



REGULAR MEETING OF THE CITY OF CONCORD ZONING ADMINISTRATOR

9:00 a.m., Wednesday, August 24, 2016
CITY COUNCIL CHAMBERS
1950 Parkside Drive, Concord

AGENDA

PUBLIC COMMENT PERIOD

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. **Galina's Large Family Day Care (PL16184 – MP)** – Application for a large daycare in an 2,065 square foot existing single family home built in 1953 on a 9,280 s.f. lot at 4098 Nulty Drive. The applicant is approval for up to 14 children. No modifications are proposed to the home, parking and access. The General Plan designation is Low Density Residential; Zoning classification is RS8 (Residential Single Family); APN 115-065-009. The proposed project is Statutorily Exempt pursuant to CEQA Section 15274, Family Day Care Homes, which states that CEQA does not apply to the establishment or operation of a large family day care home which provides in-home care for up to 14 children, as defined in Section 1596.78 of the Health and Safety Code. Therefore, no environmental review is required. **Project Planner: Afshan Hamid @ (925) 671-3281.**

ADJOURNMENT

Next Zoning Administrator's Meeting: September 14, 2016

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.



REPORT TO ZONING ADMINISTRATOR

DATE: AUGUST 24, 2016

SUBJECT: GALINA'S LARGE FAMILY DAYCARE (PL16000184 – MP)

Recommendation: Adopt Zoning Order No. 16-06ZA (Exhibit A), approving a Minor Use Permit for Galina's Large Family Daycare Home (PL16000184 – MP).

I. Introduction

A. Application Request

Application for a Minor Use Permit to operate a large family daycare home.

B. Location

The project site is located at 4098 Nulty Drive; APN 115-065-009.



C. Applicant/Owner
Galina Moliboga
4098 Nulty Drive
Concord, CA 94521
(925) 768-7708

II. **Background**

On April 26, 2016, the applicant submitted a Minor Use Permit application (Exhibit B) to operate a large family day care home (also called family child care homes) to accommodate up to 14 children. The project is located at 4098 Nulty Drive, an existing 2,065 s.f. single family home on a 9,280 s.f. lot built in 1953. The daycare operator is renting the home. Her business activities and hours of operation were also provided (Exhibit C), along with the site plan of the property (Exhibit D). The applicant currently holds a valid childcare license to operate a family day care home with a total capacity of up to 8 children (Facility Number 073408423, effective June 23, 2016), issued by the Community Care Licensing Division of the California Department of Social Services (Exhibit E), and was verified as current by Planning Staff through the website on July 15, 2016.

The Development Advisory Committee (DAC) reviewed the application and provided comments on May 29, 2016 and deemed the application incomplete until additional information regarding number of children, verification of State License, hours of operation, title report and requested clarity on the site plan was provided. The additional information was provided on June 30, 2016 and the project was deemed complete on July 27, 2016. On July 20, 2016, the CCCFD provided DAC comments, and will require a Fire Clearance prior to daycare use (Exhibit G). The applicant is stating that the clearance from the Contra Costa County Fire Protection Department (CCCFFPD) will be provided prior to Building Permit (Exhibit C).

On June 13, 2016, the Planning Division sent a public notice to the surrounding residents and property owners within 100 feet of the proposed family day care home regarding a neighborhood meeting to be held on June 27, 2016 at 4098 Nulty Drive for the proposed Minor Use Permit. Staff received a call from Ken Clifton, a neighbor residing at 4099 Nulty Drive prior to the meeting, citing concerns with traffic, number of kids and a request to hold the neighborhood meeting in a neutral location. On June 20, 2016, residents and property owners within 100 feet of the proposed family day care home were re-notified through postcards and on-site posters of the re-scheduled meeting to be held on June 30, 2016 at the Permit Center Conference Room at City Hall. On June 30, in addition to the applicants, Galina Moliboga and her husband, ten neighbors attended the neighborhood meeting, including: Janet Henderson, Clara Ann Henderson, Margaret Price, Howard Folkman, Dee Folkman, Juanita Henderson, Ginger Blakemore, Ken Clifton and Angela Blakemore. The neighbors raised concerns about the already existing volume of traffic and pedestrian safety on Mendocino Drive and Nulty Drive, the narrowness of Mendocino Drive and Nulty Drive, the vehicular traffic speed, and parking on Nulty Drive. Mr. Clifton who initially raised concerns regarding the daycare, cited support for the daycare at the neighborhood meeting and was in favor of the large family daycare.

Because two neighbors requested a public hearing on this item, a public hearing was scheduled. On August 12, 2016 notices advertising the hearing were forwarded to all property owners and persons residing within 100 feet of the proposed home day care facility providing notification of the August 24, 2016 public hearing on the subject item. The neighbors who attended the neighborhood meeting were also notified of the public hearing by email or phone on August 12, 2016.

Family child care homes are regulated by the State of California. The California State Legislature has found that there are an insufficient numbers of family child care homes in California, and so has

enacted legislation which addresses licensing and operations. The Community Care Licensing Division of the California Department of Social Services handles licensing, and the City is not involved in the licensing process. Licensing regulations address, among other things, health and safety issues related to the care and supervision of children from infancy to 12 years of age. Family child care is provided in the licensee's home (owned or rented), and is considered a residential (not commercial) use of the property.

For a large family child care home, the maximum number of children allowed to be cared for when there is an assistant provider in the home (including children under age 10 who live in the home, and the assistant provider's children under age 10) is either:

- Twelve children, no more than four of whom may be infants, or
- Up to 14 children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school, and no more than three infants are in care.

State law limits a city's discretion in imposing land use restrictions on family child care homes. Large family child care homes must be classified as a permitted use of residential property for zoning purposes, but must pay a business tax/license as would any other business in the City of Concord. Although the City can require a Minor Use Permit, the City can only prescribe reasonable standards, restrictions, and requirements as they pertain to traffic, parking, noise, concentration, and certain State Fire Marshall regulations. The City of Concord's conditions¹ include providing an adequate off-street parking and loading area, minimizing noise impacts, maintaining a State license (requiring a Fire District clearance), and complying with applicable Building and Fire Codes. These conditions are fully described in the Development Code and are also identified in the "Analysis/Discussion" section of this staff report below. Per State law, if those conditions are met, then the City must grant the Minor Use Permit.

Before a decision is made on a large family day care home, notices must be sent to owners of record within a 100-foot radius of the property, and a hearing on the permit application is only held if requested by the applicant or another affected person. In this case, a public hearing was requested by Juanita Henderson, Dee and Howard Folkman, as a result of the email request they submitted following the neighborhood meeting.

III. General Information

A. General Plan

The General Plan land use designation is Low Density Residential (LDR).

¹ Because the Legislature has found that family day care homes are a matter of statewide concern, State law controls over any conflicting language in a city's municipal code. The City is in the process of conforming Concord Municipal Code Section 122 (referred to herein as the Development Code) to State law.

B. Zoning

The site is zoned residential single family RS-8 (RS8). Section 18.200.050 of the Development Code requires that a Minor Use Permit be obtained in order to operate a large family day care home at the project site.

C. CEQA Status

The proposed project is Statutorily Exempt pursuant to CEQA Section 15274, Family Day Care Homes, which states that CEQA does not apply to the establishment or operation of a large family day care home which provides in-home care for up to 14 children, as defined in Section 1596.78 of the Health and Safety Code. Therefore, no environmental review is required.

D. Site Description

Lot Size and Dimensions	9,280 sq. ft.	96 ft. x 60 (approx.)
Existing Improvements	Single-family residence, driveway, and landscaping	
Topography	The parcel is relatively flat with a gentle upward slope at the front.	
Existing Vegetation	The property has typical residential landscaping with small trees in the rear yard and grass and small shrubs in front yard.	

