



Zoning Administrator Agenda Report Meeting Date 11/08/2016

DATE: October 31, 2016

File: UP 16-07

TO: ZONING ADMINISTRATOR

FROM: Shannon Costa, Associate Planner, 879-6506

RE: Inspirations ADSP Use Permit (UP 16-07)
3880 Morrow Lane, suites 10, 20, 30, APN 002-200-024

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 16-07 (Inspirations, ADSP), and simultaneously revoke the existing use permit on the site (98-07) based on the findings and subject to the recommended conditions of approval in this report.

BACKGROUND

The applicant proposes to re-purpose 3 suites of an existing building into an adult day care facility with vocational training and office space totaling 7,137 square feet. The site is located at 3880 Morrow lane, between Dominic Drive and Zanella Way (see **Attachment A** – Location/Notification Map and **Attachment B** - Plat). The project site is designated Commercial Services on the General Plan Land Use Diagram and is zoned CS (Commercial Services).

The .9-acre project site is developed with a 15,000 square foot commercial building. The applicant intends to occupy three of these suites. Of the remaining suites, one is currently occupied by a driver's education school and the rest are vacant. Surrounding land uses are varied commercial and light industrial uses to the north, west, and east. Land to the south is vacant.

The proposed adult day care facility would meet the daytime needs of up to 18 adults with developmental disabilities, physical handicaps, and other medical conditions. Operating hours would be from 7 a.m. to 3 p.m. Monday through Friday, excluding major holidays. Staff to client ratio is one caregiver to three clients. The majority of clients are wheelchair bound and would be transported to the site via wheelchair accessible vans or buses.

DISCUSSION

Pursuant to Chico Municipal Code (CMC) 19.42.020, a use permit is required to authorize an adult day care facility in the CS Commercial Services zoning district. The proposed use is generally compatible with the surrounding uses, which includes a church, automotive repair shops and vacant land.

Parking for the Proposed Use

Adult day care facilities are not listed in table 5-4 under Chico Municipal Code (CMC) Section 19.70.040, and Chico Municipal Code section 19.70.040.E establishes that uses not listed in the table shall provide parking as required by the Community Development Director or other review authority.

The operational characteristics of the proposed use are consistent with that of a children's day care facility, typically requiring one space for each employee and occasionally needing an additional space or two for third-party pick-up/drop-offs and visitors. At a staff ratio of one staff member for every three clients (18 clients), the facility will utilize six parking spaces for employee parking, plus an additional three spaces for guests, additional staff or wheelchair van/bus parking. There are 24 spaces existing on the site, leaving 15 spaces remaining for any current or future use(s) in the remaining suites.

Bicycle parking is required at a rate of ten percent of the total vehicle parking spaces and the applicant proposes to install a new bike rack with a minimum of three spaces, which is sufficient.

Existing Use Permit on the Site

On April 20, 1998, the Planning Commission approved use permit 98-07 (Vineyard Christian) for the operation of a church and to allow offsite parking (see **Attachment C** – Use Permit 98-07) on the subject site.

Pursuant to Chico Municipal Code (CMC) 19.14.030, a use permit may be revoked or modified by the zoning administrator if any of the following findings are made:

1. The permit was obtained based on a material misrepresentation by, on behalf of, or attributable to the permittee or the property owner, whether as a result of its content or omissions therefrom and regardless of whether the misrepresentation was intentional or negligent or otherwise inadvertent;
2. The use authorized by the permit, or the use of an improvement authorized in conjunction with the permit, has ceased or been suspended for one year;
3. One or more of the conditions of the permit has not been met or has been violated;
4. A use authorized by the permit, or an improvement authorized in conjunction with the permit, is in, or has been used, operated or maintained in, violation of any state or federal law or regulation, this code, or any city ordinance, resolution or regulation;
5. The improvement, use, or exercise of any right or privilege allowed by the permit is detrimental to the public interest, health, safety, convenience, or welfare of the city, or constitutes a nuisance;
6. One or more conditions of approval of the permit, including but not limited to measures imposed on the permit to mitigate environmental or other impacts, has been violated; or
7. In the case of a variance, circumstances have changed so that one or more of the findings required by Chapter 19.26 (Variances) for the approval of a variance can no longer be made, and the grantee has not substantially exercised the rights granted by the variance.

