

**Minutes  
Zoning Administrator Meeting  
December 18, 2014**

**Staff Present**

Charley Stump, Zoning Administrator  
Michelle Johnson, Assistant Planner  
Cathy Elawadly, Recording Secretary

**Others Present**

Maria Elena Jacinto, Applicant  
Carlos Jacinto, Applicant  
Shawn Mucho  
Carol Ann Hulsmann  
David Christensen

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 2:00 p.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Zoning Administrator Stump confirmed the site visit.

**3. APPROVAL OF MINUTES:** The minutes from the July 1, 2014 meetings will be available for review and approval at the Zoning Administrator hearing.

Zoning Administrator Stump approved the July 1, 2014 minutes, as submitted.

**4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

**5. APPEAL PROCESS**

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is December 29, 2014 at 5:00 p.m.

**6. VERIFICATION OF NOTICE**

Zoning Administrator Stump verified the proposed Elena's Childcare Minor Use Permit File No.: 564 was properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Elena's Childcare Minor Use Permit, 502 Baywood Court; (City File 564).** Zoning Administrator review and consideration of a minor use permit to allow a large family daycare for up to 14 children to operate within an existing single family residence.

**Assistant Planner Johnson:**

- Gave a staff report and project description as provided for in attachment 3 of the staff report and pages 1 and 2 of the staff report.
- Advised of two correspondence received by staff today regarding the proposed Project that are included in the minutes as attachments 1 and 2.

Zoning Administrator Stump requested Assistant Planner Johnson recite the first eight project conditions of approval for the record as provided for in attachment 2 of the staff report.

**PUBLIC HEARING OPENED: 2:10 p.m.**

**Carlos Jacinto, Applicant:**

- Intent is to make the Project work for everyone in the neighborhood.

**Zoning Administrator Stump:**

- Small/large family daycare facilities are allowed in residential neighborhoods with approval of a minor/major use permit.

- A project condition of approval requires the drop-off and pick-up shall be staggered and inquired if this is what typically happens with daycare operations?
- Has some perceptions/awareness the neighborhood is concerned about traffic issues in the neighborhood associated with the operation of a large family daycare and requested clarification that 14 vehicles would not be pulling up in the morning to drop-off children and likewise with pick-up in the evening.
- Daycare facilities are carefully monitored to make certain there are no traffic, noise, and/or other type of impacts to residential neighborhoods.
- Does the daycare facility often provide for more than one family member/sibling(s)?
- Asked about the general age of the children attending the daycare facility? The reason for asking this question is that noise can be an issue associated with daycare facilities. Has observed younger children typically do not generate much noise except for crying.

**Carlos Jacinto:**

- Confirmed staggered drop-off and pick-up is what occurs for daycare operations.
- There would be no more than three parental drop-offs at any one time and this is 'built into' and/or is part of the daycare operation curriculum.
- Referred to attachment A of attachment 3 of the staff report that provides specific information about the drop-off and pick-up schedule that shows the parents in a staggered schedule where no more than three parents drop-off or pick-up children at the same time. The schedule will insure the Project will not create a safety or circulation issue for the neighborhood.
- The neighborhood can benefit from the daycare facility by also using the facility without having to drive and this would help eliminate potential traffic congestion.
- Acknowledged there are some times when more than one family member and/or sibling attends the daycare and this typically happens during school vacations/holidays. Finds the potential for additional attendance not to be a problem such that the daycare facility would not exceed the maximum number of children allowed because some children scheduled may not come that particular day or week and so the numbers work out.
- Children range in age from infants to five years and are typically pre-school age. Older children attend during vacations/holidays.
- Does not see noise is a problem because the children attending the daycare are young and some children are barely old enough to walk.
- Related to the issue of crying, this condition is addressed quickly and is likely attributed to a dirty diaper, child too hot or too cold and/or other type of condition that can easily be remedied/resolved.
- Finds it is easier to care for pre-school age children rather than older children.
- Nokomis Elementary School operates in the neighborhood and has observed the children playing at the school are noisy.
- Related to the issue of noise, would be willing to work with the neighborhood.