E. Surrounding Land Use

The site is part of the Concord Village subdivision, recorded in 1951, re-zoned in 1962 and is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North	Residential	Low Density Residential	RS8
South	Residential	Low Density Residential	RS8
East	Residential	Low Density Residential	RS8
West	Residential	Low Density Residential	RS8

IV. Detailed Project Description

A. Description of Business

The proposed project consists of a large family daycare home to provide care for up to 14 children. The applicant's stated hours of operation are Monday through Friday from 7:00 a.m. to 7 p.m., except all national holidays. The proposed ages of the children are four children between newborn to two years, eight children between two to five years for a total of 12 children for the requested large daycare. Ms. Moliboga currently provides care for six

children ranging in age from seven months to four years old. Ms. Moliboga currently does not have any children of her own that would count towards the number allowed.

Ms. Moliboga, if approved for a large daycare, is proposing 12 children, typically arriving in six cars staggered between 7-9:00 a.m., mostly full-time, five days a week. The afternoon pick up hours are also staggered between 4:30 p.m. and 6:45 p.m.

The facility's description of business activities is provided in the applicant's business description (Exhibit C). A non-resident employee, the applicant's mother, assists the owner on an as needed basis. The current assistant does not drive, and therefore does not require a parking spot. The property's rear and side yards are fenced in and used as an outdoor play area. Children will not be allowed in the right portion of the rear yard, which is fenced in and has a hot tub and vegetable garden which are also surrounded by a secondary fence as well. No signage, expansion or exterior improvements are proposed as part of the proposed project.

V. Analysis/Discussion

A. General Plan Consistency

The project site's General Plan land use designation of Low Density Residential is intended for residential development at densities from 2.5 to 10 units per net acre.

Discussion

General Plan Policy LU-1.1.3 states that the City shall ensure that the scale, operation, and other characteristics of community facilities, including parks, schools, childcare facilities, religious institutions, and other public and quasi-public facilities enhance the character and quality of neighborhoods. In addition, General Plan Policy LU-1.1.4 requires the mitigation of residential uses from impacts of more intensive land uses through good site planning and/or appropriate operational measures. As discussed in detail below, the proposed project provides the required off-street parking and loading area to mitigate potential traffic and circulation impacts which detract from the character and quality of the neighborhood. For this reason, staff finds the proposed project consistent with the Low Density Residential land use designation and the applicable policies within the General Plan.

B. Zoning Consistency

As noted above, the zoning classification is consistent with the General Plan. A Minor Use Permit is required for large family day care homes within all RS zoning districts. In order for a Minor Use Permit to be approved, the findings contained within Section 18.435.060 of the Development Code must be made by the reviewing authority. Additionally, the specific findings related to large family day care homes included within Section 18.200.050 must also be made prior to approval. An analysis of the proposal relative to the required large family day care home general requirements and findings is provided below.

General Requirements. The following standards apply to all large family day care homes, child day care centers, pre-schools, and nurseries. Discussion of whether these standards are met is in *italics* after each standard.

(1) Parking and Loading. The following parking requirements shall be provided as per Section 18.200.050 (Parking and Loading):

a. A minimum of one off-street parking space per employee;

Two off-street parking spaces are available in the driveway in order to accommodate clients, the current one non-resident employee working at the proposed facility does not drive. However, the site can accommodate a non-resident employee with a car.

b. For large family day care homes, employee parking shall be in addition to the off-street parking required for the residential use. Driveways may be used for employee parking, provided the driveway is no less than 18 feet in length, measured from the property line or back of sidewalk whichever is less; and

The driveway length is approximately 18'-0" feet long and approximately 24 feet wide, measured from the property line.

c. A safe area for pick-up and delivery of children shall be provided. This area shall only be allowed in a driveway, in an off-street parking area, or other on-site area with direct access to the facility.

Pick-up and delivery area is available in the driveway. Site access would be provided via Mendocino Drive. A minimum of two off-street parking spaces would be required for the proposed use which would include two parking spaces (in garage) for the residential use. The driveway will accommodate one non-resident employee parking. In addition, one on-site loading space is required to serve as a safe drop-off area for pick-up and delivery of children. The applicant's proposed parking plan is illustrated on the site plan included as Exhibit D. As shown, the required off-street employee parking and pick-up/delivery area spaces would be provided in the home's driveway consistent with the requirements described above.

These requirements are in addition to the requirements of Development Code Section 18.160 (Parking, Loading, and Access). As noted above, two off-street covered parking spaces are required for the existing residential use pursuant to Section 8.160.040 of the Development Code. These spaces are provided in the existing garage.

(2) Noise. The location of the facility, including outdoor play areas, shall be sited to minimize noise impacts on neighboring properties. Noise levels shall comply with the standards identified in the General Plan.

The outdoor play area is located in the rear of the home and is screened by an approximately six-foot tall wooden fence, as noted in the applicant's site plan (Exhibit D)

and photos (Exhibit H). The outdoor play enclosure has a basketball court and pergola (Exhibit H). The applicant will be with the children during outdoor play time, and ensure that there is not excessive noise. Pursuant to General Plan Policy S-2.1.3, the anticipated noise increase from the proposed use would be three dBA or less and is therefore considered insignificant and no mitigation is needed.

(3) Outdoor Play Areas. Outdoor play areas shall be:

- a. Enclosed by a natural barrier, wall, solid fence, or other solid structure at least six feet in height; and

There is an existing six-foot tall wooden board on board fence.

- b. Adequately separated from driveways, streets, and parking.

The existing fence is separated by a 6-foot tall fence with a gate.

(4) Building and Fire Codes. All facilities shall comply with all applicable City, county, and state requirements including the Uniform Building Code and Fire Codes.

As part of the State licensing review process, the facility is required to comply with a fire safety clearance and the Uniform Building and Fire Codes from the Contra Costa Fire Protection District. The applicant will conduct this prior to issuance of Building Permits.

Findings. The following findings shall be made for approval of a Minor Use Permit for a large family day care home, child day care center, pre-school, or nursery school, in addition to the findings required in Section 18.435 (Minor Use Permits and Use Permits):

(1) The facility meets all of the standards specified in this Section.

Discussion

Based upon staff's review of the application materials, it was concluded that the proposed project is consistent with the standards specified in this section because an adequate on-site parking and loading area is provided, noise levels do not exceed the standards outlined within the General Plan, and an outdoor play area consistent with applicable standards is available. Further, the proposed project is conditioned to comply with the applicable Uniform Building Code and Fire Codes.

(2) The facility meets applicable state licensing requirements.

Discussion

The existing large family day care home has been licensed by the California Department of Social Services since June 23, 2016 for up to eight children. The applicant will seek a license for up to 14 children if project is approved through the Zoning Administrator.

(3) Drop-off facilities avoid interference with traffic and promote the safety of children.Discussion

As shown on the site plan (Exhibit D) a drop-off area is provided within the site's driveway consistent with the standards identified in Section 18.200.050 (D) of the Development Code. The Transportation Division reviewed the concerns from the June 30, 2016 neighborhood meeting regarding existing traffic volumes, safety of drivers and pedestrians, and a request for a four way stop sign on Mendocino Drive and Nulty Drive. Abul Hossain, Transportation Program Manager, responded to staff and stated that based on field observation of traffic flow, the intersection of Mendocino Drive and Nulty Drive would not qualify for all-way stop per California Manual on Uniform Control Devices (CAMUTCD) – 2014 edition. Further, only one collision was reported at Mendocino Drive and Nulty Drive during the last ten year period (07/01/2006 – 06/30/2016) and, therefore, this intersection would not meet the warrant for all way stops based on collision criteria. Adequate sight distances are available from all approaches at this intersection per field observation. Mr. Hossain concludes that no change in existing traffic control operation is recommended, therefore, this intersection would continue to operate with stop signs on Nulty Drive only.

