



---

**PLANNING COMMISSION  
STAFF REPORT- USE PERMIT**

---

**APRIL 5, 2018  
U\_2017-0020**

---

**SUMMARY**

**OWNER/ APPLICANT:** WANDA ARDENA (CHANNEL) RICCA  
19201 DEL MAR DRIVE  
FORT BRAGG, CA 95437

**REQUEST:** Coastal Development Use Permit to legalize Sprouts Montessori Children's House, a Daycare Facility/Small School pursuant to Section 20.376.015 (B).

**LOCATION:** 1.9 + miles southwest of Fort Bragg City Center, lying on on the east side of Del Mar Drive (CR 56), 131+ ft. north of its intersection with Ocean View Drive (CR 439), located at 19201 Del Mar Drive (CR 440d), (APN: 018-440-47).

**TOTAL ACREAGE:** .98± Acres

**GENERAL PLAN:** Rural Residential, 5 acre minimum or alternate density of 1 acre minimum (RR5(1))

**ZONING:** Rural Residential, 5 acre minimum (RR5)

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt Pursuant to CEQA Section 15332, In-Fill Development Projects

**APPEALABLE:** Yes, Conditional Use.

**RECOMMENDATION:** Approve with Conditions.

**STAFF PLANNER:** Susan H. Summerford

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant seeks to legalize an existing State licensed daycare located within a residence and to expand the use to establish a small school at the same site. Mendocino County Code (Hereafter MCC) Section 20.320.045 defines a Daycare/Small School Facility as, "Care or education of seven (7) or more, but not to exceed twenty five (25) persons regardless of age or handicap but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities." The Major Use Permit is required per MCC Section 20.376.015 (B), which allows for a Daycare/Small School facility to be located within the Rural Residential/Coastal Zone upon approval by the Planning Commission. No site improvements or new construction are included as part of this project. The applicant is proposing to operate daily, from 7:45 am to 5:15 pm. Half and full day programs are offered and the children served are between 2 and 6 years of age. The parking requirements for the proposed use are governed by MCC Section 20.472.030(C) and MCC Section 20.472.015, as parking is required to be provided for both the proposed business as well as the residential use. The applicant has submitted a site plan that includes the required parking spaces for both uses. The project site, Del Mar Drive, is classified in the Mendocino General Plan as an urban local collector road, and the proposed use will not impact the typical flow of traffic in the neighborhood.

**SITE CHARACTERISTICS:** The site of the proposed school is located just southwest of the Fort Bragg town center, on the west side of Highway 1 and northeast of the intersection of Del Mar Drive and Ocean View Drive. Access to the parcel is from Del Mar Drive. The site is currently occupied primarily as a residential use, with a State-licensed large family daycare facility already in operation. The scope of this proposal is to legalize the existing use and to expand the use to reflect the MCC Civic Use classification

as a Daycare Facility/Small School. The subject parcel is approximately 40,000 sq. ft., and is located in an established residential neighborhood, known as the Todd's Point subdivision, located within the urban boundary area of Fort Bragg.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	RR5(1):U	RR:5	1± acres	Residential
<b>EAST</b>	RR5(1):U	RR:5	1± acres	Residential
<b>SOUTH</b>	RR5(1):U	RR:5	1± acres	Residential
<b>WEST</b>	RR5(1):U	RR:5	1± acres	Residential

**PUBLIC SERVICES:**

Access: Del Mar Drive (CR 440D)  
Fire District: CalFire  
Water District: None  
Sewer District: None  
School District: None

**AGENCY COMMENTS:** On September 18, 2017, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comments that would trigger a project modification or denial are discussed in full in the following section.

REFERRAL AGENCIES	COMMENT
Planning – FB	COMMENTS
Environmental Health – FB	COMMENTS
Building Inspection – FB PBS	NO RESPONSE
Department of Transportation	COMMENTS
Assessor	NO RESPONSE
California Department of Social Services – Rohnert Park regional office	NO COMMENT
CalFire	NO RESPONSE
Coastal Commission	NO RESPONSE
Department of Health Services	NO RESPONSE
Fort Bragg Rural Fire District	NO RESPONSE

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

**1. Land Use:** The subject property is classified as Rural Residential (RR) with a 5 acre minimum parcel size by the Mendocino County General Plan Coastal Element. The RR lands classification is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” The Rural Residential land use classification often encompasses legal conforming lots that are below the 5 acre minimum parcel size. The Coastal Element addresses this alternative density by further describing the classification as, “One dwelling per legally created parcel, or one dwelling unit per 40,000 sq. ft., 2 acres, 5 acres or 10 acres, as designated on the Land Use Maps.”

The principle uses permitted in the RR district are “Residential and associated utilities, light agriculture, home occupation” (see Policy 3.2-11). In addition to the principally permitted uses, other uses that are determined to be related and compatible to residential uses are allowed as conditional uses. Daycare

Facilities/Small School is a use type that is compatible with residential uses and is permissible in the RR district subject to Coastal Development Use Permit approval. Mendocino County Code General Plan Policy DE-35 seeks to, *"Encourage compact development patterns, infill, redevelopment and reuse in community areas to protect natural resources and maximize the efficient use of infrastructure and services."* The proposal seeks to reuse an existing facility primarily as a residence, with an associated use as a community serving school alternative for local families.

