

ATTACHMENT 2

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

**ACTION OF THE ZONING ADMINISTRATOR**

On Monday August 15, 1994, the Zoning Administrator ratified the Negative Declaration, approved with conditions a special permit to operate a child care center for a maximum of 48 children in the R-1 zone and approved with conditions a special permit modification to allow a child care center to operate within an existing church. The project is known as Z94-052. Findings of Fact and conditions of approval for the project are listed on pages 5 and 6.

**Project Information**

- Request:
1. Negative Declaration
  2. Zoning Administrator Special Permit for a child care center for 48 children on 1.17± developed acres in the Standard Single Family (R-1) zone.
  3. Special Permit Modification to allow a child care center to operate within an existing church.

Location: 4401 A Street

Assessor's Parcel Number: 004-0076-020

Applicant:	Lil People's School (Dennis Vicars) 451 Parkfair Drive #6 Sacramento, CA 95864	Property Owner:	New Hope Free Methodist Church 4401 A Street Sacramento, CA 95819
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General Plan Designation:	Low Density Residential (4-15 du/na)
Existing Land Use of Site:	Church and facilities
Existing Zoning of Site:	Standard Single Family, R-1

**Surrounding Land Use and Zoning:**

North: R-1; Single Family Residences  
South: R-1; Single Family Residences  
East: R-1; Single Family Residences  
West: R-1; Single Family Residences

Z94-052

AUGUST 15, 1994

ITEM 1

Property Dimensions: Irregular  
Property Area: 1.17± acres  
Parking Required: 6 spaces child care (1 per 8 children)  
+42 spaces for 250 seat church (built at 1 space per 6 seats)  
48 spaces total required

Parking Provided: 79 spaces. Approximately 6 to 10± of the 79 spaces are proposed to be removed to construct the child care playground

Square Footage of Buildings: Church and classroom buildings, 20,000± square feet  
Proposed Building Usage for Child Care Center: 2,047± square feet (freestanding classroom building)  
Height of Building: 9 feet to plate line (classroom building); 1 story  
Exterior Building Materials: Stucco and Wood  
Roof Material: Metal

Project Plans: See Exhibits A and B

Previous Files: P3305 June 11, 1968  
Special Permit to construct classroom building in conjunction with existing church (proposed location of child care center).  
January 3, 1983  
Modification of special permit to develop an additional parking lot area on the west side of the church site.

Additional Project Information:

The applicant proposes to locate a child care facility for 48 children within an existing classroom building at the New Hope Free Methodist Church. The applicant currently operates a child care center known as Lil People's School at 2716 G Street (Marshall School building) and requested to relocate the child care center to the 4401 A Street location as his lease with the Sacramento Unified School District is expiring. The existing child care center operates from 6:30 a.m. to 6:00 p.m. and is licensed for 88 children (the existing center has more square footage than the A Street site). The applicant submitted a typical preschool schedule and a list of playground equipment as part of this application (Exhibits C and D).

A Special Permit is required to operate a child care facility in any residential zone. A Special Permit Modification for the use of the church facilities is also required. 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 classroom building is located in the northeast portion of the church site. The child care center will occupy the 2,047 square foot classroom building. The parking area in the northeast corner of the site will be converted to the outdoor play area for the child care center. There is an existing masonry wall along the east and west property lines and portions of the north property line. The applicant has indicated that a six foot masonry wall will be constructed along the north property line for the length of the outdoor play area. The play area will be separated from the remaining parking area by a six foot chain link fence.

The child care center and the church are required to have a total of 48 parking spaces. These spaces are provided on the site. The church has separate driveways for entering and exiting the site from A Street. The parking area is located to the rear of the church (along the northern portion of 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.

#### Agency Comments

The proposed project was reviewed by the City Transportation, Engineering, Utilities, Building, and Community Services Division. Building Division - Fire Inspections indicated that a building permit would be required for the child care use. The Transportation Division recommended that all drop-off and pick-up of children occur on the project site and not along A Street.

