

**CITY OF TULARE PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No.

October 8, 2018

**CONDITIONAL USE PERMIT NO. 2018-23**

<b>PRESENTED TO:</b>	Planning Commission		
<b>PROJECT PLANNER:</b>	Steven Sopp, Associate Planner		
<b>APPLICANT:</b>	Tiffany Osborne		
<b>LOCATION:</b>	1784 Silver Lake Avenue		
<b>APN:</b>	191-420-024		
<b>ZONING CLASSIFICATION:</b>	R-1-7 (Single Family Residential)		
<b>GENERAL PLAN DESIGNATION:</b>	Low Density Residential		
<b>SURROUNDING LAND USES AND ZONING:</b>	North: Single-Family Residential	R-1-7	
	South: Single Family Residential	R-1-7	
	East: Single Family Residential	R-1-7	
	West: Single Family Residential	R-1-7	

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2018-23 subject to the findings and conditions in Resolution No. 5297. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

**REQUEST**

This is a request by Tiffany Osborne to establish a licensed large family day care home (nine or more children, not to exceed fourteen children). The day care will be established within an existing single family residence.

**STAFF COMMENTS:**

The property is located on the north side of Silver Lake Avenue between Elsinore Street and Sunrise Street (1784 Silver Lake Avenue) and is currently zoned R-1-7 (Single Family Residential, 7,000 sq. ft. minimum lot area). The property is developed as a single family residence and there is no proposed change in building layout. The day care hours of operation will be Monday through Friday 7:30 a.m. to 5:30 p.m. No employees

other than the business/property owner will be required. Rooms not used as part of the day care business will be closed and marked “Off Limits.”

All daycare facilities are subject to the State of California licensing, inspection and monitoring. The City’s role is limited to land use appropriateness, while operational matters are handled by the State. If the project is approved by the Planning Commission, the applicant will be required to contact the State for inspection and approval of the day-care facility.

Operation of large day-care facilities require approval of a Conditional Use Permit in the Single Family Residential Zoning District (*Chapter 10.116 – Conditional Use Permits*).

No comments have been received by staff regarding this project during the public comment period.

**ENVIRONMENTAL FINDINGS:**

This project is exempt pursuant to Section 15274 of the California Environmental Quality Act of 1970, as amended.

**FINDINGS:**

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2018-23:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15274 of the California Environmental Quality Act of 1970, as amended.

**CONDITIONS:**

Based on the approved findings, staff recommends that Conditional Use Permit No.2018-23, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) The applicant shall apply for and maintain an active business license with the City at all times of operation.
- 3) The applicant shall maintain a state daycare license at all times of operation.
- 4) The permit shall be for the benefit of the applicant in whose name the permit was issued, for the specific approved location. The permit shall not be transferrable to another location.
- 5) The scale of the operation shall be limited to a maximum of 14 children.
- 6) If the use ceases to operate for a continuous period of one year, said conditional use permit shall lapse and become void.
- 7) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.

