

Valorie L Nelson  
107 Littlebyrd Way  
Sitka, AK 99835

012712

Municipal Clerk, Colleen Ingman;

Please consider this letter to be my official appeal (per SGC 22.30.230) to the Assembly of the Planning and Zoning Commission recommendation of approval to the assembly for a conditional use permit request for a day care at 506 First Street at their meeting on January 17, 2012.

My name and address are listed above and my interest in the matter is that the law is not being followed. I am co-owner of a zero lot line property in a commercial zone and if the same reasoning is used in the future as was used on January 17, a gas station could be one wall away from me.

The specific reasons why I believe the decision by the commission to recommend approval of the permit request is wrong are as follows: Per SGC 21.04.030 C Zero Lot Line (ZLL) Subdivisions states that a ZLL is a subdivision creating lots for residential units with common walls or for building residences on the side lot lines. 21.24.040 requires that a party wall agreement be included as a covenant and 21.24.040 A.2 requires it to include the purpose of the agreement. The purpose section of both party wall agreements submitted by Amanda Johnson at that meeting state "for residential purposes only". Table 22.16.015-1 lists residential land uses and a day care business is not one of them. Per 22.04.070 Conflict with other regulations states "Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive of those imposing the higher standards shall apply". SGC 21.04.040 B states "When the provisions of this title impose greater restrictions than are imposed by other applicable city, state and federal regulations, the provisions of this title shall control. Clearly title 21 states zero lots lines are for residential units only, therefore a conditional use for a business in a residential zero lot line subdivision is not a lawful use.

The desired outcome is that the conditional use permit application should not be recommended to the assembly for approval, and should be denied by the Planning and Zoning Commission.

The record of appeal documentation should include the audio of the Planning and Zoning meeting of that item on 011712 and the documentation submitted by Amanda Johnson. If the 8 pages of the party wall agreements are not available to you, I will submit those when I return to Sitka next week.

I am currently traveling for medical reasons, and should you need to contact me, you may do so by calling my cell at 907-738-0027.

/s/Valorie L Nelson

Valorie L Nelson  
107 Littlebyrd Way  
Sitka, AK 99835

012512

To Whom It May Concern;

Please consider this letter to be my official request for reconsideration (per SGC 21.52.060 and 22.30.190) to the Planning and Zoning Commission and the Administrator on the conditional approval of the conditional use permit for Menendez Day Care at 506 First Street on January 17, 2012.

I am an aggrieved person per SGC 21.08.010 A because I am an owner of a zero lot line subdivision property. Per SGC 21.04.030 C "Zero Lot Line Subdivisions (Chapter 21.24). A subdivision creating lots for **residential** units with common walls or for building residences on the side lot lines." Clearly the law states zero lot lines are residential, to argue otherwise will certainly result in litigation from those currently holding title to zero lot line properties.

The party wall agreements submitted by Mrs. Johnson (as required by SGC Chapter 21.24) clearly state that the purpose of the document is to ensure the use of the property for residential purposes only and that the duration of the agreement is perpetual. Webster's New World Dictionary Third College Edition defines residential as "of or connected with a residence" and perpetual as lasting or enduring forever.

The planning commission erred in passing this permit subject to the blessing of the municipal attorney, who now appears to be saying this is a civil issue. We have laws in this community known as the SGC, when the city fails to follow their own laws, it is not a civil matter just because they don't choose to enforce it.

If the reasoning that was used at the 011712 Planning and Zoning meeting continues, my zero lot line could conceptually turn into me having a gasoline station, food store or many other commercial uses right next door (my zero lot line in is the commercial zone).

I am currently traveling for medical reasons, and should you need to contact me, you may do so by calling my cell at 907-738-0027.

/s/Valorie L Nelson

**Chapter 21.24  
ZERO LOT LINE SUBDIVISIONS**

**Sections:**

- 21.24.010 Application and zero lot line plat of subdivision.
- 21.24.020 Final plat requirements.
- 21.24.030 Zoning requirements.
- 21.24.040 Party wall agreement.
- 21.24.050 Procedure after application.

**21.24.010 Application and zero lot line plat of subdivision.**

The zero lot line subdivision application, review and approval procedures shall be the same as those for minor subdivisions (Chapter 21.12) except as specified below:

- A. The exact locations of the structures shall be shown along with dimensions to each adjacent property line. This may be accomplished by either of the following methods:
  - 1. Obtain foundation permit and have foundation in place when survey is accomplished to provide plat of subdivision; or
  - 2. Indicate proposed location of structure and surveyor field stake foundation prior to building permit.
- B. No construction beyond the footings and stem wall shall be permitted and commenced until plat approval has been completed.
- C. Upon the receipt of a detailed written request by the applicant, the municipality may approve an alternate zero lot line process on a case-by-case basis. In all instances, a plat must be approved by the city planning commission or assembly and shall comply with the documentation required elsewhere in this chapter.
- D. The plat application shall include the proposed party wall agreement as required in Section 21.24.040.

(Ord. 03-1729 § 4 (part), 2003.)

**21.24.020 Final plat requirements.**

The final plat shall comply with all other final plat requirements and shall include all required plat certificates and plat notes. In addition, the final plat shall contain the following additional certification:

LOT(S) \_\_\_\_\_ ARE INTENDED TO BE SOLD ONLY FOR ZERO LOT LINE DEVELOPMENT. LOT DEVELOPMENT SHALL REMAIN ZERO LOT LINE OR COMMON WALL CONSTRUCTION IN ITS ENTIRETY FOR THE LIFE OF THE COMMONLY BOUND UNITS. SHOULD FIRE OR OTHER DESTRUCTION OCCUR TO ONE OR BOTH OF THE UNITS, THEY SHALL BE RECONSTRUCTED ONLY AS A COMMON WALL UNIT, AGAIN, FULLY JOINED TO THEIR NEIGHBOR, UNLESS ONE SUCH PARTY TOTALLY BUYS THE INTEREST OF THE OTHER AND RECONSTITUTES THE ORIGINAL PROPERTY BACK INTO A SINGLE LEGAL USE. THERE IS A RECORDED PARTY WALL AGREEMENT RESTRICTING THE USE OF THIS PROPERTY FOUND AT SITKA RECORDING DISTRICT UNDER SERIAL NUMBER \_\_\_\_\_.

CONSTRUCTION OF THE COMMON WALL UNITS ALONG A COMMON LOT LINE SHALL BE SIMULTANEOUS UNLESS SEPARATE CONSTRUCTION RECEIVES PRIOR APPROVAL BY THE MUNICIPALITY FOR GOOD CAUSE SHOWN.

(Ord. 03-1729 § 4 (part), 2003.)

**21.24.030 Zoning requirements.**

Zero lot line subdivisions may be permitted in the R-1 (single and duplex residential), R-1 MH (single, duplex and single mobile home), R-1 LD (single and duplex low density), R-1 LDMH (single, duplex, and single mobile home low density), R-2 (multifamily residential), and R-2 MHP (multifamily residential including mobile homes and mobile home parks) zoning districts in accordance with the provisions of Title 22, Zoning.