**David Christensen:**

- Resides in the neighborhood.
- Project concerns are twofold: 1) The proposed daycare facility would operate in a residential area and does like that the neighborhood would be converted to a commercial use. Is of the opinion the commercial use would adversely affect/diminish the residential use; 2) the daycare will increase traffic conditions in the neighborhood creating a potential hazard for children crossing to Nokomis Elementary School at the south entrance.
- Is of the opinion there are other places in town that would be more appropriate for a daycare facility use.
- Does not support approval of the Project.

**Carlos Jacinto:**

- 'We are not just a business, we are a family and we live in the business so we are not like a regular commercial enterprise.' The proposed use is a family daycare and operating for the purpose of helping his family to become more financially secure. The intent is not to operate a daycare forever but rather long enough to assist the family financially.
- Will work attentively with the neighborhood to make certain the daycare facility operates appropriately and without significant impacts.

**Carol Ann Hulsmann:**

- Resides in the neighborhood.
- Asked if use permit approval changes the zoning for the neighborhood or just the residential dwelling for the daycare?
- Has project concerns related to noise and traffic congestion in the neighborhood with up to 14 children attending the daycare and acknowledged many of the neighborhood children do play in the street.

**Zoning Administrator Stump:**

- Approval of the proposed Minor Use Permit for the daycare facility does not change the zoning in the area but rather allows a family daycare use to operate that happens to be located on a parcel in a residential neighborhood.

**Carlos Jacinto:**

- Confirmed none of the children attending daycare will be playing in the street. State daycare licensing does not allow children to play in the street. While the daycare is primarily pre-school oriented older children attending the facility must follow the same State rules/regulations.
- Understands noise is a concern for the neighborhood and noted all measures will be taken to make certain this is not a problem.

**Shawn Mucho:**

- Resides in the neighborhood.
- Baywood Court has a 'dogleg' configuration so anyone driving in has to go around the whole court in order to come back out. This means driving past all the homes in the court.
- His concern is how many cars would be coming through Baywood Court during a day as a result of the Project. Each time a car goes through the street that is two trips past where his children are playing.
- His street is already 'dangerous' during soccer season and he found this to be true after he moved into the neighborhood. The primary amenity for moving into the neighborhood was because it was a quiet cul-de-sac and did not get much traffic.
- Is of the opinion the only way to alleviate coming in and out of the 'Court' is if parents had to park on Laurel Avenue, which would not work out well during soccer season. Again, once one enters Baywood Court, he/she must go all the way around the court and come back out.
- Has observed what it is like dropping his children off at Grace Hudson School and understands the safety hazards involved with frantic parents that are late for work dropping children off because he has almost be hit several times.

**Carlos Jacinto:**

- Is aware of traffic-related concerns in the neighborhood.
- Is assured the staggering of the drop-off and pick-up will assist with potential traffic problems associated with the Project and will be closely monitored by the applicants/daycare providers.
- Acknowledges safety is a big concern and priority for all parents. The applicants have a child they would like to see play in the neighborhood too. Is of the opinion there are measures that can be taken to assist with the safety concerns in the neighborhood not

1 just related to his project but also to assist with soccer season and/or other events that  
2 may pertain the school.

- 3 • Is community oriented and cares genuinely about the neighborhood so will make every  
4 effort to insure the Project operates effectively and smoothly with the attempt to alleviate  
5 neighborhood concerns about traffic, noise and/or other impacts as best possible.
- 6 • As a new comer, appreciates that neighbors are interested in taking care of the  
7 neighborhood.

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**Zoning Administrator Stump:**

- 10 • Noted Condition of Approval No. 7 states, 'Parents dropping off and picking up children  
11 shall park in the driveway when available as to not add to traffic congestion on Baywood  
12 Court and Laurel Avenue.' This condition is helpful to Baywood Court. As such, a parent  
13 would drive into driveway without having to travel through and out of Baywood Court. The  
14 concern for increased traffic on Baywood Court is trying to be address with Condition of  
15 Approval No. 7.