Staff also discussed the neighborhood concerns about speeding vehicles, the narrow streets, pedestrian safety, request for police surveillance in the neighborhood, and increased traffic due to daycare. Matthew Wade, Code Enforcement Officer, provided the following response:

Speeding Vehicles: Traffic flows on both northbound and southbound Mendocino Drive are slowed by the presence of two deep dips where the roadway intersects Nulty Drive. This requires vehicles to slow in attempt to navigate the roadway surface change otherwise they will bottom out on the opposite side of the dip. Police provided photos to show evidence of heavy scraping of the roadway due to this issue (see Exhibit I). As a measure, CPD Traffic Division can be requested for a stationary radar trailer to be utilized near this location to help remind passing motorists to mind the 25 mph residential speed limit. If neighbors continue to raise concerns about speeding vehicles in the neighborhood, then staff can re-evaluate the issue with the Police Department.

Pedestrian Safety: There are no sidewalks on either Nulty Drive or on this section of Mendocino Drive. This brings pedestrians and bicyclists out into the roadway with passing motorists. Nearby schools with walking traffic include Kings Valley to the east plus El Dorado Middle & Concord High to the north. CPD Traffic Division can be requested for a stationary radar trailer to be utilized near this location to help remind passing motorists to mind the 25 mph residential speed limit. The applicant shall work with clients and remind clients of the posted speed limit of 25 mph.

Narrow Street: Both roadways on Mendocino and Nulty Drive are rather narrow even for a residential neighborhood. According to GIS, the asphalted roadway on Nulty directly in front of 4098 is approx. 26-27 feet across. The asphalted roadway from 4098 Nulty across Mendocino is approximately 26 feet. Both of these measurements would have an impact on

the number of vehicles which could be parked on either side of the roadway while still allowing for regular vehicle traffic to pass. As a result, the applicant shall inform clients and employees of parking in the driveway only when dropping off and picking up children. The applicant shall also work with clients on backing out of the driveway as a safety measure and to always keep children within eyesight.

Increased Traffic Due to Daycare: An increase in the number of vehicles associated with this property coming and going in the morning and late afternoon/early evening hours was raised as a concern by nearby residents. As there are narrow roads which could pose an issue to the neighbors freely accessing their own homes during times of heavy Day Care usage, it could be wise to limit parent-child drop offs/pickups only to the driveway of this location. The applicant will work with clients on staggered pick up and drop off hours.

The applicant, Galina Moliboga, has provided staggered hours for pick-up and drop-off. These will become memorialized and part of the conditions of approval. Daycare clients will also not be allowed to park on the roadway, as the existing roadway is already narrow. As part of the Conditions of Approval, daycare clients will only be allowed to pick up and drop off on the driveway.

(4) The facility is required to meet applicable fire and building codes prior to issuance of Building Permits.

Discussion

As discussed above, as part of the state licensing review process, the facility is required to receive a fire safety clearance from the Contra Costa Fire Protection District prior to the issuance of a permit.

Additional findings for large family day care homes are analyzed below.

(5a) The primary use of the home is as a residence.

Discussion

Based upon statements from the daycare owner, and a review of the available public information, staff concluded the primary use of the home is as a residence.

(5b) One off-street parking space is provided for each non-resident employee.

Discussion

The driveway length is approximately 18 feet which meets the minimum requirement that it be 18-foot length to be eligible for use as off-street employee parking. The property also has a second available parking space in the driveway, in addition to the 2-car garage. Sufficient off-street parking is available at the project site.

(5c) The facility avoids noise impacts to neighboring properties by design and layout of the site.

Discussion

As noted above, the outdoor play area is located behind a fence in the rear and side yard of the home and is screened by an approximately six-foot tall wooden fence. As noted in the applicant's statement and schedule (Exhibit C), most of the activities will take place inside the house. Outdoor play will be monitored by the daycare operator to avoid excessive noise.

(5d) The facility is not within 300 feet of any other such licensed facility.

Discussion

The facility is not located within 300 feet of any other licensed facility.

The Review Authority may approve a Minor Use Permit application only after first making the following findings:

(1) The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of the Development Code and CMC.

Discussion

The proposed large family day care use is allowed within the RS8 zoning district with an approved Minor Use Permit and complies with all other applicable provisions of the Development Code, including those discussed above, and the Concord Municipal Code.

(2) The proposed use is consistent with the General Plan and any applicable Specific Plan.

Discussion

As noted above, General Plan Policy LU-1.1.3 states that the City shall ensure that the scale, operation, and other characteristics of community facilities, including parks, schools, childcare facilities, religious institutions, and other public and quasi-public facilities enhance the character and quality of neighborhoods. In addition, General Plan Policy LU-1.1.4 requires the mitigation of residential uses from impacts of more intensive land uses through good site planning and/or appropriate operational measures. As discussed in detail above, the proposed project provides the required off-street parking and loading area to mitigate potential traffic and circulation impacts which detract from the character and quality of the neighborhood. Therefore, the proposed use is consistent with the site's low-density residential General Plan land use designation and other applicable policies regarding land use compatibility. There is no Specific Plan applicable to the project site.

- (3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.**

Discussion

The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity because, as discussed above, adequate off-street parking and a drop-off area is provided to avoid potential traffic, circulation, and pedestrian safety impacts. Operational measures have been implemented by the applicant and are being imposed by the Conditions of Approval to minimize noise impacts to the surrounding neighborhood.

- (4) The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.**

Discussion

The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints because, as discussed above, sufficient on-site area is available for an outdoor play area, parking, and drop-off area. Further, the driveway meets the 18-foot minimum length required by the Development Code and therefore can be utilized for parking and delivery purposes.

- (5) Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and Zoning District where the property is located.**

Discussion

Granting the minor use permit for the proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the subject neighborhood or materially injurious to property or improvements in the vicinity and the Zoning District where the property is located because the project has been designed in a manner to maintain land use compatibility with the surrounding residential land uses. Moreover, the Community Care Licensing Division of the California Department of Social Services retains oversight of licensing matters and the Conditions of Approval address continuing compliance with Development Code standards. Lastly, State law considers the proposed large family day care home to be a residential use. As a residential use, the proposed use would be compatible with the surrounding single-family residential uses.

- (6) If the Review Authority determines that it is not possible to make all of the required findings for approval of the project as submitted or as modified with conditions, the application shall be denied. The specific basis for denial shall be established for the record.**

Discussion

In approving a Minor Use Permit, the Review Authority (here, the Zoning Administrator) may impose conditions including those that are deemed reasonable and necessary to ensure that the approval will comply with the findings required by Development Section 18.435.060(A) (Findings), and as such imposes the Conditions of Approval.

C. Neighborhood Comments

Staff has not received any letters opposing the proposed project as of the writing of this report, however concern was expressed at the neighborhood meeting held on June 30, 2016. The opposition at the neighborhood meeting was in regards to increased traffic, pedestrian safety, narrowness of existing streets, request for a four way stop sign and parking. Staff has addressed these concerns with Police Department and Transportation Division. As a result, the applicant will not allow on street parking, pick up and drop off will be on the driveway only, and staggered hours for pick up and drop off. Two of those neighbors requested a public hearing via email. One neighbor at the neighborhood meeting, who has lived across the street from Galina's Daycare since March 2016, spoke in favor of the facility.

VI. Fiscal Impact

The proposed project would have a negligible fiscal impact on the City.

VII. Public Contact

Notification was mailed to all owners and occupants of property within one-hundred (100) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. The resident requesting a hearing was provided notice of the hearing ten days prior to the date by both mail and email. This item was also posted at the Civic Center and at the subject site at least 10 days prior to the public hearing. Additionally staff has either called or emailed the neighbors on August 12, 2016 to inform them of the public hearing.

VIII. Summary and Recommendations

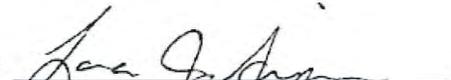
As discussed in detail above, staff believes the required findings for a Minor Use Permit as well as specific findings related to large family day care homes can be made because the proposed project complies with the relevant provisions of the Development Code. Further, the proposed project is consistent with the applicable General Plan policies regarding noise and land use compatibility as conditioned. Therefore, staff recommends that the Zoning Administrator adopt Zoning Order No. 16-06ZA, approving Minor Use Permit PL160000184 – MP, subject to the attached findings and Conditions of Approval.