**A. Additional Requirements.**

1. Zero lot line subdivisions shall permit side by side, one-family structures only (no duplex or more per side) and shall have a minimum of twenty-five percent of the total party wall adjoined together as a common wall.
2. The common wall shall consist of the following minimum rated fire wall: five-eighths-inch type "x" rated sheet rock shall be placed on the interior face of each unit, followed by a minimum of a two-inch by four-inch stud wall (sixteen-inch on center), followed by a five-eighths-inch weather-resistant, fire-rated gypsum wallboard. This is followed by a minimum of a one-inch air space, then a five-eighths-inch weather-resistant, fire-rated gypsum wallboard, then a minimum of a two-inch by four-inch stud wall (sixteen-inch center) with a five-eighths-inch type "x" rated sheet rock on the interior face of the second unit. This double-protected wall forms the common or party wall and shall be constructed so as to extend from the top of the concrete stem wall to the underside of the roof sheathing.
3. Separate water, sewer, and electrical utility services are required for each unit side. All the above services shall extend to and be individually connected to the adjacent municipal lines in the adjacent street. As separate saleable units, a zero lot line is treated as if they were totally separated buildings. No break or problem in any utility service should be allowed to have any adverse effect on the adjacent unit.

(Ord. 03-1729 § 4 (part), 2003.)

**21.24.040 Party wall agreement.**

A party wall agreement shall be included as a covenant to all zero lot line subdivisions and shall be entered into by the adjacent affected property owners. This agreement shall include, but is not limited to, the following sections:

**A. Recitals.**

1. A legal description of the property;
2. Declarations of ownership, common wall definitions, and the purpose of the document.

**B. Party Wall.**

1. Declaration of the party wall as defined;
2. Provisions for the shared responsibility of major maintenance and replacement as well as the use of any common problems (i.e., party wall) of said development;

3. Statement of the duration and effect of this agreement;
  4. Provisions for regulations involving encroachment onto the adjacent property.
- C. Use of the Property.
1. Provisions for the major maintenance or modification of each side of the structure's exterior with the adjacent owner's agreement;
  2. Declaration of the restricted use to a single-family dwelling only for each lot;
  3. Restrictions for the maintenance and upkeep of each lot in a neat and orderly fashion;
  4. A statement on the procedure should one or both of the units be destroyed or removed. This may include the provision of one owner purchasing the total interest of the other party and the removal and revocation of the zero lot line subdivision and party wall agreement thereby returning the total property back to a single lawful use.

(Ord. 03-1729 § 4 (part), 2003.)

**21.24.050 Procedure after application.**

- A. **Submittal.** The applicant shall submit all required information at least fifteen days prior to the date that the planning commission hearing on the subdivision is scheduled. All data shall be submitted to the planning office of the municipality.
- B. **Public Hearing.** At a regular meeting, the planning commission shall hold a public hearing on the application request. The commission may approve, conditionally approve, or deny the application. Flagging of lot lines shall be installed as directed by the municipality. If denied, the commission shall cause to have prepared a formal letter outlining the reasons for denial.
- C. **Denial—Appeal.** If the planning commission denies the requested subdivision, the applicant has fifteen days, from the date of the denial, to file a timely appeal. Such appeal shall be in writing, stating any reasons the applicant feels are relevant to the cause and shall be filed with the municipal clerk. A timely appeal shall stay all proceedings pending the outcome of the appeal. The assembly of the city and borough of Sitka shall hear the appeal, acting as a board of adjustment, within sixty days of receipt of the appeal. All records, applications, and other material shall be supplied to the assembly for their deliberations.

(Ord. 03-1729 § 4 (part), 2003.)

**This page of the Sitka General Code is current through Ordinance 11-38, passed September 27, 2011.**

Disclaimer: The Municipal Clerk's Office has the official version of the Sitka General Code. Users should contact the Municipal Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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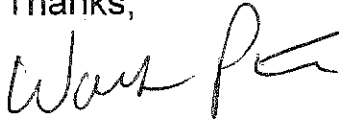
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Members of Planning and Zoning,

I have been plowing First St. whenever there is a considerable amount of snow since 2007. Also, my son Cecil has been attending Kids First since March 2010.

Thanks,

A handwritten signature in cursive script, appearing to read "Wayne Patterson". The signature is written in black ink and is positioned below the word "Thanks,". A long, sweeping horizontal line extends from the end of the signature towards the right side of the page.

Wayne Patterson

**Subject:** 506 First  
**From:** joanna giglia (thebat777@yahoo.com)  
**To:** kidsfirstdaycare@yahoo.com;  
**Date:** Tuesday, January 17, 2012 6:38 PM

1-17-12  
Joanna Giglia  
1806-a alder way  
Sitka, Ak

Members of Planning,

My name is Joanna Giglia, mother of Peter Menendez and mother in law to Dawn Menendez. In 2002, my children were looking to purchase a home that my daughter in law could run a daycare from. Since neither were at their current jobs long enough to qualify for a loan, i decided to take out a loan in my name to purchase a house for them to live in and for Dawn to run her daycare from. all mortgage payments, house repairs, or cost related to 506 first st has been their responsibility from day one. after facing health issues and lengthy hospital stays, i decided to do a quick deed to make sure if anything happened to me they would not loose their home.

I am now disabled and with current weather conditions I did not want to come to the meeting tonight. But please feel free to contact me with any questions.

Sincerely,  
Joanna Giglia  
747-8272

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[Type the sender name]  
[Type the sender company name]  
Sitka, Alaska 99835

Planning and Zoning Commission

1/17/2012

Planning and Zoning Commission

Our child Gabriel Blankenship, currently attends Kids First Daycare and our drop off times are 9:45-10:00am and a pick- up time of 5:45-6:00pm. We are satisfied with the new system and feel that it is organized, smooth and considerate of neighboring driveways.

First street is not unlike any other street in Sitka as far as wear is concerned and does not pose as an issue for dropping off our child. Since the new system has been put in place, we have not once had to wait to drop off Gabriel or park our car anywhere besides Dawn's driveway.

We rely on Dawn to provide us with reliable and trustworthy daycare for our child so that we can also contribute to our local economy with our means of employment. Losing Kids First Daycare will impact our family in a financially negative way and I urge you to consider all the families that rely on KFD and how this will effect them as well. There seems to be a solution already.....at this point, aren't we just wasting peoples time?

Sincerely,

Brian and Sherri Blankenship



Amanda Johnson  
504 First St.  
Sitka, AK 99835  
(907) 738-1679

January 5, 2012

RE: Menendez Conditional Use Permit Request

To whom it may concern,

After attending two Planning and Zoning meetings concerning Dawn Menendez' request for a Conditional Use Permit for her daycare at 506 First St., first on Dec. 20, and then on Jan. 3, I have had some time to think about the facts and the problems surrounding this request. I live at 504 First Street which is a zero-lot line connected to 506 First Street, and have been continually and negatively affected by the operations of their daycare.

The Menendez' are requesting this permit, after having had their business in operation for the last 8 years, only because I have complained, again, about the parking problems on my property and the continual traffic on First Street. If I had not done so, the Menendez' would be continuing to encroach on their neighbors.

The Menendez' did not purchase 506 First St. in 2003 as they testified, instead public record shows that the house was owned by Joanna Giglia until 2007, when Peter and Dawn Menendez' names were then added to the Deed along with Ms Gignias. I have attached copies of the paperwork to prove what I am saying. I am not sure why they would purchase 506 First Street, knowing that the daycare was impacting their neighbors and being unwilling to remedy the parking and traffic problems on the road.

2006 was the first time I requested assistance from the Planning and Zoning office to help deal with the traffic problems on First Street. I was told that a letter had been sent to Dawn Menendez and she would address the problems. Nothing was done.