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**PUBLIC HEARING CLOSED: 2:28 p.m.**

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**Zoning Administrator Stump:**

- 20 • Has visited the site.
- 21 • Noise is a crucial concern.
- 22 • Noted the subject property is bordered on the street by two sides.
- 23 • The play yard is located in the rear of the lot and the house separates this from the  
24 neighbors except from the neighbors to the west. It appears the neighbors to west are  
25 fine with the proposed project.
- 26 • Approves of the Project conditions that staff crafted to address the noise issues.
- 27 • While he has some concerns about traffic, finds that the condition requiring parents to  
28 pull in and out of the driveway to drop-off and pick-up their children is a good solution.
- 29 • Requests the applicants reinforce to parents about the importance of utilizing the  
30 driveway to drop-off and pick-up their children.
- 31 • The conditions proposed for the Project should assist dramatically with allowing the  
32 daycare facility to operate effectively for the good of the neighborhood.
- 33 • Explained how violations to the conditions of approval and/or City of Ukiah Noise  
34 Ordinance are addressed.
- 35 • It has been his experience while the Conditions of Approval for the daycare facility travel  
36 with the land rarely do the conditions of approval established for a particular daycare  
37 through the use permit process follow for another daycare in the same location.
- 38 • Added the following new Condition of Approval:  
39 'The applicant shall provide a carpool list to the parents to encourage reduced trips.'

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The aforementioned condition of approval will follow sequentially after proposed  
Condition of Approval No. 7 such that the new Condition of Approval No. 9 states, 'The  
operator of the Large Family Daycare shall provide an informational handout to  
parents/clients informing them of conditions of approval 2 through 8.'

- 46 • Added the following new Condition of Approval:  
47 'Prior to business activities the applicant shall provide a copy of the car pool list as  
48 required in conditions of approval number 8 and copy of the information handout as  
49 required in conditions of approval number 9 to the City of Ukiah Planning Department.'

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**Zoning Administrator Stump** approved Elena's Childcare Minor Use Permit, City File 564 with  
the Findings in attachment 1 of the staff report and Conditions of Approval in attachment 2 of the  
staff report and with the conditions of approval added above.

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1 **8. ADJOURNMENT**

2 There being no further business, the meeting was adjourned at 2:35 p.m.

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6 \_\_\_\_\_  
7 Charley Stump, Zoning Administrator

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9 Cathy Elawadly, Recording Secretary

10  
11 **USE PERMIT FINDINGS TO ALLOW A LARGE FAMILY DAYCARE**  
12 **TO PROVIDE CARE FOR UP TO FOURTEEN (14) CHILDREN**  
13 **502 BAYWOOD COURT, APN 003-490-63**  
14 **CITY FILE NUMBER: 564**  
15

