

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, March 12, 1996, the Zoning Administrator approved with conditions a special permit allow the location of a day care center within an existing church building and a variance to waive a portion of a masonry wall for the project known as Z96-011. Findings of Fact and conditions of approval for the project are listed on pages 4-6.

Project Information

- Request:
1. Zoning Administrator Special Permit for a child care center for 40 children (Headstart Program) on 0.97 \pm developed acres in the Standard Single Family (R-1) zone.
 2. Zoning Administrator Variance to waive the required six foot solid masonry wall.
 3. Zoning Administrator Special Permit Modification to an existing church to add a child care center for a Headstart Program.

Location: 4010 12th Avenue

Assessor's Parcel Number: 014-0271-029

Applicant: Law Offices of Gregory D. Thatch (Mike Miller)
1730 I Street, Ste. 220
Sacramento, CA 95818

Property Owner: St. Paul's Missionary Baptist Church
P.O. Box 5260
Sacramento, CA 95820

General Plan Designation: Low Density Residential (4-15 du/na)
Existing Land Use of Site: Church facility
Existing Zoning of Site: Standard Single Family (R-1)

Surrounding Land Use and Zoning:	Setbacks	Required	Proposed/Existing
North: R-1; Single Family/Vacant	Front:	25'	28'
South: R-1; Single Family	Side(E.):	5'	40'
East: R-1; Single Family	Side(W.):	5'	38'
West: R-1; Single Family	Rear:	15'	116'

Property Dimensions:	Irregular
Property Area:	0.97 ± acres
Square Footage of Building:	14,460 square feet
Height of Buildings:	Two story, 28 feet
Exterior Building Materials:	Stucco
Roof Materials:	Composition
Topography:	Flat
Street Improvements:	Existing
Utilities:	Non-existing

Project Plans: See Exhibits A-C

Previous Files: P9383 (Variance for wrought iron fence)

Background Information: The site contains a church building that is owned by St Paul Missionary Baptist Church. The church relocated its primary church services to a new building at 3996 14th Avenue (P88-447) after obtaining approval in May, 1989. The old site (the location of the proposed child care center) is used as an auxiliary building for functions when there is no room available at the new site.

Additional Information: The applicant proposes to locate a child care facility for 40 children for a Headstart Program within an existing church building that no longer serves as a primary church facility. The two story building totals 14,640 square feet in size with a stucco exterior and a composition shingle roof. The child care center will occupy the front portion of the first floor of the building. There are 60 legal parking spaces on the site (only eight are required). The Zoning Ordinance also requires a six foot high solid masonry wall around the perimeter of a site that is adjacent to residential uses or residentially zoned property. The applicant is requesting to build the wall around the playground area and to waive the wall requirement for the remaining portion of the site.

A Special Permit is required to operate a child care facility in any residential zone. The Zoning Ordinance requires the child care center meet the following criteria:

- a. Parking: The center shall provide one parking space per every eight children licensed for the center. The parking facility shall be oriented to allow for child drop-off and pick-up areas which do not create traffic congestion or parking problems.

- b. **Fences:** If the proposed center abuts a residential zone or residence, a minimum six foot high solid wall of masonry, brick, stucco or similar material shall be provided. The wall shall be placed along all property lines which abut the residential zone or residence. The play area shall be adequately fenced.
- c. **Outdoor Play Areas:** Outdoor play areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, refuse and recycling areas.
- d. **Noise:** All indoor or outdoor activity areas anticipated to emit loud noise shall be mitigated to comply with City's Noise Ordinance. Outdoor playground areas located in areas where the noise level is greater than the maximum "normally acceptable" level of 70dB Ldn, as indicated by the City of Sacramento's General Plan, must mitigate to comply with this requirement.
- e. **Site Design and Neighborhood Compatibility:** The proposed center shall be designed in a manner to be compatible with adjacent land uses and with the surroundings.

The proposed church facility to be used for the child care center meets the parking, outdoor play area, noise, site design and neighborhood compatibility requirements. The required masonry wall will be provided around the playground area. There is an existing wood fence around the property perimeter. The parking area has its entrance/exit off of 12th Avenue adjacent to the west side of the building and the parking lot is primarily located to the west and south sides of the building. The child care center is required to have a total of eight parking spaces. These spaces are provided on the site. There is adequate loading and unloading area for the child care operation in the parking area of the site that will be away from the street. The outdoor play area will be located in the northeast corner of the lot. The play area will be separated from the parking area and additional driveway by a fence.