In 2010, I built a fence to separate our properties in an effort to eliminate the parking from the daycare clients on my property.

In 2011, I talked again with Planning and Zoning about the traffic problems that continue to arise from the daycare at 506 First Street. This is when I found out that they were not in compliance with the codes and would need a Conditional Use Permit. That is also when I found out that Dawn Menendez has told her clients to park on 503 First Street's property, and has done so in writing, even though this is NOT her property and had no agreement with the property owner David Williams. I have also attached a copy of that letter. Dawn did two things to remedy the parking situation in front of her house after my complaint. She removed her boat, which was taking up the only parking spot they had in front of their house and she set up a 15-minute schedule for clients to pick up their children.

The Menedez' have never done any road maintenance on First Street, contrary to their testimony. David Williams, owner of 503 First St., Brad Dennison, owner of 505 First St., and Marty Johnson and me, owners of 504 First Street, have paid Tisher Construction, Little Bit Construction, and TM Construction to grade and resurface First Street.

There are several other factors that concern me also, and they are that there is no street light on First Street and it is very dark in the mornings and evenings when clients are dropping off and picking up their children. Other small neighborhood children walking down First Street are at a very high risk of being hit by an incoming or outgoing vehicle. Also, the City does not plow First Street and cars routinely get stuck in the snow.

The potential conditions that the Planning and Zoning commissioners came up with are great, but do not address road maintenance, hours of use, and there needs to be a "sunset" clause so that this conditional use permit is not infinite. Dave Williams' concerns about daycare clients turning around on his property and the road maintenance have not been addressed by the potential conditions. As he stated in his letter to the commissioners, "the road is not built to hand the excess traffic is has been receiving over the past ten years". What is going to be done about First Street in the future?

Also, I would hate to have to try to resell my house knowing that it was connected to their home where a daycare could and will be run. No potential buyer is going to want to purchase my home where there is a history of having problems with a neighboring business. I have the right to enjoy my property and should have the freedom to sell it, without this contingency.

First Street is not a good place to run a small business that generates constant traffic. I am not against their daycare; however, I think there are many other, much better places to run a daycare, such as a commercially zoned home. A daycare is a commercial business, and therefore should take place where there is more parking and there is a maintained road. I'm sure the daycare clients would be happier to have a smooth road that is properly lit, than to drive down First Street which is dark and laden with pot-holes and then be able to park in front of a daycare with plenty of parking and not have to adhere to a 15-minute drop off rule.

Items of the criteria to be used in determining impacts of conditional use are that the amount of "vehicular traffic to be generated and impacts of the traffic on nearby land uses" be taken into consideration, and another is "Effects on vehicular and pedestrian safety". (22.24.010 Conditional uses, E. 1).

The Menendez' have not done anything in the last 8 years in trying to mitigate the problems that have arisen from having a daycare business on a small dead-end road and I don't envision them adhering to the potential conditions that the Planning and Zoning commissioners have developed since they have been unwilling to do anything to improve conditions up to this point.

So, after much thought about this Conditional Use Permit, I am respectfully requesting that the Planning and Zoning and the Assembly deny the Conditional Use Permit to Dawn and Peter Menendez for their business, Kids First Daycare.

Respectfully,



Amanda Johnson

## Melissa Henshaw

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**From:** Amanda Johnson [amateagus@yahoo.com]  
**Sent:** Thursday, December 22, 2011 7:50 AM  
**To:** melissa@cityofsitka.com  
**Subject:** street lights

Melissa,

I just wanted to let you know that I mis-spoke during the meeting the other night, and there are no street lights on First Street. During the meeting I had said there was a light over by 503's property, but there isn't. The closest street light is on Monastery. Sorry for any confusion that might have caused, but I wanted to make sure that everyone on the commission knows that.

Thanks,  
Amanda

Amanda Johnson  
504 First Street  
Sitka, AK 99835

December 13, 2011

Amanda,

I am writing in regards to the recent complaint you filed with the City in relation to our home daycare facility. Specifically, it appears the complaint resulted from an incident with a parent who inadvertently partially blocked your driveway one morning while dropping his child off. I apologize that the incident inconvenienced you and wanted to explain the steps I have taken to mitigate any similar situations in the future.

First, I want to explain that I had no knowledge that there was a current concern regarding parking and the daycare. Prior to this isolated incident a few weeks back the only concern of yours I had been aware of was back in 2006. If you recall at that time we spoke with Officer Green and I was clear that should any future issues arise that if you were willing to communicate them to me I would take any steps necessary to make sure they are addressed in a timely and appropriate manner. Since 2006 we have been proactive in insuring that the impact our daycare has on the neighborhood is minimized. This includes parking and traffic. We have a staggered drop-off plan with our customers to limit the number of vehicles in the area at any one time. After the 2006 complaint we made efforts to insure that each parent was explained the parking rules and advised that failure to comply with them would lead to their child being released from my care. In response to the recent incident I have again sent out a letter to each parent explaining acceptable parking areas and reminding them of the aforementioned policy. Further, we insure that each new parent to the daycare is informed of the same parking policy. Lastly we have moved our boat out of our driveway to an off-site location, creating additional parking space in a further attempt to mitigate any concerns about parking.

Peter and I strive to be good neighbors and a conscientious home business. Again I apologize about any inconvenience that the recent incident may have caused but I do believe it was an isolated incident onset by unusually high snow conditions. We request that should any future concerns regarding the daycare facility arise that you communicate with us directly (you can just stop by and let me know, call or send a quick email detailing any concerns to [kidsfirstdaycare@yahoo.com](mailto:kidsfirstdaycare@yahoo.com)). This will allow me to take care of things quickly and to take proactive steps to address your concerns.

Sincerely,

Dawn Mahoney-Menendez

**Subject:** Teddy and Tim Boussom 2005-2008  
**From:** Shannon Boussom (sboussom@gmail.com)  
**To:** kidsfirstdaycare@yahoo.com;  
**Date:** Tuesday, December 20, 2011 9:37 AM

Hi Dawn -

I'm just getting through my email and saw this from Helen. It looks like I'm too late, but I just wanted to write to say that Kids First Daycare was a lifesaver for us from 2005 to 2008. Both of our boys were infants when they started at Dawn's daycare and it was very difficult to find places for infants in Sitka. Most openings were already spoken for and we were fortunate to be referred to Dawn by one of my co-workers. My boys loved Dawn and were very happy at her daycare. I was relieved to know that they were with such a capable caregiver that I trusted. I remember the parking issues and hope I wasn't ever part of the problem, but it was difficult to get in and out in heavy snow even with all-wheel drive. I hope that Dawn can continue to offer her childcare services at her current capacity because she provides quality care for infants and young toddlers that is so difficult to find in Sitka.

I'll send pics this year Dawn - the boys have been asking a lot of questions about Sitka :)

Happy Holidays,  
Shannon and Mike Boussom  
Formerly of Sitka, currently Carnation, WA  
sboussom@gmail.com  
PO Box 446, Carnation, WA 98014  
(425) 549-0195

**Subject:** letter of support  
**From:** Helen Dangel (akle.aya@gmail.com)  
**To:** kidsfirstdaycare@yahoo.com;  
**Date:** Monday, December 19, 2011 6:43 PM

This is a letter of support for Kids First Daycare, Sitka, Alaska, owned and operated by Dawn Mahoney-Menendez.