The subject property consists of one (1) assessor's parcel that makes up one (1) legally created lot. Existing development on the .98± acre lot consists of a residence, accessory structures, and associated improvements. The proposed Daycare and Small School would be served by the existing septic, well, gas and electric utilities. No additional development is being proposed and the efficient use of the existing structure would be maximized by permitting an existing daycare and small school that serves the local community. Therefore, the project would be consistent with the intent of the Coastal Element RR designation as well as rural residential policies of the General Plan.

**2. Zoning:** The subject property is zoned Rural Residential (RR) with a 5 acre minimum parcel size requirement. The RR district is "intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture" (MCC Sec. 20.376.005). As the subject site is located within an established residential neighborhood, and is proposed to be located entirely within the existing building and proposes no additions or additional structures, it can be determined to adhere to the purpose and intent of the Rural Residential designation.

The proposed project has been in existence for a number of years without benefit of entitlements, therefore can be construed as a legalization of the use as well as an expansion to define the use as a Small School, pursuant to MCC Section 20.320.045, which defines a Daycare Facility/Small School as, *"Care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include day nurseries for children, day care facilities for the elderly and small schools"*.

Mendocino County Coastal Element Section 2.2 outlines general provisions for principally permitted uses, stating, *"In each land use classification, the principal permitted uses and conditional uses are listed. The principal permitted use is that primary use which is allowed in each land use classification. Uses listed as conditional uses are those requiring additional review, such as a conditional use permit or site specific review to assure compliance with plan and zoning ordinance criteria and standards."* The Conditional Use Permit process allows for the governing body to more thoroughly review a project as well as allows for site-specific conditions of approval to govern the approved project in perpetuity.

With the recommended conditions of approval the proposed Daycare and Small School uses are consistent with the purpose and intent of the RR zoning district as well as provisions of the MCC, and preserves the integrity of the RR district.

**3. Habitats and Natural Resources:** The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Staff did not refer the project to the California Department of Fish and Wildlife (CDFW) or the US Fish and Wildlife Service (USFWS) for comment on potential natural resource impacts because no new development is being proposed.

**4. Visual Resources and Special Treatment Areas:** Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of the General Plan's Coastal Element and implemented by MCC Chapter 20.504.

The site is 0.2± miles west of Highway 1 (SR1) and is blocked from view by existing development that is adjacent to Highway 1. The site is also located 125± feet north of and is visible from Ocean View Drive (CR439) which is a public route to the sea and is designated as a public shoreline vertical access trail. It

appears according to section 4.4 of the Coastal Element of the General Plan, no dedication of a public access is required for the project site. No external modifications or development is being proposed

The subject site is not located within a High Scenic Area, as defined by MCC Section 20.504.015.

**5. Hazards Management:** The Coastal Act mandates that new development shall reduce potential risks and avoid substantial alteration of natural landforms. Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone and MCC Section 20.500 (Hazard Areas) provides regulations for those areas. The project proposes no development. The existing Single Family Residence was approved on July 25, 1989 through a coastal development permit issued by the California Coastal Commission.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone (Department of Conservation, California Geological Survey). The San Andreas Fault is located more than 25 miles to the south of the project site. The site, as with the rest of Mendocino County, is subject to strong ground shaking. The Local Coastal Program Land Capabilities & Natural Hazards map indicates that the subject parcel is located in Zone 3 (high shaking hazard) composed of beach deposits and stream alluvium and terraces which is subject to intermediate shaking.

Landslides: There are no mapped landslide occurrences on the Department of Conservation online California Landslide Inventory (Department of Conservation, California Geological Survey, *Landslide Inventory (Beta) 2015*). The subject parcel is not in an area mapped for translational/rotational or debris slides by the California Geological Survey according to maps available from the Department of Conservation Landslide Map Index (Department of Conservation, California Geological Survey).

Flooding: The project is located outside all mapped 100 year flood hazard areas, and therefore would not impede or redirect flood flows, and would not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

Fire: The project is located in an area that has a moderate fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the Fort Bragg Rural Fire Protection District and California Department of Forestry and Fire Protection (CalFire) for comment. The Fort Bragg Rural Fire Protection District did not respond to the referral. CalFire did not respond to the referral. However, the single family residence that the proposed activity will take place in is permitted and no additional development is being proposed.

Without any conditions of approval the proposed project is consistent with chapter 3.4 of the Mendocino County Coastal Element and MCC Section 20.500 (Hazard Areas).

**6. Grading, Erosion, and Run-Off:** No structures are being proposed. As the proposed project is requesting to legalize an existing use, any ground disturbance that would occur as a result of this project has already occurred, and therefore concerns regarding potential for erosion are negligible.

**7. Archaeological/Cultural Resources:** For projects that do not propose development, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information System or the Mendocino County Archaeological Commission. The standard discovery clause is applicable in case culturally significant resources are found during the use of the site.