#### Public/Neighborhood Association Comments

The site is located within the East Sacramento Improvement Association area and the McKinley-Elvas

Neighborhood Alliance (MENA) neighborhood association area. Both associations estimated that over 80% of the immediate neighbors were in opposition to the proposed child care center. Based upon this opposition, both neighborhood associations recommended that the special permit request for the child care center be denied.

Numerous letters of opposition and petitions were submitted from adjacent and nearby residents. The issues and areas of concern about the project raised by calls received by Planning staff and letters are that the project will create unacceptable traffic impacts, noise impacts, and a general disruption of the neighborhood leading to decreased property values, and would be locating a commercial business in a residential neighborhood. These letters are on file in the Zoning Administrator's office.

Letters and petitions in support of the child care center locating at the church site were also received. Signatures on these petitions and letters are from within and outside the immediate neighborhood. These letters are also on file in the Zoning Administrator's office.

Zoning Administrator Hearing:

There were approximately 105 people in attendance at the public hearing. Testimony in support and in opposition to locating the child care center at the church site was heard by the Zoning Administrator (14 in support, 14 in opposition, 1 neutral). Besides the general public, representatives of City Planning staff, City Transportation staff and the State of California Community Care Licensing staff were in attendance to answer questions posed by the Zoning Administrator regarding the project.

After listening to public testimony, the Zoning Administrator closed the public hearing, ratified the Negative Declaration and approved the special permit for the child care center and special permit modification to the church use subject to conditions. At the public meeting, the Zoning Administrator made the finding that, while at this time all available evidence indicates that there will be no adverse environmental impact associated with locating the child care center at the church site, based upon testimony of residents in the area, it is appropriate to monitor the child care center to make sure no adverse impacts occur once the use commences. Therefore, the Zoning Administrator granted a time restricted special permit as permitted by Section 15-D-3 of the Zoning Ordinance. The special permit for the child care center will expire on October 1, 1995 unless the applicant applies for and obtains a new special permit prior to this date. The applicant was made aware that any investment that he makes in the property to operate the child care center during the next year (such as construction of the wall or modification to the classrooms) is done at his own risk with no guarantee of renewal of the permit.

To further respond to concerns expressed by the neighbors, the Zoning Administrator: placed limits on the hours of operation, playground hours, and number of off-hour events; restricted pick-up and drop-off of children to the rear of the church; restricted the location of the trash dumpster; and required that neighbors be notified of contact people and be invited to a child care center open house. Detailed conditions of approval are listed below.

Environmental Determination:

This project, as proposed, will not have a significant impact on the environment and a negative declaration with no mitigation measures was prepared. The negative declaration was ratified by the Zoning Administrator.

Conditions of Approval - Child Care Center

1. The special permit for the child care center expires on October 1, 1995. If the applicant wishes to continue the use at the site, he must apply for and receive a new special permit prior to this date.
2. The maximum number of children permitted at the site is 48. 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.
3. Hours of operation for the child care center shall be 7:00 a.m. to 6:00 p.m. Monday through Friday. These hours anticipate that employees will be at the facility prior to 7:00 a.m. and after 6:00 p.m. to open and close the facility.
4. The day care center shall be permitted to have a maximum of five events that are not during normal hours of operation (off-hour events) on the church site per year. These events shall not to last later than 9:30 p.m. if they are evening events. It is suggested (but not required) that they may wish to utilize the church social hall for these events.
5. Children shall not be permitted on the playground before 8:30 a.m. or after 5:00 p.m.
6. All drop-off and pick up of children shall occur at the rear of the church in the parking lot area. No pick-up or drop-off of children shall be permitted on A Street.
7. All those in attendance at the August 15, 1994 public hearing and those property owners within 100 feet of the project site shall receive in the mail the names and phone numbers for contact people for the church and child care center. The applicant shall mail this information by October 1, 1994. (Names and addresses shall be provided to the applicant by the Zoning Administrator's staff). The applicant shall also place a copy of this notice on file with the Zoning Administrator.
8. The applicant shall conduct an open house of the child care facility for residents of the area and send a notice of the open house to the names noted in Condition #7 and the Zoning Administrator. The open house can be combined with one of the five off-hour events permitted or may be a separate open house for residents at the applicant's discretion.
9. The trash dumpster for the church/child care center shall be located next to the main church building and not along the perimeter of the site.