The proposed Headstart Program for the site will have two sessions per day, Monday through Friday. Each session will have up to twenty children and three to five parent assistants. The proposed operating hours are 8:00 a.m. to 4:30 p.m.

Agency Comments

The proposed project was reviewed by the City Utilities Department, Public Works-Transportation and Engineering Planning Divisions, and the Building Division. The comments received pertaining to the project have been included as conditions of approval.

Public/Neighborhood Association Comments

The site is located within the several neighborhood and community group areas. The project plans were sent to the Oak Park Neighborhood Improvement Association, the Oak

Park Community Center Drug Free Zone, and the Oakridge Drug Free Zone. The Oak Park Community Center Drug Free Zone, and the Oakridge Drug Free Zone groups called and the only concern voiced was for the safety of the children at the site due to local drug activity at a nearby store. They were made aware of the applicant's intent to create a safe environment for the center. The project was noticed and staff did not receive any calls.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15301}.

Conditions of Approval - Child Care Center

1. The maximum number of children permitted at the site is 40 (maximum 20 in the morning session and a maximum of 20 in the afternoon session). This number is subject to the approval of the Fire Marshall and State of California, Community Care Licensing and the number of children may be reduced by these two agencies.
2. Hours of operation for the child care center shall be 7:30 a.m. to 6:00 p.m. Monday through Friday.
3. The day care center shall be permitted to have a maximum of two events that are not during normal hours of operation (off-hour events, such as evenings or weekends) on the day care site per year. These events shall not to last later than 9:30 p.m. if they are evening events.
4. Children shall not be permitted on the playground before 8:00 a.m. or after 5:00 p.m.
5. If the applicant conducts an open house of the child care facility, the applicant shall also place a copy of this notice on file with the Zoning Administrator.
6. The proposed project has already been reviewed by the Building Division; however, the permits are for the first floor use only. **Absolutely no portion of the second floor of the building is to be used by the proposed Headstart Program (child care center). Should the applicant desire to use any portion of the second floor, the proposed use must be review and approved by the Building Division.**
7. A six foot high solid masonry wall shall be constructed along the east property line adjacent to the playground area as shown on the submitted plans.
8. The northwest driveway shall be 20 feet wide (including the gate opening) to the satisfaction of the Fire Department. The gated opening at the southeast corner of the site shall also be a minimum of 20 feet wide with a knox box. (Contact: Elaine Clarke, 264-5936)

9. The northwest entrance/exit (main gate) shall remain open continuously during business hours.
10. The proposed playground equipment shall be indicated on a plan reviewed and approved by Planning staff prior to installation. Photos and/or brochures of the equipment shall be submitted as part of the review. Any equipment shall be located a minimum of five feet from all property lines.
11. Any modifications of the approved plan and buildings, increased number of children, hours or operation, or other significant program changes will require a modification of the special permit.
12. Any signs proposed for the child care center are required to meet City Sign Ordinance requirements. Contact Juan Trevino (264-7559) for further information on these requirements.

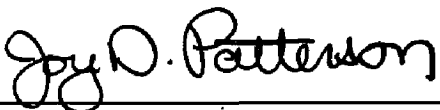
Findings of Fact- Special Permit/Special Permit Modification:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
 - a. the proposed child care center will provide adequate classroom area, outdoor playground area, and parking;
 - b. the child care center will provide a needed service for the community and the city;
 - c. the project will utilize an existing building that is rarely used and will not significantly increase traffic in the area; and
 - d. the child care facility meets the criteria established in the Zoning Ordinance for granting a use permit for a child care center.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. there will be adequate on-site parking for the project;
 - b. a six foot high solid masonry wall will be provided around the outdoor play area to provide a noise buffer for adjacent residential properties;
 - c. adequate drop-off and pick up areas for children (internal circulation) will be provided on the site; and

- d. the child care center will occupy a seldom used existing building.
- 3. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na). Day care centers are permitted in residential zones with approved special permits.

