



**DATE:** September 8, 2017  
**TO:** ZONING ADMINISTRATOR  
**FROM:** Kimber Gutierrez, Associate Planner, 530-879-6810,  
[kimber.gutierrez@chicoca.gov](mailto:kimber.gutierrez@chicoca.gov)  
**RE:** Use Permit 17-18 (Enchanted Play Preschool)  
3312 Esplanade, APN 006-220-020

File: UP 17-18

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## RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 17-18 (Enchanted Play Preschool), based on the findings and subject to the recommended conditions of approval.

## BACKGROUND AND ANALYSIS

The one-acre project site is located at 3312 Esplanade at the northeast corner of Tonea Way and Esplanade (APN 006-220-020) (see **Attachment A**, Location/Notification Map and **Attachment B**, Plat to Accompany Use Permit 17-18). The site is zoned R3-AOD (Medium-High Density Residential with Aircraft Operations Zone D overlay) and is designated Medium-High Density Residential on the City of Chico General Plan Diagram.

The site currently contains an approximately 5,000 square-foot restaurant with established parking and landscaping.

### Proposed Project

The project involves converting an existing restaurant to an infant and preschool center (or daycare center). The applicant is anticipating approximately 50 children between infancy to five years of age. The proposed hours of operation are from 7:30 a.m. to 6:00 p.m.

No site or exterior improvements are proposed.

### Discussion

Pursuant to Chico Municipal Code (CMC) Section 19.42.020, Table 4-2 (*Allowed Uses and Permit Requirements for Residential Zoning Districts*), use permit authorization is required for "Day care facilities, child/adult day care centers" in the R3 (Medium-High Density Residential) zoning district.

Potential issues related to the establishment and operation of a daycare facility in an established neighborhood include noise, traffic, parking, and maintaining compatible hours of operation with the neighborhood. Each of these issues is discussed briefly below.

Noise issues can arise from concentrations of children in residential areas, particularly when the children spend time outside. The designated outdoor play area is positioned on the southwest corner of the site along the Esplanade farthest away from the adjacent residences located northeast and southeast of the site (see **Attachment B**). The existing building would further serve as a noise buffer to the residential neighborhood. The northwest-adjacent

property is occupied by an automobile-oriented business. Staff does not foresee a noise impact to adjacent uses. However, staff recommends that a contact phone number be provided to the Planning Division, to be made available to any adjacent neighbor who asks for it, in order to resolve any noise complaints.

The proposed daycare center is anticipated to be a less-intensive use than the existing restaurant. There would be a reduction in the overall traffic volume experienced in the area; however, a change in daily traffic patterns is anticipated. During the weekdays, traffic would be concentrated during morning drop-off and afternoon pick-up times with no evening activity. There would be no traffic associated with the proposed use during the weekends.

Pursuant to CMC 19.70.040 (*Number of parking spaces required*), daycare centers must provide one on-site parking space per employee, plus an adequate pickup/drop-off area. The applicant anticipates a maximum of 10 employees and a daily attendance of approximately 50 children. The site plan shows a total of 50 on-site parking spaces, which exceeds this requirement. Additionally, the established parking lot provides adequate space for an orderly pickup/drop-off area. No bicycle parking is shown on the site plan; therefore, staff has included a condition of approval requiring that at least one bicycle rack be installed to meet the Code's bicycle parking requirement of 10 percent of the required vehicle parking spaces.

The proposed hours of operation of 7:30 a.m. to 6:00 p.m. Monday through Friday are compatible with the surrounding residential and commercial uses. There will be no noise generated during night time hours.

With conditions addressing these issues and implementation of Code requirements, staff recommends approval of the use permit.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). Consistent with this exemption, the project consists of the conversion of an approximately 5,000 square-foot restaurant to a daycare center in an urbanized area, not involving significant amounts of hazardous substances, where all public services are available and the surrounding land is not environmentally sensitive.

## **FINDINGS**

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

### 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).*

CMC Section 19.42.020 (*Residential zone land uses and permit requirements*) allows a children daycare center in the R3 zoning district, subject to use permit approval. This use

permit has been processed in accordance with the requirements of Chapter 19.24 (*Use Permits*).

- 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 project, as conditioned, includes provisions for limiting noise impacts to neighboring properties, providing adequate parking, and limiting the hours of operation to minimize impacts to neighboring businesses and residents. These measures should sufficiently ensure that no significant negative impacts related to health, safety, and/or general welfare will affect those in the surrounding neighborhood.

- 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 project involves the conversion of an existing restaurant to a daycare center. No site or exterior improvements are being proposed as part of this project; therefore, no damage to public improvements would occur. At such a time the applicant pursues physical changes to the site or existing structures, existing regulations require that any damaged public improvements be repaired at the conclusion of construction.

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

The project is consistent with the Medium-High Density Residential designation for the site, which provides for limited service uses, such as daycare centers, which are traditionally found in residential neighborhoods. The project is also consistent with General Plan Goal LU-2, providing a mix and distribution of uses that meet the identified needs of the community, Goal LU-4, promoting compatible infill development, and Policy PPF-7.2, supporting efforts to improve and expand health and social services for all segments of the community.

