

# CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Andee & Terry Press-Dawson, 11420 Treasure Hill Ct, Gold River, CA 95670  
**OWNER** Andee & Terry Press-Dawson, 11420 Treasure Hill Ct, Gold River, CA 95670  
**PLANS BY** Andee & Terry Press-Dawson, 11420 Treasure Hill Ct., Gold River, CA 95670  
**FILING DATE** 5/9/86      **ENVIR. DET.** Exempt 15301(e)3      **REPORT BY** SD:bw  
**ASSESSOR'S-PCL. NO.** 15-282-09

- APPLICATION:**
1. Special Permit to establish a day care center for 24 children (Sec. 2-B-30)
  2. Variance to exceed three feet with a fence in the front setback area (Sec. 3-D-7)

**LOCATION:** 5967-14th Avenue

**PROPOSAL:** The applicant is requesting the necessary entitlements to establish a child care center for 24 children in the Single Family (R-1) zone.

**PROJECT INFORMATION:**

1974 General Plan Designation:	Residential
1963 East Broadway Community Plan Designation:	Light Density Residential
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Child care center

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Single Family; R-1	Front:	25'	25'
South: Commercial; C-2	Side(E):	5'	6'
East: Gas Station; C-2	Side(W):	5'	10+'
West: Single Family; R-1	Rear:	15'	22.5'

Parking Required:	Determined by Commission
Parking Provided:	None
Property Dimensions:	54' x 100'
Property Area:	.12+ acres
Square Footage of Building:	950
Height of Building:	One story
Topography:	Flat
Street Improvements/Utilities:	Existing

**BACKGROUND INFORMATION:** In November of 1960, the Planning Commission approved a special permit for a day nursery for 20 children on the subject site. Through the years, the number of children has increased to 24 (by a different operator) with no additional approvals.

**PROJECT EVALUATION:** Staff has made the following findings:

- A. **Land Use:** The subject site is designated for residential uses in the 1974 General Plan and for Light Density Residential uses in the 1963 East Broadway Community Plan. The site is surrounded by single family residences zoned R-1 to the north and west, and a gas station and shopping center zoned C-2 to the east and south. The site is currently being used for a 24-student child care center. Such centers are permitted in any zone with Planning Commission approval.

- B. Special Permit: As previously stated, the site is developed with a child care center originally approved for 20 children. Without benefit of further approvals, the number of children has increased to 24. The structure was originally built as a residence, and the front yard was not to be used for play area nor was the residential character of the property to be altered according to the original approval. The rear portion of the property is surrounded by a six-foot wooden fence. It is surfaced with astro-turf and contains outdoor play equipment. State licensing regulations require 75 square feet of outdoor play area per child. The applicant indicates the rear outdoor play area is sufficient to comply with State regulations.

The original approval required no parking. Currently, the center's three employees park in the alley along the east property line. Parents also park there to drop off and pick up their children. Over the years, this department has received no complaints regarding either the operation of the center or the parking arrangement. Staff, therefore, finds the center to be a compatible use with surrounding development, and the parking arrangement to be workable and therefore adequate.

- C. Variance: Recently, the applicant erected a six-foot high chainlink fence up to the front property line. This was done to offer the children a choice of surfaces to play upon. This, however, is in violation of the Zoning ordinance. In addition, the neighbors to the west have indicated that this obstructs their view when backing out onto 14th Avenue. Since there is no hardship involved, the additional area is not required for outdoor play space, and the fence has created a sight-distance nuisance. Staff, therefore, cannot support the variance request. The applicant should either remove the fence or reduce the height to three feet.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15301(e)3)).

RECOMMENDATION: Staff recommends that the Commission:

- A. Approve the Special Permit, subject to conditions and based upon Findings of Fact which follow;
- B. Deny the Variance, based upon findings of fact which follow.

Conditions - Special Permit

1. The applicant shall reduce the height of the fence to three feet within the front yard setback.
2. Hours of operation shall be restricted to 7 a.m. to 6 p.m., Monday through Friday.
3. A maximum of 24 children shall be permitted in this facility.