Dawn runs a first-rate daycare out of her home. My son Janwu went to her daycare from about 18 months to 5 years old. Dawn has a great reputation around town as being a good daycare, and I heard about her through several co-workers who had children there. I tried more to get in 6 months before, but she was full. It was, and is, very difficult to find any daycare in Sitka, especially good quality. Dawn previously worked for a big daycare and I believe taught preschool. She had a schedule, and taught the kids colors, beginning numbers, and beginning letters, which is much more than previous daycare experiences.

Dawn was very good about sending notices home to parents regarding situations and weather. Dawn told us (parents) what the parking situation, and I did my best to respect the parking situation when picking up and dropping off my child, as did most parents. There is always some situation that comes up, but Dawn tried to make sure parking was kept out of her neighbors' way.

Again, daycare is extremely difficult to get in Sitka, and high quality daycare where your children are taught is almost impossible to get. I advocate that Dawn be able to run Kid's First Daycare at full capacity so she can continue to make her livelihood.

If you have any questions, please feel free to call me at (907) 752-1781.

Sincerely  
Helen Dianne Dangel,  
mother of Janwu Lorrigan, 6 years old

December 19, 2011

To Whom it may concern,

Our children went to Kids First Day Care. I found it to be one of the best daycare centers around.

Dawn is wonderful. The children always have great activities to do. At Kids First Day Care, I knew that my children were safe in Dawn's care while being in a loving and caring environment. Dawn provided nutritious meals and snacks to my children.

Although my children are now school aged, and no longer need a day care setting, I would highly recommend Kids First Day Care to anyone seeking child care.

Sincerely,  
M/M Peavey



M/M Peavey  
108 Andrew P Hope St  
Sitka, Ak 99835  
(907)738-2080  
(907)738-0034

## Melissa Henshaw

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**From:** Brent Edwards [sitkalawyer@gmail.com]  
**Sent:** Sunday, December 18, 2011 7:43 AM  
**To:** melissa@cityofsitka.com  
**Subject:** 506 First Street Conditional Use Permit

Dear Planning Commission and Staff -

We live at 706 Sirstad Street and received notice that the Menendez have applied for a conditional use permit to operate a daycare at 506 First Street. We have no objection to this use of 506 First Street.

Sincerely,

Brent and Valerie Edwards



**Subject:** Neighbor  
**From:** Joann Salenski (joannmarie8085@yahoo.com)  
**To:** kidsfirstdaycare@yahoo.com;  
**Date:** Sunday, December 18, 2011 6:39 PM

Hi Dawn,

I am Joann Salenski. I lived on First St. From June 03-July 08. All the years I lived there I never once had a moment where I thought I had an issue with you. That being said, if I thought I did I would go tell you the problem and see what we can do about it. You and Pete look like nice approachable people. Today's economy many people have to work and put their children in daycare. I think it would be a serious injustice for your daycare to be shut down. Those children are fortunate to have you caring for them. I heard their laughter and see you taking wonderful care of them.

Good Luck,  
Joann Salenski

## Melissa Henshaw

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**From:** Stephen Weatherman [stephen@cityofsitka.com]  
**Sent:** Friday, December 16, 2011 11:57 AM  
**To:** 'Wells Williams'; Melissa Henshaw  
**Cc:** 'Michael Harmon'  
**Subject:** Conditional Use Permit Request 506 First Street

Dear Wells and Melissa

Conditional Use Permit Request for 506 First Street.

I looked at the parking requirements for Day Care operations but couldn't find that use listed. The nearest use is an Adult day care center which requires 3 spaces pulse one space per employee and one space per 10 residents. First Street is not fully developed to residential standards and there is not a parking lane identified for this street. This means there is no off-street parking available for the Day Care facility. We request a condition of use that requires appropriate off-street parking and that all pick up and drop off be allowed only on site and not in the public ROW.

Stephen L. Weatherman P.E.  
Municipal Engineer  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
(907) 747-4042 office  
(907) 738-5063 Cell  
(907) 747-3158 Fax  
[stephen@cityofsitka.com](mailto:stephen@cityofsitka.com)

December 15, 2011

Sitka Planning Commission  
c/o Planning Department  
100 Lincoln Street  
Sitka, AK 99835

Re: Menendez Conditional Use Permit Request

Thanks for the opportunity to comment on the Menendez Conditional Use Permit Request for a daycare facility at 506 First Street. My wife has informed me that she has already written you a comment letter at their request. Her letter was written with the intent of not making any waves in our small neighborhood and although it is mostly accurate, the part about parking not being an issue was driven by a strong desire to keep the peace.

Dawn and Peter Menendez are great neighbors. Dawn runs a first class day care and if we had kids to send to a day care Dawn would be our first choice. She's great with the kids and they all seem to love her. We totally support their request for a conditional use permit.

There is, however, an issue with some of the parents of the kids that use Dawn's day care. There is very little parking on 1<sup>st</sup> Street. We live basically on an alley way. At the Menendez residence there is room for one extra vehicle to park, at most, when the Menendez car and boat/trailer are also parked there. When the boat is gone there is, at most, room for two vehicles beside the Menendez car.

When parents are all dropping their kids off in the morning, and again in the late afternoon when they are picking the kids up it is not at all uncommon to have multiple cars trying to find a place to park. One such car is not a problem for us, two such cars are occasionally a problem depending on what else is parked nearby, and three such cars are almost always a problem.

I think it would be fair to ask the parents of the kids to limit themselves to parking only one car at a time at the day care, possibly two if the boat is gone and there is room for two. Beyond that, the parents should temporarily wait out on Monastery Street until a parking spot opens up at the day care. I don't think that would be a terrible inconvenience for them and it would solve the parking problem at the day care.

Thanks again for the chance to comment. Please grant Dawn and Peter their permit request.



Brad Dennison  
505 1<sup>st</sup> Street  
Sitka

cc: Dawn & Peter Menendez

Amanda Johnson  
504 First St.  
Sitka, AK 99835  
(907) 738-1679

RECEIVED  
DEC 15 2011

December 14, 2011

RE: Menendez Conditional Use Permit Request

To whom it may concern,

First Street is a small, unmaintained, dead end-street. I own 504 First Street, which is the other half of the zero-lot (506 First St) that is owned by the Menendez'. I have lived there with my family since December of 2003.

In years that the Menendez' have been operating a daycare next door, there has been considerable traffic in the mornings from 7:30 – 8:30 am and again in the evening from 4:30 – 6:00 pm. The issue I'm concerned about is not the daycare, but rather the lack of parking and continual traffic on a small road that is not maintained.

In 2006, after talking with Dawn to no avail about her clients continually parking on my property, I spoke with Sara Russell at the Planning and Zoning Office. A letter was then sent from Planning and Zoning to Dawn to rectify the parking situation. I have tried several times since 2006 to talk with Dawn and my husband has spoken with her also, yet the problem remains.

In 2010, I built a fence to separate our properties. This was yet another attempt on my part to keep the daycare clients from parking on my property. I am not against the day-care; I am against not being able to pull into my driveway after getting off of work and having to wait for someone to remove their vehicle from my property.

The last incident was when Ryan Silva, a Sitka police officer who was picking up his child, blocked my drive way. He came to my door, because I had blocked him from leaving, which was due to the piled up snow and my not being able to pull into my driveway completely. I spoke with him about not parking on my property and since he is an officer of the law, I hoped he would oblige. However, the next morning, he blocked my parking spot, and I took pictures. He then asked me where he should park. The problem is that there really is no place for clients to park. This issue needs to be dealt with once and for all.

