

**Minutes
Zoning Administrator Meeting
November 15, 2012**

Staff Present

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

Others Present

Tom Winters
Susan Knopf
Haven Logan
Brenda Grosz
Olivia Bromley
Linda Beatty
Linda Nagel
Robert Faulk
Sherri Brown

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 3:35 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 visits.

3. APPROVAL OF MINUTES: August 16, 2012 & August 23, 2012

Zoning Administrator Stump made the following changes to the August 16, 2012 minutes:
Page 5, lines 6 & 7 to read, 'Recalled the Walmart Expansion project where the economic aspects of the project were thoroughly analyzed for consistency with the General Plan.'

Page 7, line 17, change the word, 'comments' to 'conversations.'

Zoning Administrator Stump approved the August 16, 2012 minutes, as amended.

Zoning Administrator Stump deferred approval of the August 23, 2012 minutes.

4. APPEAL PROCESS

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is November 26, 2012.

Zoning Administrator Stump extended the last day to appeal to November 28, 2012 due to the Thanksgiving holiday.

5. VERIFICATION OF NOTICE

Associate Planner Faso verified Minor Use Permit 12-18-UP-ZA and Minor Use Permit 12-17-UP-ZA were properly noticed in accordance with the provisions of the UMC.

6. PUBLIC HEARINGS

6A. Minor Use Permit 12-18-UP-ZA, 813 West Stephenson Street, APN 001-262-07. Request for Minor Use Permit to allow a detached accessory structure to exceed the height standards of the Single Family Residential (R1) zoning district.

Associate Planner Faso: Gave a staff report and noted specific to this project a draft condition of approval has been included that no construction equipment shall be located underneath the dripline of the existing trees on the property. Staff is recommending approval of the project based on the Findings and Conditions of Approval provided for in the staff report.

1 **Zoning Administrator Stump** requested clarification that the upper window on the proposed
2 accessory building window will be frosted as a privacy measure to the neighbors.

3
4 **Staff** confirmed the second story window will be frosted and noted this aspect will be well noted
5 on the building permit.

6
7 **PUBLIC HEARING OPENED: 3:40 p.m.**

8
9 **Tom Winters:**

- 10 • Is the property owner and project applicant.
- 11 • Agrees with the findings and conditions of approval in the staff report.
- 12 • Added measures were taken to properly screen the building to avoid impacts to the
13 neighborhood and should be either invisible or barely visible from street.
- 14 • The building will be farm-like in appearance and likely constructed of cedar siding.
- 15 • Referred General Plan Goal GP-21, Conserve open space, hillsides, stream courses, and
16 indigenous flora and fauna for the enjoyment of future generations, and noted by
17 choosing a taller accessory building with a smaller footprint as opposed to a one-story
18 building with a broader footprint is better able to protect the root system of the nearby tall
19 Redwood Tree. The building will stand just outside of the tree's dripline. There are
20 several large Redwood trees on the property in addition to other trees so it was important
21 to locate a suitable site for the building so as not to endanger the trees.
- 22 • Did discuss the project with the neighbors.

23
24 **Staff** confirmed no responses to the public notice for the project have been received by planning
25 staff.

26
27 **Public Hearing Closed: 3:45 p.m.**

28
29 **Zoning Administrator Stump:**

- 30 • Has visited the site, understands what is being proposed and agrees with staff's analysis
31 concerning the project.
- 32 • The building is nicely designed and the site is very suitable for a two-story accessory
33 building.
- 34 • Appreciates the consideration given for placement of the building so not to impede on the
35 existing dripline of the trees.
- 36 • The location of the building is site appropriate and is well-screened from view.
- 37 • Asked about the future use of the building becoming a second unit. If this becomes the
38 case advised the applicant would need to talk to the Planning Department about a
39 possible conversion.

40
41 **Tom Winters** has no plans to convert the building as a second unit.

42
43 **Zoning Administrator Stump:**

- 44 • Modified Condition of Approval No. 6 to read, 'The structure shall maintain a five (5) foot
45 setback from the property line to the stairway on the West Side.'
- 46 • Advised the applicant he will likely be required to have the sewer lateral tested as part of
47 the building permit process.