Findings of Fact-Variances:

- 1. Granting the variance does not constitute a special privilege extended to an individual applicant in that the variance would be and has been granted to other property owners facing similar circumstances.
- 2. Granting the variance request does not constitute a use variance in that the day care center is a use that is permitted in the Standard Single Family (R-1) zone with a special permit.
- 3. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. a six foot high solid masonry wall will be provided around the outdoor play area to provide a noise buffer for adjacent residential properties; and
 - b. there is an existing wood fence around the majority of the property that has been in place when the building was actively used as a church facility.

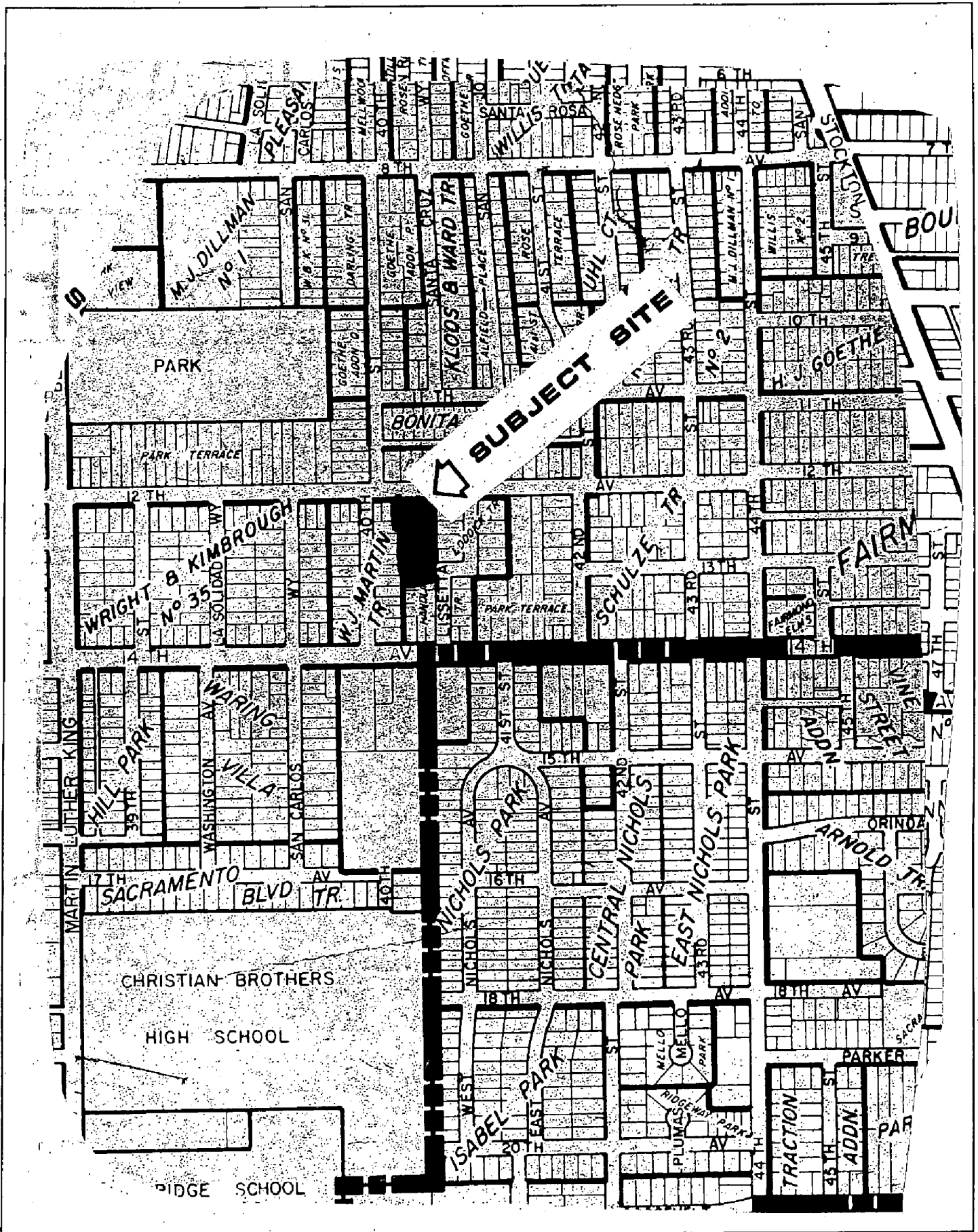


Joy D. Patterson
Zoning Administrator

A use for which a Special Permit and Variance is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit and/or Variance shall be deemed to have expired and shall be null and void. A Special Permit and/or Variance which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

