

To whom it may concern,

Dawn Mahoney Menendez is by far the best daycare provider in town and my kids have been to a quite a few. Our son Gavin Silva attends Dawn full time Monday through Friday 7:30-5:00 pm. We don't know what we would do without her. She has the kids on a great schedule for meals and snacks, she is very reasonably priced for Sitka and is great with all the kids. This town would be in a great daycare need should Dawn have to shut down due to a non-caring neighbor. I know there are many kids out there still seeking daycare and can not find a good, clean, caring, reputable place to take them.

When you walk into Dawn's house you get this warm, caring feeling and see nothing but happy kids! Dawn's house is geared towards kids, is always clean, and is always open, has new toys out each week, and has an outdoor fenced yard for the playground. I hope you take all parents letters and meet with each individual parent before considering her to close. You will hear nothing but great things about Dawn Mahoney-Menendez and the daycare she has offered to many Sitka families in the past, present and hopefully many more years to come.

Ryan and Lauren Silva

Brian and Sherri Blankenship
4316 Valhalla Dr.
Sitka, AK 99835
December 5, 2011

Re: Kids First Daycare
City of Sitka
Assembly
Sitka, Alaska 99835

Finding childcare in Sitka is a frustrating and time consuming task. The options are limited and the waitlist can be long once you find reliable and licensed care. My husband and I searched for weeks and was waitlisted at two childcare facilities before being referred to Kids First by a local elementary school teacher. When we first walked into Dawn's daycare a year ago, we felt at home and relieved that our search was finally over.

The quality of care that Dawn provides at Kids First is outstanding and has proven superior to any daycare experience that we have had with past providers. Our child is always in a happy, structured and educational environment while at Kids First. In the past year, our 3 ½ year old son Gabriel has made leaps and bounds growing in all areas while at Dawn's.

Both my husband and I are self employed outside our home. My husband is a commercial fisherman and I own Element Body Wellness Center located here in Sitka. Without having reliable daycare, my husband and I will have no choice but to close down my business so that I can be home with our children. Losing Kids First will not only negatively affect our family but many other families as well.

A simple parking inconvenience is not worth this kind of sacrifice. All of these families pay property taxes/city taxes and assist in the economic growth of this community year round. I ask that the assembly keep in mind all aspects of this situation and be fair to all families involved. Let's resolve this issue amicably and come up with a solution that all parties can work with.

Respectfully,

Sherri and Brian Blankenship

To Whom it may concern:

My name is Mary Ferguson, and I am writing a letter to support Dawn Menendez and her business "Kids First Daycare". This letter not only speaks for myself, but for my 5 year old son Evander who attends Dawn's daycare.

When I had my son, I was a first time young mother. I took a job working night shifts due to not only lack of childcare at the time for infants, but more importantly the lack of people who I would trust to watch and care for my son they way I would expect. After about a year, I started getting recommendations from friends and family members about Dawn Menendez. I knew Dawn only through occasional encounters at the softball field. After hearing outstanding references I decided to contact Dawn in May of 2008. Unfortunately she did not have any openings, and I was told by others, she is a difficult daycare to get into because her openings are in high demand by parents. I told her I was interested and was willing to wait until there is an opening. She started watching my son full time in October 2008 shortly after his 2nd birthday and she has been his only childcare provider since.

Before he began in her care, I was forced to have someone else watch my son. He not only did not enjoy his time there, he spent a majority of his time in his car seat driving around, and he screamed and cried every time I dropped him off.

When I first dropped my son off at Dawn's daycare, he was lacking a bit of his communication skills. He didn't speak hardly any words, and primarily expressed himself and his needs through sign language that I taught him. After the first week at Kids First Daycare, my son started speaking. Dawn had helped my son develop social skills and life skills that were important in preparing him for school. She not only helped my son with things such as potty training, but she also helped me in teaching me things that I can do to help him at home.

Dawn Menendez is an outstanding friend and childcare provider to Evander. He is in kindergarten this year and continues to go to Dawn's house after he gets out of school. Having a birthday in the summer, my son was a little young to be starting kindergarten, but impressed teaching staff during orientation. He is very small for his age, but I was told that he is very smart, and already exceeds the expectations of a kindergartener. I STRONGLY believe that if it wasn't for Dawn's preschool like setting and curriculum, my son would not be as advanced as he is now. She took the time to teach my son "small things" such as cutting with scissors, coloring, learning colors and shapes, songs, days of the week, counting, etc... the list can go on and on. She not only cares for these children from 7:30-6:00, but outside of her daycare hours by inviting the parents and kids to join them for watching movies at the theater and other activities giving us as parents a chance to participate and interact with them and the kids.

Dawn puts her whole heart into what she is doing, and is very creative and effective in her ways of teaching and discipline. Her house is always decorated for each and every holiday, and birthdays are made special. She has toys that are educational and that are rotated, and a fenced yard with toys that are entertaining and that inspire their creative minds. Dawn exceeds my expectations as a child care

provider. When I plan to have another child, making sure Dawn has an opening will be among the first priorities.