48
49 **Zoning Administrator Stump** approved Minor Use Permit 12-17-UP-ZA based on Findings 1-5
50 and Conditions of Approval 1-15 as modified and as provided for in the staff report.

51
52 **USE PERMIT FINDINGS TO ALLOW**
53 **THE HEIGHT OF AN ACCESSORY STURCUTRE TO EXCEED THE HEIGHT LIMIT WITHIN**
54 **THE SINGLE FAMILY RESIDNETIAL (R1) ZONE BY TWO FEET**
55 **813 WEST STEPHENSON STREET, APN 001-262-07**

FILE NO.: 12-18-UP-ZA

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

1. The proposed project, as conditioned, is consistent with the goals and policies of the General Plan as described in the staff report.
2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as described in Tables 1 of the staff report.
3. The proposed project, as conditioned, is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare based on the following:
 - A. Surrounding uses include single family residences and a vacant school complex. The proposed accessory structure would be compatible with the existing uses in the neighborhood in that it would be designed to match the existing architectural style of the adjacent homes and the other existing accessory structures in the neighborhood.
 - B. The proposed accessory structure would not change the existing use of the site. The primary use of the site would remain single family residential.
 - C. The project site contains several large mature redwood trees; therefore, the accessory structure would not be visible from the street.
 - D. The Trinity school gymnasium is located directly to the west of the subject parcel. The gymnasium is a tall structure approximately 30-40 feet tall. The proposed twenty-two foot accessory structure would be lower in height than the adjacent neighbor.
 - E. The applicant has designed the accessory structure with the privacy of the neighbors in mind. The second story window adjacent to the southern neighbor will be frosted/obscure glass to ensure the privacy of the neighbors. Based on the proposal to use obscured glass no additional screening is needed along the southern property line.
 - F. With the two-story design which results in the twenty two foot height the applicant was able to create a smaller footprint and therefore would not disturb the root system of the mature trees on the site.
 - G. The project has been reviewed by the Fire Marshal, Police
 - H. Department, Building Official, and Public Works and any requirements have been includes as conditions of approval
4. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (e), Class 11, new Construction of accessory structures which specifically exempt garages. The accessory building contains no living space, so it is similar in nature to a garage since gorges are often used as personal workshops and for storage.
5. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
 - A. Posted in three places on the project site on November 2, 2012.
 - B. Mailed to property owners within 300 feet of the project site on November 2, 2012.
 - C. Published in the Ukiah Daily Journal on November 4, 2012.

USE PERMIT CONDITIONS OF APPROVAL TO ALLOW

1 **THE HEIGHT OF AN ACCESSORY STRUCTURE TO EXCEED THE HEIGHT LIMIT WITHIN**
2 **THE SINGLE FAMILY RESIDENTIAL (R1) ZONE BY TWO FEET**
3 **813 WEST STEPHENSON STREET, APN 001-262-07**
4 **FILE NO.: 12-18-UP-ZA**
5

- 6 1. Approval is granted to allow the height of a detached accessory structure to exceed the
7 height limit within the Single Family Residential (R1) Zone by two feet at 813 West
8 Stephenson Street based on the project description submitted to the Planning and
9 Community Development Department and as shown on the Site plan date stamped
10 October 3, 2012 except as modified by the following conditions of approval.
11
12 2. Plans submitted for building permit shall show on the south elevation notes to indicate
13 that the second story window will be finished with obscure/frosted glass to ensure the
14 privacy of adjacent neighbor (APN 001-262-03).
15
16 3. On plans submitted for building permit, these conditions of approval shall be included as
17 notes on the first sheet.
18
19 4. During construction all construction equipment and materials shall not be located within
20 the drip line of the existing trees.
21

22 From the Department of Public Works (Ben Kageyama)
23

- 24 5. The existing sanitary sewer lateral shall be tested in accordance with City of Ukiah
25 Ordinance No. 1105, and repaired or replaced if required. .
26

