



Prepared by: Derek Ogden, Associate Planner

ITEM V-A: ADMINISTRATIVE PERMIT – 1325 RIDGERUN DRIVE (CHIKO’S DAY CARE) – FILE# AP 05-07

REQUEST

The applicant requests approval of an Administrative Permit (AP) to allow a Large Family Day Care within a Single-Family Residential (R1) zone district.

Applicant/Property Owner: Gisela Munoz

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact for the Administrative Permit;
- B. Approve the Administrative Permit subject to five (5) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

Staff does not have any outstanding issues with the proposed Large Family Day Care that have not been addressed by the project design or conditions of approval. The applicant has reviewed the conditions of approval and is in agreement with all conditions. However, two comment letters in opposition to the project were received by the Planning Department requesting a public hearing (Attachments 2 & 3). The issues raised in the letter include: traffic, high density, Covenants, Conditions, and Restrictions (C, C, & R’s), and lack of parking in the neighborhood. These comments are addressed in the Evaluation section.

BACKGROUND

Chiko’s Day Care is located at 1325 Ridgerun Drive, within the Northwest Roseville Specific Plan Area of Roseville (Attachment 1). The property is zoned Single-Family Residential (R1) and has a General Plan land use designation of Low Density Residential (LDR). The surrounding properties have the same designations.

The applicant is currently operating a Small Family Day Care out of the existing single-family residence. A Small Family Day Care (as defined in the Zoning Ordinance) consists of a private single family dwelling where care, protection and supervision of seven (7) or fewer minor children is provided for periods of less than twenty-four (24) hours. Small Family Day Care is principally permitted in a residential zone and requires a license from the State Department of Social Services.

The applicant is now requesting approval of an Administrative Permit to operate a Large Family Day Care at 1325 Ridgerun Drive. As defined by Section 19.08.080(G) of the City’s Zoning Ordinance, Large Family Day Care Homes are a private single-family dwelling where care, protection and supervision of eight (8) and up to, and including, fourteen (14) children is provided for periods of less than twenty-four (24) hours. Large Family Day Care Homes require the approval of an Administrative Permit. A Notice of Intent to Approve an Administrative Permit for

the Large Family Day Care was sent to property owners within a 300-foot radius of the project. The comment letters are a result of this notice.

The Government Code that regulates day care operations (California Child Day Care Facilities Act - California Health and Safety Code Section 1597.30) was amended in 1995 by Senate Bill 265, which defined Large Family Day Care Homes as providing care for eight (8) to fourteen (14) children. In amending the Act, the State legislature made the finding that family day care homes operated under the standards of state law constitute accessory uses of residentially zoned and occupied properties and do not fundamentally alter the nature of the underlying residential uses (Attachment 4). The legislature also found that family day care homes draw clients and vehicles to their sites during a limited time of day and do not require the attendance of a large number of employees and equipment.

The California Child Day Care Facilities Act allows local agencies to apply ordinances and other standards such as local health and safety codes, setbacks, or noise regulations. These regulations cannot be applied to the day care facility any differently than any other single-family residence. Section 1597.46(3) of the Act states that a permit to operate shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control. Section 19.46.010 of the Zoning Ordinance establishes requirements and standards for the location and operation of Large Family Day Care Homes. The criteria identified in the Zoning Ordinance and the issues raised in the comment letters from nearby property owners are addressed in the discussion of the findings necessary for approval of the Administrative Permit.

EVALUATION

Administrative Permits are evaluated for consistency with the City's General Plan, conformance with the City's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area. Specifically, Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that three findings be made in order to approve an Administrative Permit. The required findings are listed below in *italicized bold print* followed by an evaluation.

1. The proposed use or development is consistent with the City of Roseville General Plan.

The General Plan land use designation for the subject property is LDR 5 (Low Density Residential, 5 units per acre). The LDR land use designation is intended to allow for the development of attached and detached single-family residences. It also contemplates secondary uses such as churches, schools and day care facilities. A day care center that provides care, protection and supervision of fourteen (14) or fewer minor children or adults for periods of less than twenty-four (24) hours per day is consistent with this designation.

As proposed and conditioned, the proposed Large Family Day Care is consistent with the City of Roseville General Plan.

2. The proposed use or development conforms to all applicable standards and requirements of the City of Roseville Zoning Ordinance.

The subject property is zoned Single-Family Residential (R1). The Zoning Ordinance provides that a Large Family Day Care may be located within the R1 zoning district upon approval of an Administrative Permit. The Administrative Permit allows the Planning Department to attach conditions of approval to the project (within the limits allowed by state law) in order to assure compatibility with surrounding land uses.

The Zoning Ordinance requires that adequate off-street parking be provided for Large Family Day Care Homes. The parking requirements identified in the Zoning Ordinance are two (2) spaces for the occupants of the home, one (1) space for each employee not residing in the home and four (4) spaces for the loading and unloading of children. Two (2) of the parking spaces may be provided as on-street parking spaces.