My son looks forward to going to her house every day, and if for any reason, Dawn had to close her daycare, my son think he was being punished. He loves her very much. In the unfortunate event that anything was to happen to her daycare, mine and my son's life would be greatly affected. I am a single mother that works 3 jobs, and I know there is nobody else that would meet my standards and that could even compare to "Dawny's House". She is one of the few licensed daycares in this town that takes daycare assistance, and that will accept infants.

I believe that the situation that they are in now with their neighbor is a situation that happens down south, not in a small close knit community like Sitka. We don't live on major roads that are always taken care of by the city or state, so we need to learn to work together with our neighbors so we can all live peacefully. Neighbors help each other and compromise. If every neighbor took their petty problems to higher authority, our town would be at war. Our town really knows how to come together and help each other when something happens. Dawn and her husband Peter are people that are open to communication and are willing to negotiate. I believe that this situation could have been handled in a different manner, and it's a shame that it came down to this.

I have nothing negative to say about Dawn or Pete, and I feel so strongly for their business and their positive impact on the children in her care I am willing to aid them in whatever steps are necessary for her to keep her daycare. I hope the children that are attending her daycare can continue to be cared for by her.

Thank you for your time and consideration.

Mary Ferguson and Evander Elixman

To Whom It May Concern,

This letter is in regards to First Day Care run by Dawn Menendez. Finding day care that is affordable is difficult, as is finding day care for infants and toddlers. Dawn runs a well organized, clean and very friendly day care. There is consistency in her weekly activities and there is valuable lessons taught in her care. My daughter Ahnalaya Rose has been attending her day care since July of 2011, at 10 months, and has come home to my husband and I with more and more progress in her communication and socializing skills. For instance, she came home one day, and while eating, asked for more while signing the motion meaning more. She also pointed at a picture of a wolf and attempted to say the word and growl. My daughter now knows to wait her turn, understands what "playing nice" means, and is able to communicate with us what it is she wants and needs.

Finding day care that you have complete faith and trust in the providers is difficult, even in a small town such as Sitka. I have known Dawn for a few years now, and know that my daughter is in safe hands when I bring her to day care. As Ahnalaya is our firstborn, we were leery with who's care we leave her in.

In conclusion, I would like to state again that First Day Care is, if not the best, one of the best cleanest and affordable day care facilities available.

Thank You
Emilyann Atkinson



Kids First Daycare

My son Aydin, has been attending Kids First Daycare since May of 2010. It did not take me long to realize that putting him in the care of Dawn Mahoney Menendez was the best choice I've ever made. He has been in and out of other daycares since he was three months old. The daycares he attended before were large centers with lots of other children. My son, whom has difficulty in larger settings, did not do well in these programs. After being asked to remove him from his second daycare in two years, the provider suggested to me about sending him to Kids First, a home provider. At first I was a little apprehensive about sending him to a daycare inside someone's home. That changed the moment I met Dawn. She was, and still is a very caring nurturing, and animated person who puts the needs of both children and family's first. I myself have worked in a larger center for the past six years and I couldn't do as good of a job as she does. Some people have asked me why son isn't with me at the center where I work, and I just tell them some kids can't do large groups and my son is one of them. It would be a huge disappointment to this community where quality childcare is hard to find, if Kids First had to close. Dawn has already changed mine and my son's life and I'm sure she will continue to do so.

Sincerely,

Devi Spangler

To Whom It May Concern:

I am writing this letter on behalf of Dawn Menendez and her daycare Kids First Day Care. I have had both of my children enrolled in her daycare. My youngest child has been attending Dawn's since 10/10. My youngest child loves to go to Dawn's and it is actually more than a daycare to him. Dawn also provides preschool activities so he will be ready to enter Sitka's public school system next year and will be ahead of the game. He loves to go to Dawn's and has formed a relationship with her. I trust my children with Dawn and do not ever worry about them when I am at work, which is very important to a parent who has to work and send their children to daycare daily. Upon coming to Sitka I did research all the daycares that were available to my children and found that Kids First Day Care had an outstanding record and was recommended to me by numerous people as a quality, loving, and compassionate daycare. I am so happy with the care provided to my youngest child, not only is he learning academics but she also holds each child accountable for their behaviors, and teaching them social skills as well (which lacks in most childcare agencies in Sitka as I have found out talking to other parents with children in daycares throughout the area). My oldest child started going after school in August of this year because of the horrible experiences that he had at Ventures, which is the only other place in Sitka that provides childcare to school aged children. My oldest would cry and beg me not to send him to Ventures daily and he picked up many inappropriate and non-acceptable behaviors from going to Ventures. So this year I asked Dawn if she had room for my oldest who is 7 ½. Since going to Dawn's my oldest loves his care provider. It is not a "free for all" like it is at Ventures. Dawn has them do homework, help with the younger kids and holds the older kids accountable for their behaviors just like the toddlers and pre-school aged children. My children would be devastated to lose their care provider which is more than "just a place to go when my mom works". They genuinely love going to Dawn's and have formed meaningful relationships with her and the other children that attend Kids First Day Care.