In talking with the Planning and Zoning Office, they discovered that the daycare does not have a conditional use permit. They have given the Menendez' the choice to reduce the size of their daycare to 4 children, or apply for a conditional use permit. It is only because of my complaint about the parking situation that talk of a conditional use permit even arose.

The drawing provided by the Menendez' does not depict the real and true parking situation because there is NOT room for a car to turn around on their property. They indicate that there is room for 3 vehicles, including 2 trucks and a car to park vertically in their space. They also indicate that there is room for 1 additional vehicle to park in back of those 3 vehicles. The reality is that they own a boat which occupies 1 of the vertical spaces and they own 1 car which takes up another space. That only leaves room for one very small car to park on their property. If the drawing were accurate none of us would be here right now. The letters from the adjacent property owners describe the major traffic congestion and how they too have had problems with clients parking on their property.

This road is a dead-end road and the daycare is at the end of it, therefore creating a bottle neck. When clients pull up to the Menendez' house, they have to turn around in someone else's driveway because there simply is not enough space. This is not only hazardous for the 7-8 cars and clients each morning and evening who are dropping off or picking up their small children at the day care, but when it is dark and there is snow piled up, there is concern for the other neighborhood children and the chances of having an accident are multiplied every day between 7:30 – 8:30am and 4:30 – 6:00pm.

First Street is not City-maintained. The increased traffic from the daycare causes First Street to be in a constant state of needing repair. Dave Williams, the owner of 503 First St. has paid Tisher Construction and Little Bit Construction to grade and fix the road in the past. Brad and Minnie Dennison who own 505 First St. paid Todd Miller several years ago to come and grade and re-rock the road, and we have filled the potholes numerous times, pouring concrete in areas to prevent further erosion of the road. I do not feel that the burden of fixing First Street should be placed on the adjacent property owners when the traffic that is created from the daycare is the reason for the repair in the first place.

Items of the criteria to be used in determining impacts of conditional use, are that the amount of "vehicular traffic to be generated and impacts of the traffic on nearby land uses" be taken into consideration, and another is "Effects on vehicular and pedestrian safety". (22.24.010 Conditional uses, E. 1).

In the letter that was signed by both Peter and Dawn Menendez, page 2 of 3, second paragraph, they suggest that "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". This is a great solution to the traffic problem and I would appreciate it if the Menendez' would require parking for the daycare to take place on City Property along Monastery Street, **no matter the weather.**

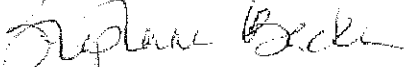
Respectfully,

Amanda Johnson

TO WHOM IT MAY CONCERN

IN 2003 I HAD THE PLEASURE OF HAVING MY CHILD IN KIDS FIRST DAY CARE. THE SERVICES PROVIDED BY DAWN EXCEEDED ALL OTHER CHILDCARE CENTERS IN SITKA. AS A SINGLE MOM WHO HAS TO WORK IT WAS A BLESSING TO FIND SUCH QUALITY CARE FROM A DAYCARE SERVICE. SITKA ONLY HAS A FEW CHOICES FOR CHILDCARE AND THE SERVICES PROVIDED BY KIDS FIRST DAY CARE ARE THE BEST IN TOWN. KIDS FIRST DAY CARE OFFERS SERVICES THAT ARE NOT AVAILABLE IN ALL CHILDCARE CENTERS. SITKA IS VERY LUCKY TO HAVE THE QUALITY SERVICES OF A DAYCARE CENTER THAT IS PROVIDED BY KIDSFIRST DAYCARE, LOSING THOSE SERVICES WOULD BE A MAJOR HARDSHIP ON OUR COMMUNITY. THE SERVICES PROVIDED BY KIDSFIRST DAY CARE ARE NEEDED IN OUR TOWN.

SINCERELY,

  
STEPHANIE BACKUS

## Melissa Henshaw

---

**From:** Stephen Weatherman [stephen@cityofsitka.com]  
**Sent:** Friday, December 16, 2011 11:57 AM  
**To:** 'Wells Williams'; Melissa Henshaw  
**Cc:** 'Michael Harmon'  
**Subject:** Conditional Use Permit Request 506 First Street

Dear Wells and Melissa

Conditional Use Permit Request for 506 First Street.

I looked at the parking requirements for Day Care operations but couldn't find that use listed. The nearest use is an Adult day care center which requires 3 spaces plus one space per employee and one space per 10 residents. First Street is not fully developed to residential standards and there is not a parking lane identified for this street. This means there is no off-street parking available for the Day Care facility. We request a condition of use that requires appropriate off-street parking and that all pick up and drop off be allowed only on site and not in the public ROW.

Stephen L. Weatherman P.E.  
Municipal Engineer  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
(907) 747-4042 office  
(907) 738-5063 Cell  
(907) 747-3158 Fax  
[stephen@cityofsitka.com](mailto:stephen@cityofsitka.com)

Amanda Johnson  
504 First St.  
Sitka, AK 99835  
(907) 738-1679

December 14, 2011

RE: Menendez Conditional Use Permit Request

To whom it may concern,

First Street is a small, unmaintained, dead end-street. I own 504 First Street, which is the other half of the zero-lot (506 First St) that is owned by the Menendez'. I have lived there with my family since December of 2003.

In years that the Menendez' have been operating a daycare next door, there has been considerable traffic in the mornings from 7:30 – 8:30 am and again in the evening from 4:30 – 6:00 pm. The issue I'm concerned about is not the daycare, but rather the lack of parking and continual traffic on a small road that is not maintained.

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The last incident was when Ryan Silva, a Sitka police officer who was picking up his child, blocked my drive way. He came to my door, because I had blocked him from leaving, which was due to the piled up snow and my not being able to pull into my driveway completely. I spoke with him about not parking on my property and since he is an officer of the law, I hoped he would oblige. However, the next morning, he blocked my parking spot, and I took pictures. He then asked me where he should park. The problem is that there really is **no** place for clients to park. This issue needs to be dealt with once and for all.

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Respectfully,

Amanda Johnson

**Subject:** Daycare in the neighborhood

**From:** Minnie Dennison (minniedennison@gmail.com)

**To:** kidsfirstdaycare@yahoo.com;

**Date:** Monday, December 12, 2011 4:41 PM

Hello to whomever this concerns,

We are writing this letter to show support of the Kids First daycare, which is located about 100 feet from our home. The owners, Pete & Dawn, have been positive, supportive neighbors, and are always outgoing and friendly. The parking issues around pick-up and drop off time have had minimal impact on us. We can remember only once in the past 5 years when we have had to wait briefly for a vehicle to move to allow us to pass through our driveway. We enjoy the happy sounds coming from their yard in the summertime, and recognize that Dawn is a very competent and responsible caregiver. We would be saddened to hear their daycare had to close because of some legal issues.

Brad & Minnie Dennison

RECEIVED

DEC 12 2011

Concerns related to Menendez Conditional use permit Daycare request

From: David G Williams  
1912 Sawmill Creek Road  
Sitka, Alaska 99835  
(907)752-0060

To: Sitka Planning Commission

To whom it may concern,

I am the owner of the duplex at 503 First street. I have lived in the upper unit from 1996 thru 1999, and 2008 thru 2009. The day care has been operated for approximately 10 years. During this period I have witnessed and received complaints from my duplex tenants about daycare vehicles parking and turning around in 503 First parking area. The pictures and drawings in the supplied public hearing notice do not reflect the real area in front of the Menendez property for their clients to park and turn around. The pictures show an open parking area in front of their residence, but in reality it has always been totally full with two cars and a boat. This leaves only a ten foot by ten foot area of road /505 First Streets driveway for their clients to park and turn around in. They are always parking in front or in my parking area. On many occasions two child pick ups or drop off happen at the same time, causing congestion forcing them to park on my lot or back into it when leaving.