Mrs. Munoz has indicated that she and her husband will operate the day care. Therefore, six (6) parking spaces are required. The applicant has submitted a Site Plan (Exhibit A) which shows a total of six (6) parking spaces, two (2) of which are in the garage, two (2) spaces are in the driveway, and two (2) spaces are in front of the home. The Zoning Ordinance states that up to three (3) parking spaces may be located in tandem. The Large Family Day Care will provide six spaces with two spaces in tandem behind the garage spaces (Exhibit A). Therefore the applicant has met the parking requirement.

As proposed and conditioned, the proposed Large Family Day Care conforms with all applicable standards and requirements of the City of Roseville Zoning Ordinance.

3. *The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.*

The Zoning Ordinance requires that Large Family Day Care Homes be located only within a detached single-family dwelling. The proposed Large Family Day Care is located at 1325 Ridgerun Drive, which is a detached single-family dwelling; therefore this standard is met.

In order to maintain the integrity of residential neighborhoods, new Large Family Day Care Homes shall not be located within 500 feet of an existing state licensed Large Family Day Care Home or within 500 feet of any other child day care center licensed to care for fourteen (14) or more children. City records, as well as information provided by the Community Care Licensing Division, indicate that no Large Family Day Care Homes or other child day care centers are currently located within 500 feet of 1325 Ridgerun Drive.

The Large Family Day Care will have an outdoor play area in the back yard. It is the intent of the Zoning Ordinance that noise from outdoor play areas is kept to a level consistent with residential neighborhoods. Therefore, the Zoning Ordinance restricts the hours of outdoor play activity to 8:00 am to 6:00 pm (Condition 2).

The project applicant has indicated that parents drop their children off at different times after 7:00 am in the morning and pick them up at different times during the afternoon. Additionally, the parents do not typically stay at the Day Care center for extended periods of time. This helps to minimize the number of cars at the Day Care at any one time and reduces the impact to the neighborhood.

A traffic count conducted in September of 2003 indicated that Americana Drive south of Junction Boulevard and Rand Way east of Foothills Boulevard both have a lower volume of trips than expected for collector streets on a daily basis and on an hourly basis during peak morning and evening hours. An increase of twelve trips per day is expected as a result of allowing up to six more children at the Large Family Day Care. This number will not have an impact on the surrounding traffic situation.

The comment letter from nearby residents also states that the number of children and size of the home are an issue with this request. The Zoning Ordinance does not contain any criteria

regarding the size of the home needed to run a Large Family Day Care. However, both the State Department of Social Services and the City of Roseville Fire Department will inspect the premises annually to ensure the home meets life, health, and safety standards established for day care homes.

The project applicant has provided a Site Plan that shows the location of the home and parking spaces. The operating characteristics and health and safety issues have been addressed through the consistency with Section 19.46 of the Zoning Ordinance and through the conditions of approval. Comments were received from various City Departments and all comments were added as conditions of approval. Staff has not identified any other potential health, safety or welfare impacts associated with the project.

Lastly, one comment letter from three concerned residents cites the recorded C, C, & R's from the Sunrise Foxborough subdivision as a reason to deny the requested day care (Attachment 2). As has been past practice the City does not enforce C, C, & R's for residential subdivisions. These restrictions are a civil matter, and left up to the Home Owner's Association (HOA) for the Subdivision. In the absence of a HOA individual homeowners would enforce the C, C, & R's. Additionally, as mentioned above, the State Legislature has deemed Large Family Day Care homes to be an accessory residential use. Thus these facilities cannot be treated differently than any other accessory residential use.

Based on the proposed location within a single family residence, the distance from other Large Family Day Care facilities, adequate parking being provided, the restricted use of the outdoor play area and the capacity to accommodate the increased traffic this project is consistent with the provisions 19.46 of the Zoning Ordinance.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact listed above for the Administrative Permit – 1325 Ridgerun Drive (Chiko's Day Care) -- FILE # AP 05-07:
- B. Approve the Administrative Permit – 1325 Ridgerun Drive (Chiko's Day Care) -- FILE # AP 05-07-- subject to the five (5) conditions below.

CONDITIONS OF APPROVAL FOR ADMINISTRATIVE PERMIT 05-07:

1. The project is approved as shown on Exhibit A and as conditioned or modified below. (Planning)
2. Outdoor play/activity shall be restricted to the hours between 8:00am and 6:00pm. (Planning)
3. Six (6) parking spaces shall be provided as per Exhibit A. (Planning)
4. All day-care facilities are required by the State to be inspected by the local Fire Authority prior to obtaining a State license. All applicable Building and Fire Code provisions shall be enforced. Applicants shall contact the Roseville Fire Department's Bureau of Fire Prevention, (916) 774-5800, for review and approval. (Fire)

5. Maximum number of children is set at 14. (Building, Fire)

ATTACHMENTS

1. Vicinity Map
2. Letter in Opposition
3. Letter in Opposition
4. California Health and Safety Code

EXHIBITS

- A. Site Plan

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.

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