

REASON: The existing day nursery is considered a nonconforming use and any expansion of that use, including the proposed building addition, requires a special use permit.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its November 3, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property is located in the R-6 Single-Family Attached Residential zoning district. The property is currently improved by Ms. Babs' Nursery School, which is not a permitted use in the R-6 district. However, the existing day nursery use is deemed to be nonconforming. The applicant is proposing a two-story building addition that would be approximately 1,750 square feet, and include a pre-kindergarten room, an infant nap room, and an infant playroom.

The existing nursery has 8 employees and the addition would require 3 more employees, bringing the total number of employees to 11. Current zoning requires 1 parking space per 2 employees, and with the proposed 11 employees, zoning would normally require 6 off-street parking spaces. However, the special use permit ordinance is waiving those parking requirements.

With the proposed building addition, the applicant expects the day nursery attendance to be approximately 50 children. Conditions added to the special use permit would require at least 100 square feet of outdoor play area for each child and a continuous opaque fence, at least four feet in height that would surround the outdoor play area.

The Richmond Master Plan designates this property as Single-Family (medium density) in the Near West Planning District. "Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category are R-43 and R-48" (133).

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: October 13, 2014

CITY COUNCIL PUBLIC HEARING DATE: November 10, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, November 3, 2014

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft

ordinance); and City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511), 646-5734

DCD O&R No.14-37