

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

ACTION OF THE ZONING ADMINISTRATOR

On Tuesday, July 16, 1996, the Zoning Administrator approved with conditions a special permit to allow an existing child care center to continue operations for the project known as Z96-062. Findings of Fact and conditions of approval for the project are listed on pages 6-8.

Project Information

Request: Zoning Administrator Special Permit to allow an existing childcare center for 48 children to continue operations within a church on 1.17 developed acres in the Standard Single Family (R-1) zone.

Location: 4401 A Street (D3, Area 1)

Assessor's Parcel Number: 004-0076-020

Applicant: The Phoenix Schools (Dennis Vickars)
451 Parkfair #5
Sacramento, CA 95864

Property Owner: New Hope Free Methodist Church
4401 A Street
Sacramento, CA 95819

General Plan Designation: Low Density Residential (4-15 du/na)
Existing Land Use of Site: Church and Child Care Center
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

Property Dimensions: Irregular
Property Area: 1.17± acres
Parking Required: 6 spaces

Parking Provided: 31 spaces
 Square Footage of Buildings: Church and classroom buildings- 20,000± square feet
 Proposed building usage- 2,047 square feet
 Height of Building: 9 feet to plate line (classroom building); 1 story
 Exterior Building Materials: Stucco and Wood
 Roof Material: Metal
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing

Project Plans: See Exhibit A

Previous Files: Z94-052

Background Information: On August 15, 1994, the Zoning Administrator originally approved a special permit for a child care center for 48 children within the classroom building of an existing church. There were several conditions of approval and one the conditions was a one year term limit. The project was appealed to the Planning Commission. On September 8, 1996, the Planning Commission denied the appeal and modified several conditions including extending the term limit to two years. The end of the two year time limit has arrived and the applicant is reapplying for the Zoning Administrator Special Permit to continue operating the child care center. A Special Permit is required to operate a child care facility in any residential zone.

Additional Information: The applicant proposes to continue operating a child care facility for 48 children within the classroom building of an existing church. The Zoning Ordinance requires that the proposed child care center meets 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 area 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 occupies the 2,047 square foot classroom building. The outdoor play area is in the northeast corner of the site. There is an existing six foot masonry wall along the entire church property line perimeter. The play area is separated from the parking area by a six foot chain link fence.

There is adequate on-site parking for the child care center. The Zoning Ordinance requires one space for every eight children. 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 is away from the street. The child care center operates from 7:00 a.m. to 6:00 p.m., Monday through Friday. The proposed child care center meets the criteria established by the Zoning Ordinance for a site location for a child care center.

Neighborhood Comments: The project was noticed and staff received several letters in support of the project prior to the hearing. The neighbors opposed and letters of opposition were not presented to staff until the first Zoning Administrator hearing. The major concerns of the letters were the playground noise, overflowing trash bins, traffic, and deliveries and construction in the early morning hours. The letters are on file.

The site is located within the East Sacramento Improvement Association area and the McKinley-Elvas Neighborhood Association (MENA) area. The proposed plans were submitted to the neighborhood associations and the applicant made a presentation at each neighborhood association meeting. A representative of the East Sacramento Improvement Association called and indicated by phone they supported allowing the child care center to continue its operations. MENA sent a letter of support asking for another two year time limit for an on-going review between Planning, the applicant, neighbors, and neighborhood associations (see Exhibit B). They also indicated areas of concern relating to trash containers that were mitigated by agreed upon actions by the applicant and church.

ZONING ADMINISTRATOR HEARING:

There were approximately 13 people in attendance at the July 17, 1996, public hearing. Testimony in support and in opposition to allowing the child care center continue operations was heard by the Zoning Administrator. The opposition contingent presented

the letters of opposition and state the concerns about noise, trash, early hour maintenance work, and traffic. One neighbor, Therese Fleming, brought tapes of the children at play and asked for a noise study. Due to the concerns raised by the neighbors that staff was unaware of and unable to research prior to the hearing, the Zoning Administrator continued the item until August 14, 1996.

There were approximately 7 people in attendance at the August 14, 1996 hearing. Sandra Yope, staff planner to the Zoning Administrator, discussed that a Steve Pettyjohn, a Noise Consultant, was hired to conduct a noise study of the outdoor play area from the Zimmerman/Fleming backyard adjacent to the childcare center. The noise study concluded that there was a less than significant impact of noise from the childcare center on the adjacent residences. The Zoning Administrator and Sandra Yope both made separate unannounced visits to the child care center during the outdoor play time while the noise study was being conducted. There were up to 14 children out at one time. The noise study also concluded the child care center was in compliance with the Noise Ordinance and no additional mitigation measures were required. Fred Buderer, Senior Planner of Environmental Services, also discussed the noise study and the conclusions.

After listening to public testimony, the Zoning Administrator closed the public hearing, and approved the special permit for the child care center to continue subject to conditions. At the public meeting, the Zoning Administrator made the finding that the child care center was a compatible land use for the church site; that the childcare center has not had a significant impact on the surrounding neighborhood; and that the child care center met all the Zoning Ordinance requirements.