**APPEAL INFORMATION:**

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

**Attachments:**

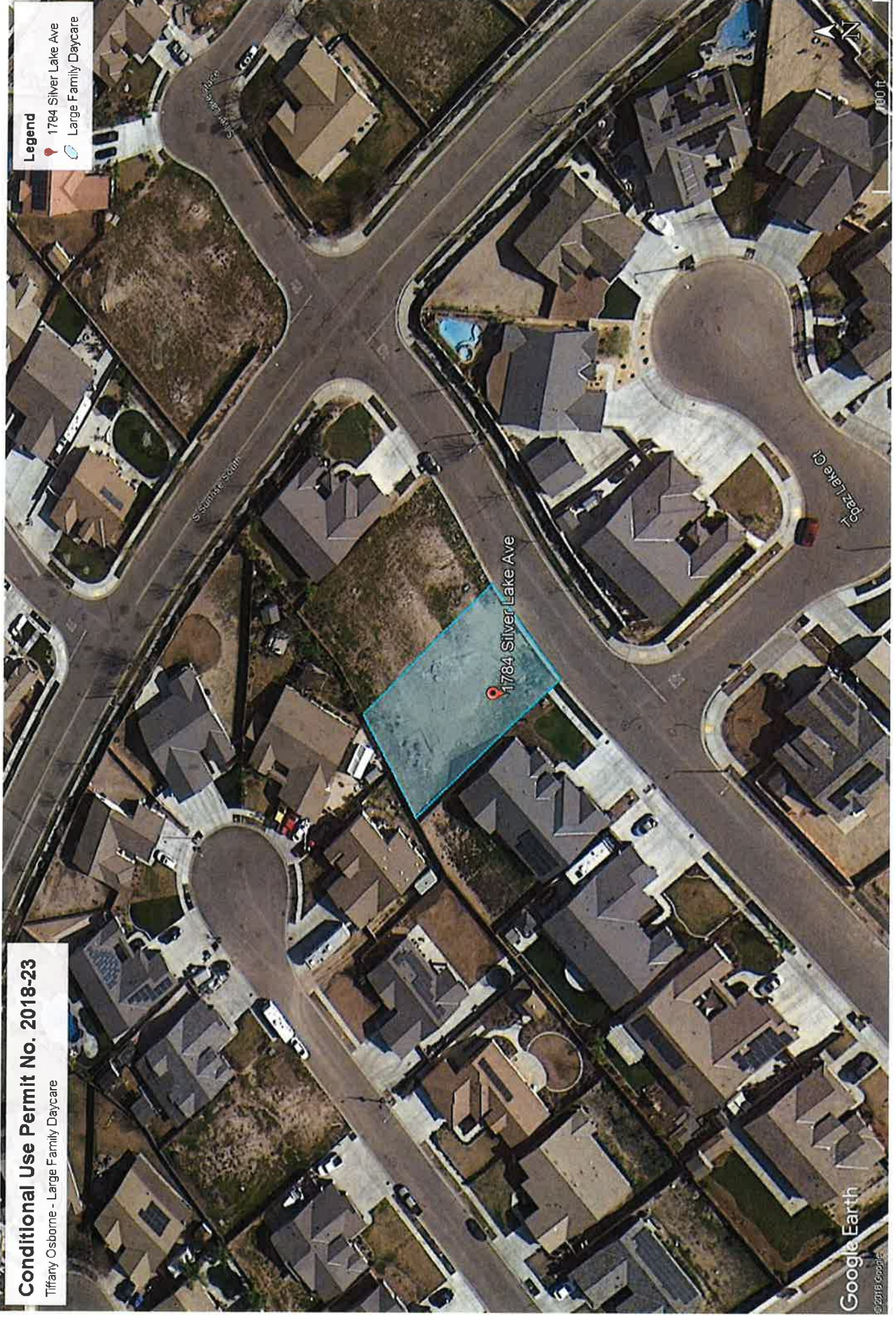
- I. Project Location Map
- II. Floor Plan
- III. Interior/Exterior Pictures
- IV. Resolution

