



A G E N D A
CITY OF SEASIDE
ZONING ADMINISTRATION

SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Monday, December 7, 2020
5:00 PM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**
4. **APPROVAL OF MINUTES**
5. **BUSINESS ITEMS**

A. MUP-20-03: 1122 HARCOURT AVE. DAY CARE APPLICATION.

RECOMMENDATION: Minor Use Permit application, submitted by the applicant and owner Sofia Matrosova-Khali, requesting approval to operate a Large Family Day Care (9-14 children) from her home located at 1122 Harcourt Ave (APN#: 012-353-004) in the RS-12 Zoning District. Per SMC 17.12 Table 2-1: A Minor Use Permit (MUP) is required to operate a large family day care facility in any single-family residential zoning district. In accordance with Seaside Municipal Code section 17.62.070.C, a Minor Use Permit shall be approved or denied by the Zoning Administrator.

Staff recommends approval of the Minor Use Permit (MUP-20-03) subject to the Resolution and associated Conditions of Approval (Attachment 1).

6. **ADJOURNMENT**

Next Regularly Scheduled Meeting:
TBD

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**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.A.

TO: Zoning Administration

BY: Dana Morrison

DATE: December 7, 2020

SUBJECT: MUP-20-03: 1122 HARCOURT AVE. DAY CARE APPLICATION.

PURPOSE & RECOMMENDATION

Minor Use Permit application, submitted by the applicant and owner Sofia Matrosova-Khali, requesting approval to operate a Large Family Day Care (9-14 children) from her home located at 1122 Harcourt Ave (APN#: 012-353-004) in the RS-12 Zoning District.

Per SMC 17.12 Table 2-1: A Minor Use Permit (MUP) is required to operate a large family day care facility in any single-family residential zoning district. In accordance with Seaside Municipal Code section 17.62.070.C, a Minor Use Permit shall be approved or denied by the Zoning Administrator.

Staff recommends approval of the Minor Use Permit (MUP-20-03) subject to the Resolution and associated Conditions of Approval (Attachment 1).

BACKGROUND

SITE LOCATION AND DESCRIPTION

The 7500 sf site is located north of Hilby Avenue between Prospect Street to the west and San Lucas Street to the east. The project site is surrounded by residential uses on all sides. A Location Map and Site photographs are provided as Attachment 2.

PROJECT DESCRIPTION

The proposed large family day care would be located at 1122 Harcourt Avenue. The day care would be for up to 14 children, with 2 employees and would operate Monday-Friday from 8:00 a.m. to 5:00 p.m. Pick-up and drop-off would occur from 8:00am-

5:00pm, generally between 8:00-9:30 a.m. and 3:30-5:00p.m. The main residence, side and rear yard will be off-limits and not utilized as part of the day care. The detached accessory structure will be used as the day care, with a fenced off play area adjacent to the structure and taking up the rear portion of the very long driveway. See Attachment 3/Exhibit A: Project Description and Attachment 4/Exhibit B: Site Plan.

STAFF ANALYSIS

LARGE FAMILY DAY CARE

Section 17.52.050.C of the Seaside Municipal Code (SMC) outlines the following standards for large family day care homes shall be evaluated by the Zoning Administrator:

- C. Standards for large family day care homes. As required by state law, a large family day care home shall be approved if it complies with the following standards:
 - 1. Location requirements. In order to avoid the concentration of intensive, nonresidential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 500 feet of an existing large family day care home or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.

Evidence: The application is consistent with this requirement in that there are no other large family day care facilities or day care centers are located within 500 feet of the subject property. If approved, neither of the neighboring properties will have a large family day care on two or more side.

- 2. Parking, drop-off area.
 - a. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. Alternative parking and drop-off arrangements may be required by the review authority based on traffic and pedestrian safety considerations.

Evidence: The application is consistent with this standards in that pick-up and drop-off will occur in the driveway. Additionally, there is also (generally) on-street parking available along Harcourt, which the property fronts, that can be utilized.

- b. A home on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).

Evidence: The application is consistent with this standard as the speed along Harcourt is 25 mph.

3. Outdoor activity areas.

- a. A side or rear setback area intended for day care use shall be enclosed with a fence or wall.

Evidence: The application is consistent with this standards in that the play area designated for outdoor activities is located within the rear portion of the driveway and is not located within the rear setback. A portion of the play area is located within the required 5' side yard setback but is enclosed by both fences and walls. The play area is setback ~55' from the front property line and is bordered by the accessory structure and the house on two sides (south and west), an 8' fence on one side (east) and a 3' fence with a gate (north).