During 2010 I came up to Dawn's house to pick up my children and someone was parked her driveway picking up their children and the neighbor across the street was outside. I politely asked if it was ok if I pulled in by the bushes and ran inside to get my children. The gentleman stated that it was no problem anytime. I thanked him.

It would be a sad state of affairs if Kids First Day Care had to shut down because of one neighbor's inability to discuss maturely in person with Dawn the situation or to simply ask the person who was barely on her property to move their car. It takes 2 mins to grab one's child and leave, and I have never seen anyone "parked or blocking" the said neighbor's driveway. I have had to swerve slightly onto their property a few times because of their dogs that run around unleashed and run towards my car so that I do not hit them.

This community would be losing a quality daycare provider if she is not allowed to run her business and I am sick to my stomach to think my oldest and then next year my youngest will have to attend Ventures, the only other school aged after care option. Thank you for your time.

Robin Riggs

Herman & Jada Green
4715 Lincoln Circle
Homer, AK 99603
(907) 235-6964

To whom it may concern,

Our son, Braxton Green, was in the care of Dawn Mahoney of Kid's First Daycare from November 09' to December 10'. Due to being a Coast Guard family it is hard to establish roots when you are uprooted every couple of years. It is always a challenge trying to find quality childcare. We totally lucked up when we found Kid's First. The care my child received from Dawn was nothing short of exceptional. We cannot say enough about Dawn Mahoney and Kid's First Daycare.

Braxton was just a little over 1 year old when he started at Kid's First. Coming from our previous location in Boston, MA that had many variations in types of childcare, we found that our options were very slim in Sitka. We particularly wanted an in-home facility because they are more intimate. We got way more than we expected. Braxton knew all his colors and shapes and could even recite the months of the year by the age of 18 months. We were amazed at all of the things he was able to do. He loved Dawn. It is a great feeling when you know that your child is being taken care of just as well as you would as the parent. Having peace of mind when it comes to your child is crucial.

We now live in Homer, AK. Braxton is now three and still talks about Dawn. We wish we could move her around with us everywhere we go. I'm sure the other parents who have had the privilege of having Dawn as their child's care provider must feel the same about her. Having one less option for childcare in Sitka would be such a disadvantage for working parents, especially one as great as Kid's First Daycare. The services Dawn Mahoney provides are a vital contribution to the community of Sitka.

Sincerely,

Herman & Jada Green

To whom it may concern,

My son Cecil Patterson has been attending Kids First Day Care since 10/2011. Before that he had attended from 3/2010 - 01/2011. The only reason for the time break is because we moved out of Sitka.

Dawn has always been so great with Cecil. He loves his "Dawnie" and is excited to go there everyday. If he had to attend another daycare we would be heartbroken. I don't feel that he would learn as much as he has with another provider.

I am so thankful for Dawn. She is a huge asset in Cecil's learning experience.

If you valued your children's early education, manners and thoughtfulness. It would be a tragedy to lose Kids First Day Care.

Sincerely

Alicia Seto
Wayne Patterson

Alicia Seto
406 Monastery St.
752-9999

Wayne Patterson
406 Monastery St.
738-1204

Selina M. Slack

P.O. BOX 20701

Juneau, AK 99802

Phone: 907-463-4712

Cell: 907-738-5102

City of Sitka Assembly

assembly@cityofsitka.com

To the board members,

This letter is in support of Mrs. Dawn Mahoney-Menendez. It has come to my attention that her licensing and the re-zoning of the location of her license are to be discussed at future meetings. To my knowledge Kids First Daycare has been operated at 506 1st St. since 2004.

My son, Paul Ethan Hill was in the care of Mrs. Mahoney from November 2004 through June 2007. From the time he was 2 years 8 months until he was 5 years 3 months. In that time it was discovered that my son was categorized as being possibly autistic (later confirmed at SEARHC Neurology clinic). During the time he was in her care he learned to vocalize, communicate visually and attain certain coping tools to help him become an active child in social settings. The amount of child care services within the City and Borough of Sitka is limited. Even more so, exceptional child care is a hard thing to find anywhere. Kids First Daycare was recommended to us as being a "very well maintained child care within a home setting. Dawn is not only a great care provider but has numerous certifications in the field of child care and early development".

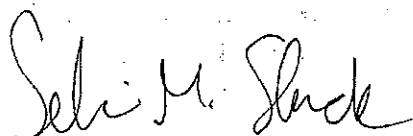
In the time I have known Dawn she has had an exceptional history of business management. Her in-home care is and always has been the same from child to child. There have been no variations in her dealings. She maintains her property as not only her home but as daycare for that purpose. I can not stress enough how much Dawn is conscientious of her neighbor. Citing in her instructions for drop off and pick up procedures that her driveway is to be used only. Recently, I had visited Dawn and seen that she put in fencing between her property and the adjacent lot. I would assume that she did this as a courtesy to her neighbor and at her own expense.

