



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: AUGUST 22, 2013
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

A handwritten signature in black ink, appearing to be "W. Bouwens-Killeen".

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on August 29, 2013. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-13-15 2249 Avalon Street

Minor Conditional Use Permit for a large family day care facility (7-14 children, State licensed) in a single-family residence.

Approved, subject to conditions.

Comments received: Two opposed.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

August 22, 2013

Heather Schmid
2249 Avalon Street
Costa Mesa, CA 92627

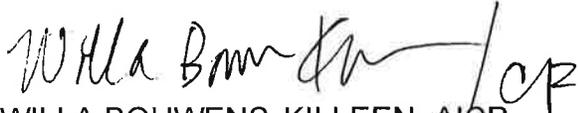
**RE: ZONING APPLICATION ZA-13-15
MINOR CONDITIONAL USE PERMIT FOR A LARGE FAMILY DAY CARE USE
IN AN EXISTING SINGLE-FAMILY HOME
2249 AVALON, COSTA MESA**

Dear Ms. Schmid:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on August 29, 2013, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Chelsea Crager, at 714-754-5609 or chelsea.crager@costamesaca.gov.

Sincerely,


WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project description
Findings
Conditions of approval
Applicant's Letter (Exhibit A)
Approved conceptual plans (Exhibit B)

cc: Engineering
Fire Protection Analyst
Building Division

ZA-13-15
August 22, 2013
Page 2

Erin and Jason Fahrion
2238 Avalon Street
Costa Mesa, CA 92627

Pat Lake
229 W Wilson St. #9
Costa Mesa, CA 92627

PROJECT DESCRIPTION

Site Location

- The property is zoned R1 (Single-Family Residential), has a General Plan designation of Low Density Residential, and contains a one-story single-family residence.
- The property is located on the southwest corner of West Wilson Street and Avalon Street.

Proposed Use

- The applicant proposes to operate a large family day care home with up to 14 children.
- A minor conditional use permit is required by the City's Zoning Code because more than seven children will be cared for and it is located within 700 feet from another large family day care home (270 Joann Street, approximately 570 feet from the subject property).
- The applicant proposes the following operational characteristics:
 - Hours of operation: Monday through Friday, 8:45 a.m. to 4:30 p.m.
 - Drop-off schedule:
 - 8:45 a.m.
 - Pick-up schedule:
 - 2:00 p.m. and 4:30 p.m.

Analysis

- The applicant resides on the property.
- Although the proposed large family daycare home is within approximately 570 feet of another large family day care home, staff does not anticipate traffic and/or parking congestion either on- or off-site because there are several entrances and exits to the neighborhood and the property has a front driveway large enough to accommodate three cars at one time for drop-off and pick-up.
- The use, subject to conditions, is compatible with the existing single-family residential neighborhood.
- The use is consistent with the Zoning Code and the City's General Plan and should not adversely impact surrounding uses due to the available parking area on-site.

FINDINGS

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
 - a. The location and number of children to be cared for will not be detrimental to the health, safety, and general welfare of the persons residing or working in the neighborhood or be injurious or detrimental to property or improvements

in the vicinity.

- b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features, including functional aspects of the site development such as automobile and pedestrian circulation, have been considered.
 - c. The General Plan permits a wide range of residential uses within the property's Low Density Residential land use designation. Therefore, approval of the minor conditional use permit to address the distance between large family daycare homes will allow a use consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
2. The minor conditional use permit to allow a large family daycare home within 700 feet of another large family daycare home substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the large family day care home, as conditioned, complies with the intent of the State Legislature as set forth in Section 1597.30 through 1597.621 of the Health and Safety Code which states that "family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development." In addition, there is more on-street parking abutting this property than most properties because it is a corner lot and pick-up and drop-off activities will occur on the on-site front driveway. Consequently, no traffic and/or parking congestion, either on- or off-site, is anticipated. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
 3. The California Environmental Quality Act (CEQA) does not apply to establishment or operation of a large family day care home per Section 15274 of the CEQA Guidelines.
 4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. This approval is contingent and dependent upon the applicant securing a large family day care home license from the State Department of Social Services, a copy of which shall be submitted to the Planning Division as soon as it is received by the applicant. In addition, the large family day care home shall operate according to all applicable state and local health and safety regulations and shall be subject to additional