Vineyard Christian Church operated compatibly on the site in compliance with the conditions of the use permit and without code enforcement complaints or violations. The church relocated to a new site in April, 2016, ceasing operation on the Morrow Lane site, which meets criteria for finding #2.

FINDINGS

Following a public hearing, the Zoning Administrator may approve a use permit application, with or without conditions, only if all of the following findings can be made:

Environmental Review

The proposed use permit request is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the Guidelines for California Environmental Quality Act, California Code of Regulations, Title 14, Chapter 3, Section 15301 (Existing Facilities)..

Use Permit Findings

- A. *The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*

Adult day care centers are allowed in the Commercial Services zoning district pursuant to CMC Section 19.44.020, subject to use permit approval. This use permit has been processed in accordance with the requirements of CMC Chapter 19.24.

- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*

The proposed use is subject to adherence with all applicable building codes, and conditions of approval would require obtaining the necessary clearances from the Building Division. Operation of an adult day care center would not result in significantly increased traffic, noise, or potential nuisance impacts to the surrounding area.

- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*

The adult daycare facility will not generate any significant impacts to traffic, public improvements, or property in the neighborhood of the proposed use. No aspects of the project have been deemed to be detrimental to the general welfare of the City.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The proposed use is consistent with the Community Commercial General Plan land use designation and with General Plan policies which encourage adaptive reuse of transitional commercial developments (CD-G-36), and supporting efforts to provide social services which accommodate persons with disabilities and special needs (PP-G-15, PP-I-50 and H.4.3).

- E. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

The proposed use entails no changes to the existing facility and will not have significant impacts on current traffic patterns from existing uses. No incompatibilities have been identified between the operation of an adult day care facility and the existing uses at the site or in the project vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 16-07 (Inspirations, ADSP) authorizes an adult daycare facility, at 3880 Morrow Lane, suites 10, 20 and 30 (APN 002-200-024), in substantial accordance with the "Plat to Accompany Use Permit 16-07 Inspirations, ADSP)", except as modified by any other condition of approval.
2. The applicant shall comply with all other State and local Code provisions, including those of the Community Development, Public Works, and Fire Departments. The permittee is responsible for contacting these offices to verify the need for permits.
3. The applicant shall obtain the relevant Certificate of Occupancy for change of use to a Group I-4 occupancy prior to tenancy.
4. All new signs shall be subject to a sign permit.
5. The applicant is to install a new bike rack (3 spaces minimum) as depicted on the site plan prior to Certificate of Occupancy.

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed to all property owners and tenants within 500 feet of the project site.

DISTRIBUTION:

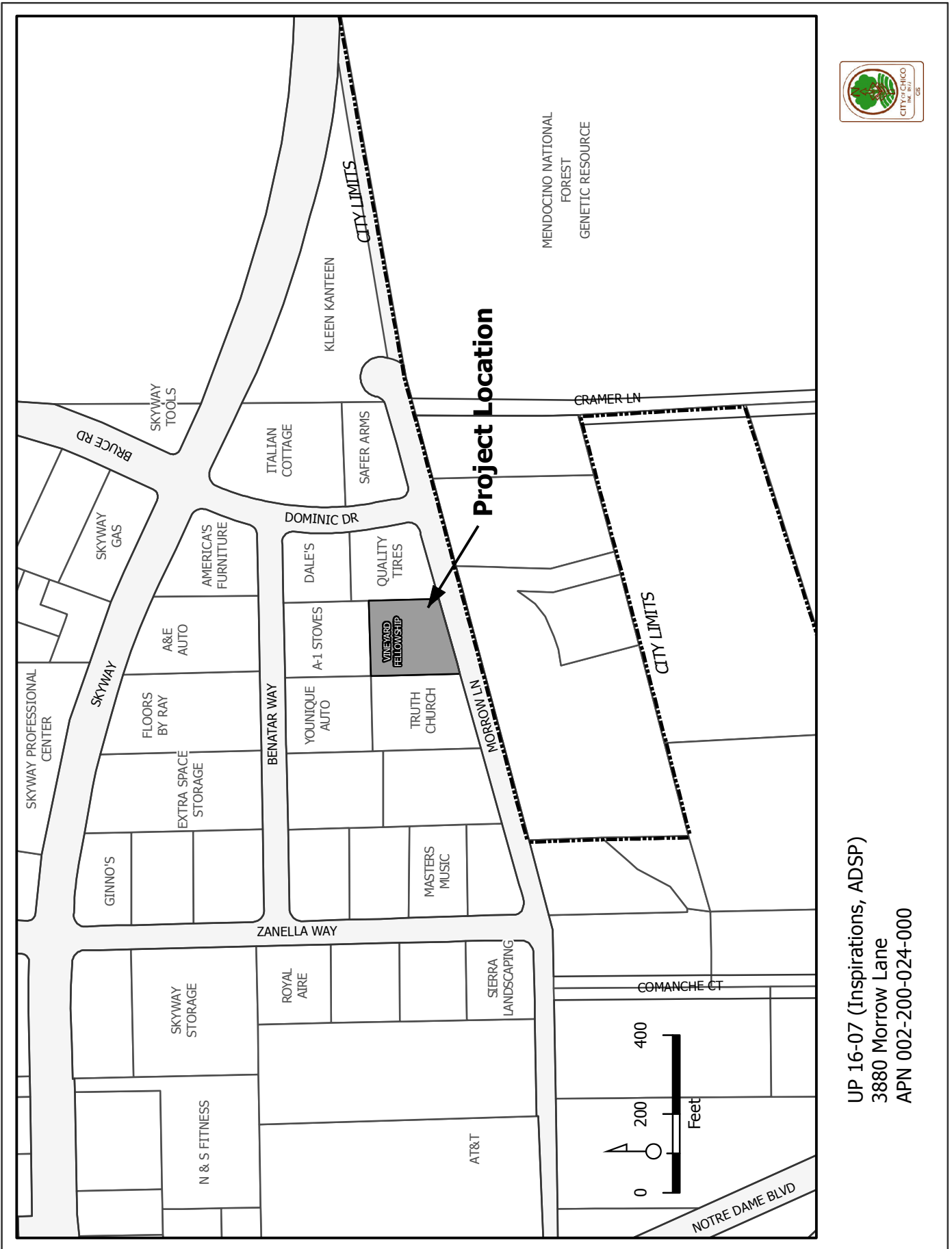
Internal (2)
Mark Wolfe, Zoning Administrator
Mike Sawley, Associate Planner

External (1)
Gary Green, CFO/Owner NVDS Inc.