I digress with my numerous praises of Mrs. Mahoney-Menendez. Ultimately my son Paul was discharged from Kids First Daycare for an instance of biting. This proves to me that even though Dawn was very close to my son and even though he was special to everyone he met while there, Mrs. Menendez would not put her business in jeopardy or the safety and well being of the children in her care for any reason. It is my belief that Mrs. Menendez uses proper procedure and has a strict set of guidelines that she adheres to in her business dealings. I do not believe she would go outside the boundaries of what she is limited to. She is fully aware of what is mandated by law in her licensing and would not go outside that scope.

To punish Mrs. Mahoney-Menendez because of a difference of opinion, temperament or whatever it may be that caused her neighbor to request a re-zoning, would be a grievance not only to the children in her care but the City of Sitka as well.

If you have any questions, comments or concerns, feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Selina M. Slack". The signature is written in black ink and is positioned to the left of the typed name.

Selina M. Slack

Deputy Clerk II

Juneau Trial Courts

to whom it may concern

I am writing on behalf of Kids First daycare. I think the service that is provided there is vital to many families, who depend on the service that is given. I feel that there will be families that would be forced to quit their jobs.

I know from experience that the children that have gone there love being there with their friends. My son attended Kids First daycare, and is now in school. But even still he tells me he misses Dawn and the rest of the kids.

My son's progress from going to Kids First daycare was amazing. I am grateful that my son got to go to Dawn's daycare.

Franklin Akeyta

To Whom It May Concern,

I picked up my son Gavin Silva from daycare and pulled in to Dawn's driveway with my truck over the fence about 6 inches to 1foot. I went in and got my son and when I came out I couldn't back my truck out of the driveway due to a truck parked behind me. I went up to neighbor's door and knocked and when she answered the door, I asked her if she could move her truck, she said NO because I blocked her driveway and she couldn't get in but yet she was parked behind me and was in her driveway. I then told her I wasn't blocking her driveway and she said I parked on her property and then started telling me she has had problems with her neighbor for some time. I told her I simply came to pick up my son and don't know about any issues she has been having as my son just started coming here. She was very unpleasant towards me and I then told her she could come see me at work to work this issue out she has with her neighbor and told her I am a detective at Sitka Police Department. She then got became even more unpleasant towards me and I left.

You can certainly give me a call on my cell and I can explain more of the details 738-5586

Ryan Silva



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

November 17, 2006

Dawn Mahoney
Peter Menendez
506 First St.
Sitka, AK 99835

Joanna Giglia
1806 Alder Way #A
Sitka, AK 99835

Dear Dawn, Peter, and Joanna,

It has been brought to our attention that there is a daycare in operation at 506 First Street. It appears that there are issues related to daycare parking on adjacent land owners' property.

We would appreciate you looking into the matter and resolving the issue.

If you should have any questions please contact the Planning Office at 747-1814 or 747-1824.

Thank you,

Sara L. Russell
Planner I

DECLARATION OF PARTY WALL

COVENANTS made APRIL, 15, 1985, by MICHAEL P.
(Month) (Day) (Year) (Owner)
AND MARY E. REYNOLDS of P.O. BOX 3215, Sitka,
(P.O. Box or Address) (City)
99835;

RECITALS

A. MICHAEL P. AND MARY E. REYNOLDS are to be the owners of the following described real property: (legal description of lot as subdivided into two (2) parcels)

Lot 1, H & P Estates, A Subdivision of Lot 2, Block A, Sirstad No. 2, Sitka, Alaska, plat 85-B as recorded on April 25, 1985

B. There is now a two family residence located on the property with the common property line for each lot running through the common wall of each residence.

C. MICHAEL P. AND MARY E. REYNOLDS desire that the boundary wall (Owner) be and remain a common wall, party wall.

D. The purpose of this document is to ensure the use of the property for residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property and thereby to secure to each homeowner the full benefit and enjoyment of his home, with no greater restriction on the free and undisturbed use of his property than is necessary to ensure the same advantages to other property owners.

WITNESSETH

I. PARTY WALL

1. Declaration of Party Wall. The above described common wall shall constitute a party wall and each owner of the above described lots of real property shall have the right to use the wall jointly with the owner of the other lot.

2. Repair, Restoration, Rebuilding on Destruction. Should the party wall at any time while in use by both parties as aforesaid be damaged by any cause other than act or omission by the party, the wall shall be repaired or rebuilt at their joint, equal expense provided that the sum recieved from insurance against such damage or destruction shall be first applied to such damage or destruction, restoration or repair. Should the party wall be damaged or destroyed by the act or omission of either party, the wall shall be repaired or rebuilt at that party's sole expense.

3. Duration and Effect of Agreement. This agreement shall be perpetual and the covenants herein contained shall run with both parcels of land above described, but the agreement shall not operate to convey to either party, the fee to any part of the land owned or to be acquired by the other party.

4. Use of the Wall. The parties shall each have the full right to use the wall to support joists, cross-beams, studs, and other structural members as required on the erection of buildings on the respective premises, provided, however, that such use shall not injure the adjoining building nor impair the value of the easement to which the adjoining building is entitled.