27 From the Building Official (David Willoughby)
28

- 29 6. The structure shall maintain a five (5) foot setback from the property line to the stairway
30 on the West Side.
31
32 7. If the structure is intended to be a dwelling unit or detached bedroom at some point in the
33 future then plan now for the requirement to install a residential fire sprinkler system.
34
35 8. The 2010 Green Building Standards Code will apply to this structure.
36

37 From the Fire Marshall (Chuck Yates)
38

- 39 9. If the structure ever becomes a residential occupancy, sprinklers will be required
40 according to the existing California Residential code.
41

42 Standard City Conditions of Approval
43

- 44 10. No permit or entitlement shall be deemed effective unless and until all fees and charges
45 applicable to this application and these conditions of approval have been paid in full.
46
47 11. The property owner shall obtain and maintain any permit or approval required by law,
48 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
49 Federal agencies as applicable. All construction shall comply with all fire, building,
50 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
51 at the time the Building Permit is approved and issued.
52
53 12. A copy of all conditions of this Use Permit shall be provided to and be binding upon
54 any future purchaser, tenant, or other party of interest.
55

1 13. All conditions of approval that do not contain specific completion periods shall be
2 completed prior to building permit final.

3
4 14. This Use Permit may be revoked through the City's revocation process if the approved
5 project related to this Permit is not being conducted in compliance with these stipulations
6 and conditions of approval; or if the project is not established within two years of the
7 effective date of this approval; or if the established use for which the permit was granted
8 has ceased or has been suspended for 24 consecutive months.

9
10 15. This approval is contingent upon agreement of the applicant and property owner and their
11 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
12 its agents, officers, attorneys, employees, boards and commissions from any claim,
13 action or proceeding brought against any of the foregoing individuals or entities, the
14 purpose of which is to attack, set aside, void or annul the approval of this application.
15 This indemnification shall include, but not be limited to, damages, costs, expenses,
16 attorney fees or expert witness fees that may be asserted by any person or entity,
17 including the applicant, arising out of or in connection with the City's action on this
18 application, whether or not there is concurrent passive or active negligence on the part of
19 the City. If, for any reason any portion of this indemnification agreement is held to be void
20 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
21 shall remain in full force and effect.

22
23 **6B. Minor Use Permit 12-17-UP-ZA**, 430 North Spring Street, APN 001-151-21. Request for
24 Minor Use Permit to allow an existing small family daycare to expand to a large day care
25 which would provide in-home daycare for up to fourteen (14) children.

26
27 **Associate Planner Faso:**

- 28
- 29 • Gave a staff report and noted there have been concerns about potential noise impacts. To
30 address this issue, staff is recommending a condition of approval that states, 'During
31 outside play times the day care provided shall monitor the noise level of the children as to
32 not adversely impact the surrounding neighbors, if necessary the day care provider shall
33 take measures to quiet the children.' Part of the daycare plan is to have an assistant who
34 can help monitor the noise level of the children.
 - 35 • Staff is recommending approval based on the Findings, Conditions of Approval and
36 analysis of the project provided for in the staff report.

37 **Zoning Administrator Stump** inquired about whether the daycare would operate during the
38 summer months?

39
40 **Staff:** The daycare follows the Ukiah Unified School District calendar and as such will be closed
41 three months during the summer and all school holidays.

42
43 **PUBLIC HEARING OPENED: 3:58 p.m.**

44
45 **Sherri Brown, applicant:**

- 46
- 47 • Agreed with staff's analysis of the project.
 - 48 • Confirmed the hours of operation will be: Tuesday, Wednesday and Thursday, 8:00 a.m.
49 to 3:00 p.m.
 - 50 • Her plan is to provide daycare for a maximum of 10 children.

51 **Susan Knopf:** Inquire about the age range of the children.

52
53 **Sherri Brown:** The age of the children will be 3, 4, and 5 years.

54
55 **Linda Nagel:**

- 56
- Supports approval of the project.