This subdivision and road is privately owned and maintained by the residents. I tried in the past to get the city to upgrade and pave First Street with no success. This is due to the fact the road and utilities are not up to city code in construction. The road is built on muskeg with logs and matting covered in layered rock. I have in the past contracted Tisher Construction to grade and add rock to the surface. Two years ago at the cost of \$1500.00 I had Little Bit Construction fill and grade out numerous large potholes that have developed in front of my units parking pad since the daycare has opened. The potholes were in the same area used as a turnaround. On numerous occasions concrete has been added to fill the large potholes that develop at the stop sign at First and Monastery Streets.

I am not against the Menendez's providing a community needed business, but I truly do not feel I should have to pay for and maintain a PRIVATE road in a PRIVATE subdivision to provide a parking lot for them to run a business. In closing The road is not built to handle the excess traffic it has been receiving over the past ten years and I urge a member of the planning committee to walk down First street to see the real picture.



David G. Williams

**Subject:** 12-07-2011

**From:** Deanna Allison (deannaallison@hotmail.com)

**To:** kidsfirstdaycare@yahoo.com;

**Date:** Wednesday, December 7, 2011 2:24 PM

To Whom It May Concern:

I am writing in regard to Dawn Mahoney-Menendez (Kids First Daycare), whom I believe is the best choice for anyone's childcare needs.

I have known Dawn for almost 10 years, during which my children have been enrolled in her daycare (06-2004 to 07-2005 & 05-2007 to 09-2007). I have gotten to know her quite well. My children, and all other children who spend time around Dawn, have a great deal of fun and are never bored.

But that's not the quality that makes for a good childcare provider. Dawn is able to walk that fine line between "the fun one" and "the disciplinarian." That is not an easy task, but Dawn manages it with ease, and as such is able to retain the children's respect and have some of the best behaved children I have ever seen. We may not always think that a child respecting us is important, but it really does go a long way in keeping a child (and, in the process, his/her caregiver) happy. Dawn's ability to gain a child's respect convinces me that she is destined to be in this line of work. My child for one had some behavioral issues when she started to attend Kids First Daycare and Dawn had no problem with working with her and even suggested some places that I could take her to try and get her some help. Within a few months of attending Kids First Daycare my child became a well mannered little girl and no longer had the problems she did before Dawn was there to help. She helped me to potty train a child that, before her help, had refused to use the potty at all. She is a blessing my life and to the lives of my children.

I want you to know that Dawn has cared my children often, and I trust her with them completely. Anytime I or anyone else in Sitka is in need of a childcare provider, I think of and suggest Kids First Daycare.

Please feel free to contact me if you'd like me to elaborate on anything I've written here, or if you have any specific questions about Dawn and Kids First Daycare. I would be happy to discuss Her excellent qualifications at length. 253-255-3732 DeannaAllison@hotmail.com

Sincerely,

Deanna Allison

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Sincerely,

Deanna Allison

Esther Diaz  
106 Rudolph Walton Circle  
Sitka, AK 99835

907-747-8748

December 4, 2011

To Whom It May Concern:

I received an email from Dawn Mahoney asking for my support to help save her daycare. My son, Eric, attended Kids First Daycare 7/06 thru 5/09. The three years that he attended were the best. I went to work knowing that my son was well taken care of. If, any of you are parents, then you know what a relief that is to know that your child is in good hands.

I picked Kids First Daycare because of recommendations I received. I also knew that getting a spot into the daycare was hard, because she is limited on the number of children that she can place in her daycare. The stars and planets were lined up in my favor and Eric was accepted. We picked that daycare because of her cleanliness, size of daycare, location, and recommendations.

As I mentioned before, if any of you are parents, you know that your child's daycare is very important. Sitka, at that time, was very limited on choices of daycare. (That may be the same now, I don't know.) And, a daycare that accepts a small amount of children was just right for our child. He had attended SEARHC daycare and the children to teacher ratio were too high.

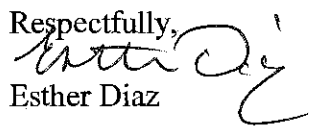
Dawn Mahoney's daycare also helped my son learn colors, shapes, etc... She always had a tidy, neat and clean house.

I remember that winter of 2006! The snow piled and First street was hard getting to. I had a 4X4 and made it to pick up my child. Dawn gave me the note about the parking and not to park or block the neighbor. I totally understood and complied.

The issue seems to be not the parking but the neighbor. She complained to planning and zoning, both times, (Nov. 2006 and Nov. 2011) instead of talking with Dawn. Or, as a last resort, with the local authorities about parking on her property. As a local Sitkan, you learn to be flexible when there is a situation that requires flexibility....such as, snow and ice that is not normal.

Even though my son does not attend Kids First Daycare, anymore, we still see "Teacher Dawn" around town and my son gives her a hug. She is the best! Please don't deny other children to attend this first rate daycare. Please don't reduce the amount of children, that the state allows, that can attend this loving daycare.

Respectfully,

  
Esther Diaz

**Subject:** Daycare

**From:** JoyAnn Dunnavant (jadunnavant@gmail.com)

**To:** kidsfirstdaycare@yahoo.com;

**Date:** Sunday, December 4, 2011 1:39 PM

Hey Dawn I hope this helps... Good luck

To Who It May Concern:

I am a parent of a 10 month old little boy and have been on a waiting list to get my son into Kids First. I can't wait for him to start there, I have been there on a few occasions either for a visit or to pick up my nephew. My son just loves it there with the kids and especially loves Dawn. Right now I am having to quit my job because I can't find daycare. I currently work nights and there are no centers that are open for the hours that I work. I was going have to either switch shifts or quit but since I am unable to switch to days I have to quit and try to find another job. I am hoping to find a job that will let me work day shift. Please let Dawn keep her business the way it has always been since June of 2003, Dawn is a great care giver and I would love for her to be able to watch my son when I go back to work. If you knew her and how she was with the kids at Kids First then you would want your kids to go there. They all love her!! My nephew is currently going to Kids First and he has so much fun, he is learning a lot of new things. He is so proud that he gets to be the junior teacher and tells me about it every time I see him.

Sincerely,  
JoyAnn Dunnavant

**Subject:** Fwd: Day Care Support Letter  
**From:** Devi Spangler (devispangler24@gmail.com)  
**To:** kidsfirstdaycare@yahoo.com;  
**Date:** Sunday, December 4, 2011 6:31 PM

----- Forwarded message -----

**From:** **Dee Spangler** <southsloughdee@live.com>  
**Date:** Sun, Dec 4, 2011 at 3:30 PM  
**Subject:** Day Care Support Letter  
**To:** devispangler24@gmail.com

I am writing this letter to voice my support of Kids First Day Care in Sitka, Alaska which is run by Dawn Mahoney Menendez.