5. Encroaching Modifications. Neither party shall extend the wall's thickness onto the land of the other party without the party's consent. Neither party shall add, expand or increase the size of their unit without full compliance with all Municipal codes, the consent of the other party and a reapproval and rewriting of an expanded common party wall agreement.

II. USE OF THE PROPERTY

1. Use. Each lot, tract, or plot covered by this agreement shall be used for single family residences only. Any enlargement to provide for additional separate units shall be an illegal use of the property, subject the owner to legal action by the Municipality and void the intent of this agreement thereby allowing private suit for damages by the common wall other party.

2. Maintenance of Exterior. Neither party shall paint or stain the exterior of his home without first submitting a plan to the owner of the other unit for approval. If the other owner fails to approve or disapprove such plans within ten (10) days after the submission, no such approval shall be required. The approval shall not be arbitrarily withheld and the second party is also required to then agree to utilize the same paint or stain and accomplish the same task within thirty (30) days on his portion of the structure.

3. Modification or Additions to Current Structure. No addition or modification or alteration of the existing building, nor any other new building shall or will be constructed or erected on the common wall properties until plans and specifications have been submitted to and approved by the owner of the adjacent common wall lot, tract, or plot as to the outward appearance and design, provided, however, that if the other owner fails to approve or disapprove within ten (10) days of submittal, no approval is required. In addition, a new party wall agreement and approval of the Municipality is required as well as meeting all applicable building codes. The approval of the common wall other party may not be unreasonably withheld and can only be withheld if the plans are found to be aesthetically incompatible with the original structure and other homes in the neighborhood.

4. Maintenance of Yard. The owner of each lot, tract, or plot shall maintain his property in neat fashion and shall not permit refuse, inoperable vehicles, junk or other clutter to be stored or placed on his property. Violation shall constitute a civil breach of this agreement and shall further place the owner in violation of Municipal codes.

5. Arbitration of Disputes. Any controversy that may arise between the parties with respect to the necessity of costs of repairs or with respect to any other right or liabilities of the parties under this agreement shall be submitted to the decision of three (3) arbitrators, one (1) to be chosen by each of the parties hereto and the third by the two (2) arbitrators so chosen. The award of the majority of the arbitrators shall be final and conclusive on the parties. The arbitrators shall be entitled to modest compensation for their services.

6. Duration and Effect of Agreement. The benefits and obligations of the covenants set forth in this agreement shall run with the land herein described so long as the wall or any extension thereof shall exist, and shall bind the respective parties hereto, their heirs and assigns, legal representatives and assigns. Should for some reason such as the total destruction of the entire two (2) family residence occur, the structure must be rebuilt as the same common wall unless either one of the parties desires to purchase the other party's interest and build a single family unit occupying all of the mutual property formerly containing two (2) units or construct a standard duplex for rental using the total space occupied by both former units.

IN WITNESS WHEREOF, Michael P. & Mary E. Reynolds has executed this agreement in SITKA, Alaska on this 18th day of April, 1985.

By: Michael P. Reynolds
(Owner)
Mary E. Reynolds

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

This is to certify that on this 18th day of April
19 85, before me, the undersigned, a notary public in and for
the Stat of Alaska, duly commissioned and sworn, personally
appeared Michael P. + Mary E. Reynolds to me known
to be the person(s) described in and who executed the above and
foregoing instrument, and acknowledged to me that they signed and
sealed the same freely and voluntarily for the uses and purposes
herein mentioned.

WITNESS my hand and official seal the day and year first
above written.

Richard D. Jensen
Notary Public for Alaska
My commission expires: 12/29/86

85-0767
1700
RECORDED-FILED
SITKA REC.
DISTRICT

APR 25 8 43 AM '85
REQUESTED BY Michael P. and Mary E. Reynolds
ADDRESS P.O. Box 3215
Sitka, AK 99835

I have received and read a copy of the Parent Parking Schedule. With this schedule I agree to the following:

- 1- If I miss my time block or want to come early, I must park on Monastery St. and walk down.
- 2- If I have a special circumstance (Dr./Dentist appt etc.), I must call first to check if there will be a conflict. Otherwise, I will park on Monastery St. and walk down.
- 3- If for any reason I need to adjust my time block, I will call Dawn first to see if she can accommodate me.
- 4- If I choose not to adhere to parking schedule and cause a parking issue, I will be given a warning. If I continue to cause an issue, I understand that my child will be released from day care.

Parent's Signature: _____ **Date:** _____

The Parent Parking Schedule also contained a copy of the Parent Parking Diagram, which I have also received, read and understand.

Parent's Signature: _____ **Date:** _____

I also understand and agree that it is my responsibility to relay this information to anyone else that may be dropping off or picking up my child/children. I understand and agree that I will be held accountable for their actions.