**8. Groundwater Resources:** The parcel is served by existing gas and electric utilities as well as an on-site septic system and well. The project was referred to the Division of Environmental Health (EH) for comment which subsequently identified Permit 2002 ST23120 as expired. The permit was taken out to repair an existing septic tank. However, the owner ceased to have septic issues in 2006 and therefore did not repair or replace the existing septic system and thus allowed the permit to expire. A letter dated January 1, 2018 from the septic contractor describing the lack of a septic issue was received and is part of the case file. Staff supports the determination that the septic issue has been satisfactorily resolved. County Department of Environmental Health concurs that the perceived septic issue has been resolved.

The subject site is within a Marginal Water Resources area as shown in the 1982 Coastal Groundwater

Study prepared by the Department of Water Resources. The proposed development will be served by an existing water well. The project was referred to the Division of Environmental Health (EH) for comment. EH did not return comments regarding the well.

**9. Transportation/Circulation/Utilities:** Chapter 3.8 of the Mendocino County General Plan Coastal Element addresses Transportation, Utilities and Public Services within the Coastal Zone. Coastal Element Policy 3.8-1 provides general guidelines for all development in the coastal zone, requiring that "Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits."

Waste Management provides for the disposal of solid waste resulting from the existing residential use, daycare and small school on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. As the project is proposed, no changes will be made to the existing uses and no significant additional solid waste would be produced on site. Therefore, solid waste disposal is adequate to serve the existing development.

The subject property takes access from Ocean View Drive with an existing gravel driveway. Mendocino County Department of Transportation reviewed the application and a response was received on September 25, 2017 with recommended conditions of approval. The project was also referred to Caltrans for comment and no response was received. The daycare use contributes incrementally to traffic volumes on local and regional roadways at drop off and pick up times Monday through Friday. The proposed daycare and small school have existed for a number of years and the request to legalize the business will not generate additional traffic. Requirements for entitlement are limited to construction of a new road approach on Del Mar Drive for conformance to development standards for commercial uses. With the inclusion of Conditions 16, 17, and 18, the proposed parking, access and traffic circulation plan is adequate to serve the proposed use. Public services, including but not limited to, solid waste and public roadway capacity are adequate to serve the proposed project.

**10. Environmental Determination:** Pursuant to Article 19 of the California Environmental Quality Act, the project as proposed is deemed categorically exempt from any further review under Section 15332, which defines Infill Development Projects.

### **RECOMMENDATION**

By resolution, the Planning Commission grants Use Permit U\_2017-0020 for the project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

---

DATE

---

SUSAN H. SUMMERFORD  
PLANNER III

Appeal Period: 10 Days  
Appeal Fee: \$1,616.00

### **ATTACHMENTS:**

- |                 |                       |
|-----------------|-----------------------|
| A. Location Map | E. Zoning Map         |
| B. Aerial Map   | F. General Plan Map   |
| C. Site Plan    | G. Adjacent Owner Map |
| D. Floor Plan   |                       |

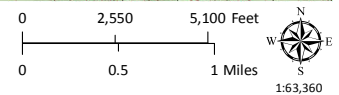
### **RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**





CASE: U 2017-0020  
 OWNER: RICCA, Wanda  
 APN: 018-440-47  
 APLCT: Wanda Ricca  
 AGENT:  
 ADDRESS: 19201 Del Mar Drive, Fort Bragg

- Coastal Zone Boundary
- Highways
- Major Towns & Places
- Major Roads
- Major Rivers



