

Prepared by: Wayne Wiley, Associate Planner

ITEM VI-A: ADMINISTRATIVE PERMIT – 25 TUCUMCARI COURT – BRAINY BUNCH DAY CARE – FILE # 2008PL-111 (PROJECT # AP-000255)

REQUEST

The applicant requests approval of an Administrative Permit to allow a Large Family Day Care to operate in a single-family home within an R1/DS zone district.

Applicant/ Property Owner - Amy Compton

SUMMARY RECOMMENDATION

The Planning and Redevelopment Department recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact for the Administrative Permit; and
- B. Approve the Administrative Permit with nine (9) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

Following the distribution of the Notice of Intent to Approve, staff received a letter from an adjacent resident requesting a public hearing (see Attachment 1). The letter did not express specific concerns with the project. Staff attempted to contact the neighbor on several occasions to further discuss their issues (see Attachment 2). Staff has been unable to make contact with the individual who requested the public hearing and has decided to proceed with processing the requested permit at a public hearing before the Planning Commission.

BACKGROUND

The project site is located in the North Central Roseville Specific Plan Area at 25 Tucumcari Court. The property is zoned Single-Family Residential/Development Standards (R1/DS) and has a General Plan land use designation of Low Density Residential, 4.5 units per acre (LDR4.5). The development standard overlay for the subject site only applies to setbacks and lot coverage and will not affect the request to operate a Large Family Day Care onsite. The site is developed with a single-family residence and is surrounded by properties with the same zoning and land use designations.



Based on information obtained from the Community Care Licensing Division, the Planning & Redevelopment Department was recently made aware of several residents throughout the city that are operating Large Family Day Cares in their homes with State Licenses, but without the proper city permits. As such, staff has undertaken an effort to notify all nonconforming Large Family Day Cares of the appropriate requirements. To date, 32 Large Family Day Care Facilities have been contacted and have updated their information with the city by applying for the appropriate permits or verifying with staff that they are no longer operating. The current application is a result of that notification and the applicant is now requesting approval of an AP to allow the continued operation of their Large Family Day Care.

The property owners have been operating a Large Family Day Care out of their home since August of 2004. To date, with the exception of the request for a public hearing, there have been no complaints or issues raised by concerned residents (according to State and City records).

Per the City of Roseville Zoning Ordinance, a Large Family Day Care is defined as a private single-family dwelling where care of eight to fourteen children is provided for periods of less than 24 hours. Section 19.46 establishes standards for the location and operation of Large Family Day Cares and requires approval of an Administrative Permit (AP).

The intent of issuing Administrative Permits for Large Family Day Cares is to ensure compliance with City standards and adherence to health and safety requirements. Additionally, the Planning and Redevelopment Department works closely with the Fire Department, Licensing Division, and State Department of Social Services to maintain current records for these types of businesses, in order to provide the city's emergency response services with the necessary information to respond appropriately in the event of an emergency.

The Government Code that regulates day care operations (California Child Day Care Facilities Act - California Health and Safety Code Chapter 3.6) 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. 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 adopt ordinances and apply standards such as local health and safety codes, 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 are addressed in the Evaluation and Findings section of this report.

EVALUATION AND FINDINGS

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 AP. 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 and North Central Roseville Specific Plan.***

The General Plan land use designation for the subject property is LDR 4.5. 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 facility that provides care, protection, and supervision of 14 or fewer minor children for periods of less than 24 hours per day is consistent with this designation. The General Plan relies on the Zoning Ordinance, through the AP requirement, to evaluate the consistency of individual requests with the applicable criteria. As proposed and conditioned, the Large Family Day Care is consistent with the City of Roseville General Plan.

2. *The proposed use or development conforms with all applicable standards and requirements of this Title.*

The subject property is zoned Single-Family Residential/Development Standards (R1/DS), which allows single-family residential development. As noted previously, the Zoning Ordinance provides that a Large Family Day Care may be located within residential zoning districts upon approval of an AP.

A Large Family Day Care in a residential neighborhood has been deemed by the state to be residential use of property for 14 or fewer children. The State does afford local jurisdictions the ability to apply limited restrictions on the approval of these facilities. The AP allows the Planning & Redevelopment Department the opportunity to evaluate and, if necessary, attach conditions of approval to the project (as provided by state law) to assure compatibility with surrounding land uses. Accordingly, the City of Roseville has adopted specific parameters governing Large Family Day Cares.

Chapter 19.46.020 of the Zoning Ordinance requires that a Large Family Day Care be located in a single-family dwelling, that no family day care be located within 500 feet of any other large family day care or commercial day care caring for 15 or more children, that the project will not create a noise level inconsistent with residential activity, and that adequate off-street parking be provided. As noted above, the Large Family Day Care is currently operating and the following analysis evaluates the continued operation of the facility.

Location: The Large Family Day Care is located at 25 Tucumcari Court in a detached single-family dwelling. City records indicate that no Large Family Day Care Homes or other child day care centers are located within 500 feet of the site. In addition, based on the location of the site, staff finds that traffic generated by the use has a minimal impact on the surrounding neighbors. The subject site is located near the main entrance of the Highland Reserve West Subdivision and traffic generated by the existing facility has a direct route from an arterial roadway (Pleasant Grove Boulevard) to the day care, only impacting a few homes (see Attachment 3).