Prepared by: _____

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Reviewed by: _____



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Exhibits:

- A - Zoning Order No. 16-06ZA with Conditions of Approval
- B - Minor Use Permit Application dated April 26, 2016
- C- Applicant's statement of business practices date stamp received June 30, 2016
- D- Applicant's site plan date stamp received June 30, 2015
- E - Childcare license for family day care home (8 children), (Facility Number 073408423, effective June 23, 2016), issued by the Community Care Licensing Division
- F - Statement of pick up and drop off schedule date stamp received August 1, 2016
- G - CCCFD Review letter received July 20, 2016
- H- Photos of Galina's Daycare
- I- Photos of Mendocino Drive

ZA ORDER NO. 16-06 ZA

OFFICE OF THE ZONING ADMINISTRATOR
CITY OF CONCORD
APPROVING MINOR USE PERMIT (PL16000184-MP)
Applicant: Galina Moliboga
Project Name: Galina's Large Family Daycare

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WHEREAS, on April 26, 2016, Galina Moliboga submitted an application for a Minor Use Permit for a Large Family Daycare home to accommodate up to 14 children at 4098 Nulty Drive, APN 115-065-009; and

WHEREAS, on July 20, 2016 the application was deemed complete for processing; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Statutorily Exempt pursuant to Section 15274, "Family Day Care Homes," and therefore no environmental review is required; and

WHEREAS, the Zoning Administrator after giving all public notices required by State law and the Concord Municipal Code (referred to herein as the Development Code), held a duly noticed public hearing on August 24, 2016 regarding the subject proposal; and

WHEREAS, the Zoning Administrator considered testimony and information received at the public hearing and the oral and written reports from City staff dated August 24, 2016, as well as other documents contained in the record of proceedings relating to the project, which are maintained at the offices of the City of Concord Planning Division located at 1950 Parkside Drive, Concord, CA 94519; and

WHEREAS, on August 24, 2016 the Zoning Administrator, after consideration of all pertinent plans, documents and testimony, declared his intent to approve the project subject to the Draft Conditions of Approval (Galina's Daycare, PL16000184MP, 4098 Nulty Drive, APN 115-065-009) attached hereto as Attachment A and incorporated by reference (Conditions of Approval).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Zoning Administrator does hereby approve Minor Use Permit PL16000184MP subject to the Conditions of Approval and further makes the following findings:

CEQA

1 1. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of
2 1970, as amended, the project is classified as Statutorily Exempt pursuant to Section 15274, "Family
3 Day Care Homes," and therefore no environmental review is required.

4 Minor Use Permit

5 2. The facility meets all of the standards specified in the Development Code as outlined
6 below.

7 (1) **Parking and Loading.** The following parking requirements shall be provided in
8 addition to the parking requirements in Section 18.200.050 (Parking, Loading, and
9 Access):

10 a. A minimum of one off-street parking space per employee;

11 *Two off-street parking spaces are available in the driveway in order to*
12 *accommodate one non-resident employee working at the facility.*

13 b. For large family day care homes, employee parking shall be in addition to the
14 off-street parking required for the residential use. Driveways may be used for
15 employee parking, provided the driveway is no less than 18 feet in length,
16 measured from the property line or back of sidewalk whichever is less; and

17 *Two-off street covered parking spaces are provided in the existing garage as*
18 *required for the residential use pursuant to Section 18.160.040 of the*
19 *Development Code. These spaces are in addition to the parking spaces*
20 *available in the driveway for the one non-resident employee. The driveway*
21 *length is approximately 18 feet long and 24 feet wide, providing space for two*
22 *vehicles.*

23 c. A safe area for pick-up and delivery of children shall be provided. This area
24 shall only be allowed in a driveway, in an off-street parking area, or other on-
25 site area with direct access to the facility.

26 *Pick-up and delivery area is available in the driveway. Site access is provided*
27 *via Mendocino Drive. A minimum of three off-street parking spaces would be*
28

1 *required for the proposed use which includes two parking spaces (in garage)*
2 *for the residential use as well as one parking space to accommodate a non-*
3 *resident employee.*

4 *In addition, one on-site loading space would be required to serve as a safe*
5 *drop-off area for pick-up and delivery of children. The applicant's proposed*
6 *parking plan is illustrated on the site plan as shown in Exhibit D of the staff*
7 *report. As shown, the required off-street employee parking and pick-up/delivery*
8 *area spaces would be provided in the home's driveway consistent with the*
9 *requirements described above. These requirements are in addition to the*
10 *requirements of Development Code Section 18.160 (Parking, Loading, and*
11 *Access).*

- 12 (2) **Noise.** The location of the facility, including outdoor play areas, shall be sited to
13 minimize noise impacts on neighboring properties. Noise levels shall comply with the
14 standards identified in the General Plan.

15 *The outdoor play area is located in the rear of the home and is screened by an*
16 *approximately six-foot tall wooden fence, as noted in the applicant's site plan*
17 *and photos as shown in project file. The applicant will minimize noise levels by*
18 *accompanying and monitoring children outside, as noted in the staff report.*
19 *Pursuant to General Plan Policy S-2.1.3, the anticipated noise increase from*
20 *the proposed use, as conditioned, would be three dBA or less and is therefore*
21 *considered insignificant and no mitigation is needed.*

- 22 (3) **Outdoor Play Areas.** Outdoor play areas shall be:
23 a. Enclosed by a natural barrier, wall, solid fence, or other solid structure at least
24 six feet in height; and
25 *The outdoor play area is enclosed by a six-foot tall wooden fence.*
26 b. Adequately separated from driveways, streets, and parking.

27 *The outdoor play area is located at the rear of the home within a fenced off*
28

1 *area and completely separated from driveways, streets, and parking.*

2 (4) **Building and Fire Codes.** All facilities shall comply with all applicable City, county,
3 and state requirements including the Uniform Building Code and Fire Codes.

4 *As part of the state licensing review process, the facility is required to provide a*
5 *fire safety clearance from the Contra Costa Fire Protection District prior to the*
6 *issuance of any Building Permits.*

7 3. The facility currently meets the applicable state licensing requirements as the applicant
8 holds a valid childcare license (issued June 23, 2016) to operate a family day care home with a total
9 capacity of eight children (Facility Number 073408423) issued by the Community Care Licensing
10 Division of the California Department of Social Services. The facility will be required to update the
11 capacity up to 14 children.

12 4. Drop-off facilities avoid interference with traffic and promote the safety of children
13 because a drop-off area is provided within the site's driveway consistent with the standards identified
14 in Section 18.200.050 (D) of the Development Code.

15 5. The facility meets applicable fire and building codes because a fire safety clearance
16 will be obtained from the Contra Costa Fire Protection District prior to issuance of Building Permits.

17 6. The primary use of the home is as a residence, as evidenced by the statements of the
18 applicants, and the information available to the City at the time of application.

19 7. One off-street parking space is available for the non-resident employee. The driveway
20 length (18 feet) meets the minimum 18-foot length requirement prescribed within the Development
21 Code.

22 8. The facility minimizes noise impacts to neighboring properties by design and site
23 layout. The outdoor play area is located in the rear yard of the home and is screened by an
24 approximately six-foot tall wooden fence.

25 9. The facility is not within 300-feet of any other such licensed facility.

26 10. The proposed large family day care use is allowed within the RS-8 (RS8) zoning
27 district with an approved Minor Use Permit and complies with all other applicable provisions of the
28

1 Development Code, including those discussed above, and the Concord Municipal Code. Large family
2 child care homes are classified as a permitted use of residential property for zoning purposes and the
3 Minor Use Permit can only prescribe reasonable standards, restrictions, and requirements as they
4 pertain to traffic, parking, noise, concentration, and certain State Fire Marshall regulations.