My grandson, Aydin Baxter, has attended her day care since May 2010. He is a very bright, active and emotionally charged young man. He attended two day care centers before being enrolled in her's. He was asked to leave both because he lacked self-discipline. He knew what he was supposed to do, and felt embarrassed when he did things wrong, but he just couldn't seem to control his frustration. He expressed his anger in inappropriate ways. The family dispaired of finding someone who could help him channel his feelings in more appropriate ways, and make him feel proud of himself. Both of his parents work. They have to in order to pay the bills. There are few day care centers in Sitka, and options are limited. My daughter was frantic, trying to find a good quality provider for Aydin's special needs. Dawn's day care was literally our last hope.

Fortunately for all of us, she has worked absolute magic on Aydin. He not longer gets frowny faces on his reports. He is very proud of that. As an older child, he has now been designated as a special helper. She has ignited in him a love of learning and a desire to be one of the good guys. Aydin would be simply lost without her. The quality of care that she provides is absolutely priceless to this family.

Please so not take actions which will result in the closure of such a valuable asset to your community. She truly provides a service that cannot be found elsewhere in the city; that is, a small, quality day care that provides unique services to children with special adjustment problems that cannot be met by larger facilities.

Sincerely,

DeAnna L. Spangler  
PO Box 65  
Coos Bay, OR 97420



12/3/11

To whom it may concern,

Dawn Menendez has been a part of me and my family's life for quite some time now. At first she was the wife of my co-ed softball coach and was always there for me when I needed her, be it for moral support or just a shoulder to cry on or my personal nurse when I got hurt on the field. But as time went on, my mother had another child and she needed a reliable day care that my brother could go to. Low and behold, Dawn had a great accredited day care that she ran out of her home called Kid's First Day Care. Not that much longer my brother was signed up and ready to start going to Dawn's daycare.

From the start Dawn and Pete Menendez were great and supportive people, always there and willing to give a hand whenever you needed it and to always look out for the wellbeing of their friends and their friends' children and families. I have never met such supportive and loving people in my whole life. It just makes you wonder how we got so lucky to have such great people in our lives.

I remember when my brother was younger and he was attending "Teacher Dawn's" (that's what me and my family affectionately call her because of everything she has taught, not just my little brother but my family as well, over the years), he would be so excited to go and see her that he would talk about her all the time even on the weekends because she was so interactive with the kids and got them out to do things. A lot of you might not know, but my brother is very active and outgoing and it is hard to keep him on track, but for some reason Teacher Dawn just knew the right things to do to keep him occupied and always happy. She would take them on walks and field trips and get them out in the fresh air when it was nice out. You would be driving to work one day and look to the left and there they would be, walking hand in hand to go to Totem Park with her, all being well behaved and huge smiles on their faces and everyone walking by them just saying how cute they were and how well behaved they were. When you look at happy kids like that, you just know that the teacher that is leading them is one of those "One in a million" teachers that kids and parents will never forget.

As a matter of fact, to this day, my brother is now eight years old and STILL talks about Teacher Dawn and how awesome her "school" was! He is old enough to go to Ventures, but never too old enough to appreciate the fun and laughter of her school. When I was taking care of him while my mom was out of town, Teacher Dawn said it was ok that we stop by and visited during the day after nap time. Eric, my little brother, was beyond excited because he hadn't seen Teacher Dawn in a few months because softball was over. He just couldn't stop talking about her awesome her decorations are at her school and all the little kids there. You may grow out of going to daycare but you never grow out of loving your teacher. Eric still sends Teacher Dawn

flowers (carnations, they are her favorite and he has saved this to his memory for life because he loves her so much) for her birthday, St. Patrick's day cards about leprechauns (because he knows Teacher Dawn is Irish), and birthday cards because he loves her.

It saddens me that someone so vicious that can live next door to Dawn, can be willing to crush so many kids dreams of going to this day care. I know that if I ever have any children, I would be blessed to have her watch them and teach them everything that she has taught my brother and I. People like her neighbors should really look at themselves and how selfish they are being before they try to ruin someone else's life. Words cannot express the sadness that it would cause if Dawn's daycare was shut down because they could only have four children there at a time. That is not enough revenue for them to stay financially sound, especially in this economy.

Whenever I would drop my brother off at daycare or pick him up, I was ALWAYS told that I was not able to park in the neighbor's driveway because of their attitude towards Dawn and her husband. It was so icy and snowy one year and I had to pick Eric up, but I was not allowed to park near their neighbors house, so I walked from the main road and slipped and slid all the way to Dawn's house (after I had knee surgery mind you), and almost hurt myself. Those neighbors should be ashamed of themselves, not only for their attitudes, but for their actions and how they are going to detriment the future of some of these kids that love Dawn and her daycare as much as my brother had. For some of these kids it is the most stable and loving environment they have, and to take that away from them is not only hurting them, it is hurting their future. She is the best thing to happen to these kids and to take that away from them is the worst thing anyone could do to a child.

Please do not take Kid's First Day Care away from these kids, and most importantly, please do not take these kids away from Dawn. She is the best person I know for these kids and her and her husband are the best people I know in the world. Re think dropping the kids capacity to four and think about all of those other kids that will not be able to get all that love from Dawn and her daycare.

Sincerely,

Krista Lee Ozawa (sister to Eric Carle Alvarado)

A handwritten signature in black ink that reads "Krista Lee Ozawa". The signature is written in a cursive, flowing style with a large, prominent "O" at the end.

December 2, 2011

To Whom It May Concern:

This letter is on behalf of Kids First Daycare, owned and operated by Dawn Mahoney-Menendez. My son attended Kids First Daycare from 8/2007 to 12/2009. The care that he received was above and beyond any of my expectations. Dawn is gifted when it comes to nurturing small children. Kids First Daycare was my son's second daycare and there was no comparison when it came to which was more geared toward children and their needs, as well as the quality attention that he received. Daycare is not easy to find in Sitka, and it took me six months before I was able to find one, which was not nearly of the quality of Dawn's. It would be a travesty not to let as many kids as possible attend Kids First Daycare, both because it's so difficult to find and the wonderful care that is provided.

The daycare's schedule was very structured, which was important to the success of my son. The schedule included play time, snack time, story time, show and tell, quiet time, etc. Many of the children's duties were made fun with songs. The children had both a hand-washing song and a song for cleaning up toys before taking out more. Fresh vegetables were made fun to eat by seeing how loud they could crunch when they took a bite.

Dawn was very loving toward all of the children. My son loved going to her house. She was extremely consistent with her expectations of how the children should behave and when they weren't met, there were consistent repercussions. My son knew what was considered appropriate and inappropriate behavior and it helped tremendously at home in his development, as well.

The kids were taken on walks or able to play outside when the weather permitted. I never had any concerns with Dawn taking my son on walks around traffic because I knew she was extremely cautious and he was well looked after. She had a stroller that held four younger children and if there were older ones, they would walk beside her. The playground in her yard was also very safe. There was a gate all the way around it with rounded gravel that would minimize injury. She had many different choices to play on—a boat, slide, etc.

Kids First Daycare was run like a business. I received a bill every month so I knew exactly what to pay. It showed the deductions when she was closed for illness, etc. I also received a sheet when my son was still a baby that showed what he ate and how many times he used the bathroom throughout the day. I appreciated this information.

Any child able to attend Kids First Daycare is extremely fortunate. The skills that they learn help build the foundation of their lives. I would recommend Kids First Daycare to any parent and would hope that Dawn is able to continue to nurture the most kids possible.