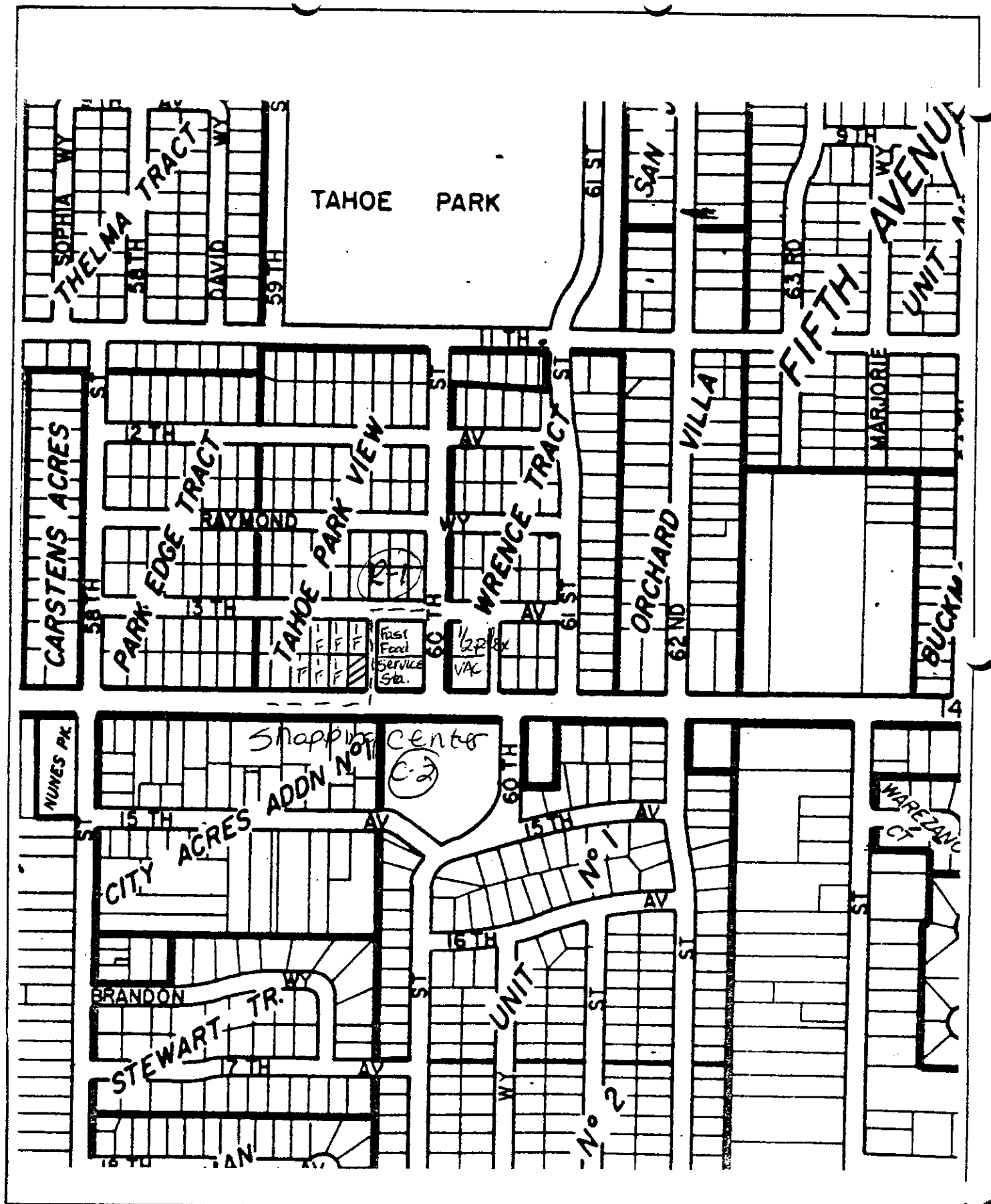
Findings of Fact - Special Permit

1. The project, as conditioned, is based upon sound principles of land use, in that it is compatible with the commercial and residential land uses which surround the site.

2. The project, as conditioned, will not be detrimental to public health, safety or welfare or result in the creation of a nuisance, in that:
  - a. the parking arrangement is workable and adequate for the nature of the project;
  - b. adequate site distance will be provided for neighbors to back onto 14th Avenue.
3. The proposed project is consistent with the City's Discretionary Interim Land Use Policy, in that the site is designated for residential use by the 1974 General Plan, and the proposed child care center conforms with the plan designation.