5 11. General Plan Policy LU-1.1.3 states that the City shall ensure that the scale, operation,
6 and other characteristics of community facilities, including parks, schools, childcare facilities,
7 religious institutions, and other public and quasi-public facilities enhance the character and quality of
8 neighborhoods. In addition, General Plan Policy LU-1.1.4 requires the mitigation of residential uses
9 from impacts of more intensive land uses through good site planning and/or appropriate operational
10 measures. As discussed in detail above, the proposed project provides the required off-street parking
11 and loading area to minimize potential traffic and circulation impacts which detract from the character
12 and quality of the neighborhood. Therefore, the proposed use is consistent with the site's low-density
13 residential General Plan land use designation and other applicable policies regarding land use
14 compatibility. There is no Specific Plan applicable to the project site.

15 12. The design, location, size, and operating characteristics of the proposed use are
16 compatible with the existing and future land uses in the vicinity because, as discussed above, adequate
17 off-street parking and a drop-off area is provided to avoid potential traffic, circulation, and pedestrian
18 safety impacts. Operational measures have been implemented by the applicant and are being imposed
19 by the Conditions of Approval to minimize noise impacts to the surrounding neighborhood.

20 13. The site is physically suitable for the type, density, and intensity of the proposed use,
21 including access, utilities, and the absence of physical constraints because, as discussed above,
22 sufficient on-site area is available for an outdoor play area, parking, and drop-off area. Further, the
23 driveway exceeds the 18-foot minimum length required by the Development Code and therefore can
24 be utilized for parking and delivery purposes.

25 14. Granting the minor use permit for the proposed use will not be detrimental to the
26 health, safety and general welfare of persons residing or working in the subject neighborhood or
27 materially injurious to property or improvements in the vicinity and the Zoning District where the
28

1 property is located because the project has been designed in a manner to maintain land use
2 compatibility with the surrounding residential land uses, the Community Care Licensing Division of
3 the California Department of Social Services retains oversight of licensing matters, and the Conditions
4 of Approval address continuing compliance with Development Code standards. Lastly, State law
5 considers the proposed large family day care home to be a residential use. As a residential use, the
6 proposed use would be compatible with the surrounding single-family residential uses.

7 15. In approving a Minor Use Permit, the Review Authority (here, the Zoning
8 Administrator) may impose conditions including those that are deemed reasonable and necessary to
9 ensure that the approval will comply with the findings required by Development Section
10 18.435.060(A) (Findings), and as such imposes the Conditions of Approval.

11
12 Based on the above findings, on August 24, 2016, the Zoning Administrator approved said
13 application subject to the Conditions of Approval, referenced as Attachment A.

14
15
16 Frank Abejo
17 Zoning Administrator

18 Attachment:

A – Final Conditions of Approval

19 cc: Robert Ovadia, PE, City Engineer
20 Robert Woods, Building Division
21 Ted Leach, Contra Costa County Fire Protection District
22 Ray Kuzbari, Transportation Manager
23
24
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ATTACHMENT A
FINAL
CONDITIONS OF APPROVAL
GALINA'S LARGE DAYCARE HOME
PL16184-MP
4098 Nulty Drive, Concord, Ca
APN 115-065-009

7

PERMIT DESCRIPTION

- 8
9
10
11
1. These Conditions apply to and constitute the approval of a Minor Use Permit (PL16000184 MP) for a large family day care home for up to 14 children. *(PLNG)*
 2. Exhibits date-stamped received by the City of Concord on April 26 and June 30, 2016 are approved and shall be incorporated as Conditions of Approval. *(PLNG)*

12

GENERAL CONDITIONS

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3. The applicant shall obtain and maintain all the necessary City and State licenses and permits for the operation of a family day care home. Compliance with these conditions is required for all permits and final inspections associated with this Zoning Order. *(PLNG, BLDG, ENGR)*
 4. The Conditions are the responsibility of the applicant and all contractors. If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. *(PLNG, BLDG, ENGR)*
 5. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. *(PLNG, BLDG, ENGR)*
 6. Minor modifications that are found to be in substantial conformance with the approved plans may be approved administratively. Major modifications shall be approved by the applicable decision making body. *(PLNG, ENGR)*

21

PARKING

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7. During business hours, any non-resident employee of Galina's Daycare Home shall park on the left side of the driveway shown on the site plan, date stamp received June 30, 2016, as far left as possible, to accommodate the right side of driveway as a loading area *(PLNG)*.
 8. Pursuant to Development Code Section 18.200.050 (D), a safe area for pick-up and delivery of children shall be provided in the driveway. Parents dropping off/picking up children shall utilize the right side of the driveway space as a loading area which shall serve as the primary arrival/drop-off area for the children. On street parking is not allowed. *(PLNG)*

1 9. Parking shall comply with all applicable provisions of Section 18.160, "Parking, Loading, and
2 Access" of the Development Code as well as those requirements identified in Development
3 Code Section 18.200.050 regarding large family day care homes, prior to occupancy approval.
4 *(ENGR, PLNG)*

5 10. **Staggered hours of operation shall be implemented and adhered to by the daycare
6 operator. *(PLNG)***

7 **NOISE**

8 11. The location of outdoor play areas shall be sited to minimize noise impacts on neighboring
9 properties. Noise levels shall comply with the standards identified in the General Plan
10 throughout the operation of the facility under this Minor Use Permit. *(PLNG)*

11 12. The facility shall adhere to the following hours of operation to minimize any noise issues:
12 Monday through Friday 7:00 a.m. to 7:00 p.m. *(PLNG)*

13 13. The daycare operator will maintain the six foot tall fence in good condition to minimize the
14 impact of noise.

15 **AGREEMENTS, FEES, BONDS**

16 14. Pay a Document Imaging fee of \$65.00 to reimburse the City for implementation of the
17 Document Imaging/File Retention programs within 90 days of this approval. *(PLNG)*

18 15. Pay a fee of \$343.00 for Condition Compliance. *(PLNG)*

19 **FIRE DISTRICT**

20 16. Applicant shall comply with Fire District requirements, as stipulated in their letter dated July
21 18, 2016. *(CCCFPD)*

22 **OTHER/MISCELLANEOUS**

23 17. **The applicant shall be responsible for ensuring the clients' compliance and adherence for
24 pick up and drop off times and utilizing the driveway only. No parking on the street will
25 be allowed. A contract shall be submitted to staff for review and approval by August 28,
26 2016 and shall be distributed to all existing and new clients and employees and
27 redistributed on an annual basis. The contract shall inform clients and employees of the
28 following but shall not be limited to: 1) Obeying the speed limit; 2) Parking in the
driveway only when dropping off and picking up children; 3) To use caution when
backing out of the driveway; and 4) To always keep children within eyesight; 5) To keep
noise levels down during drop-off and pick-up. *(PLNG)***

- 1 18. The applicant shall defend, indemnify and hold harmless the City, its agents, officials, and
2 employees from any claim, action or proceeding brought by a third party to set aside, annul,
3 attack or otherwise void the permit. *(PLNG)*
- 4 19. The effective date of the permit and approval is September 8, 2016. *(PLNG)*
- 5 20. A request for a time extension to implement the **Large Family Day Care Facility** from the
6 expiration date of **September 8, 2017** can be considered if an application with required fee is
7 filed at least 10 days before the original expiration date, otherwise a new application is
8 required. A public hearing will be required for all extension applications, except those
9 involving only Design Review. Extensions are not automatically approved. Changes in
10 conditions, City policies, surrounding neighborhood, and other factors permitted to be
11 considered under the law, may require, or permit denial. *(PLNG)*
- 12 21. Applicant's failure to live in the home on the property shall be cause for revocation of the
13 Minor Use Permit. *(PLNG)*
- 14 22. Applicant shall maintain in good standing a license issued by the Community Care Licensing
15 Division of the California Department of Social Services for a large family day care home at
16 the property/project site. Failure to do so shall be cause for revocation of the Minor Use
17 Permit. *(PLNG)*
- 18 23. The City shall maintain the ability to modify this Minor Use Permit and set a new public
19 hearing date in order to impose additional conditions to correct problems, Municipal Code
20 violations, and excessive nuisance related responses from Code Enforcement. Additional
21 conditions; to correct problems; or nuisances may include but are not limited to modifications
22 of hours of operation, limitations on the use and location of outdoor play areas, safety
23 requirements, and further noise control measures. *(PLNG)*
- 24 23. The applicant shall apply for a business license, immediately upon approval, and receive
25 approval prior to issuance of a Building Permit. *(PLNG, BLDG, ENGR)*
- 26
27
28