**Conditional Use Permit No. 2018-23**

Tiffany Osborne - Large Family Daycare

**Legend**

- 1784 Silver Lake Ave
- Large Family Daycare



REVISIONS

Table with 3 columns: No., Description, Date



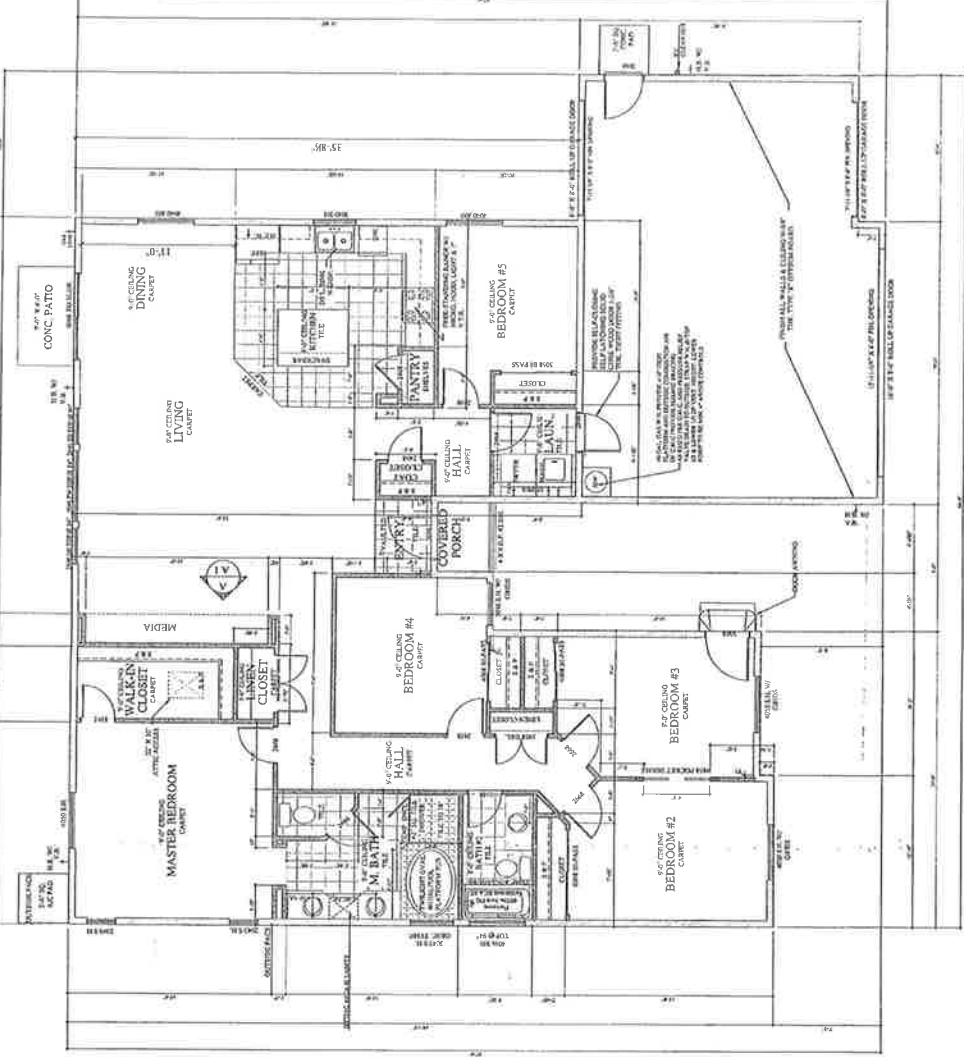
DALEY HOMES
1356 EAST ULAIRE AVENUE • ULAIRE • CALIFORNIA • 93774
ULAIR (559) 646-1761 • MARIPOSA (559) 582-9248 • FRESNO (559) 686-1035

Table with 2 columns: Item, Value
SHEET SIZE: N/A
TEMPERATURE: N/A
WALL: ALBERN
WIND SPEED: 2000 30 FT
SLOPE: 1/4" = 1'-0"
DESIGNER: IVAN NAVARRO
FILE: 73587

A1

FLOOR PLAN

WALL LEGEND
2x6 WOOD FRAMED WALL W/ R-19 INSULATION
2x4 WOOD FRAMED WALL INSULATION VALUE VARIES



MECHANICAL WATER HEATER SCHEDULE
TYPE: WATER HEATER
CAPACITY: 40 GPM
VOLUME: 100 GALS

GREEN BUILDING NOTES

- 1. THE REVISIONS SHALL COMPLY WITH THE ENVIRONMENTAL QUALITY POLICY CONTROL PLAN...
2. GREEN BUILDING MATERIALS SHALL BE USED TO THE MAXIMUM EXTENT POSSIBLE...
3. GREEN BUILDING MATERIALS SHALL BE USED TO THE MAXIMUM EXTENT POSSIBLE...

GENERAL NOTES

- 1. GENERAL NOTES: THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, QUALITY, AND CONSTRUCTION...
2. FOUNDATION: THE FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE...
3. FLOORING: THE FLOORING SHALL BE INSTALLED IN ACCORDANCE WITH THE...

INSULATION NOTES

- 1. INSULATION: INSULATION SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. WALLS: WALLS SHALL BE INSULATED WITH R-19 INSULATION...
3. FLOORS: FLOORS SHALL BE INSULATED WITH R-19 INSULATION...