- 1 • This community has a large need for quality childcare services.
- 2 • Has served on the Childcare Council for approximately 15 years. This organization
- 3 monitors childcare needs and availability.
- 4 • The ability to be able to have a childcare facility expand to a large family daycare
- 5 operation is important because it allows for a second adult to be present that can help
- 6 with the supervision and also help with the needs of the families.
- 7 • The number of active licensed childcare facilities in the County has decreased just in the
- 8 last year from 95 to 82 facilities, which makes the approval of the proposed expanded
- 9 daycare facility even more important for families that are being served.
- 10 • Has not had an opportunity to visit the existing Small Family daycare facility located at
- 11 430 S. Spring Street.

12
13 **Haven Logan:**

- 14 • Resides in the neighborhood on Walnut Avenue. Her backyard and that of the applicant
- 15 parallel one another.
- 16 • Is of the opinion in terms of noise her home would be the most impacted because it is
- 17 located in close proximity to the daycare facility.
- 18 • She and her husband purchased their house in a quiet residential neighborhood sixteen
- 19 years ago and have spent this time improving the house, including construction of a
- 20 writing cottage for her in the rear of the lot that aligns with the applicant's property.
- 21 • The quiet neighborhood was disrupted when the applicant purchased the property two
- 22 years ago and opened a small daycare facility.
- 23 • Needs the solitude for her writing and indicated she has a serious health issue that
- 24 requires sleeping during the day.
- 25 • The applicant constructed a play structure next to her fence without consulting with her
- 26 and/or her husband. Children can climb the play structure and look into her yard. The
- 27 applicant also built a storage structure that is visible into her yard and this was also not
- 28 discussed with her and/or her husband.
- 29 • She and her husband have complained to the applicant about the noise impacts
- 30 generated from the children playing outdoors.
- 31 • Noted while the applicant intends to operate her daycare facility three days a week, the
- 32 license is for full-time care and for 14 children.
- 33 • Her concern is the applicant's house and yard are small so to include 14 daycare children
- 34 into such a small space would escalate noise levels, increase traffic on Spring Street and
- 35 create other types of problems.
- 36 • The existing neighborhood is residential and the proposed project would change into a
- 37 commercial neighborhood. This would affect property values.
- 38 • Likes children; has college degrees in social work and early childhood education and
- 39 was a child therapist for 30 years including a clinical director at Trinity School and is of
- 40 the opinion the proposed setting is not suitable for a Large Family daycare facility.
- 41 • Opposes the proposed expansion of the Hummingbird Playgarden daycare facility.

42
43 **Robert Faulk:**

- 44 • Is Haven Logan's husband.
- 45 • Understands daycare facilities are a necessity in this community, but not in residential
- 46 neighborhoods.
- 47 • Questioned the measurements of the applicant's backyard and whether it was
- 48 represented accurately in the staff report.
- 49 • Likes living in a quiet neighborhood and opposes having an expanded daycare facility on
- 50 a lot that abuts his property.

51
52 **Staff:** Information regarding the size of the lot was taken from the Assessor's Parcel Map.

53
54 **Brenda Grosz:**

- 55 • Resides next door to the daycare facility.

- 1 • For a long time did not even know there was a daycare facility/school operating next
- 2 door.
- 3 • Has observed children are only outdoors for an hour a day.
- 4 • While one can hear the talking and laughter of children, if a child is upset this behavior
- 5 lasts only for a very short time.
- 6 • The daycare is an asset to the neighborhood.
- 7 • The facility is immaculate and well-operated and the quality standards of the school are
- 8 very special.
- 9 • The applicant operates a very quiet daycare facility.
- 10 • There is plenty of parking accommodations for drop-off and pick-up that only lasts for a
- 11 short while.
- 12 • Supports approval of the project.