CITY OF CONCORD
 PLANNING DIVISION
 PHONE: (925) 671-3152
 FAX: (925) 671-3361



Community & Economic
 Development Department
 1950 Parkside Drive, M/S 53
 Concord, CA 94519-2578
 www.cityofconcord.org

APPLICATION FORM

Date Received by Planning

4/26/16

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Preliminary Application | <input type="checkbox"/> Development Code Amendment | <input type="checkbox"/> Major Subdivision/Vesting Tentative Map | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Finding of Public Convenience | <input type="checkbox"/> Minor Exception | <input type="checkbox"/> Secondary Living Unit |
| <input type="checkbox"/> Animal Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Sidewalk Cafe |
| <input type="checkbox"/> Building Move | <input type="checkbox"/> Heritage Tree Nomination | <input type="checkbox"/> Minor Use Permit | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Hillside Development Use Permit | <input type="checkbox"/> Planned Development Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Condominium Conversion Use Permit | <input type="checkbox"/> Landscape Project Application | <input type="checkbox"/> Protected Tree Removal | <input type="checkbox"/> Vacation/Abandonment of Property Rights |
| <input type="checkbox"/> Design & Site Development Review | | <input type="checkbox"/> Pumpkin & Christmas Tree Sales | <input type="checkbox"/> Vendor Permit |
| | | <input type="checkbox"/> Reasonable Accommodation | <input type="checkbox"/> Wireless Communication Facility |

PROJECT INFORMATION:

PROJECT NAME: Galina's Daycare ASSESSOR'S PARCEL NUMBER: 115-065-009

PROJECT SITE ADDRESS/LOCATION: 4098 Nulty Dr Concord CA 94521

PROJECT DESCRIPTION (Provide brief description and submit a more detailed description as an attachment.)
Large in home daycare.

NOTE: All applicants are encouraged to hold a neighborhood meeting with nearby property owners and tenants early in the development review process. Planning Division staff will work with applicants to schedule the neighborhood meeting.

APPLICANT'S CONTACT INFORMATION

PROPERTY OWNER'S CONTACT INFORMATION

NAME/COMPANY: <u>Galina Moliboga</u>	NAME/COMPANY: <u>Michael W Sanders</u>
ADDRESS: <u>4098 Nulty Dr.</u>	ADDRESS: <u>3695 Yark River Rd</u>
CITY, STATE: <u>Concord, CA</u> ZIP: <u>94521</u>	CITY, STATE: <u>Tracy, CA</u> ZIP: <u>95235</u>
BUSINESS PHONE: _____ CELL: <u>925-768-7708</u>	BUSINESS PHONE: <u>406-295-4953</u> CELL: _____
FAX: _____ EMAIL: <u>gmyuski@gmail.com</u>	FAX: _____ EMAIL: <u>mike@376.com</u>

Agent Authorization Note: If the Applicant is not the Property Owner, then the Property Owner must sign below to authorize the Applicant as his/her official representative.

Michael W Sanders Owner, authorize Galina Moliboga
 to act as the official representative in my behalf for this project and in all matters relating to this application. I have read and agree with all of the above application, must be signed by property owner.

Michael W Sanders _____ Date: 4-20-2016
 Property Owner's Signature

FOR PLANNING DIVISION USE ONLY:

FILE NAME: <u>Galina's Daycare</u>	APPLICATION RECEIVED BY: <u>A. Hewitt</u>	GP DESIGNATION:	FEE: <u>1,370</u>	FIN. REV. CODE: <u>Minor Use Permit</u>
FILE NUMBERS: <u>PL 1600018A</u>	PLANNER:	ZONING:	<u>250</u>	<u>Public Notice</u>
ASSOCIATED FILES:	ENGINEER:			

4/26: Note: Staff requested title report & CD of drawings.

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 APR 26 REC'D
 PLANNING



PROJECT NAME: Galina Daycare FILE NUMBER: PL 16000184

PLEASE INCLUDE ALL RELEVANT CONTACT INFORMATION

PROJECT MANAGER

CIVIL ENGINEER

NAME/COMPANY: <u>Galina Moliboga</u>	NAME/COMPANY: _____
ADDRESS: <u>4098 Multy Dr.</u>	ADDRESS: _____
CITY, STATE: <u>Concord, CA</u> ZIP: <u>94521</u>	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: <u>(925) 768-7708</u>	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: <u>gmyuskiv@gmail.com</u>	FAX: _____ EMAIL: _____

ARCHITECT

LANDSCAPE ARCHITECT

NAME/COMPANY: <u>Kalman Varga Design</u>	NAME/COMPANY: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE: <u>SF, CA</u> ZIP: _____	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: <u>805-975-7157</u>	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: <u>kal.varga@gmail.com</u>	FAX: _____ EMAIL: _____

OTHER

OTHER

NAME/COMPANY: _____	NAME/COMPANY: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE: _____ ZIP: _____	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____	FAX: _____ EMAIL: _____

I hereby authorize employees of the City of Concord to enter upon the subject property, as necessary, to inspect the premises and process this application.

CERTIFICATION:

I hereby certify that the statements furnished above, and in the attached exhibits, present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 4/26/16

Signature: [Signature] Owner Authorized Agent
For: _____

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APR 26 2016

PLANNING

PL 16000184

PLANNING LARGE FAMILY DAY CARE (9-14 Children) ZONING VERIFICATION FORM

The State of California issues licenses to individuals who care for children; however, zoning approvals run with the land. Therefore, individuals seeking to provide child care for more than eight (8) children must first obtain verification that the location of their proposed large family day care home/facility meets local zoning requirements in addition to meeting the fire and life safety standards established by the State Fire Marshal.

This form must be completed by the Planning and/or Zoning agency for the jurisdiction where the proposed large family day care home/facility is located and submitted to the Contra Costa County Fire Protection District before your fire and life safety inspection can be considered complete.

APPLICANT INFORMATION

Applicant Name: Galina Moliboga Date Submitted: 4/26/16
Applicant Address: 4098 Nulty Dr. Concord, CA 94521 Phone Number: 925-768-7708
I am [checked] / am not currently licensed to operate a family day care home for more than 8 children at the property address listed below.
I have / have not [checked] applied for a license to operation a family day care home for more than 8 children at the property address listed below.

PROPERTY INFORMATION

Location/Street Address: 4098 Nulty Dr. Concord, CA 94521
Assessor's Parcel Number: 115-065-009 Parcel Size (square feet): 0.21 = 9,149 sf
General Plan Designation: LDR Current Zoning Designation: RS-8
Existing Use of Property:
Hours of Day Care Operation: M-F 7am - 7pm
Number of Children Served in each category: 0-2 years, 2-5 years, 5-12 years
Applicant's Interest in Property: Own [checked] Rent
NOTE: If applicant is not owner, the owner's authorization is required to process the request. See signature line, below.

IMPORTANT: A site plan must be submitted with this permit application showing the layout of the house, yard, drop-off and pick-up areas, and employee parking.

I declare under penalty of perjury, under the laws of the State of California, that all statements contained herein and any accompanying documents are true and correct, with full knowledge that all statements made herein are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of any permit or license issues to me in reliance hereon.