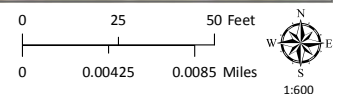
LOCATION MAP

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

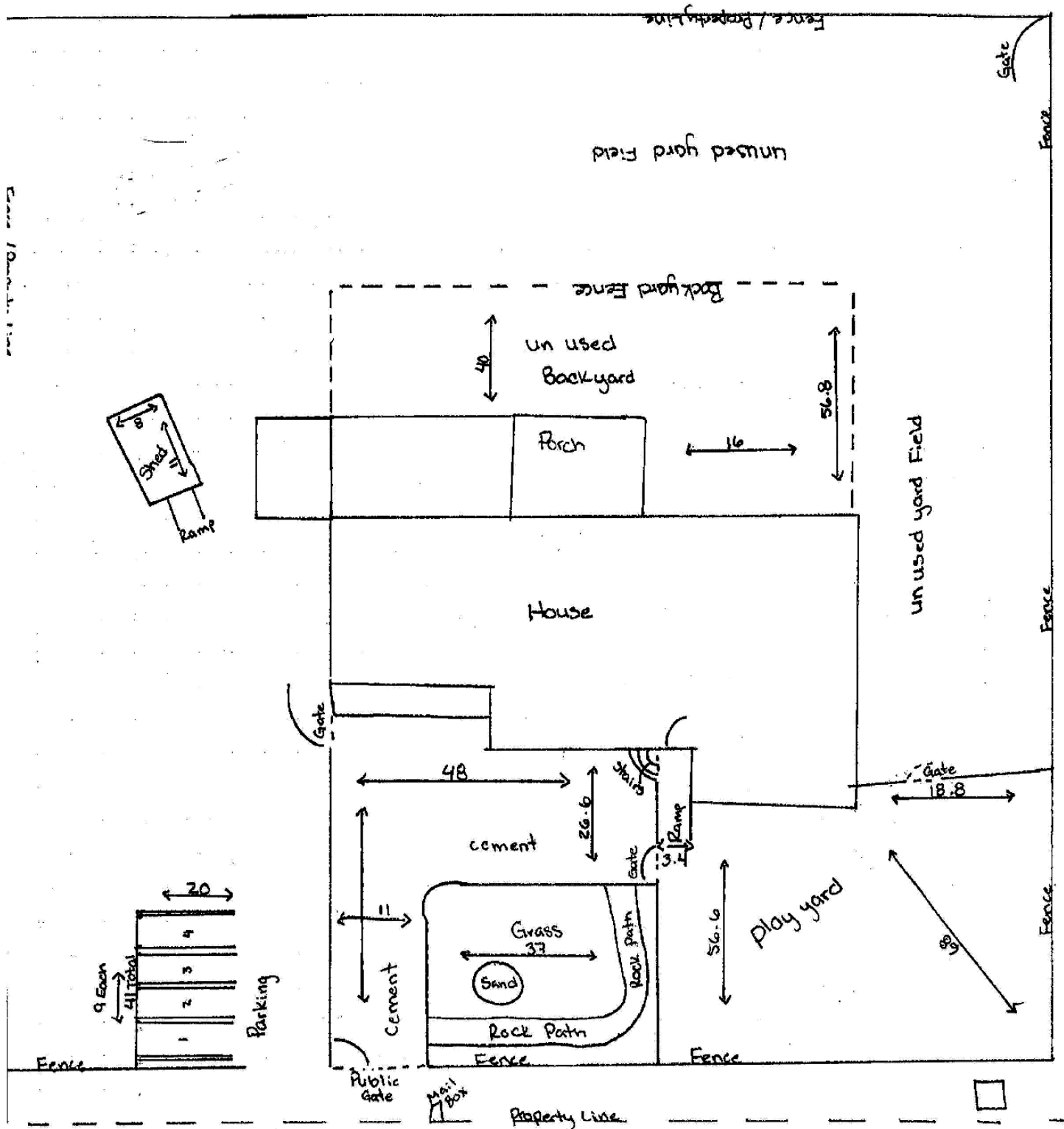


CASE: U 2017-0020  
OWNER: RICCA, Wanda  
APN: 018-440-47  
APLCT: Wanda Ricca  
AGENT:  
ADDRESS: 19201 Del Mar Drive, Fort Bragg

Public Roads

AERIAL IMAGERY

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2017-0020  
OWNER: RICCA, Wanda  
APN: 018-440-47  
APLCT: Wanda Ricca  
AGENT:

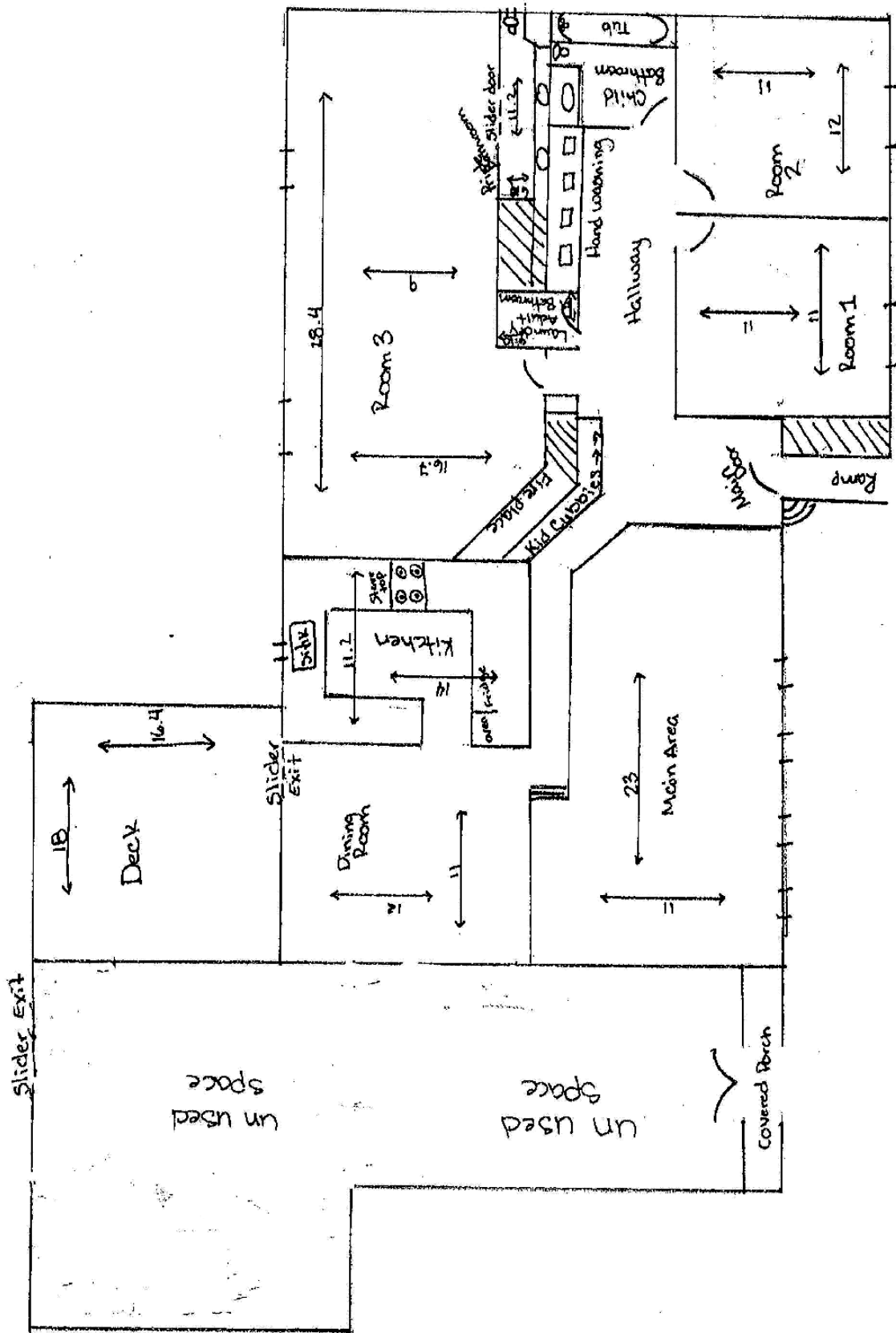
ADDRESS: 19201 Del Mar Drive, Fort Bragg