13
14 **Linda Beatty:**

- 15 • Resides in the neighborhood on Walnut Avenue.
- 16 • Is unable to stay for the whole Zoning Administrator meeting and provided written
- 17 comments about the project stating the neighborhood is no longer quiet because of car
- 18 doors slamming, children yelling, parents being loud that continues into the afternoon.
- 19 • Likes living in a quiet neighborhood and noted if she wanted to hear the noise of children
- 20 and traffic, she would have moved by a school.
- 21 • Is concerned the proposed project would be more disruptive in terms of noise impacts to
- 22 the neighborhood.
- 23 • Opposes the project.
- 24 • Provided written comments from Art Contreras who resides at 430 N. Spring Street,
- 25 works nights and opposes expansion of the pre-school because of traffic and noise
- 26 impacts.

27
28 **Robert Faulk:** advised he and his wife sent a letter to the City Planning Department regarding

29 the proposed daycare expansion.

30
31 **Zoning Administrator Stump** acknowledged the aforementioned letter was received by staff and

32 noted staff received other letters regarding the proposed project.

33
34 **Olivia Bromley:**

- 35 • Works for North Coast Opportunities (NCO), Rural Communities Childcare.
- 36 • Helped the applicant with the documents necessary to operate a daycare facility.
- 37 • There is a need for childcare in this community.
- 38 • The applicant's facility is not really considered a school or center, but rather a 'family
- 39 childcare home.'
- 40 • In order for the applicant to have an assistant, the regulations state through Community
- 41 Care Licensing that an assistant is necessary when there are over eight children
- 42 attending the facility.
- 43 • The applicant intends to care for only 10 children. While her license will be for 14
- 44 children, the applicant must abide by the regulation that she will only have 10 children.
- 45 • In terms of the hours of operation, the demand for childcare is so great it does not matter
- 46 whether the hours are morning, evening or weekend or drop-in care. The hours of
- 47 operation for the applicant are limited where the families are in need of this time for the 3,
- 48 4, and 5 year olds. The daycare will not operate evenings or weekends or even Monday
- 49 through Friday. The daycare will only operate Tuesday, Wednesday and Thursday 8 am
- 50 to 3 pm.
- 51 • While she understands the concerns of the neighborhood, she has visited the facility and
- 52 found the operation exceptional and a quality childcare situation.
- 53 • Supports approval of the project.

1 **Zoning Administrator Stump** requested clarification that the childcare license from the State
2 allows for up to 14 children, but that the applicant must abide by 10 children that she wants to
3 limit herself to and how this works. What if the applicant wants to care for 12 children? Is the
4 applicant required to amend her State license?
5

6 **Olivia Bromley:**

- 7 • Even though she is not affiliated with Community Care Licensing explained the licensing
8 process. Once the applicant becomes a licensed daycare provider, she must inform
9 licensing she only intends to care for a maximum of 10 children.
- 10 • Cited an example, if a daycare provider wanted to care for nine children this person
11 would have to obtain a license for 14 children. Small Family daycare facilities can care for
12 up to eight children. Large Family daycare facilities can operate up to 14 children.
- 13 • The applicant wants to care for a maximum of 10 children. She would have to amend her
14 State license to be able to care for 12 children even though she now operates a Large
15 Family daycare that allows up to 14 children.
- 16 • In other words, even though the license will be for 14 children, the applicant can only
17 have 10 children because this is what she is licensed to care for.
18

19 **Susan Knopf:**

- 20 • Is concerned about noise issues in the City of Ukiah.
- 21 • Development in Ukiah is moving toward more mixed-use projects. Has no knowledge
22 whether the proposed project qualifies as a mixed-use project. It is a commercial use in a
23 residential neighborhood.
- 24 • It is important to pay attention to potential impacts such as lights, noise and odors that
25 affect neighbors.
- 26 • City and County regulations are sometimes not properly enforced.
- 27 • Views the proposed project as being a problem because there are complaints from the
28 neighbors about the existing situation.
- 29 • Renters and homeowners have a right to expect peaceful enjoyment of a quiet home and
30 yard, 24 hours a day, seven days a week. This is something people expect.
- 31 • Research has determined that noise issues do negatively affect health. People are
32 exposed to more and more noise at work, at home and on the streets. Some noise
33 cannot be controlled such as the sound of sirens, diesel trucks, horns, computers, cell
34 phones/fax machines and other types of noise impacts that cannot be controlled.
- 35 • Would like the rights of the neighborhood to be considered particularly with regard to the
36 element of noise.
37