- b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback and shall be set back a minimum of five feet from a rear property line.

Evidence: The application is consistent with this standard as the recreation equipment does not exceed 8' in height and is not located within the required rear yard setback.

4. Noise. Noise generated from the large family day care home shall not exceed the standards of the City's Noise Ordinance.

Evidence: The proposed project will be compliant with this standard as compliance with the City's Noise Ordinance has been added as a condition of approval. An additional Condition of Approval has been included requiring the owner to occasionally check the noise levels to ensure the day care is not exceeding the City's noise standards.

5. Additional standards. Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the state, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

Evidence: According to the applicant, she is already licensed by the State of California, license number 274416254, which permits up to 14 children. Furthermore, the City Fire Marshall has already completed inspections. Compliance with applicable building and fire codes, as well as standards adopted by the state and Social Services Department have been included as a Condition of Approval for the project.

MINOR USE PERMIT

In accordance with Seaside Municipal Code section 17.62.070.C, a Minor Use Permit shall be approved or denied by the Zoning Administrator.

Findings:

Findings and decision. The review authority may approve or deny an application for Use Permit or Minor Use Permit approval. The review authority may approve a Use Permit or Minor Use Permit only after first finding all of the following:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;

Evidence: The proposed project is consistent with the Zoning Ordinance and Seaside Municipal Code, in that it is a community education use and is a use which is permitted with approval of a Use Permit. Furthermore, the project is subject to Conditions of Approval to reduce any impacts to the surrounding residential neighborhood.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

Evidence: The proposed project is consistent with the General Plan and in that it is a community education use and would be located in an area that permits day cares with approval of Use Permit. Furthermore, the project is subject to Conditions of Approval to reduce any impacts to the surrounding residential neighborhood.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity;

Evidence: The proposed activity is compatible with the existing land use for the district. The district permits Large Family Day Cares for up to 14 children with the approval of a Minor Use Permit, further Conditions of Approval ensure the proposed use is operated in a way that is compatible with the existing residential neighborhood.

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

Evidence: The proposed day care is an ancillary use to the primary function of the property, which is as a single-family residence. The day care is incidental to the single-family home and the site is large enough to accommodate the proposed use.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located:

Evidence: The proposed project will not, under the circumstances of this particular case, be detrimental to the health, safety, comfort or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the proposed day care meets with the City's requirements for a Large Family Day Care and Conditions of Approval have been included as part of this approval to reduce any impacts to surrounding properties. The child care homes is not expected to be a nuisance to the area or greater Seaside area in that it is a small-scale operation with activities confined to the single-family property.

CEQA

The project is categorically exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which includes operation, repair, maintenance or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

RECOMMENDATION:

It is recommended that the Zoning Administrator approve the Minor Use Permit (MUP-20-03) application subject to the Resolution (Attachment 1), conditions of approval, and the project plans (Attachment 3/Exhibit A and Attachment 4/Exhibit B).

ATTACHMENTS

1. Attachment 1 - Draft Resolution
 2. Attachment 2 _Location Map and Site Photos
 3. Attachment 3 (Exhibit A)_Project Description
 4. Attachment 4 (Exhibit B)_Site Plan
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**ZONING ADMINISTRATOR
RESOLUTION NO. ZA-20-XX**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE
CITY OF SEASIDE, STATE OF CALIFORNIA, APPROVING
MINOR USE PERMIT APPLICATION NO. MUP-20-03 TO
OPERATE A LARGE FAMILY DAY CARE (UP TO 14 CHILDREN)
FROM AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED
AT 1122 HARCOURT AVENUE (APN #: 012-353-004)**

WHEREAS, Sofia Matrosova-Khali, applicant and property owner of Golden Childhoods Days has applied for a minor use permit; and

WHEREAS, the project requires the approval by the Zoning Administrator to consider and weigh the merits of the application and public input in relation to the policies, standards and intent of the Seaside General Plan and Seaside Municipal Code; and

WHEREAS, the Zoning Administrator considered oral comments and written information concerning the proposed revisions at a duly noticed public hearing of the Zoning Administrator held at a Regular Meeting on December 7, 2020; and

WHEREAS, the project is the project is Categorically Exempt Class 1, section 15301(a), from the California Environmental Quality Act, as the project involves negligible or no expansion of an existing use and is limited to interior and exterior alterations.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator adopt the following findings for the project:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;