FRAMING NOTES

- 1. FRAMING: FRAMING SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. ROOFING: ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. CEILING: CEILING SHALL BE INSTALLED IN ACCORDANCE WITH THE...

GLAZING NOTES

- 1. GLAZING: GLAZING SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. WINDOWS: WINDOWS SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. DOORS: DOORS SHALL BE INSTALLED IN ACCORDANCE WITH THE...

PLUMBING NOTES

- 1. PLUMBING: PLUMBING SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. WATER: WATER SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. SEWER: SEWER SHALL BE INSTALLED IN ACCORDANCE WITH THE...

GAS APPLIANCE NOTES

- 1. GAS APPLIANCE: GAS APPLIANCE SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. VENTILATION: VENTILATION SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. GAS: GAS SHALL BE INSTALLED IN ACCORDANCE WITH THE...

ELECTRICAL NOTES

- 1. ELECTRICAL: ELECTRICAL SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. WIRING: WIRING SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. PANELS: PANELS SHALL BE INSTALLED IN ACCORDANCE WITH THE...

GAS WATER HEATER NOTES

- 1. GAS WATER HEATER: GAS WATER HEATER SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. VENTILATION: VENTILATION SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. GAS: GAS SHALL BE INSTALLED IN ACCORDANCE WITH THE...

Mechanical Notes

- 1. MECHANICAL: MECHANICAL SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. HVAC: HVAC SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. FILTERS: FILTERS SHALL BE INSTALLED IN ACCORDANCE WITH THE...

Fire Resistance Construction

- 1. FIRE RESISTANCE: FIRE RESISTANCE SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. WALLS: WALLS SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. FLOORS: FLOORS SHALL BE INSTALLED IN ACCORDANCE WITH THE...

Foundation Notes

- 1. FOUNDATION: FOUNDATION SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. FOOTINGS: FOOTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. WALLS: WALLS SHALL BE INSTALLED IN ACCORDANCE WITH THE...



- 1. LIVING ROOM WALL: LIVING ROOM WALL SHALL BE INSTALLED IN ACCORDANCE WITH THE...
2. SUPPORT: SUPPORT SHALL BE INSTALLED IN ACCORDANCE WITH THE...
3. MEDIA: MEDIA SHALL BE INSTALLED IN ACCORDANCE WITH THE...



RESOLUTION NO. 5297

A RESOLUTION OF THE CITY OF TULARE PLANNING  
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2018-23

**WHEREAS**, Conditional Use Permit 2018-23 is a request by Tiffany Osborne to establish a licensed large family day care (nine or more children, not to exceed fourteen children) within an existing single family residence located at 1784 Silver Lake Avenue; and,

**WHEREAS**, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on October 8, 2018; and,

**WHEREAS**, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2018-23 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

**WHEREAS**, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA);

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15274; and,

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 1) This project is exempt pursuant to Section 15274 of the California Environmental Quality Act of 1970, as amended.

**BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2018-23 is hereby approved subject to the following conditions:

**Conditions:**

- 1) All requirements of Title 10 shall be met.
- 2) The applicant shall apply for and maintain an active business license with the City at all times of operation.
- 3) The applicant shall maintain a state daycare license at all times of operation.
- 4) The permit shall be for the benefit of the applicant in whose name the permit was issued, for the specific approved location. The permit shall not be transferrable to another location.
- 5) The scale of the operation shall be limited to a maximum of 14 children.
- 6) If the use ceases to operate for a continuous period of one year, said conditional use permit shall lapse and become void.
- 7) If any conditions of approval are violated, this conditional use permit may be revoked as prescribed in the Municipal Code.

**PASSED, APPROVED AND ADOPTED** this eighth day of October, 2018 by the following recorded vote:

AYES: \_\_\_\_\_

\_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
CHUCK MIGUEL, CHAIRMAN  
City of Tulare Planning Commission

ATTEST:

\_\_\_\_\_  
JOSH MCDONNELL, SECRETARY  
City of Tulare Planning Commission