38 **PUBLIC HEARING CLOSED: 4:15 p.m.**
39

40 **Zoning Administrator Stump** paused the meeting to read the letters just received from Linda
41 Beatty and Art Contreras.
42

43 **Zoning Administrator Stump:**

- 44 • Appreciates the comments made from the public.
- 45 • Some people in the neighborhood have expressed concern about possible increased
46 noise impacts in the neighborhood with an expanded daycare facility, such as the noise
47 of children and car doors slamming.
- 48 • Understands the proposed project may be controversial.
- 49 • There are people in support and in opposition to the project.
- 50 • Is somewhat conflicted in that some neighbors are saying the noise from children is
51 bothersome while other neighbors are saying the noise is okay. Everyone
52 understands/accepts noise differently.
- 53 • There may be many reasons why noise is louder for some properties than for others such
54 as screening from trees, buildings, etc.

- 1 • People have expressed concern about traffic impacts regarding the proposed project while others have no concerns at all.
- 2
- 3 • The variations in opinions concerning noise/traffic/other impacts may be a difference of
- 4 perception or opinion. Some people like the sound of children laughing and like this kind
- 5 of noise while others do not.
- 6 • Noise associated with a daycare is about little children not sirens, diesel trucks, horns,
- 7 computers, and sounds that are a part of everyday life in operation.
- 8 • When visiting the site found the facility well-operated, clean/tidy and very orderly.
- 9 • Unlike other Large Family daycare applications the Zoning Administrator has reviewed in
- 10 the past, this particular daycare facility will not be operating seven days a week,
- 11 evenings, weekends, during the summer months or as drop-ins, but rather three days a
- 12 week from 8 am to 3 pm.
- 13

14 **PUBLIC HEARING REOPENED: 4:22 p.m.**

15

16 **Robert Faulk:**

- 17 • Is concerned with parallel backyards that the daycare is 'just too close.'
- 18 • Has spent a lot of money on the writer's cottage for his wife in the backyard where the
- 19 intent was for her to be able to write in peace and enjoy the quiet. Children can look into
- 20 his backyard and now with an expanded daycare more children will be looking into his
- 21 yard. They will be making noise and having a good time, which is what children do.
- 22 • Again, he and his wife are retired and want peace and quiet.
- 23 • The City is essentially allowing a commercial business to go into a neighborhood.
- 24

25 **Zoning Administrator Stump:**

- 26 • An eight-person Small Family daycare facility is allowed by law. The City has no control
- 27 over this type of facility operating in a neighborhood.
- 28

29 **Robert Faulk:**

- 30 • He and his wife are essentially being asked to tolerate 10 children should the project be
- 31 approved. We have already learned to tolerate seven children.
- 32

33 **Haven Logan:**

- 34 • If the applicant has indicated there will only be 10 children, is there a similar stipulation in
- 35 terms of the days and hours?
- 36

37 **Zoning Administrator Stump:** The hours of operation, drop-off/pick-up and outdoor times will be

38 discussed at this meeting should the project be approved.

39

40 **PUBLIC HEARING CLOSED: 4:24 p.m.**

41

42 **Zoning Administrator Stump:**

- 43 • Acknowledged there is a difference of opinion with regard to the traffic.
- 44 • Has driven by the site on Spring Street several times including this morning and did not
- 45 find anything abnormal for a residential street. Is of the opinion that a few more children
- 46 at the daycare would not increase or even affect the traffic all that much.
- 47 • Does not see traffic as an issue.
- 48 • Is of the opinion 14 children would be too many for the site relative to the size of the
- 49 house and yard. The applicant is proposing to have a maximum of 10 children and would
- 50 have to amend her daycare license in order to care for 14 children so it would not be
- 51 possible to increase the number of children overnight and, instructed the applicant to
- 52 review with Planning staff any future plans to increase the number of children.
- 53 • Modified Condition of Approval No. 1 to read, 'Approval is granted for the operation of a
- 54 large family daycare to provide care for up to ten (10) children. Approval is grant based
- 55 on the project description submitted to the Planning and Community Development

1 Department and as shown on the site plan date stamped October 1, 2012, except as
2 modified by the following conditions of approval.