Parent's Signature: _____ **Date:** _____

Available to park

Monastery st

DO NOT PARK OR BLOCK

S04

First st SW

OUT

DO NOT PARK OR BLOCK

S03

DAWN CAR

#2 spot
pull all way to front
leave room for another car

#1 SPOT - use 1st
pull all way forward +
leave room for another
car

#3 SPOT: if large truck +
space 1 is taken. Pull all way
to garage + do not let car
go past S04 parent's line

POUCH

S06 Kids First
Day Care

Fenced
Yard

DO NOT PARK
OR BLOCK
DO NOT PARK
OR BLOCK
DO NOT PARK
OR BLOCK

S05

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit FEE \$100.00
plus current city sales tax

APPLICANT'S NAME: Dawn Mahoney - Menendez
PHONE NUMBER: 738-4114 / 747-5456 Pete. 738-4116
MAILING ADDRESS: 506 First St 747-3334

OWNER'S NAME: _____
(If different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: _____

PROJECT ADDRESS: 506 First St
LEGAL DESCRIPTION Lot: 1 Block: A
Subdivision: H&P Estates
U.S. Survey: US 2691 Zoning Classification: R-1

List specific request: Conditional use permit for home daycare

State all reasons for justifying request: to operate a state licensed home daycare with more than 4 children

List all features and details of request: - please see attached narrative

State the schedule and timing of request: retroactive - please place on Dec 20th packet.

Please attach drawings, maps, and additional narrative as appropriate.

The applicant must verify, to the satisfaction of the Public Works Department, that utility lines and services are not under proposed structures.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT: [Signature] Date: 12/5/11
SIGNATURE OF OWNER: [Signature] Date: 12/6/11
(If different from the applicant)

Approval will be based on plans submitted or approved by the Planning Commission or Assembly

Members of Planning and Zoning:

Please allow me to introduce myself. My name is Dawn Menendez and I've resided at 506 First Street since June 2003. When my husband Peter and I were looking to purchase a home it was not only because we wished to own rather than rent, but because I wanted to open a Licensed Home Day Care.

The first time we came to see this house we both knew it was perfect for us and for the business. So we discussed it for a few days then called Planning and Zoning to make sure a Licensed Home Day Care would be possible. When I called I spoke to a woman and told her that we had found a home we wanted to purchase and start a Licensed Home Day Care. I gave the address and was put on hold until she returned and said it is fine and was not a problem. She never informed me there was a distinction between having a daycare with 4 children or less and those with more children. She also never explained we would need a conditional use permit for the later. Based on this information we purchased our home in April 2003, and moved in and began my business Kids First Day Care in June 2003.

Since opening my business I have complied with State regulations to become an approved provider, which allows me to take families that receive State or Tribal Assistance. I also became a member of AEYC-SEA, which is a Food Program that regulates with both unannounced and announced visits to monitor that the food given meets U.S.D.A guidelines. From there in 2004 I completed all necessary steps to become licensed with the State of Alaska receiving again both announced and unannounced visits from licensing agents. To this day I have never had a complaint filed against me from a family and have no major violations with licensing.

In November 2006 there was an issue with a parent who mistakenly pulled into the driveway on the adjacent parcel at 504 First Street. There had been a lot of snow. Since our road is not considered a city road it does not get plowed by the City. The resident at 504 First St. came to my door to ask the vehicle be moved. The parent was already on her way out to do so. Two days later I received a letter from Planning and Zoning, as well as a message on my machine from the Sitka Police Dept. I have attached the letter for you to read. As you can see, not only does it state that Planning and Zoning was aware there was a day care in operation, but they asked me to resolve the issue. I immediately called the planning department and spoke to Sara Russell. I told her we were taking immediate actions by writing a letter to the parents telling them they were not to park at the neighbors and clearly explaining where they could park. Then I returned the call from the Police Dept and was told that if parents park there they would be cited. I explained I was writing a letter and I would include that in the letter as well as notice to the parents that if they did not comply they would no longer be able to use our

services. I wrote the letter, gave it to all parents and posted it on the inside of my front door, which is where I post notes for parents. I had a police officer come to see the letter and he explained that remedial actions had been taken to the resident at 504 First St.

From 2006 until now I have never been called, visited, cited or received a summons from the Police Department nor have any of my parents while at the daycare. Also, until now I have never been contacted by Planning and Zoning, nor had my neighbor tell me there was a new issue.

On Nov. 17th I was made aware of an issue by a parent (please see enclosed letter). I immediately wrote a new letter to parents reminding them of acceptable places to park. When I received the letter from Planning and Zoning on Nov. 28, 2011 this was the first and only time I was made aware of the R-1 Zoning issue and that our daycare may not be in compliance. I immediately called and spoke to Mrs. Henshaw and asked her what I needed to do to be compliant. She gave me the information necessary and I immediately began steps to correcting the problem. I have filled out necessary paperwork to begin the process for a Conditional Use Permit. I have also taken further steps by storing our boat at a friend's house indefinitely. This now frees up more parking space at my house by allowing 3 available parking spaces for parents in my driveway.