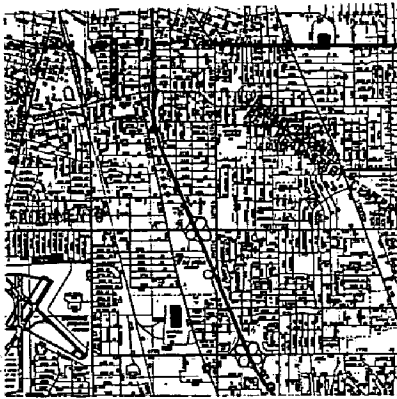
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File ✓ Applicant ✓ ZA Log Book ✓ Owner- Attn: Lamont Harris ✓



VICINITY MAP

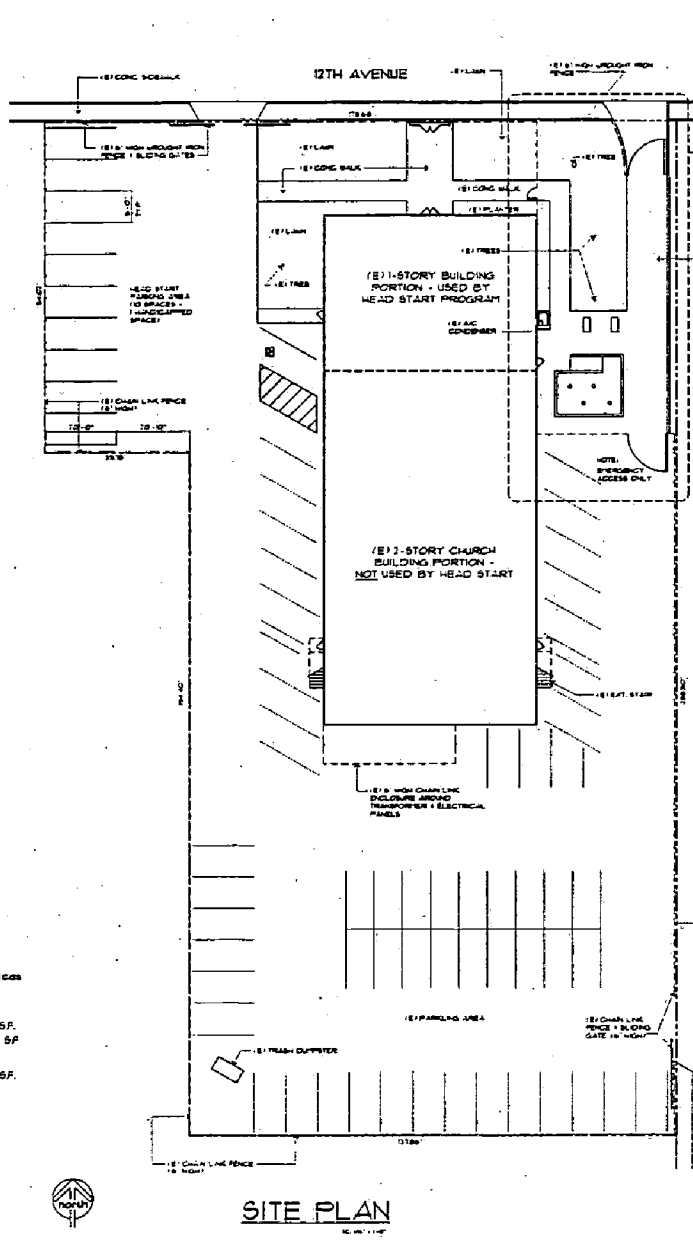
EXHIBIT - A



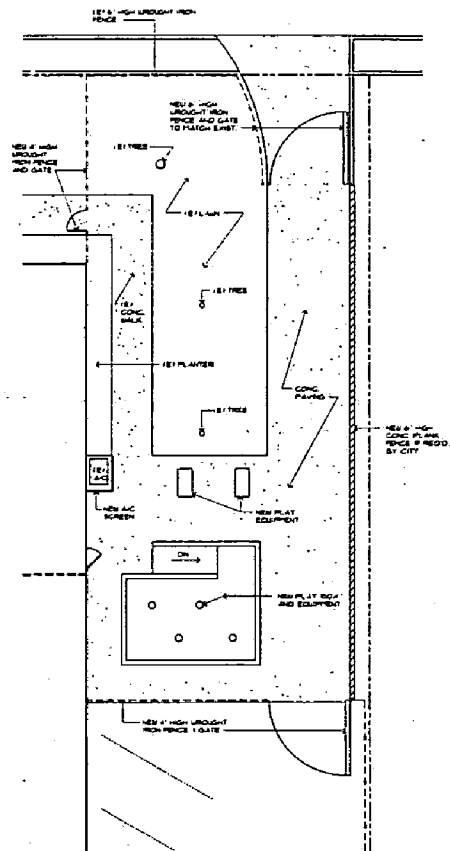
VICINITY MAP

PROJECT INFORMATION

PARCEL 104-211-078-000
 NO. OF PARKING SPACES 61 spaces
 EXIST. BUILDING SQUARE FOOTAGE
 ONE-STORY PORTION 1,640 SF.
 TWO-STORY PORTION (BOTH FLOORS) 12,000 SF.