Galina Moliboga Applicant Name (print) Applicant Signature Date: 4/22/16
Michael W Sanders Owner Name (print) Owner Signature Date: 4-20-2016
(required if applicant is renter)

FOR OFFICE USE ONLY:

Name of jurisdiction: YES NO
Is property in compliance with local zoning regulations for a large family day care home/family?
Are there conditional of approval? If yes, please attach copy.
Case No: Date of Approval: Staff Signature: RECEIVED

APR 26 2016 PLANNING

Galina's Daycare

Galina Moliboga
4098 Nulty Dr.
Concord, CA 94521
925-768-7708
gmyuskiv@gmail.com

Most working parents are looking for the best, loving, safe, clean day care for their children. I have been providing just that at Galina's Daycare since 2011 as a small and then a large daycare provider. I consider myself one of the best daycare providers. Recently I moved to a new house and would like to increase my capacity up to 14 children.

We provide a clean, loving environment for the children to grow in. Our daily activities include playtime and exercise indoors as well as outdoors, learning (art, singing, music) as well as quiet time. We provide all children with healthy, fresh, nutritious homemade meals.

Our hours of operations are Monday-Friday 7am-7pm. We are closed on Saturday, Sunday and all national holidays.

I have 1 full time employee at my daycare.

I have 2 parking spaces in front of the garage in my driveway and also in my garage.

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Galina's Daycare
4098 Nulty Dr
Concord, CA 94521

- 1) Minor use permit was submitted on 04/20/2016
- 2) Kids ages are between newborn-2 years 4kids, 2-5years 8 kids.
- 3) I am currently licensed (copy of license attached)
- 4) Hours of operation is Monday – Friday 7am- 7pm accept all national holidays.
- 5) 4098 Nulty Dr. where I have my daycare is still my home where my family lives.

Planning Division:

- 1) Fence and gates that enclose my property are made of solid wood that is 6 feet in height. (See attached pictures.) There is a 4ft iron fence that splits the backyard. (See attached pictures.) All fencing is permanent.
- 2) There are no licensed daycare facilities within 300 feet along with addresses.
- 3) Title report attached.

Drawing clarifications:

See attached plan.

Building Division:

- 1) I am still waiting for the city approval before I go to Fire District. Fire inspection expires within 2 month.

Engineering Division:

- 1) See attached plans
- 2) Besides the shed and hot tub, there are no structures on the property.
- 3) The driveway off Mendocino Dr. is completely closed with a 6 ft. fence. It is not and will not be used.
- 4) There are no sidewalks on any side of the street on the Nulty Dr and Mendocino Dr.

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General Comments:

- 5) As discussed with engineering division current driveway will remain as is.
- 6) N/A
- 7) N/A
- 8)
- 9) N/A

All fences are permanent

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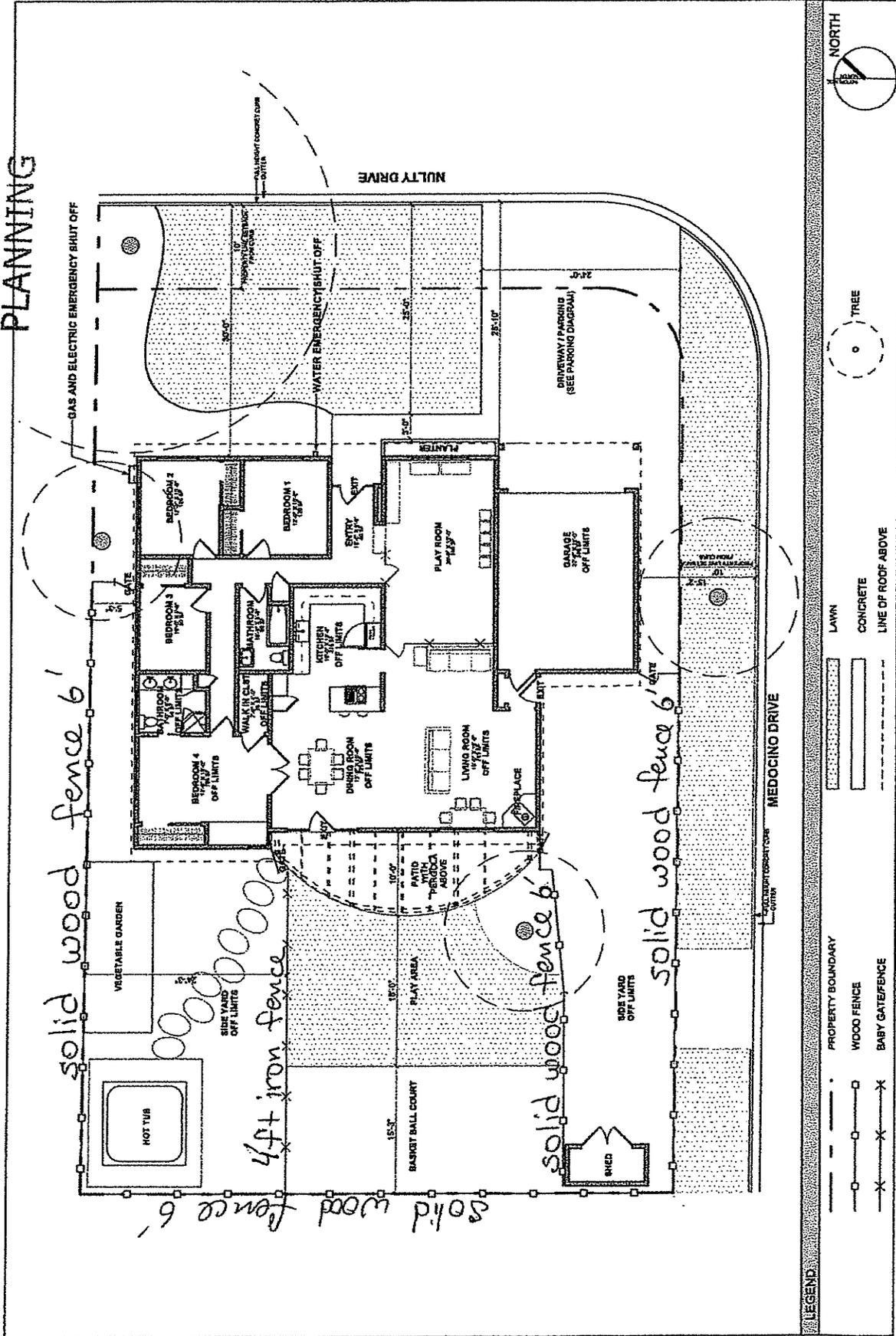
PLANNING

Kalman Varoa
KALMAN VAROA DESIGN
3030 KALMAN VAROA DRIVE
SAN DIEGO, CA 92121
TEL: 619-594-0000
WWW.KALMANVAROA.COM

MOLIBOGA RESIDENCE
FAMILY CHILD CARE FACILITY
3030 KALMAN VAROA DRIVE
SAN DIEGO, CA 92121
DATE: 06/29/16
SCALE: 1/8" = 1'-0"

EXHIBIT D

A1.1



solid wood fence 6'

solid wood fence 6'

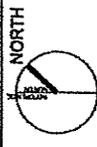
4ft iron fence

solid wood fence 6'

solid wood fence 6'

LEGEND:

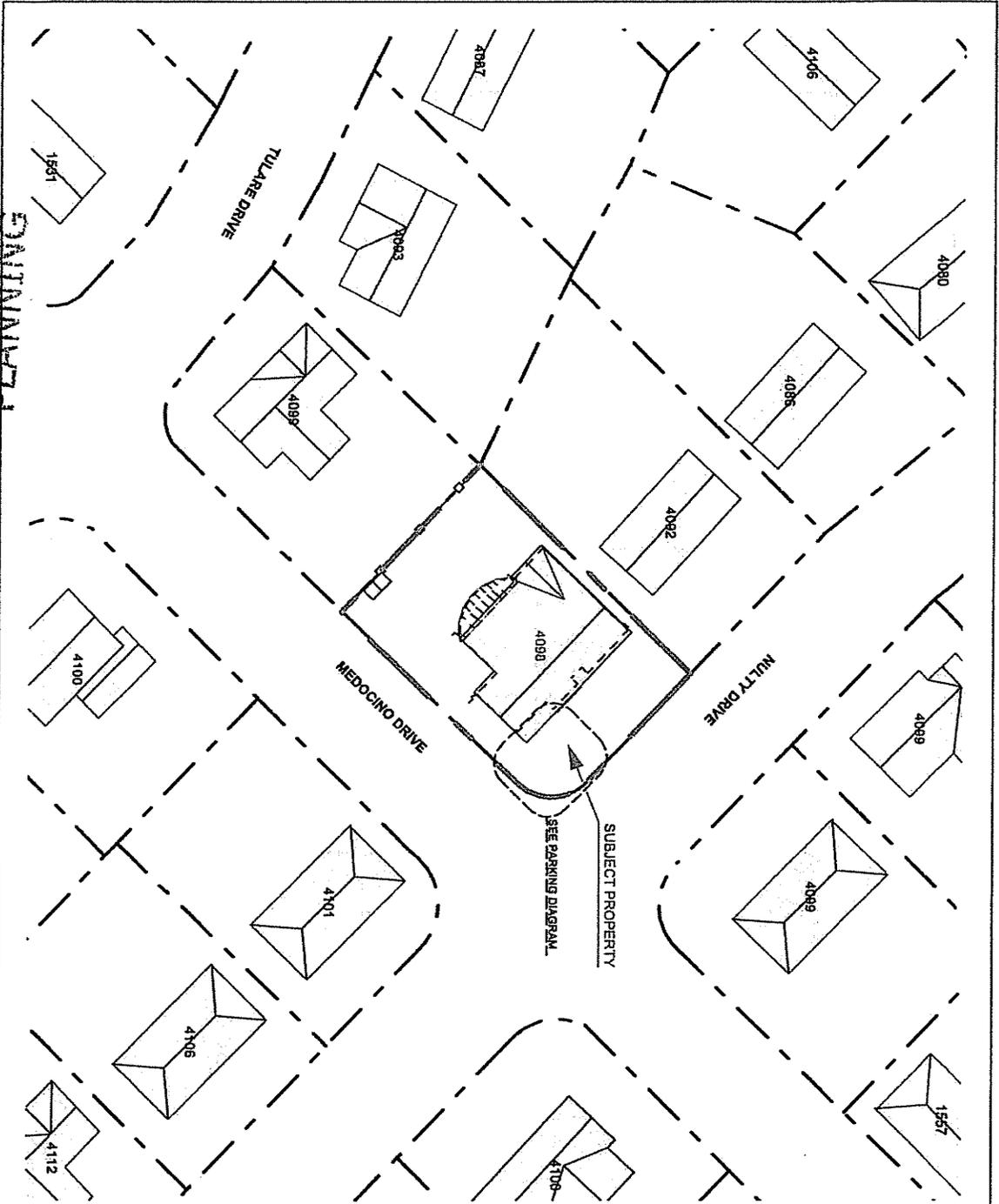
- PROPERTY BOUNDARY
- WOOD FENCE
- BABY GATEFENCE
- LAWN
- CONCRETE
- LINE OF ROOF ABOVE
- TREE



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JUN 30 2016

PLANNING



ON SITE PARKING DIAGRAM

The diagram shows the subject property with two parking areas labeled 'A' and 'B'. 'A' is an off-street parking area, and 'B' is a parent parking area. The lot is bounded by Medicino Drive to the west and Nutty Drive to the east.

LEGEND

- — — — — PROPERTY BOUNDARY
- - - - - SUBJECT PROPERTY
- NORTH

ON SITE PARKING:

- 2 OFF STREET PARKING SPOTS
- A. EMPLOYEE PARKING
- B. PARENT PARKING/OFF OFF

MOLIBOGA RESIDENCE
FAMILY CHILD CARE FACILITY

409 HEATY DRIVE
 CONCORD
 CA 94520
 TEL: 925-305-6000
 FAX: 925-305-6002

DATE: 11/11

A1.0

Kalman Varga

KALMAN VARGA DESIGN
 805.975.7157
 KALMANVARGA.COM



State of California

Department of Social Services

Facility Number: 073408423

Effective Date: 06/23/2016

Total Capacity: 8

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations; the Department of Social Services hereby issues

this License to

MOLIBOGA, GALINA

to operate and maintain a
FAMILY DAY CARE HOME

Name of Facility

MOLIBOGA, GALINA
4098 NULTY DRIVE
CONCORD, CA 94521

This License is not transferable and is granted solely upon the following:

MAX. CAP: 6 - NO MORE THAN 3 INFANTS OR 4 INFANTS ONLY. CAP 8 - NO MORE THAN 2 INFANTS, 1 CHILD IN KINDERGARTEN OR ELEMENTARY SCHOOL AND 1 CHILD AT LEAST AGE 6.

Client Groups Served:

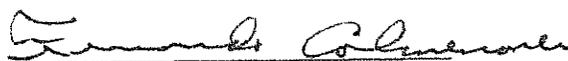
CHILDREN / INFANT

Complaints regarding services provided in this facility should be directed to:

CCLD Regional Office

(510) 622-2602

Pamela Dickfoss
Deputy Director,
Community Care Licensing Division


Authorized Representative of Licensing Agency

POST IN A PROMINENT PLACE

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PLANNING

RECEIVED

JUN 30 2016

F 10 10 16

Galina's Daycare
4098 Nulty Dr.
Concord, CA 94521

RECEIVED

AUG 01 2016

PLANNING

I park my car in the garage. I have 2 car parking spaces available in my driveway. One for my employee (if needed) and one or two for the kids pick up and drop off. None of the parents will park on the street for pick up or drop off. (since it is not allowed by law). Most kids get dropped off and picked up when two spots in the driveway are available.

1) Kids drop off times are:

- 1) 7:00am
- 2) 7:05am
- 3) 7:30am
- 4) 7:45am
- 5) 7:50am
- 6) 9:00am

Pick up times are:

- 1) 4:30pm
- 2) 5:00pm
- 3) 5:30pm
- 4) 5:45pm
- 5) 6:00pm
- 6) 6:45pm

I've talked to parents about keeping these times. Also I gave them a schedule with they're names and times to make sure that I do not get more than 2 cars at the same time.

3) When children are outside I keep them busy so there's no disturbance to my neighbors.

Contra Costa County



Fire Protection District

July 18, 2016

Afshan Hamid
City of Concord – Planning Division
1950 Parkside Drive MS 53
Concord, CA 94519-2578

Subject: Galina's Large Daycare; PL16184-MP
4098 Nulty Drive, Concord
CCCFPD Project No.: P-2016-03400

We have reviewed the application to establish a Large Family Daycare for up to 14 children in an existing occupied single-family residence at the subject location. The following is required in accordance with the 2013 California Fire Code (CFC), and the 2013 California Building Code (CBC):

1. The day-care home shall be provided with at least one manual device at a location approved by the Fire District. Such device shall actuate a fire alarm signal, which shall be audible throughout the facility at a minimum level of 15 db above ambient noise level. These devices need not be interconnected to any other fire alarm device, have a control panel or be electrically supervised or provided with emergency power. Such device or devices shall be attached to the structure and may be of any type acceptable, provided that such devices are distinctive in tone and are audible throughout the structure. (907.2.6.4) CBC
2. Large family day-care homes shall be equipped with State Fire Marshal approved and listed single station residential type smoke alarms. (445.3) CBC
3. The day-care home shall be equipped with a portable fire extinguisher having a minimum 2A10BC rating. (445.4) CBC
4. The applicant shall contact the Fire District to schedule a Fire Clearance inspection prior to daycare use.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Leach", written over a horizontal line.

Ted Leach
Fire Inspector

c: Galina Moliboga
4098 Nulty Drive
Concord, CA 94521

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