The families I have enrolled are not just drop-offs; they come month after month, year after year. They also do not all come at one time to drop off or pick up. It is a very rare occasion that we have three drop-offs or pick-ups show up at one time but that is usually because of snow issues. Again we do not receive city plow services. My husband and myself shovel from both ends of our property lines and the road in front of our home. It is done before I open, sometimes during the day if kids are playing in the yard, and at night. We have also made sure that First Street has been plowed on heavy snow days. But this is Alaska and there is going to be snow and we do as much as we can to make sure there is not a problem with snow. Also currently my families arrive and depart spaced out from one another.

I have been caring for children since I was 10 yrs old and spent the last 28 years caring for them. When I moved to Sitka in 1999 I tried a different line of work, but it was not for me. Children are my passion. I am good at what I do because I love what I do. I treat the children with respect and teach them to treat others the same. I provide structure and a safe and loving environment where they are free to be themselves. I have worked at a day center in town prior to opening my own to gain experience. Not all children were made for centers. I have received calls from both SEARHC and SJ day care directors about children that could benefit in my care. For the ones I was able to take they have flourished here. I have also opened my doors to Early Learning Program when I had a child with Autism. He needed extra time with professionals to help him learn the skills necessary for everyday

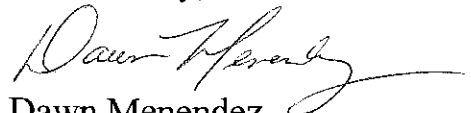
life. Not once did I hesitate to have them come in and work with him. Did it disrupt our schedule, sometimes, but it was for his benefit. Not all home day cares are willing to do that.

I teach my children to love and respect both themselves and others. I teach them honesty, patience, tolerance for others different from them. I allow them to be themselves, to color outside the lines if they want and praise them for their accomplishments. I teach my kids not to hate or be violent, not to use ugly words. I teach them to be self-reliant. I also potty train them, teach their ABC's, the calendar, colors and shapes. We explore our environment on walks so we can see the beauty our town offers. We have show and tell, movie day, fruit salad day, make your own pizza day and we celebrate each other's birthdays. I give my kids star charts and at the end of the week they get to choose a prize from the prize bag. We have had trips where parents and kids all meet on the weekend and see a movie at the theater together. This is because my day care is like a home and we are like family. I still have children whom I cared for that are now 13, 12, 9, etc. that come to visit, as well as kids that have moved away come to visit when they are in town. I love to answer the "but why" question even though it's the thousandth time. I can't express how much I love what I do and how honored I am for the trust placed with me- a parent's child. I work alone Monday- Friday from 7:30am-6pm taking care for 8 children. This does not include paperwork, cleaning, food preparation (as I provide 3 meals a day), or projects for the classroom. I keep my rates as low as possible and accept Day Care Assistance and Tribal Assistance.

The idea that my day care could no longer be possible saddens me more than words can say. If I am not granted a Conditional Use Permit and am forced to say good-bye to some of the children in our family, having only four would be a financial strain and most likely force me to close my doors. Day Care is very hard to find in our town, esp. for infants, which I have two. It's nothing you monetarily get rich from; rather it enriches my life and my heart. Please do not force me to close my doors.

Thank you for your time and patience.

Sincerely,



Dawn Menendez
Kids First Day Care

Wells Williams, Planning Director
Planning Commission
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

December 6, 2011

Re: Conditional Use Permit for Kids First Day Care

Dear Mr. Williams and Members of the Planning Commission,

The following additional information relates to our request for a conditional use permit (hereinafter "CUP") to operate a home daycare at 506 First Street, Sitka, Alaska (hereinafter "the daycare").

We purchased this property in 2003 with the specific intent of running a home daycare operation from our home. Prior to the purchase we performed due diligence by calling the City and Borough of Sitka Planning Department to insure that this use would be consistent with the zoning in the area. We were informed by city planning staff at the time that it was indeed consistent. We were never asked how many children we anticipated having at the daycare and never informed that should we have more than four children that a conditional use permit would be required. In reliance on this information we purchased the home in April 2003.

We began operating Kids First Day Care in June of 2003. I became state licensed to operate a daycare (which allows for more than 4 children) in 2004. We have successfully been licensed and operated the daycare with 7 to 8 children enrolled since that time. Kids First Day Care fulfills a much-needed gap in day care services in the community. We are one of the few providers in town who can take infants and who continues to operate in the summer months. We also serve as an alternative to the larger centers when they have children who need a smaller, more individualized program. Childcare operations in Sitka are very limited with many parents having to wait months before an opening can be found.

Recognizing we are in a residential area we have taken numerous steps to insure our impact on the neighborhood is minimized. We operate only on weekdays between 7:30 am and 6pm.¹ Several of our children arrive via school bus which drops them off at the easement on Monastery Street not increasing the traffic on our street at all. For the children who are dropped off at the house we have designed our drop-offs and pick-ups times to be staggered in order to minimize the number of vehicles at the house at any one time to insure each has a proper place to park and room to turn around. We clearly advise each parent where he or she is to park and turn around so as to not disturb or impact our neighbors in anyway. (See attached sketch). Further our property is located on a road that does not receive city maintenance. We have taken it upon ourselves to keep the road well maintained. For example on a number of occasions we have filled in potholes and we regularly have the road plowed. These services are done at our expense but benefit the neighborhood as a whole.