Noise: Limited noise is generated by the Large Family Day Care's backyard and side yard play areas. However, these areas are screened from adjacent neighbors by a six-foot tall fence and are only utilized a few hours a day. It is the intent of the Zoning Ordinance that noise from outdoor play areas be kept to a level consistent with residential neighborhoods, and the Zoning Ordinance restricts the hours of outdoor play activity to 8:00 a.m. to 6:00 p.m. The hours of operation for the Large Family Day Care are 7:00 a.m. to 5:30 p.m., Monday through Friday and to limit the noise impacts on adjacent properties, the applicant generally restricts the outdoor play times between 9:00 a.m. to 10:00 a.m. and 1:00 p.m. to 3:00 p.m. This is consistent with the city's noise standards and Condition #3 has been added to ensure continued compliance.

Parking: The Zoning Ordinance requires that adequate off-street parking be provided for Large Family Day Care Homes. The applicable parking requirements are two spaces for the occupants of the home, one space for each employee not residing in the home, and four spaces for the loading and unloading of children; three of which may be located in the driveway. The applicant has indicated that both employees are occupants of the home. As such, the Large Family Day Care requires and provides six parking

spaces. Two of the parking spaces are located in the garage, two spaces are located in the driveway and two spaces are located “on-street” along the frontage of the property (see Exhibit A).

Based on the existing location within a single-family residence, the distance from other Large Family Day Care facilities, the restricted times of outdoor play, and adequate parking being provided, this project is consistent with the applicable provisions of the 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 the public or private property or improvements.*

The operating characteristics and health and safety issues have been addressed through the consistency with Section 19.46.020 of the Zoning Ordinance and through the conditions of approval noted below. Comments were received from various City Departments and all comments were added as conditions of approval.

The Planning and Redevelopment staff has not identified any other potential health, safety or welfare impacts associated with the project. Therefore, as proposed and conditioned the Large Family Day Care conforms to all applicable standards and requirements of the City of Roseville Zoning Ordinance and North Central Roseville Specific Plan.

SUMMARY / CONCLUSION

The continued operation of the Large Family Day Care will not increase the associated impacts above the existing condition and will not be detrimental to the surrounding neighborhood. A request for a public hearing was received; however, the neighbor did not mention any specific concerns with the project. The request is consistent with the Zoning Ordinance and based on the evaluation above, staff recommends that the Planning Commission approve the Administrative Permit allowing the operation of the Large Family Day Care at 25 Tucumcari Court.

ENVIRONMENTAL DETERMINATION

The application is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines per Section 15301 pertaining to existing facilities and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

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

- A. Adopt the three findings of fact as listed in the staff report for the Administrative Permit – 25 TUCUMCARI COURT – LARGE FAMILY DAY CARE – Project # 2008PL-111 (File # AP-000255)
- B. Approve the Administrative Permit with nine (9) conditions of approval – 25 TUCUMCARI COURT – LARGE FAMILY DAY CARE – Project # 2008PL-111 (File # AP-000255)

Conditions of Approval for Administrative Permit AP-000255

- 1. The project is approved as shown in Exhibit A and as conditioned or modified below. (Planning & Redevelopment)

2. This Administrative Permit approval shall be valid for a period of two (2) years from this date and if not effectuated shall expire on **February 26, 2011**. Prior to said expiration date, the applicant may apply for an extension of time, however, this approval shall be extended for no more than a total of one year from **February 26, 2011**. (Planning & Redevelopment)
3. Outdoor play/activity shall be restricted to the hours between 8:00 a.m. and 6:00 p.m. (Planning & Redevelopment)
4. All applicable Building and Fire Code provisions shall be enforced. Applicants shall contact the Roseville Fire Department's Bureau of Fire Prevention for review and approval. (Fire)
5. The maximum number of children permitted is fourteen (14). (Planning & Redevelopment, Fire)
6. Six parking spaces shall be provided. Two of the parking spaces are located in the garage, two spaces are in the driveway and two spaces are located "on-street". Residents of 25 Tucumcari Court shall park their personal vehicles in the garage during business hours. (Planning & Redevelopment)
7. Exterior signage for the Large Family Day Care is prohibited. (Planning & Redevelopment)
8. Operable smoke detectors shall be provided in the hallway and in all child sleep areas. (Fire)
9. The design and installation of all fire protection equipment shall conform to the California Fire Code and the amendments adopted by the City of Roseville, along with all standards and policies implemented by the Roseville Fire Department at the time plans are submitted to the City for review. All amendments, standards and policies can be found on the City's web site www.roseville.ca.us or contact Patrick Chew, Plan Check Engineer, at 916-774-5823 or pchew@roseville.ca.us with the Fire Prevention Division for information. (Fire)

ATTACHMENTS

1. Complainant's Letter – Request for a Public Hearing
2. Staff's Letter
3. 500' Radius Map

EXHIBIT

- A. Aerial/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.