32 19. This Use Permit may be revoked through the City's revocation process if the approved  
33 project related to this Permit is not being conducted in compliance with these  
34 stipulations and conditions of approval; or if the project is not established within two  
35 years of the effective date of this approval; or if the established use for which the permit  
36 was granted has ceased or has been suspended for 24 consecutive months.  
37

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

52 There being no further business, the meeting was adjourned at 2:14 p.m.  
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54 Charley Stump, Zoning Administrator  
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56 \_\_\_\_\_  
Cathy Elawadly, Recording Secretary