*NO SCALE*

## SITE PLAN

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



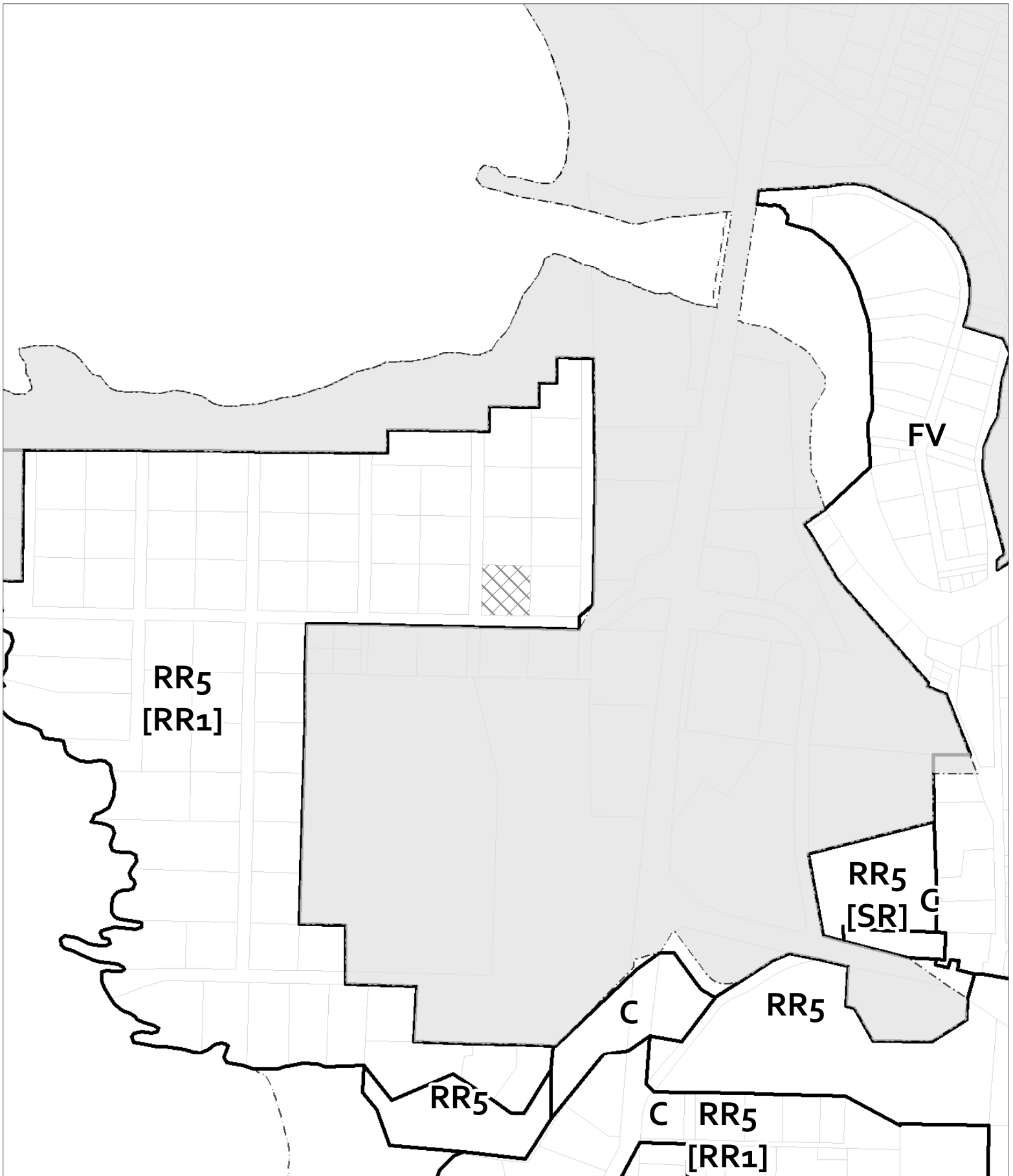


CASE: U 2017-0020  
 OWNER: RICCA, Wanda  
 APN: 018-440-47  
 APLCT: Wanda Ricca  
 AGENT:  
 ADDRESS: 19201 Del Mar Drive, Fort Bragg