Findings of Fact - Variance

1. Granting the variance would constitute a special privilege extended an individual applicant, in that there is no hardship or unusual circumstance involved to support the request.
2. Granting the variance would be injurious to public welfare, in that it creates a site distance problem when neighbors must back onto 14th Avenue.



VICINITY - LAND USE - ZONING

Kids Klub of Tahoe Park 5967 14th Ave

Request for variance on  
Fence Height & U Permit  
For childcare center

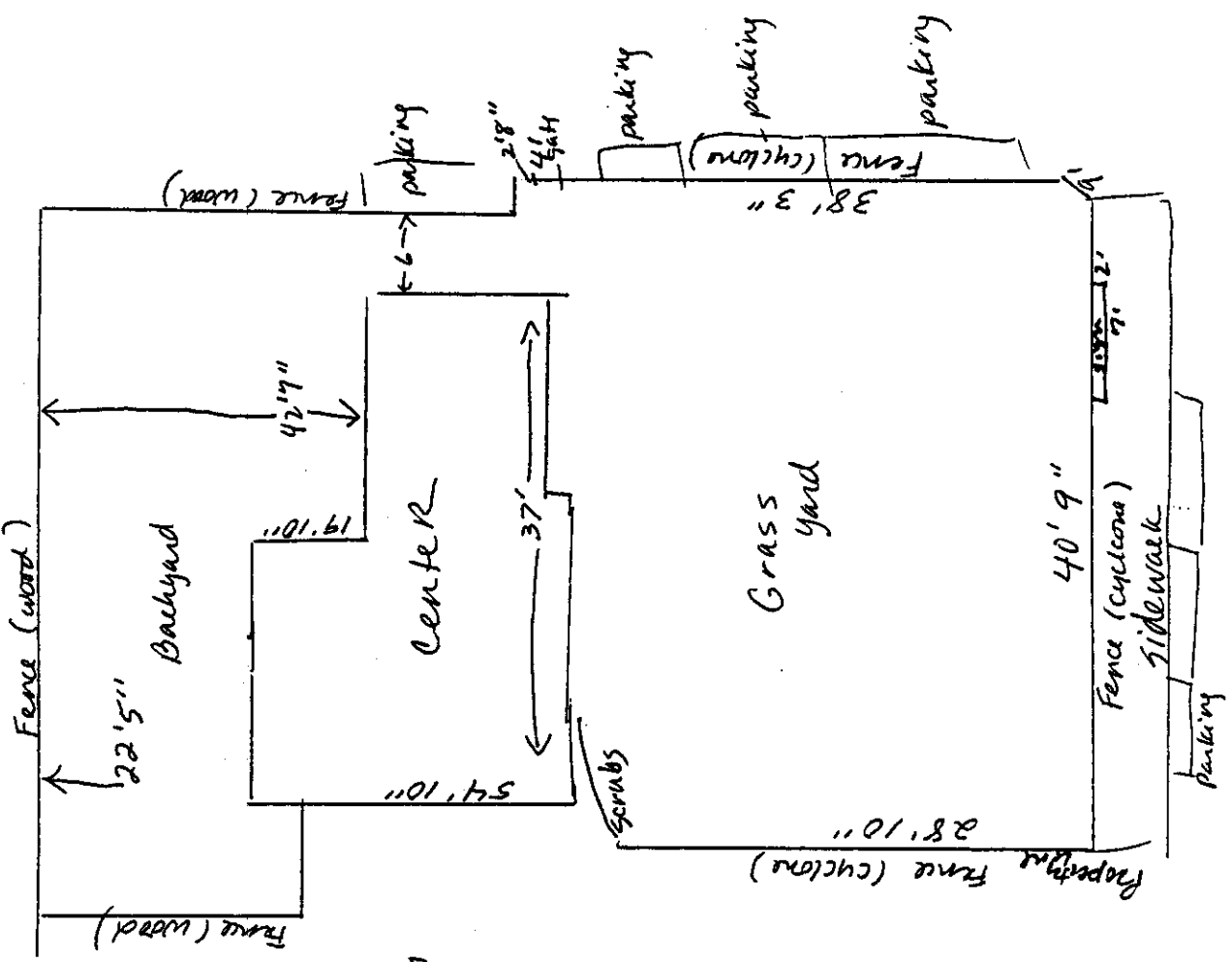
Parking lot

GAS Station

Not drawn to scale

single family dwelling

single family dwelling



14th Avenue