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, Sections 15301}.

Conditions of Approval

1. 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.
2. 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.
3. 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. The surrounding neighbors shall be invited to one event per year.

4. Children shall not be permitted on the playground before 8:30 a.m. or after 5:00 p.m.
5. 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.
6. The trash dumpster/containers for the church/child care center shall be located next to the main church building and not along the perimeter of the site. There shall be no commercial deliveries or pickups of any kind made to the facility prior to 8:30 a.m. If the child care facility contracts out for refuse pickup, then those pickups shall also not be made prior to 8:30 a.m. The applicant shall provide a written copy of the agreement with the waste pickup service to Planning staff. There shall be a minimum of seven trash containers (90 gallon recepticals) for both the church and the childcare center.
7. All signs for the church and the child care center shall meet City Sign Ordinance requirements.
8. Any modifications to the classroom building must meet building code and the applicant shall obtain a building permit if required by the Building Division.
9. The applicant shall offer to meet with the East Sacramento Improvement Association and Mckinley-Elvas Neighborhood Association once a year to discuss any potential problems or concerns about the childcare center operations.
10. The church shall restrict any church use of the playground equipment to the hours of 8:30 a.m. to 5:00 p.m. on the weekends.

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 and has not significantly increased 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 has been constructed 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) is provided on the site and no pick-up or drop-off of children is permitted on A Street;
 - d. a noise study of the playground activities was conducted and the noise falls within acceptable limits of the Noise Ordinance.
3. 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.

Joy D. Patterson

Joy D. Patterson
Zoning Administrator

A use for which a Special Permit is granted must be established within two years after such permit is approved. If such use is not so established the Special Permit shall be deemed to have expired and shall be null and void. A Special Permit 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.

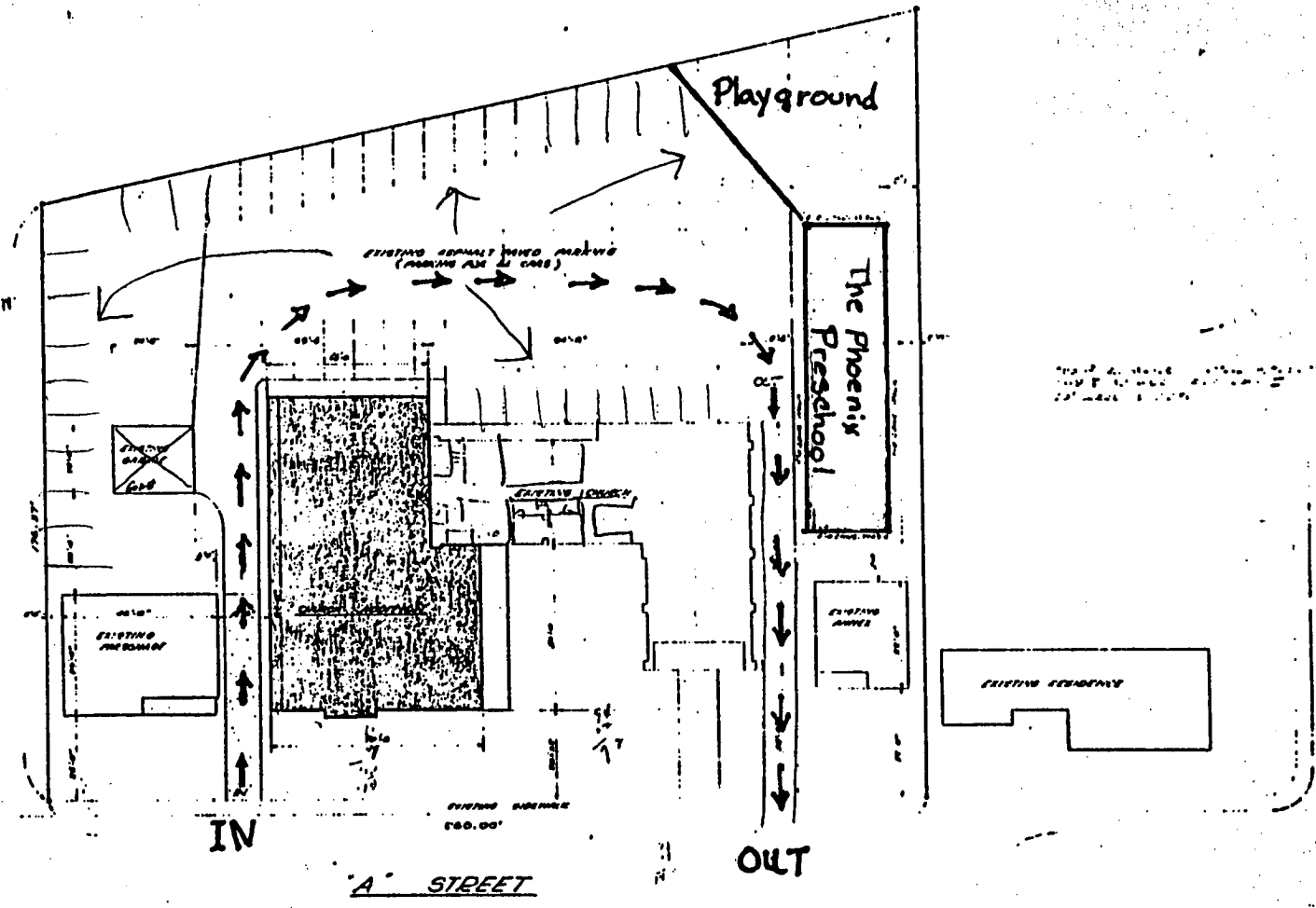
cc: >File
>Applicant
>ZA Log Book
>Therese Fleming; 88 Aiken Way, Sacramento, CA 95819
>Harold Schluter; 4315 A St., Sacramento, CA 95819
>Arthur Carl; 4401 A St., Sacramento, CA 95819