Evidence: The proposed project is consistent with the Zoning Ordinance and Seaside Municipal Code, in that it is a community education use and is a use which is permitted with approval of a Use Permit. Furthermore, the project is subject to Conditions of Approval to reduce any impacts to the surrounding residential neighborhood.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

Evidence: The proposed project is consistent with the General Plan and in that it is a community education use and would be located in an area that permits day cares with approval of Use Permit. Furthermore, the project is subject to Conditions of Approval to reduce any impacts to the surrounding residential neighborhood.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and planned future land uses in the vicinity;

Evidence: The proposed activity is compatible with the existing land use for the district. The district permits Large Family Day Cares for up to 14 children with the approval of a Use Permit, further Conditions of Approval ensure the proposed use is operated in a way that is compatible with the existing residential neighborhood.

4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

Evidence: The proposed day care is an ancillary use to the primary function of the property, which is as a single-family residence. The day care is incidental to the single-family home and the site is large enough to accommodate the proposed use.

5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone district in which the property is located.

Evidence: The proposed project will not, under the circumstances of this particular case, be detrimental to the health, safety, comfort or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the proposed day care meets with the City's requirements for a Large Family Day Care and Conditions of Approval have been included as part of this approval to reduce any impacts to surrounding properties. The child care homes is not expected to be a nuisance to the area or greater Seaside area in that it is a small-scale operation with activities confined to the single-family property.

BE IT FURTHER RESOLVED, the Zoning Administrator hereby grants Minor Use Permit-20-03 subject to the following conditions:

Planning:

1. Except as modified by required conditions of approval, the permittee shall have the right to operate a Large Family Home Day Care with up to 14 children in accordance with the project materials. Project material is provided as Exhibit "A".
2. This Minor Use Permit is valid for the current property owner, Sofia Matrosova-Khali. This Minor Use Permit shall become invalid upon sale of the property to new owners.
3. The day care home shall comply with the City's Noise Ordinance:
4. The property owner shall, on occasion, measure the noise level of the day care to ensure that the City's Noise Ordinance is not violated.
5. The day care home shall comply with applicable building and fire codes.
6. The day care home shall comply with standards adopted by the state, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).

Standard:

1. The applicant agrees as a condition and in consideration of the approval of this discretionary permit that it will defend, indemnify and hold harmless the City of Seaside or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval. The applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. The City shall promptly notify the applicant of any such claim, action, or proceeding, and the City shall cooperate fully in the defense thereof.
2. The approval of a planning permit (i.e., Minor Use Permit) shall become effective on the seventh day after the date of approval by the review authority; provided, that no appeal has been filed in compliance with Chapter [17.76](#) (Appeals), (SMC 17.64.020.A).
3. The permit shall have no force or effect unless and until accepted, and the terms thereof agreed to, in writing, by the applicant and property owner within 15 days from the date of its approval.
4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase

was exercised, unless otherwise specified in the permit, or the permit shall expire and become void, except where an extension of time is approved (SMC 17.64.080.A.4).

5. An appeal in compliance with SMC 17.76 be filed by any aggrieved person; except that in the case of a decision on a Use Permit, Minor Use Permit, Variance, Minor Variance, or Planned Development Permit which followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing (SMC 17.76.030.A.1).

PASSED AND ADOPTED by the Zoning Administrator of the City of Seaside, State of California, on the 7th day of December 2020.

Gloria Stearns
Acting Zoning Administrator

**ZONING ADMINISTRATOR RESOLUTION No. 20-XX
MINOR USE PERMIT APPLICATION No. 20-03**

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the applicant and property owner(s).

The undersigned hereby acknowledge the approved terms and conditions and agree to fully conform to, and comply with, said terms and conditions within the time frames approved by the City of Seaside Zoning Administrator.