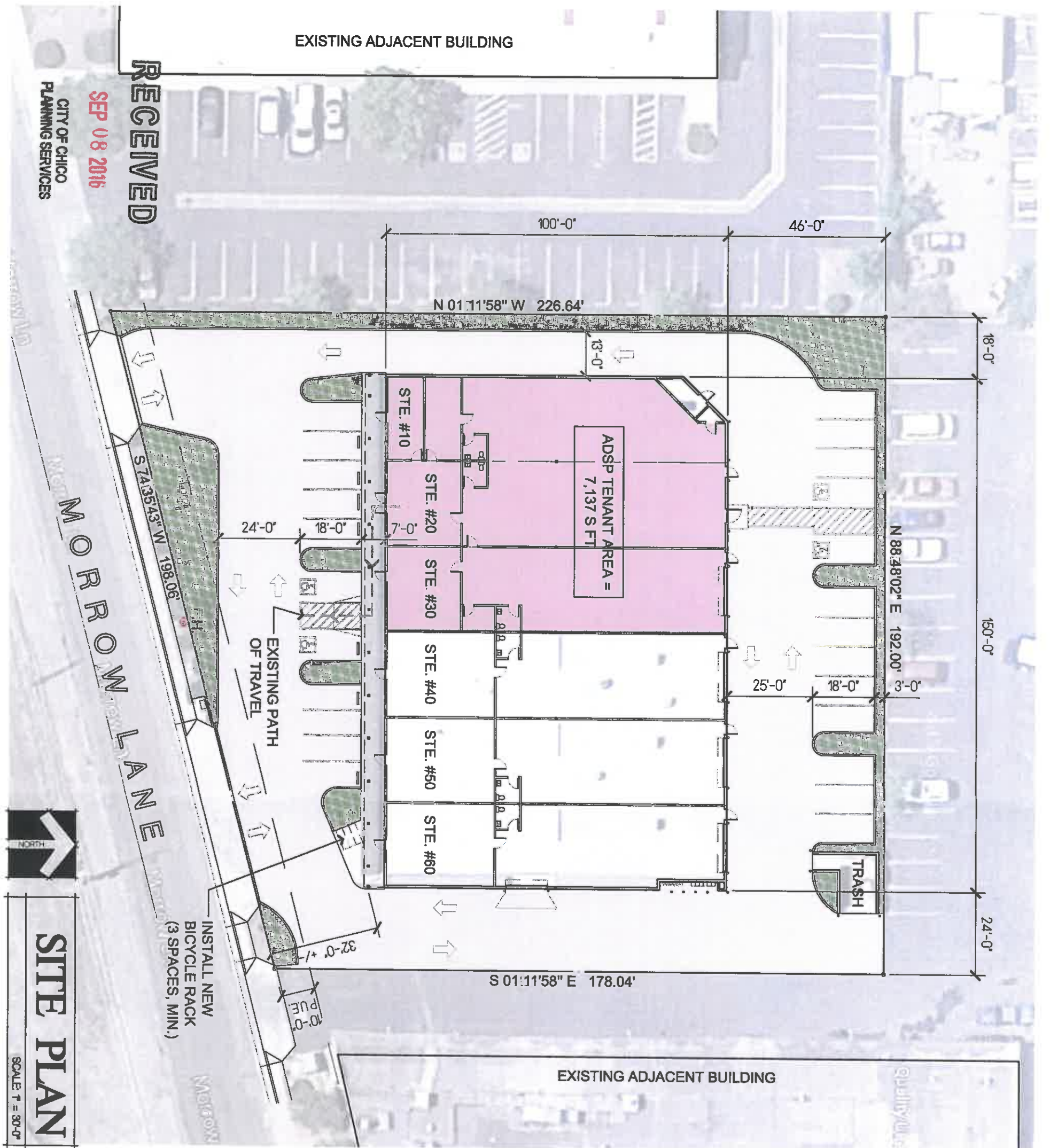
ATTACHMENTS:

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 16-07 (Inspirations, ADSP)
- C. Use Permit 98-07

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UP 16-07 (Inspirations, ADSP)
 3880 Morrow Lane
 APN 002-200-024-000

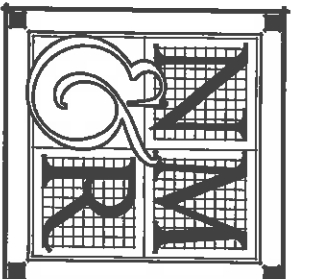


SITE PLAN

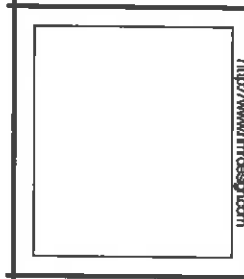
SCALE: 1" = 30'-0"



SITE DATA:	
APN	002-200-024
ADDRESS:	3880 MORROW LANE
ZONE:	CS - COMMERCIAL SERVICES
REQUIRED SETBACKS: (Does not abut an "R")	
FRONT	= None
SIDE	= None
REAR	= None
REQUIRED LANDSCAPING = 5.0%	
TOTAL PARCEL AREA =	38,849 SF (0.89) Acres
COVERAGE:	
BUILDING	= 14,873 SF
CONC. SIDEWALKS	= 1,710 SF
ASPHALT PAVING	= 18,520 SF
TOTAL COVERAGE	= 35,103 SF
TOTAL LANDSCAPED AREA =	3,746 SF (9.6%)
PARKING DATA:	
TOTAL EXISTING PARKING	= 24 SPACES
PARKING REQUIRED: (per Chap. 19.70)	
ADSP TENANT = 9 EMPLOYEES	= 9 SPACES
(E) OFFICE = 2,302 SF / 375	= 6 SPACES
(E) WAREHSE. = 4,836 SF / 1250	= 4 SPACES
TOTAL PARKING REQUIRED	= 19 SPACES
TOTAL BICYCLE PARKING REQ'D. = 3 (10%)	
BUILDING DATA:	
NEW ADSP TENANT AREA = 7,137 SF	
NEW ADSP TENANT OCCUPANCY = 14	
CONSTRUCTION TYPE = V-B	
BUILDING TO HAVE FULLY AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED PRIOR TO ADSP OCCUPANCY	
SITE LEGEND:	
	EXISTING PAVING
	EXISTING LANDSCAPING