- licensing and inspections by the State.
2. A copy of the conditions of approval must be kept on premises and presented to any authorized City official upon request.
 3. Prior to operation, the large family day care home shall be inspected by the City of Costa Mesa Fire Department for compliance with the State Uniform Fire Code. The applicant should contact the Administration Division of the Fire Department at (714) 327-7400 to schedule an inspection.
 4. The large family day care home shall conform to all property development standards of the zoning district in which it is located, or by any approved deviances from the zoning code (i.e. minor modification, administrative adjustment, and variance).
 5. The large family day care home shall be operated in conformance with the approved site plan and floor plan (Exhibit "B").
 6. Use of the garage for day care activities is prohibited.
 7. Signs advertising the day care operation are prohibited.
 8. The day care operator shall instruct all clients to go to the front door of the residence to drop-off/pick-up kids.
 9. The day care operation staff shall consist of the large family day care home operator, as stated in the applicant's letter of justification, (attached Exhibit "A"). Furthermore, the day care operator must be a resident of the home serving as the day care home.
 10. The day care operator shall instruct all clients to use the front driveway of the property, off of Avalon Street, as a drop-off/pick-up area. No tandem parking or parking a vehicle in such a manner so that it encroaches into the adjacent sidewalk or street shall be permitted. No vehicles may be parked along public streets during drop-off/pick-up activities.
 11. The day care operator shall instruct clients not to do the following activities: perform u-turns in front of the day care home, double park, block driveways, use driveways as a turnaround (except circular driveways), and honk vehicle horns. The day care operator shall require all clients to sign a statement of compliance with all applicable rules.
 12. The number of additional trips generated by the project shall not impact the existing traffic level of service on Avalon Street and West Wilson Street. If deemed necessary by the City of Costa Mesa Planning Division, there shall be an attendance schedule prepared by the applicant and subject to review and approval by the Development Services Director or his designee, which provides for the staggering of arrival and departure times to avoid traffic and parking congestion.
 13. The large family day care home shall provide care for a maximum of 14 children, as set forth in Health and Safety Code Section 1597.465.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- PIng. 1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
- 2. Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
- 4. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
- Bus. 5. A business license shall be obtained prior to the initiation of the
Lic. business approved under this application.
- Bldg. 6. Comply with the requirements of the 2010 California Building Code, 2010 California Electrical Code, 2010 California Mechanical Code, 2010 California Plumbing Code, and 2010 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

EXHIBIT A

Heather Schmid
Children's Cottage Home Child Care
2249 Avalon Street, Costa Mesa, CA 92627
949.275.5756 / jhschmid@earthlink.net

July 29, 2013

CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

Re: Description of Project

Dear City Planner,

I am applying to expand my small family child care home (CA License # 304312498) to a large family child care home. Previously, I held a large family child care home license at 141 East Wilson Street in Costa Mesa; I have since relocated to 2249 Avalon Street in Costa Mesa, and I am seeking approval from the City of Costa Mesa in hopes of continuing my care for those families who would like to return with me in the fall. I received notice from the City of Costa Mesa that there is another large family child care home within 700 feet of my address; therefore, **I am applying for a Minor Conditional Use Permit**. Attached is my letter outlining how my program is compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

Thank you for reviewing my application. If I may answer any questions or you would like to visit my home, please do not hesitate to call and/or email.

Sincerely,



Heather Schmid

Heather Schmid
Children's Cottage Home Child Care
2249 Avalon Street, Costa Mesa, CA 92627
949.275.5756 / jhschmid@earthlink.net

July 29, 2013

CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

Re: Minor Conditional Use Permit

Dear City Planner,

I am applying to expand my small family child care home (CA License # 304312498) to a large family child care home. Previously, I held a large family child care home license at 141 East Wilson Street in Costa Mesa; I have since relocated to 2249 Avalon Street in Costa Mesa, and I am seeking approval from the City of Costa Mesa in hopes of continuing caring for a larger group of children.

I received notice that there is another large family child care home within 700 feet of my address; therefore, **I am applying for a Minor Conditional Use Permit**. It is my hope that the Planning Division will grant permission considering the following circumstances:

- 1.) The two addresses are bisected by a major thoroughfare, Wilson Street: 2249 Avalon Street (92627) being to the south of Wilson Street and 270 Joann Street (92626) being to the north of Wilson Street thus the difference in zip codes.
- 2.) Families dropping off or picking up would use completely different neighborhood streets to arrive at either of our addresses.
- 3.) My hours of operation are scheduled to have low impact on my neighbors both in regards to traffic and noise. AM drop off is not until 8:45, and PM pick-up is 2:00 with only a few children who depart at 4:30. Drop-off and pick up time ranges from 5 minutes-10 minutes at the maximum.
- 4.) I was licensed at my previous rental home for a large license, and my families would like to continue with me as their child's caretaker in the fall. Due to the fact that I have continuing families, my family child care would not be soliciting new families and would not impact 270 Joann Street's enrollment.

- 5.) There is a great need today for child care providers given the number of both parents working or single working mothers . A home setting for the young child is ideal as they are given love, warmth and attention in a safe environment. It is my passion to provide such an environment in our community.

- 6.) 2249 Avalon Street is ideal for a large family child care as it is situated on a corner with only a single level home next door and an alley, parallel to the backyard fence, minimizing impact to neighbors. The backyard is generously spacious, and there is ample parking in the front driveway to accommodate three cars at one time for drop-off and for pick-up. Parking is also permitted on Wilson Street which would allow cars not to park in front of my neighbors' homes. All parents would be notified the appropriate parking spaces for drop-off and pick-up.