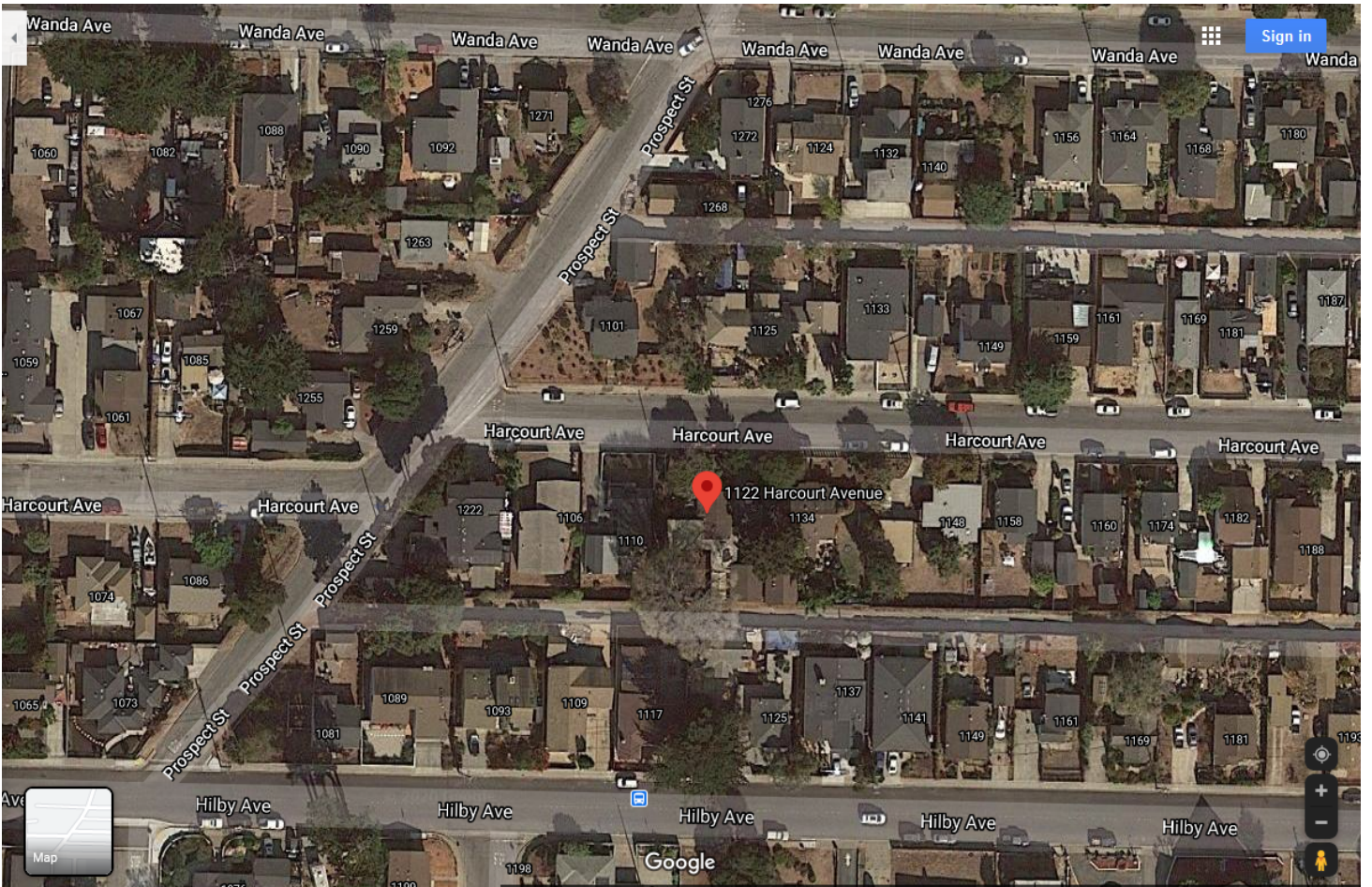
Applicant's Signature

Date

Property Owner's Signature *(if different from above)*

Date

LOCATION MAP



SITE PHOTOS







October 2, 2020
Sofia Matrosova-Khalil
smatroso.101@gmail.com
831-277-4352
1122 Harcourt Ave, Seaside, Ca 93955

**Description of the proposed Childcare facility at my home at 1122 Harcourt Ave, Seaside,
Ca 93955**

I am licensed by the State of California, license number 274416254, with the capacity of 14 children.

I am asking the City of Seaside to approve the Minor Use Permit Application to conduct my childcare at my home.

I am a professional in Child Development and it is my job to take care of and teach young children. My childcares is an *essential business*, much needed in the area.

The childcare is situated in the especially dedicated room (accessory structure) and is updated according to the State of California Child Care Standards.

The City and Fire Marshall inspections are completed satisfactorily.

The last step is to get the approval by the Planning Division.

Thank you for your time and attention.
Sofia.



Child Care: "Golden Childhood Days" Alley

175'

Hours of operation:
Mon-Fr. 8am-5pm.
2 employees
Pick up/drop off-8am-5pm

Day Care

kids play area

Private single-family residence
"of Limit"

tree

tree

100'

12 feet door

window

door



work

to day care

door to the garden

Pick off + drop off spots

Drive way

Flowers

door

Harcourt Ave