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

- 18  
19 1. The proposed project, as conditioned, is consistent with the goals and policies of the General  
20 Plan as described in the staff report.  
21  
22 2. The proposed project, as conditioned, is consistent with the uses R-1 zoning district standards.  
23 The R-1 zoning district allows a large family daycare with approval of a Use Permit.  
24  
25 3. The proposed project, as conditioned, is consistent with the development standards for the R-1  
26 zoning district as described in the staff report.  
27  
28 4. The proposed project, as conditioned, is compatible with surrounding land uses and shall not  
29 be detrimental to the public's health, safety and general welfare based on the analysis included in  
30 Tables 2 and 3 of the staff report, including the following:  
31  
32 A. Based on information from Community Care Licensing there are no other daycares adjacent to  
33 the subject property; therefore, there is not an overconcentration of large family daycares in the  
34 neighborhood.  
35  
36 B. Four onsite parking spaces are located on the property and two are available during the day  
37 for use by parents dropping off and picking up children. There are eight parking spaces along the  
38 parcel frontage and additional street parking available in the immediate neighborhood. With the  
39 condition requiring staggered pickup and drop-off times, this will provide adequate parking for the  
40 daycare.  
41  
42 C. Drop off and pick up times will be staggered throughout the day. Given two on-site parking  
43 spaces, parents dropping-off and picking-up children can pull off the street to park. As such, the  
44 additional vehicles from the daycare would not create a traffic hazard or substantially increase  
45 vehicle trips.  
46  
47 D. Fencing. The property is fenced on all four sides with a six foot redwood fence and complies  
48 with the location; height and fencing type required in the zoning ordinance (see attachment 4,  
49 Revised Site Plan; and attachment 6 Photos).  
50  
51 E. Draft condition of approval number 4 has been added to limit outside play time to no more than  
52 two hours a day between the hours of 9:00 a.m. and 5:00 p.m. in the effort to minimize noise  
53 disturbance to the neighbors and to make the use compatible with the surrounding single-family  
54 land uses.  
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1 F. Draft condition of approval number 7 has been added to encourage carpooling by providing a  
2 carpool list to parents to encourage reduced trips.

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4 G. Draft condition of approval number 10 has been added that prior to business activities the  
5 applicant shall provide a copy of the informational handout to the Planning Department as  
6 required in condition of approval number 9.

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8 H. The project has been reviewed by the Fire Marshal, Police Department, Building Official, and  
9 Public Works and any requirements have been included as conditions of approval.

10 I. The project is required to comply with all federal, state and local laws.

11  
12 J. The project promotes the public health, safety, and welfare by providing a licensed in home  
13 daycare within the City of Ukiah.

14  
15 5. The proposed project is statutorily exempt from the provisions of the California Environmental  
16 Quality Act (CEQA) pursuant to Article 18 Section 15274 (a) in that CEQA does not apply to the  
17 establishment or operation of a large family daycare home, which provides in-home care for up to  
18 fourteen children as defined in Section 1596.78 of the Health and Safety Code.

19  
20 6. Notice of the proposed project was provided in the following manner as required by the Zoning  
21 Ordinance:

- 22  
23 ■ posted in three places on the project site on December 3, 2014;  
24 ■ mailed to property owners within 300 feet of the project site on December 3, 2014; and  
25 ■ published in the Ukiah Daily Journal on December 7, 2014.

26  
27 **USE PERMIT CONDITIONS OF APPROVAL TO ALLOW A LARGE FAMILY DAYCARE**  
28 **TO PROVIDE CARE FOR UP TO FOURTEEN (14) CHILDREN**  
29 **502 BAYWOOD COURT, APN 003-490-63**  
30 **CITY FILE NUMBER: 564**

31  
32 1. Approval is granted for the operation of a large family daycare to provide care for up to  
33 fourteen (14) children based on the project description submitted to the Planning and Community  
34 Development Department and date stamped October 31, 2014 and as shown on the site plan  
35 date stamped November 20, 2014, except as modified by the following conditions of approval.

36  
37 2. Hours of operation for the large family daycare are limited to Monday through Friday 7:00 a.m.  
38 to 7:00 p.m.

39  
40 3. The drop-off times shall be staggered between the hours of 7:00 a.m. and 9:00 a.m. and the  
41 pick-up times shall be between 3:30 p.m. and 7:00 p.m.

42  
43 4. Outside play time for the children shall be limited to no more than two hours a day between the  
44 hours of 9:00 a.m. and 5:00 p.m.

45  
46 5. During outside play times the day care provider shall monitor the noise level of the children so  
47 as to not adversely impact the surrounding neighbors. If necessary the day care provider shall  
48 take measures to quiet the children which may include bringing the children indoors.

49  
50 6. All parents picking up or dropping off the children shall turn off car engines and walk the  
51 children into the day care home.

52  
53 7. Parents dropping off and picking up children shall park in the driveway when available as to not  
54 add to traffic congestion on Baywood Court and Laurel Avenue.