**NICHOLAS
MELBORG
ROSSETTO**
 ARCHITECTS + ENGINEERS
 555 MAIN STREET, SUITE 300
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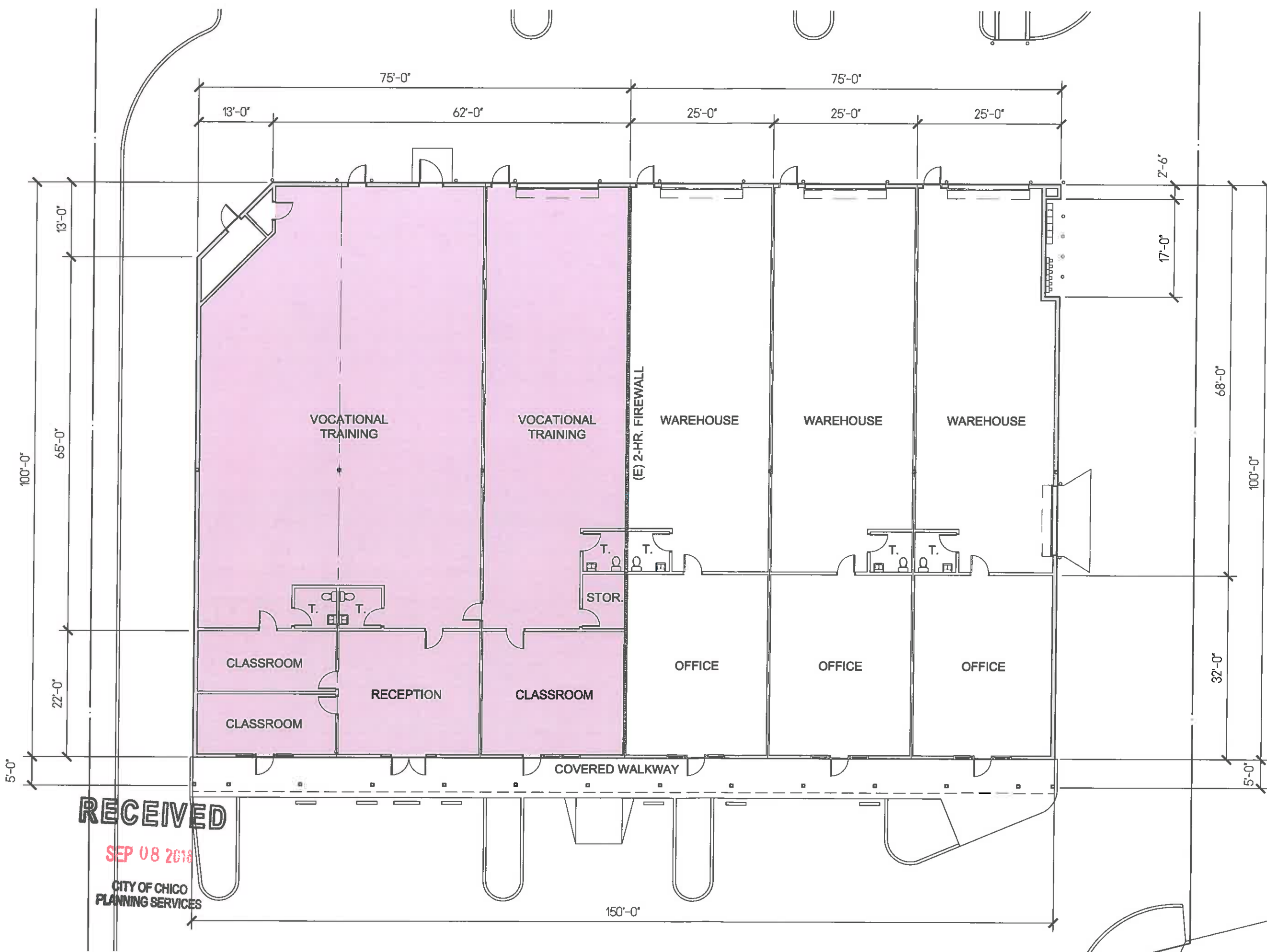
**A USE PERMIT
DIAGRAM
FOR
INSPIRATIONS
ADSP**