NO SCALE


FLOOR PLAN

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



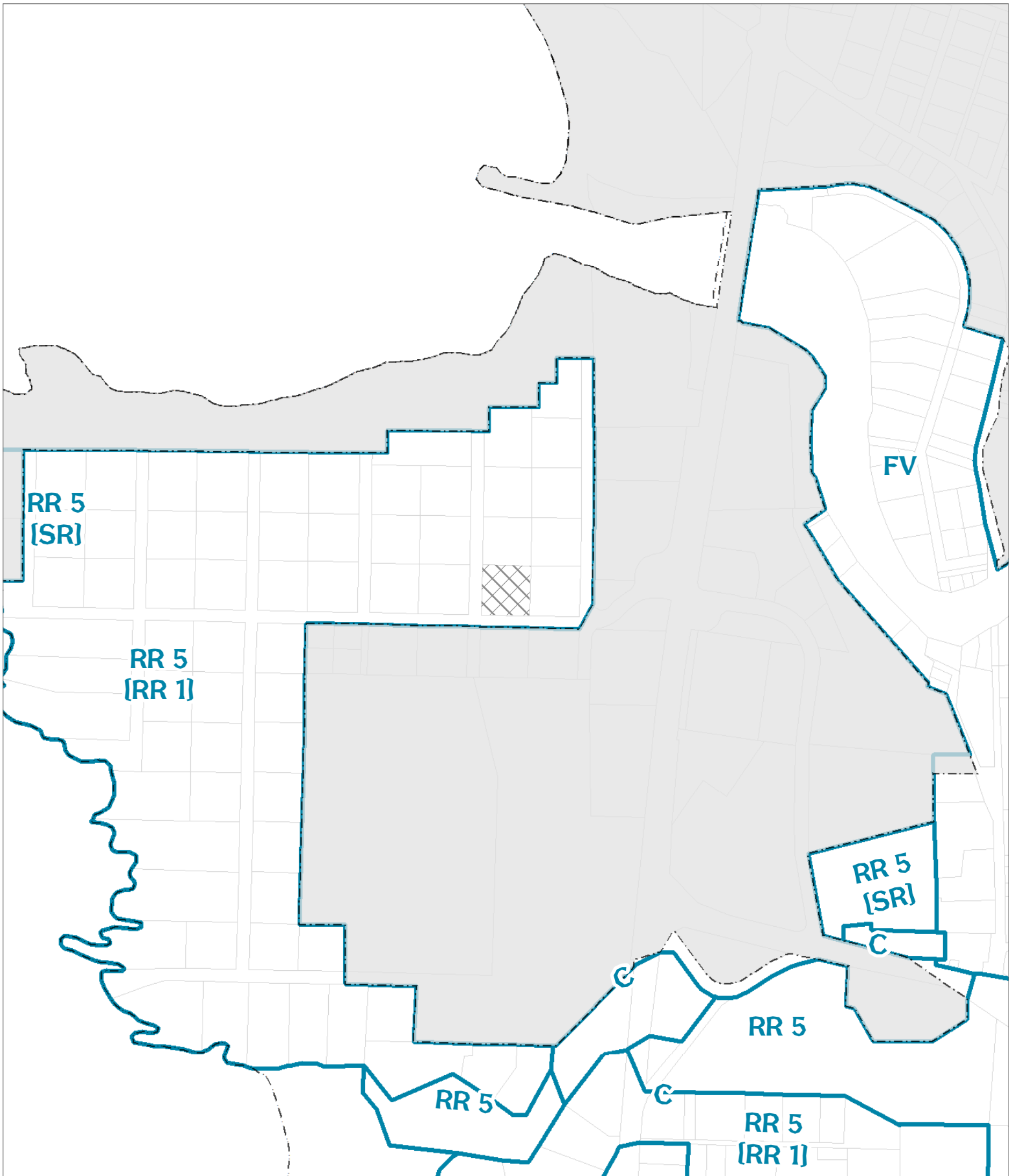
CASE: U 2017-0020  
 OWNER: RICCA, Wanda  
 APN: 018-440-47  
 APLCT: Wanda Ricca  
 AGENT:  
 ADDRESS: 19201 Del Mar Drive, Fort Bragg

 Incorporated City Limits  
 Zoning Districts



0 250 500 Feet  
 0 0.0425 0.085 Miles  
  
 1:6,000

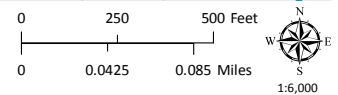
ZONING DISPLAY MAP

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2017-0020  
 OWNER: RICCA, Wanda  
 APN: 018-440-47  
 APLCT: Wanda Ricca  
 AGENT:  
 ADDRESS: 19201 Del Mar Drive, Fort Bragg