55  
56 8. The applicant shall provide a carpool list to the parents to encourage reduced trips.

1  
2 9. The operator of the Large Family Daycare shall provide an informational handout to  
3 parents/clients informing them of conditions of approval 2 through 8.  
4

5 10. Prior to business activities the applicant shall provide a copy of the car pool list as required in  
6 conditions of approval number 8 and copy of the informational handout as required in conditions  
7 of approval number 9 to the City of Ukiah Planning Department.

8 11. In the future, should recreation equipment exceeding eight feet in height be installed in any  
9 yard area intended for day care use, the equipment shall not be closer than five feet from the rear  
10 or side property lines.  
11

12 12. Prior to the operation of the large family daycare, the owner shall apply for and be issued a  
13 City of Ukiah Business license.  
14

15 13. Conversion of the garage to living space requires approval of an amendment to this Use  
16 Permit and application for and approval of a building permit.  
17

18 14. During the hours of operation of the large family daycare, the driveway shall remain available  
19 for the parking of two vehicles.  
20

21 15. The operation of the Large Family Daycare shall comply with the City of Ukiah Noise  
22 Ordinance.  
23

24 16. The day care provider/property owner Maria Elena Jacinto shall acknowledge by signing the  
25 conditions of approval that she understands the conditions of approval for operation of the large  
26 family daycare at this location.  
27

28 From the Zoning Administrator  
29

30 17. In order to reduce the demand for parking and vehicle trips to the daycare, the operator of the  
31 daycare shall encourage the parents/clients of the daycare facility to carpool to the facility. This  
32 shall be included in the informational handout for parents/clients required by condition of approval  
33 #8 above.  
34

35 18. Prior to commencement of business activities, the informational handout required by condition  
36 of approval #8 above shall be submitted to the Planning Department.  
37

38 From the Fire Marshal (Kevin Jennings)  
39

40 19. This occupancy is classified as an R-3; Large Family Day Care. Smoke alarms are required in  
41 accordance with CFC 907.2.10.1.2.  
42

43 20. Section 907.2.6.3.4 applies regarding System annunciation.  
44

45 21. Fire extinguisher is highly recommended.  
46

47 Standard City Conditions of Approval

48 22. Business operations shall not commence until all permits required for the approved use,  
49 including but not limited to business license, tenant improvement building permit, have been  
50 applied for and issued/finaled.  
51

52 23. No permit or entitlement shall be deemed effective unless and until all fees and charges  
53 applicable to this application and these conditions of approval have been paid in full.  
54

55 24. The property owner shall obtain and maintain any permit or approval required by law,  
56 regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal

1 agencies as applicable. All construction shall comply with all fire, building, electric, plumbing,  
2 occupancy, and structural laws, regulations, and ordinances in effect at the time the Building  
3 Permit is approved and issued.

4  
5 25. A copy of all conditions of this Use Permit shall be provided to and be binding upon any future  
6 purchaser, tenant, or other party of interest.

7  
8 26. This Use Permit may be revoked through the City's revocation process if the approved project  
9 related to this Permit is not being conducted in compliance with these stipulations and conditions  
10 of approval; or if the project is not established within two years of the effective date of this  
11 approval; or if the established use for which the permit was granted has ceased or has been  
12 suspended for 24 consecutive months.

13  
14 27. This approval is contingent upon agreement of the applicant and property owner and their  
15 agents, successors and heirs to defend, indemnify, release and hold harmless the City, its  
16 agents, officers, attorneys, employees, boards and commissions from any claim, action or  
17 proceeding brought against any of the foregoing individuals or entities, the purpose of which is to  
18 attack, set aside, void or annul the approval of this application. This indemnification shall include,  
19 but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be  
20 asserted by any person or entity, including the applicant, arising out of or in connection with the  
21 City's action on this application, whether or not there is concurrent passive or active negligence  
22 on the part of the City. If, for any reason any portion of this indemnification agreement is held to  
23 be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
24 shall remain in full force and effect.