Since operating in 2003 we have had only 2 complaints, one in 2006 and one a few weeks back. Both complaints have come from our adjoining neighbor and both were made at times of heavy snowfall. In order to reduce any similar occurrences in the future we are willing to require parents to park on the easement on Monastery Street and walk the children up to the house during times of heavy snowfall,

It should be noted following the 2006 incident we received a letter from the City Planning Department recognizing we were operating a daycare and asking us to work with the neighbor to resolve the issue. (See attached letter) It should be noted that no mention was made by the City Planning staff in that 2006 letter to indicate we were in need of a conditional use permit. No further complaints occurred and we were not on notice of the need for a conditional use permit until receiving a letter on November 28, 2011.

¹ It should be noted that were we forced to have no more than 4 children at anytime we would need to expand our hours into evenings and weekends to make the business financially viable. This would likely increase the impact on the neighborhood.

Lastly, while our house is part of a zero lot-line no part of the daycare occurs in the portion of the home that has a common wall with our neighbor. There is also fence dividing the front yards of the adjoining properties. The children are accompanied anytime they are outside and it would be impossible for the children to stray onto our neighbor's property without being detected. The children play outside in our fenced yard only during daytime, weekday hours. We have never had anyone complain about noise or other impacts from this activity.

We purchased our home and have built a small, but successful, business over the past eight years. This was done on a good faith belief that the daycare was a compatible use for our neighborhood. We have actively taken steps to minimize any impacts that operating our daycare has on the neighborhood through limiting our hours of operation, and taking steps to insure parents are parking and turning around in appropriate places. We are more than willing to take additional steps to mitigate any concerns that the Planning Commission may have to allow us to continue to operate at the same level we currently do. However, if we were restricted to having no more than 4 children at the daycare we would likely not be able to continue to operate do to the financial hardship this would create. We have invested eight years of labor and love into our daycare. Should we be forced to close our doors the effect would spread to eight additional families in town who rely on our service.

For the above reasons we respectfully request the Planning Commission grant a conditional use permit to allow us to continue operating a daycare from our home on 506 First Street. If there is any additional information we can provide to aid the Commission in its decision please let us know.

Sincerely,



Peter Menendez



Dawn Mahoney-Menendez





Kids First Day Care

506 First Street



Dawn Mahoney-Menendez

747-5456

November 18, 2011

Attention Parents/Friends of Kids First Day Care,

In order to avoid a conflict with my neighbor at 504 First St., this is a letter to remind you about parking. Please do not park at or on any of the property of 504 First St.

Your choices for parking are:

- 1- Pull into the empty space at my house,
- 2- Pull all the way up to my garbage can (making sure back of your car is not past fence on 504 First St.).
- 3- Next to the bush across the street (making sure to keep access to house up the hill
- 4- On the left side of the street there is space by the 3 trees (making sure not to block their car space).
- 5- At the end of the road by mailboxes.

Please take note of above options and pass on the information to anyone whom may be dropping off or picking up your child.

Thank you for your prompt attention.

Sincerely,

Dawn

Dawn/Peter Menendez
506 First Street
Sitka, AK 99835

Karen Kane
PO Box 2243
Sitka, AK 99835

Joanna Giglia/Dawn Menendez
1806-A Alder Way
Sitka, AK 99835

Roland Worth/Michelle Friedman
612 Monastery Street
Sitka, AK 99835

Edward/Theresa Phillips
615 Monastery Street
Sitka, AK 99835

Dennis Bernhoff
618 Monastery Street
Sitka, AK 99835

Amanda Johnson
504 First Street
Sitka, AK 99835

Cecelia Maisel Trust
401 Northshore Blvd, Apt. 901
Portland, TX 78374

Alice Zellhuber Family Trust
616 Monastery Street
Sitka, AK 99835

Joel/Alice Hanson
417 Arrowhead Street
Sitka, AK 99835

Jennifer/Bill Grant
504 Shennett Street
Sitka, AK 99835

State of Alaska
6860 Glacier Highway
Juneau, AK 99801

Bradford/Minnie Dennison
505 First Street
Sitka, AK 99835

David/Dena Williams
1912 Sawmill Creek Road
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Carolyn Ludlow
PO Box 2604
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Ralph/Kristi Jones
622 Monastery Street
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Daniel/Mae Dunsing
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Timothy/Sue Anderson
PO Box 2955
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Ray/Rhonda Durrer
702 Pherson Street
Sitka, AK 99835

Jill Reid
706 Pherson Street
Sitka, AK 99835

Opal Upcraft
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Ellensburg, WA 98926

Ann Bills
415 Arrowhead Street
Sitka, AK 99835

Brent/Valerie Edwards
706 Sirstad Street
Sitka, AK 99835

Richard/Marites Holden
701 Sirstad Street
Sitka, AK 99835