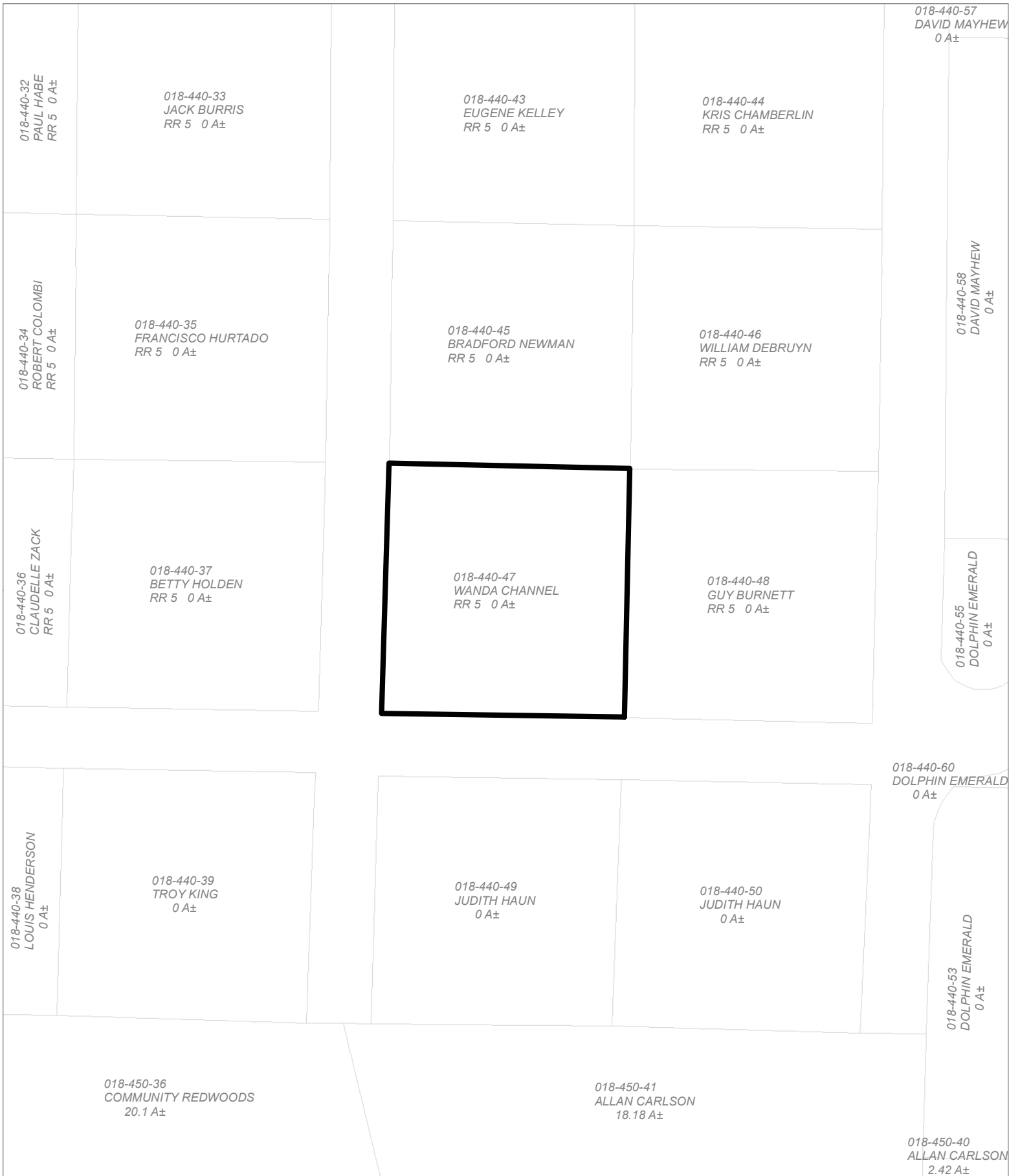
 Incorporated City Limits  
 General Plan Classes



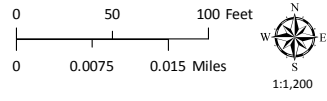
GENERAL PLAN CLASSIFICATIONS

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES





CASE: U 2017-0020  
OWNER: RICCA, Wanda  
APN: 018-440-47  
APLCT: Wanda Ricca  
AGENT:  
ADDRESS: 19201 Del Mar Drive, Fort Bragg



ADJACENT PARCELS

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
April 5, 2018

U\_2017-0020 - Ricca Daycare Facility/Small School

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF  
MENDOCINO, STATE OF CALIFORNIA, GRANTING A COASTAL  
DEVELOPMENT USE PERMIT FOR A DAYCARE FACILITY/SMALL  
SCHOOL.