- 3 • Modified Condition of Approval No. 2 to read:
4 'The large Family daycare shall comply with the following:
5 A. Hours of operation are limited to Tuesday, Wednesday, and Thursday 8
6 a.m. to 3:00 p.m.
7 B. Drop-off times shall be between the hours of 8:00 a.m. and 9:00 a.m.
8 C. Pick-up times shall be between 12:45 p.m. and 3:00 p.m.
9 D. Outside play time for the children shall only be between the hours of
10 11:15 a.m. to 12:45 p.m.
11 E. (language to remain the same as provided for in the staff report)
12 F. (language to remain the same as provided for in the staff report)
13 G. (language to remain the same as provided for in the staff report)
- 14 • Added a new Condition of Approval No. 6 to read: If, for whatever reason, the children
15 have trouble maintaining reasonable noise levels during outside play, outdoor playtime
16 shall be cut short and the children shall return inside.'

17
18 **Zoning Administrator Stump** approved Minor Use Permit File No. 12-17-UP-ZA with Findings 1-
19 6 and Conditions of Approval 1-15 with the addition of a new Condition of Approval and
20 modifications to the Conditions of Approval, as referenced and discussed above.

21
22 **USE PERMIT FINDINGS TO ALLOW A**
23 **LARGE FAMILY DAYCARE TO OPERATE AT**
24 **430 NORTH SPRING STREET, APN 001-151-21**
25 **FILE NO. 12-17-UP-ZA**
26

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

- 29
30 6. The proposed project, as conditioned, is consistent with the General Plan as described in
31 the staff report.
- 32
33 7. The proposed project, as conditioned, is consistent with the uses allowed in the R1
34 zoning district standards. The R1 zoning district allows a large family daycare with
35 approval of a Use Permit.
- 36
37 8. The proposed project, as conditioned, is consistent with the development standards for
38 the R1 zoning district in that the site is developed in manner consistent with the R1
39 standards and no modifications are proposed as part of this application.
- 40
41 9. The proposed project, as conditioned, is compatible with surrounding land uses and shall
42 not be detrimental to the public's health, safety and general welfare based on the
43 following:
44
45 A. Based on information from Community Care Licensing there are no other daycares
46 adjacent to the subject property; therefore, there is not an overconcentration of large
47 family daycares in the neighborhood.
48
49 B. Based on the project description, drop-off and pick-up times are staggered preventing
50 traffic congestion and allowing the shared use of available parking spaces.
51
52 C. Based on the project description, many of the families that come to the daycare live
53 in the neighborhood and walk to the program. Since many of the children walk to
54 daycare, there is typically only one car dropping off or picking up at a time.
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- D. The property is fenced on three sides with a six foot wood fence and a three foot fence along the front of the parcel.
 - E. Draft condition of approval number 4 has been added to limit outside play time in the effort to minimize noise disturbance to the neighbors and to make the use compatible with the surrounding single-family land uses.
 - F. The proposed large family daycare has completed the licensing process and has been licensed by the State of California.
 - G. The project has been reviewed by the Fire Marshal, Police Department, Building Official, and Public Works and any requirements have been included as conditions of approval.
 - H. The project is required to comply with all federal, state and local laws.
5. The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 18 Section 15274 (a) which states: *CEQA does not apply to the establishment or operation of a large family daycare home, which provides in-home care for up to fourteen children, as defined in Section 1596.78 of the Health and Safety Code.*
6. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
- A. Posted in three places on the project site on November 2, 2012;
 - B. Mailed to property owners within 300 feet of the project site on November 2, 2012; and
 - C. Published in the Ukiah Daily Journal on November 4, 2012.