 AREA OF NEW PLAYGROUND 2,800 SF.



SITE PLAN



NEW PLAYGROUND PLAN

100 967
 796 011

FAULKNER
 Architectural Company

3851 J Street
 Sacramento, CA 95816
 (916) 454-1155
 Ft. (916) 454-1461

Project
**PLAYGROUND ADDITION
 HEAD START FACILITY**
 AT
 ST. PAUL'S, 4010 12th AVE., SACRAMENTO

Issue
 JUNE/JULY 23 1996

Title
 SITE PLAN

Sheet
 SA-1

ITEM 3

MARCH 12, 1996

110-011



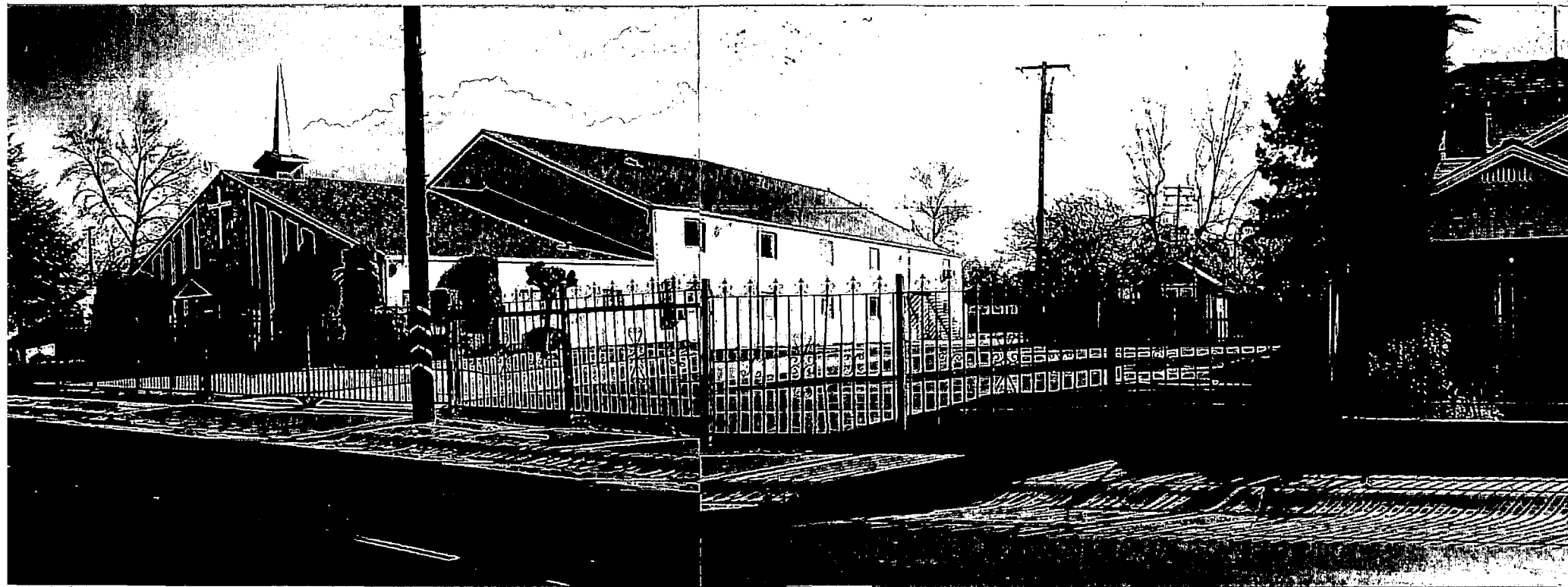
1 12th Street Elevation looking West
Secondary Driveway/ Gate