WHEREAS, the applicant, Wanda Ricca, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to establish a daycare facility/small school located 1.9 + miles southwest of Fort Bragg City Center, lying on on the east side of Del Mar Drive (CR 56), 131+ ft. north of its intersection with Ocean View Drive (CR 439), located at 19201 Del Mar Drive (CR 440d), (APN: 018-440-47).; Supervisorial District 4; hereafter referred to as the "Project"; and

WHEREAS, the project is Categorically Exempt pursuant to California Environmental Quality Act (CEQA), Section 15332, In Fill Development Projects, determined in accordance with the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on April 5, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. A single family residence and accessory structures are a principally permitted uses within the Rural Residential land use classification and are consistent with the intent of the RR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served for many years, and would continue to be served, by an on-site well and septic disposal system; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of District II Zoning Ordinance, Title 20 of the Mendocino County Code, including development criteria for Environmentally Sensitive Habitat Areas, and preserves the integrity of the Rural Residential Zoning District.; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed use of an existing single family residence as a daycare facility/small school, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The project is found to be Categorically Exempt Pursuant to CEQA Section 15332; and

5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Standard Condition 3 is in place when archaeological sites or artifacts are discovered; and

6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The site is currently developed with an existing single family residence and the proposed use is not anticipated to affect demands on public services.

7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea, and is not designated as a potential public access point.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Conditions of Approval.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested entitlement subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: VICTORIA DAVIS  
Commission Services Supervisor

By:\_\_\_\_\_

BY: IGNACIO GONZALEZ  
Interim Director

MADELIN HOLTKAMP, Chair  
Mendocino County Planning Commission

\_\_\_\_\_

\_\_\_\_\_



**EXHIBIT "A"**

**CONDITIONS OF APPROVAL  
APRIL 5, 2018**

**U\_2017-0020 - RICCA DAYCARE/SMALL SCHOOL**

COASTAL DEVELOPMENT USE PERMIT TO ALLOW A DAYCARE FACILITY/SMALL SCHOOL IN AN EXISTING RESIDENTIAL STRUCTURE IN A RESIDENTIAL NEIGHBORHOOD WITH NO NEW PROPOSED DEVELOPMENT OR CONSTRUCTION

**APPROVED PROJECT DESCRIPTION:** Coastal Development Use Permit to legalize Sprouts Montessori Children's House, a Daycare Facility/Small School pursuant to Section 20.376.015 (B). No new development, construction or improvements to the property are proposed. The applicant is proposing to operate daily, from 7:45 am to 5:15 pm. Half and full day programs are offered and the children served are between 2 and 6 years of age. The applicant has submitted a site plan that includes the required parking spaces for both uses.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
3. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the applicant to make use of this permit within one (1) year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
4. In the event that the use of the facility should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U\_2017-0020.
5. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
6. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith is mandatory, unless a modification has been approved by the Planning Commission.
7. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.

- b. That one or more of the conditions upon which such permit was granted have been violated.
- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 9. The applicant shall obtain all authorizations required by and comply with all conditions established by the following agencies having jurisdiction over the project, including, but not limited to:
  - a. County of Mendocino Department of Transportation (DOT): September 25, 2017

#### **BUSINESS LICENSE:**

- 10. Prior to commencement of operations the applicant shall submit a copy of their Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.
- 11. A valid Mendocino County Business License for the subject property shall be issued and kept current by the Mendocino County Tax Collector, and a copy of said license shall be submitted to the Department of Planning and Building Services prior to the operation of the business.

#### **CHILD CARE FACILITIES/SMALL SCHOOLS:**

- 12. Necessary permits and clearances from the Mendocino County Building Inspection Division shall be required prior to occupancy of the residence by a licensed day care facility.
- 13. Noise levels related to the day care facility shall not exceed those customarily generated by single-family residential uses in the neighborhood.
- 14. In addition to at least two off street spaces required for the single-family residence, there shall be provided on site at least one (1) space for every employee working on the largest shift plus (1) space for every ten persons.
- 15. One non-illuminated sign not to exceed four (4) square feet shall be permitted.
- 16. Hours of operation are limited to 7 a.m. to 6 p.m. Monday through Saturday.

#### **TRANSPORTATION, TRAFFIC AND PARKING:**

- 17. Per DOT comments received September 25, 2017, "A standard commercial road approach shall be constructed at 19201 Del Mar Drive (CR 440 D) to a minimum width of eighteen (18) feet, with improved approach extending twenty (20) feet from the edge of Del Mar Drive, to be paved with asphalt concrete or surfacing comparable to that of the adjacent County road. Concrete driveway approaches shall not be permitted."
- 18. The application indicates that at least four parking spaces are planned along the fence line. No parking shall be permitted within the County right of way.

19. Any proposed work within county rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

**UTILITIES AND SERVICE SYSTEMS:**

20. The applicant shall contact and work with the Mendocino County Department of Environmental Health to meet any requirements the department has regarding wastewater and septic systems.

**USE PERMIT CONDITION ACKNOWLEDGEMENT:**

21. To ensure the terms and conditions of this use permit are understood by the applicant, an acknowledgement form shall be submitted to the Department of Planning and Building Services.  
TIMING AND REQUIREMENTS: Prior to commencement of use authorized under Use Permit U\_2017-0020 or issuance of any building permits associated with said Use Permit, the applicant shall submit a signed statement acknowledging the review and full understanding of all terms and conditions associated with project approval and ongoing condition compliance.
22. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

**EXTERIOR LIGHTING:**

23. All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.