10. A six foot high solid masonry wall shall be constructed adjacent to the north property line where there currently is fencing. Where the existing solid masonry wall along the perimeter of the site is not six feet, the height of the wall shall be increased to six feet (height of the wall is measured from the grade of the church site).
11. All signs for the church and the child care center shall meet City Sign Ordinance requirements.
12. Any modifications to the classroom building must meet building code and the applicant shall obtain a building permit if required by the Building Division.

Condition of Approval - Modification to Church Special Permit

1. The church shall adhere to the conditions imposed upon the child care center. If this project is heard by the Planning Commission, the decision of the Planning Commission shall prevail.

Findings of Fact:

1. The proposed project, as conditioned, is based upon sound principles of land use in that:
  - a. the proposed child care center is located in an existing 250 seat church facility (non-residential facility) which has adequate classroom, social hall and parking facilities;
  - b. the child care center will provide a needed service for the community and the city;
  - c. the project will not significantly increase traffic congestion 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. The project will not be detrimental to the public health, safety, or welfare nor result in a nuisance in that:
  - a. a six foot high solid masonry wall will be provided to provide a noise buffer for adjacent residential properties;
  - b. adequate parking is provided on the site; and
  - c. adequate drop-off and pick up areas for children (internal circulation) will be provided on the site and no pick-up or drop-off of children is permitted on A Street.

The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na). Churches and day care centers are permitted in residential zones with approved special permits.

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Joy D. Patterson

Joy D. Patterson  
Zoning Administrator

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  
East Sacramento Improvement Association, c/o Knight Smart  
McKinley-Elvas Neighborhood Alliance, c/o Jim Hastings  
ZA Log Book

Z94-052

AUGUST 15, 1994

ITEM 1

ATTACHMENT 3

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CITY OF SACRAMENTO  
DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 I Street, Room 200  
Sacramento, CA 95814

916-264-5604

APPEAL OF THE DECISION OF THE ZONING ADMINISTRATOR

Date: August 25, 1994

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the Zoning Administrator on August 15, 1994 for project number Z 94-052,

(date)  
when a:  Special Permit  Variance  
(check appropriate entitlement(s))  Lot Line Adjustment  Lot Line Merger  
 Other \_\_\_\_\_

was:  Granted  Denied by the Zoning Administrator.  
(check appropriate action)

Property Location: 4401 A Street

Grounds For Appeal: (explain in detail, may attach additional page(s))  
See attached page

Appellant: Glen Zimmerman & Therese Fleming Daytime Phone: (916) 452-4518

Address: 88 Aiken Way Sacramento, CA 95819 Alternate: Jeni Bitnoff

Appellant's Signature: Glen Zimmerman 456-990

OFFICE USE ONLY

Filing Fee (\$340) Received:

Received by: D. Smith Date: 8-25-94

Distribute Copies to: Planning Director \_\_\_\_\_  
(3 copies + original) Zoning Administrator \_\_\_\_\_  
Secretary to Planning Commission \_\_\_\_\_  
Original & receipt in file \_\_\_\_\_

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**REASONS FOR APPEAL:**

The required outdoor space for the proposed childcare center -- as described in the applicant's proposal -- appears to be substantially inadequate for the 48 children the center seeks to serve, based upon State licensing requirements for childcare centers. Secondly, questions surrounding the project's impact on traffic and area street parking remain unresolved. Further, the "mitigations" ordered by the zoning administrator (conditions for the special permits issued) lack an enforcement mechanism. Thus, it is not clear how the city will monitor the center for compliance in deciding over the next year whether to make the project's operating permits permanent. Finally, the residents in the impacted area -- as defined by the city -- are in disagreement with the city's project approval process for issuing special permits, as their input appears to have had next-to-no impact on the zoning deliberations or on the final decision of the zoning administrator regarding this project.