Existing Main Pedestrian Entry to building

NEW HEAD START CENTER
St. Paul's Church, 4020 - 12th Avenue
Sacramento, CA. (Oak Park)

EXHIBIT - B
110 96Z



2

12th Street Elevation looking East
Main Driveway/ Gate access to parking

EXHIBIT - B

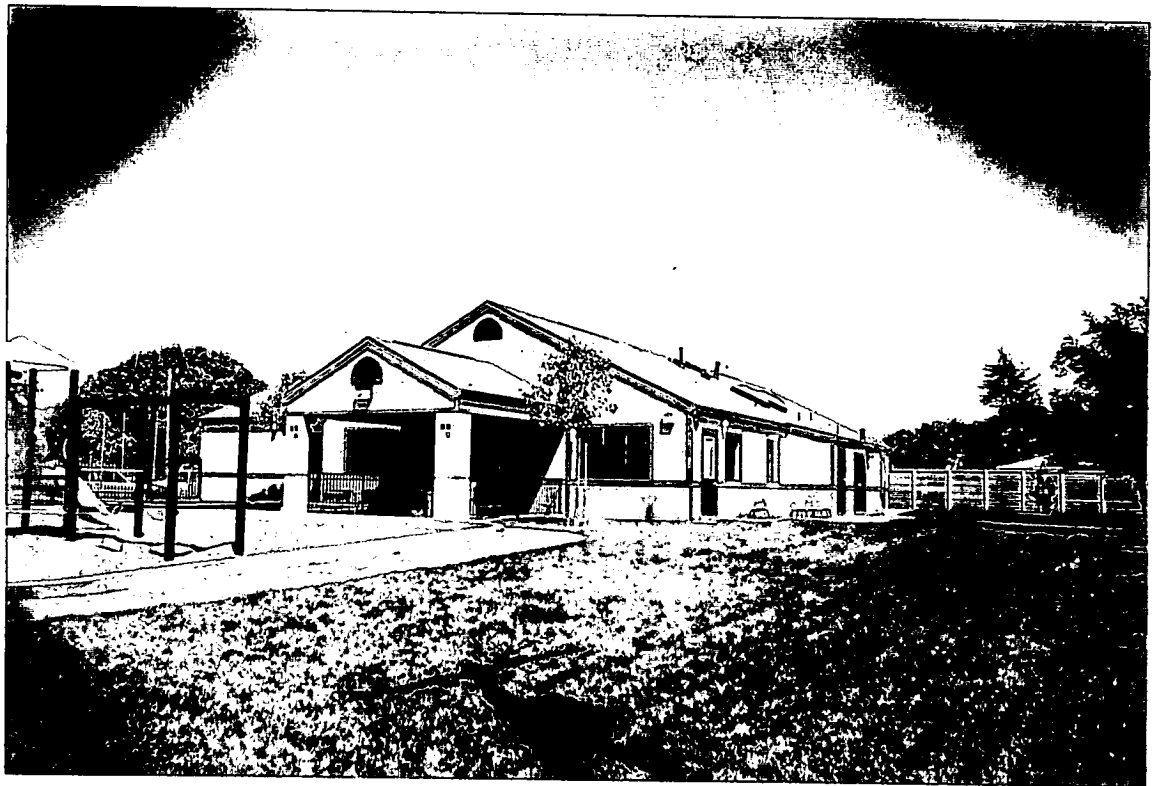
NEW HEAD START CENTER

St. Paul's Church, 4020 - 12th Avenue
Sacramento, CA. (Oak Park)

EXHIBIT - C



*Example of WOODCRETE fencing
Approved Sac. City Planning 1993*



Good Neighbors

Child Care & Learning Center
701 Morey Avenue
Sacramento, CA. (Del Paso Hgts.)

296-011

MARCH 17, 1996

TEAM 7