Z96-062

AUGUST 14, 1998

Item # 4

Z96-062



PLOT PLAN (SCALE: 1/8"=1'-0")

EXHIBIT A

DATE: 08/14/98

JAM NASHIR

FOR THE ENGINEERS AND ARCHITECTS

P. 1-17

1 of 9

1998 © JAM NASHIR ARCHITECTS

EXHIBIT B

McKinley Elvas Neighborhood Alliance

Preserving The Valuable Qualities Of Our Neighborhood



COPY

CITY OF SACRAMENTO
PERMIT ASSISTANCE

July 14, 1996

JUL 18 1996

Sacramento City Planning Department
Attention: Ms. Sandra Yope
1231 I Street
Sacramento, CA. 95814
Ref : Project Number 96-062

RECEIVED

Dear Ms. Yope,

The MENA Board of Directors met with Phoenix Schools, Mr. Dennis Vicars, the New Hope Free Methodist Church, Pastor Arthur Carl and Ms. Bert Matranga, MENA member and neighborhood chronicler of problems with the project. Presentations of their various positions were heard and the Board entered into a lively but polite discussion among the parties.

During this discussion the interested parties worked out mitigations of problems that had been documented by the neighborhood representative, Ms Bert Matranga. Those agreements were as follows:

1. Two additional garbage containers will be added to the school site to resolve neighbor complaints as recorded by Ms. Matranga.
2. The church will make special arrangements for trash removals for events that cause a trash excess that cannot be accommodated by existing garbage containers.
3. Semi-annually the trash and plant material that accumulates between the *sound wall* and the fences of the neighboring homes will be removed by the church or Phoenix Schools maintenance person.

In private session, the MENA Board of Directors continued the discussion and remarked positively on the "good neighbor" efforts of Phoenix School and New Hope Free Methodist Church and most of the neighbors in the area. Particularly persuasive to the Board was the growing number of children enrolled from the 95819 and 95816 ZIP codes. This enrollment swing to neighborhood children softens the MENA and neighbors reaction to a "drive through commuter child care center" that was part of the fear during the discussion of the first special permit application.

We were all pleased to find the discussion of a new special permit for this location non-confrontational and productive. Notwithstanding the goodwill in evidence - this meeting was necessary. Evidence of this need is apparent in the mitigations that were worked out during the meeting (1 thru 3) above. While the MENA Board is not suspicious of the motives of Phoenix Schools or their management, or their host New Hope Church, we believe that continuing with a time driven special permit process is a good insurance policy for the mitigation of problems that may otherwise go unresolved.

296-062

AUGUST 14, 1996

ITEM #4

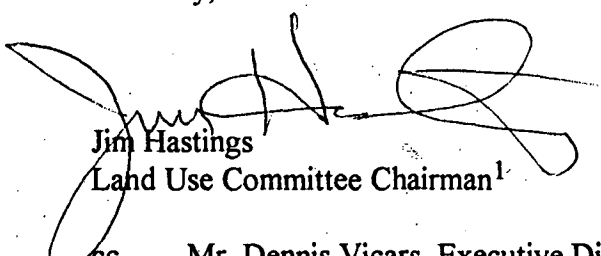
MENA
7/17/96

The Board of Directors for the McKinley Elvas Neighborhood Alliance recommends the approval of a special permit for this applicant with the following condition:

A two year renewable special permit with an annual formal review between Phoenix Schools, New Hope Church, MENA and all other interested neighborhood associations and residents.

Clearly, the approval of MENA and the neighbors is heavily influenced by the high percentage of neighborhood children enrolled in this location and by the applicants stated willingness to deal with speeding and dangerous driving habits of pre-school parents.
(from any neighborhood)

Sincerely,



Jim Hastings
Land Use Committee Chairman¹

cc Mr. Dennis Vicars, Executive Director, Phoenix Schools
Pastor Arthur Carl, the New Hope Free Methodist Church
The Honorable Steve Cohn, Councilperson, District 3
Mrs. Joy Patterson, Department of Planning and Development

¹MENA President, Mr. Ward Tabor recused himself from the discussion since his youngster is enrolled in this preschool. The Land Use Chairperson was directed to respond to the city