If you have any questions, you can contact me at 907-738-1385 or by email [sbarry@anhc.org](mailto:sbarry@anhc.org).

Sincerely,

Sarah Barry

December 2, 2011

To Whom This May Concern;

I received a call from Dawn Mahoney-Menendez on Friday saying because of a parking issue you were cutting the capacity/attendance of her home child care to half. This means she would have to close her doors for child care. As an Early Childhood Professional this is very disturbing to me. Home child care is vitally important when parents are choosing child care for their children.

Parent's choices for child care are center care, home care, or relative care. If any of you have ever tried to find child care for your children you would know that child care is limited in this town so our residents use all the child care space we have. Some children thrive in center care with larger groups of children and some children need the smaller atmosphere of home child care. As a center director we need to know that there are options out there for the children that do not thrive in our centers. I have made referrals to Dawn's home care and after the children made a move there I would visit them and see that this smaller home environment is just what they needed to succeed.

We have very few home child cares in this town because it is a hard job to do in your home. They are with the children all day Monday through Friday with very little relief from other adults. In order to be financially capable of operating a home child care at a profit you need to be able to have 8 children at one time otherwise they would have to close.

Your committee knew the parking situation when you approved that Dawn could operate a home child care in that neighborhood. If there have only been 2 infractions over the many years she has been in operation then you can see that she is cautious about this issue and has shared it with her parents. Instead of coming up with the solution to cut her attendance in half you should be brainstorming a way to keep this home child care in operation. Not only is Dawn offering care for working parents she is a working employee herself and the child care keeps these parents and Dawn employed.

Since you have already granted her the right to run a home child care in that neighborhood you now should be looking for viable options of solving this situation. It is really unprofessional of this committee to make a decision without give Dawn a chance to help solve the parking issue between her and her neighbor. Dawn should have just as much say in this issue as the neighbor does.

Respectfully;

Rebecca Workman

Director, SEARHC Child Care Center

Lolly Miller

Director SJ Child Care Center

Brenda Papoi  
301 Moller Ave.  
Sitka, AK 99835  
December 3, 2011

To Whom It May Concern:

I have been a resident of Sitka for 17 years, and I am writing to express my enthusiastic support of Kids First Daycare owned and operated by Dawn Menendez.

I understand that some residents of our community have voiced concern over the zoning of Mrs. Menendez' property in regard to her home daycare. However, I am one of thousands of parents living in Sitka, Alaska who have struggled to find daycare for my children. Kids First Daycare adeptly fulfills an unfortunate deficiency within our community. While attending Kids First Daycare, not only were my son and I treated with the utmost care and respect, but my son entered kindergarten equipped with much of the knowledge he needed to be successful.

Finding daycare in Sitka is so difficult, I requested to be put on a center's "wait-list" two months into my pregnancy. Luckily, we were accepted and my son started at four months of age. Unfortunately, his needs were not conducive to success in such a large setting and the director recommended Kids First Daycare. After speaking to Dawn Menendez and visiting her home daycare, I made the decision to enroll my son. I truly believe that my son would not have the skills he now has if it weren't for Dawn and her expertise.

I strongly urge you to allow Dawn Menendez to continue operating Kids First Daycare at the current capacity not only to fulfill a vital need of Sitka, but to nourish our children and equip them with the skills necessary to be successful members of our community.

Sincerely,



Brenda Papoi

December 01, 2011

To whom it may concern,

I am writing this letter on behalf of not only my Child's day care provider, but a wonderful friend as well.

My son Evan started at Kids First Daycare in May of 2006. He was <sup>21 months</sup> five months old. At the time I had just found out that the daycare he was currently going to was closing- out of no where. I asked who would be the best choice and Dawn Mahoney-Menendez was the name that was said. I called Dawn and told her everything, not even asking if she had any openings. Dawn took us right in.

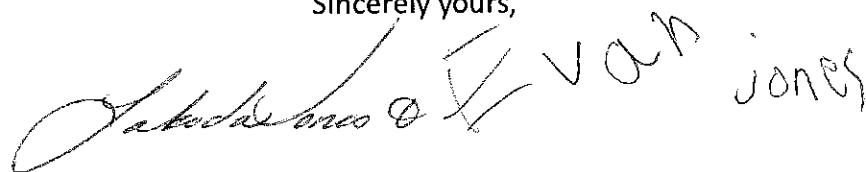
My child loves going to Dawn's house. He enjoys her company as well as the friendships he has developed at Kids First Daycare. Dawn provides structure at her facility such as a pre-school does. She is fun and creative. Pizza day, fruit salad day, movie day, show and tell are just a few activities provided at Kids First. Even the Leprechaun visits Dawn's house. Evan has never, ever asked to go anywhere else and he is seven now.

Kids First Daycare is ran like a tight ship. Dawn follows all of the rules and regulations that come with the responsibility of running a home daycare. Guideline handbooks and emergency contact information are updated regularly. Bills are always timely. I am even made aware when immunizations are due. Dawn even works with the DCAP program as a source of payment for parents. This can be the greatest challenge ever.

Dawn is honest, organized, responsible and loving. The best quality about Dawn is that she has such a natural connection with children. This is not only a job to Dawn; this is a lifestyle that brings her happiness. To think of a person like this losing her friends as well as her means of surviving breaks my heart.

I am with Dawn 100%. This is only right, for someone who has given that much to my child and me.

Sincerely yours,

A handwritten signature in black ink that reads "Lakoda and Evan Jones". The signature is written in a cursive style, with "Lakoda" and "Evan" written in a larger, more prominent script, and "and Jones" written in a smaller, simpler script below them.

Lakoda and Evan Jones

# STATE OF ALASKA

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE  
CHILD CARE PROGRAM OFFICE

**SEAN PARNELL, GOVERNOR**

3601 C STREET, SUITE 140  
PO BOX 241809  
ANCHORAGE, ALASKA 99524-1809  
PHONE: (907) 269-4500  
TOLL FREE: (888) 268-4632  
TOLL FREE FAX: (888) 224-4536  
FAX: (907) 269-1064 LICENSING  
FAX: (907) 269-4536 PROGRAMS

December 1, 2011

City and Borough of Sitka  
100 Lincoln Street  
Sitka, Alaska 99835

To whom it may concern:

The Department of Health & Social Services, Child Care Program Office has been informed the licensed Facility: Kid First Day Care, located at 506 First Street, Sitka, Alaska 99835 is in jeopardy of not being allowed to continue to be open as a licensed facility unless they obtain a conditional use permit. We have encouraged the provider to contact your office to work with you to complete the application process for this permit.

Alaskan communities rely on the availability and accessibility of quality child care facilities. Licensed child care facilities are regulated and monitored to ensure they provide a healthy, safe environment for children ages: newborn through twelve years old. A licensed Child Care Facility in the State of Alaska has to remain compliant with comprehensive Child Care Licensing Regulations, State of Alaska Background Check Program requirements, Local Fire Marshal requirements and other applicable local and state requirements.

Please accept this letter as a measure of support for Kid First Day Care's approval on their application for a conditional use permit.

If you need anything further from the Department, please do not hesitate to contact me directly at 465-1768 or call the toll free number 1-888-268-4632 and request to be connected to the Southeast office. For your convenience, I can also be reached by email at [mariana.moreno-goodwin@alaska.gov](mailto:mariana.moreno-goodwin@alaska.gov).

Sincerely,



Mariana Moreno-Goodwin  
Child Care Licensing Specialist I