**USE PERMIT CONDITIONS OF APPROVAL TO ALLOW A
LARGE FAMILY DAYCARE TO OPERATE AT
430 NORTH SPRING STREET, APN 001-151-21
FILE NO. 12-17-UP-ZA**

- 1. Approval is granted for the operation of a large family daycare to provide care for up to ten (10) 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 October 1, 2012, except as modified by the following conditions of approval.
- 2. The Large Family daycare shall comply with the following:
 - A. Hours of operation are limited to Tuesday, Wednesday and Thursday 8:00 am to 3:00 pm.
 - B. Drop-off times shall be between the hours of 8:00 a.m. and 9:00 a.m.;
 - C. Pick-up times shall be between 12:45 p.m. and 3:00 p.m.;
 - D. Outside play time for the children shall only be between the hours of 11:15 a.m. and 12:45 pm.
 - E. In order to provide supervision both inside and outside, outside play time shall only occur when the assistance is working,
 - F. All parents picking up or dropping off the children by vehicle shall turn off car engines and walk the children into the day care home.
 - G. Provide in writing to parents/clients informational handout that states the above operating characters. Prior to commencement of business operations provide to staff for review and approval.

- 1 3. During outside play times the day care provider shall monitor the noise level of the
2 children as to not adversely impact the surrounding neighbors, if necessary the day care
3 provider shall take measures to quite the children.
4
- 5 4. In the future, should recreation equipment exceeding eight feet in height be installed in
6 any yard area intended for day care use, the equipment shall not be closer than five feet
7 from the rear or side property lines.
8
- 9 5. A City of Ukiah Business license must be applied for and approved prior to operation of
10 the large family daycare.
11
- 12 6. If for whatever reason, the children have trouble maintaining reasonable noise levels
13 during outside play, outside playtime shall be cut short and the children shall return
14 inside.
15

16 From the Building Official (David Willoughby)
17

- 18 7. Smoke alarms shall be located in the following areas:
19
 - 20 A. In each sleeping room
 - 21 B. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
 - 22 C. On each additional story of the dwelling, including basements and habitable attics but
23 not including crawl spaces and uninhabitable attics. In dwelling or dwelling units with
24 split levels and without an intervening door between the adjacent levels, a smoke
25 alarm installed in the upper level shall suffice for the adjacent lower provided that the
26 lower level is less than one full story below the upper level.
27
- 28 8. A fire extinguisher is required with a minimum 2A10BC rating.
29
- 30 9. Carbon Monoxide alarms shall be located outside each separate dwelling unit sleeping
31 area in the immediate vicinity of the bedroom(s) and on every level of the dwelling unit
32 including basements. Wiring shall be the same as for Smoke alarms.
33
- 34 10. Every story or basement shall be provided with 2 exits which are remotely located from
35 each other. Rooms for daycare shall be not located above the first story.
36

37 Standard City Conditions of Approval
38

- 39 11. Business operations shall not commence until all permits required for the approved use,
40 including but not limited to business license, tenant improvement building permit, have
41 been applied for and issued/finished.
42
- 43 12. No permit or entitlement shall be deemed effective unless and until all fees and charges
44 applicable to this application and these conditions of approval have been paid in full.
45
- 46 13. The property owner shall obtain and maintain any permit or approval required by law,
47 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
48 Federal agencies as applicable. All construction shall comply with all fire, building,
49 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
50 at the time the Building Permit is approved and issued.
51
- 52 14. A copy of all conditions of this Use Permit shall be provided to and be binding upon any
53 future purchaser, tenant, or other party of interest.
54
- 55 15. This Use Permit may be revoked through the City's revocation process if the approved
56 project related to this Permit is not being conducted in compliance with these

1 stipulations and conditions of approval; or if the project is not established within two
2 years of the effective date of this approval; or if the established use for which the permit
3 was granted has ceased or has been suspended for 24 consecutive months.
4

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

18 **7. ADJOURNMENT**

19 There being no further business, the meeting was adjourned at 4:30 p.m.
20

21 _____
22 Charley Stump, Zoning Administrator

23 _____
24 Cathy Elawadly, Recording Secretary