- 7.) My background as an educator includes sixteen years of teaching in elementary grade classrooms holding a California Teaching Credential and a Master's in Education from Pepperdine University. I am CPR certified, Health and Safety certified, have a clear criminal background check, and am in complete compliance with all the codes and regulations of the Department of Social Services. Costa Mesa Fire Inspector, Cheryl Wills, has completed a pre-fire inspection of the 2249 Avalon Street home.

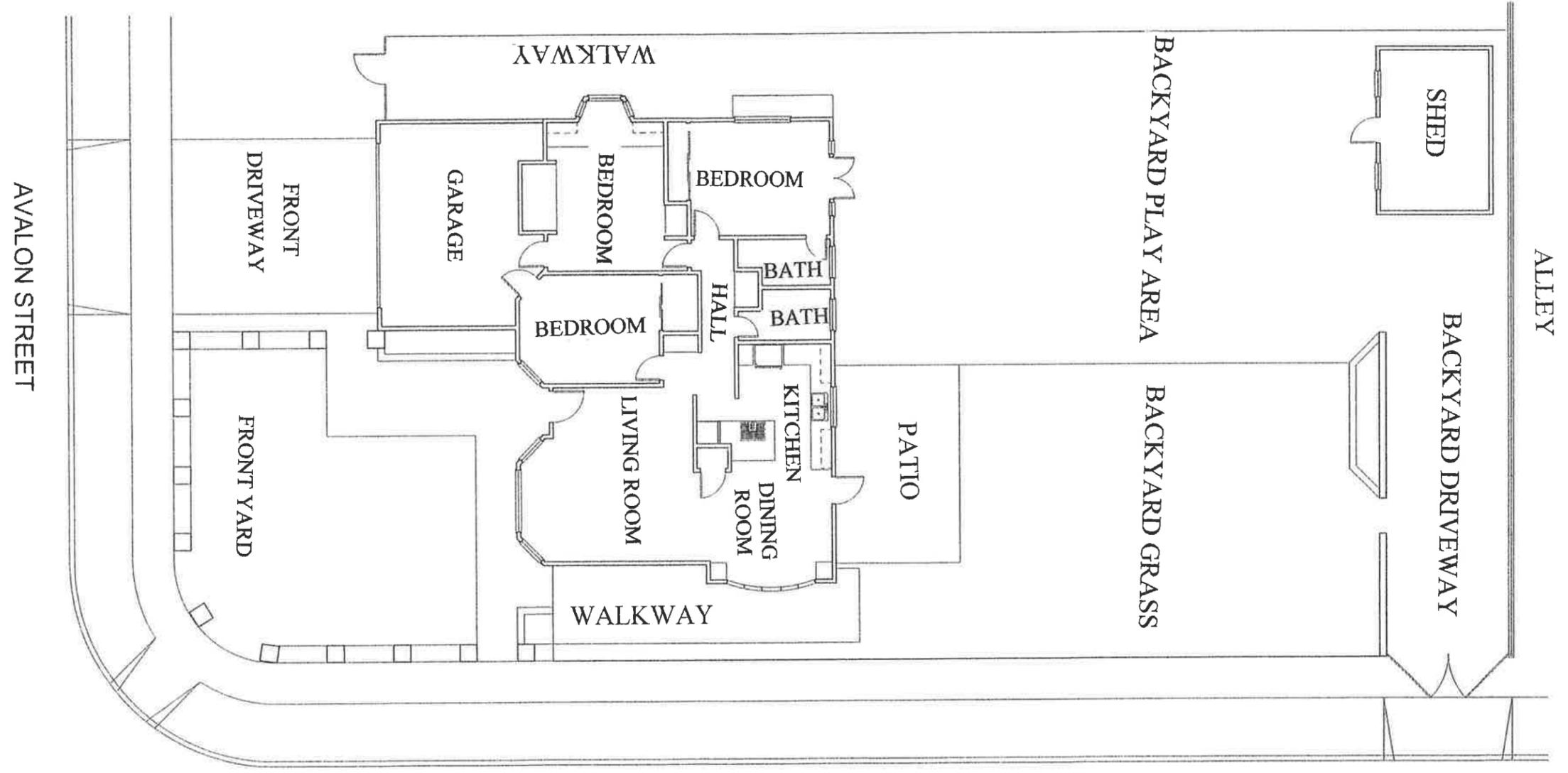
I appreciate your time in reviewing my application. If you have any questions or would like to visit my home, I would be pleased to speak with you.

Sincerely,



Heather Schmid

SINGLE LEVEL NEIGHBOR



HEATHER SCHMID

NOSTIM

CHILDREN'S COTTAGE HOME CHILD CARE

2249 AVALON STREET
 COSTA MESA, CA 92627
 TEL. 949.275.5756

MINOR CONDITIONAL USE PERMIT/
 ADMINISTRATIVE ADJUSTMENT NO. 2A-13-15

Approval in Concept

SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.

BY: CC for WBK DATE: 8/22/13