**3880 MORROW LN
CHICO, CA
SITE PLAN**

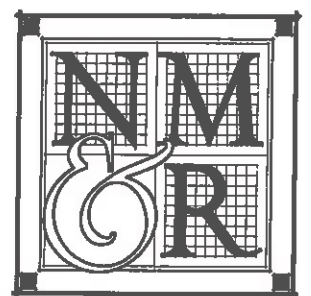
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DT	9/6/16
SC	11=30'-0"
NO.	16-4725

SHT. **A1**
OF:

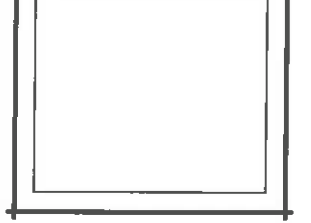
Plot Date: September 06, 2016 - 11:25 am
File Name: S:\work\16-4725 Inspirations ADSP\Inspirations_MorrowLansdmg



RECEIVED
SEP 08 2016
CITY OF CHICO
PLANNING SERVICES



**NICHOLS
MEIBURG
ROSSETTO**
ARCHITECTS + ENGINEERS
555 MAIN STREET, SUITE 300
CHICO, CA 95928
(530) 891-1710 (530) 891-0188 FAX
<http://www.nmrdesign.com>



**A USE PERMIT
DIAGRAM
FOR**

**INSPIRATIONS
ADSP**

**3880 MORROW LN
CHICO, CA**

FLOOR PLAN

DR. DAR
DT. 9/6/16
SC. 1/16"=1'-0"
NO. 16-4725

SHT.
A2
OF.



**COMMUNITY DEVELOPMENT
DEPARTMENT**

Planning Division
411 Main Street (530)895-4851
P.O. Box 3420
Chico, CA 95927

APPLICATION NO. UP 98-7 (Vineyard Christian)

**CONDITIONAL
USE PERMIT**

Request:

Upon approval, Use Permit Application No. 98-7 (Vineyard Christian), in accordance with Chico Municipal Code Section: 19.54.040 and 19.28.200 authorizes the following:

Allow the operation of a church and to allow off-site parking.

At: **Church: 3880 Morrow Lane Off-site Parking: 3689 Benetar Way and 3890 Morrow Lane**

Assessor's Parcel No.: **Church: 002-200-024; Off-site Parking: 3689 Benetar Way and 3890 Morrow Lane**

Final Action By:

Planning Director Planning Commission City Council
Action: Approved Denied Date: **April 20, 1998**
Appeal of Action: Yes No
Appeal Heard by: Planning Commission City Council

Appeal Period Ends: **May 6, 1998**

By: *Jim Seidler*
City of Chico Planning Director

Conditions of Approval:

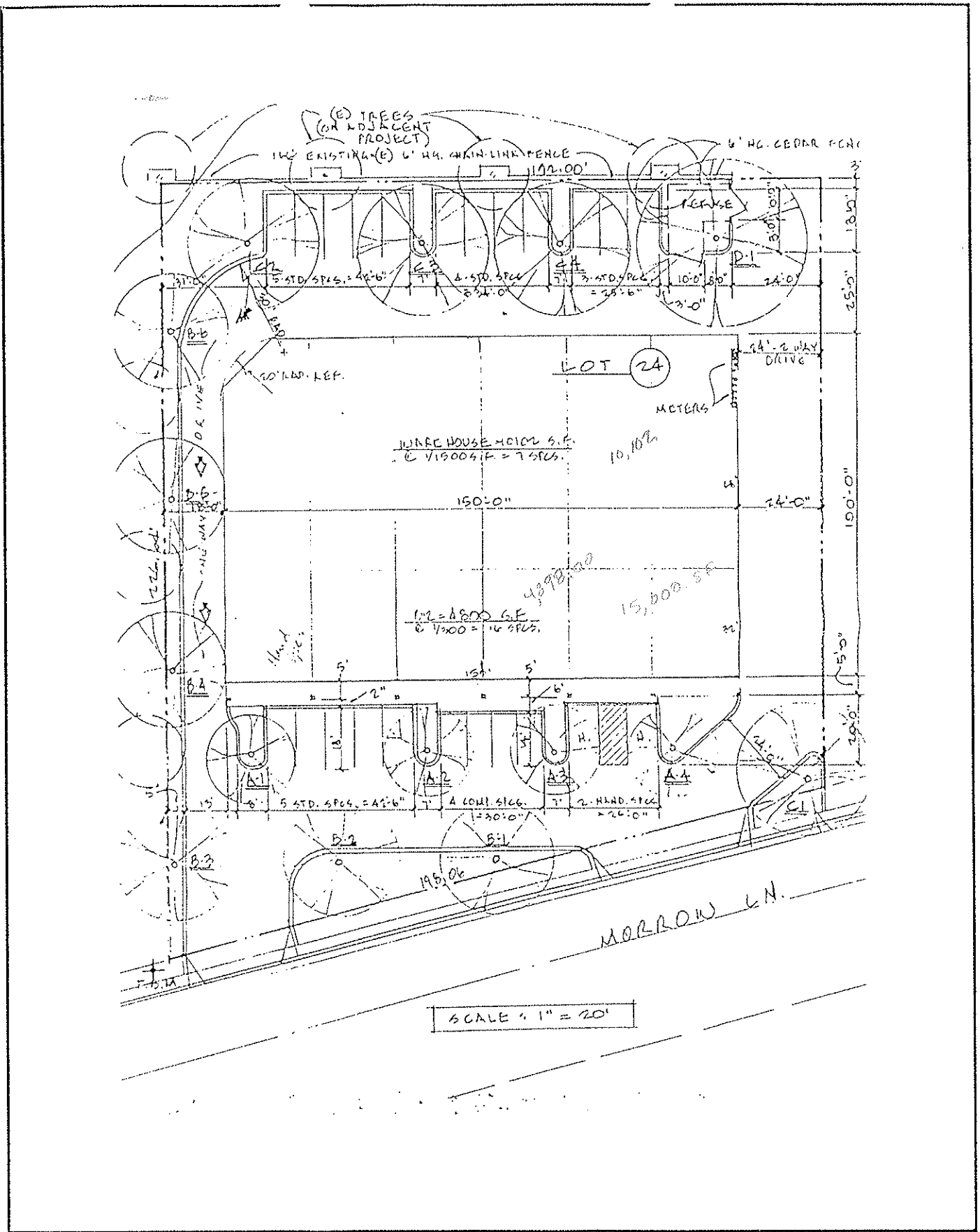
1. The existing structure located at 3880 Morrow Lane shall be used as a church in substantial accord with the "Plat to Accompany Use Permit No. UP 98-7 (Vineyard Christian)" except as modified by any other condition of approval.
2. The permittee shall comply with all state and local code provisions, including those of the Building Division, Fire Department and Department of Public Works. The permittee is responsible for contacting these departments to verify the need for permits.
3. Church activities in the general assembly area shall be limited to those hours specifically designated in agreements to secure off-site parking as approved by the Planning Director.
4. Prior to issuance of a building permit the permittee shall secure use of adjacent parking to the satisfaction of the Planning Director.

I hereby agree to accept this Use Permit subject to the provisions of the Chico Municipal Code and the conditions specified above. I am aware that this permit becomes null and void if not used within one year and may be revoked for violation of any of the conditions of approval.

Applicant's Signature: *[Signature]*

Date: 5-29-98

cc: Applicant, Building File



City of Chico Planning Division
 Plat to Accompany Use Permit 98-7 (Vineyard Christian Fellowship)

Exhibit B