- 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 project involves the conversion of an existing restaurant to an daycare center. The limited scale of the project, combined with the listed conditions will ensure compatibility with existing and future land uses in the vicinity.

## **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 17-18 authorizes a children's daycare center for up to 60 children or infants in the R3 zoning district, in substantial accord with the "Plat to Accompany Use Permit 17-18 (Enchanted Play Preschool)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.

3. Regular hours of operation shall be limited to 7:30 a.m. to 6 p.m., Monday through Friday.
4. The permittee shall keep a current phone number on file with the Planning Division for the purposes of resolving possible noise complaints. This number shall be made available to neighbors at their request.
5. The permittee shall install a bicycle rack with space for at least two bicycles. The rack shall support each bicycle frame at two points.

### **PUBLIC CONTACT**

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

### **DISTRIBUTION:**

#### **Internal (3)**

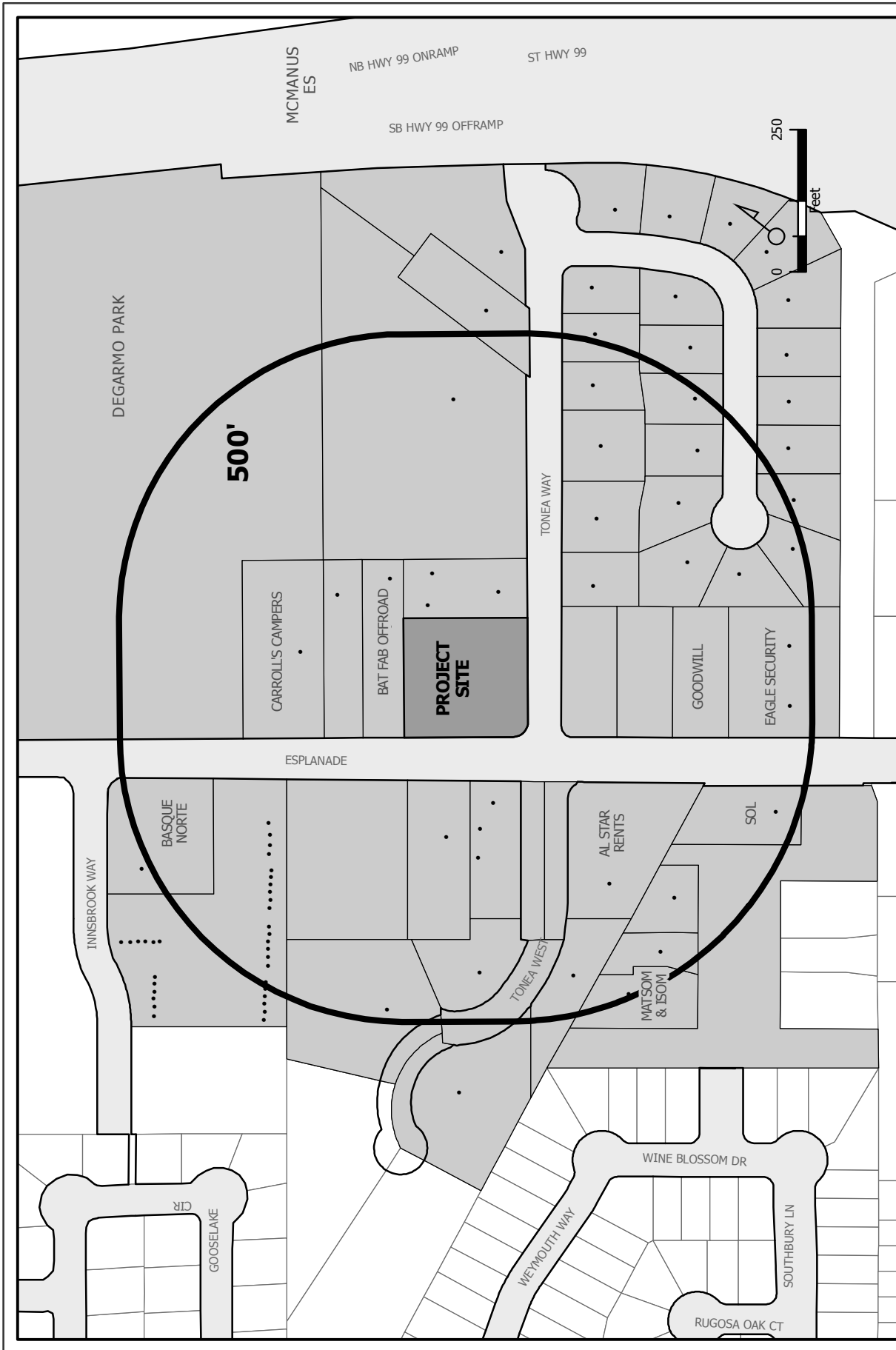
Brendan Vieg, Zoning Administrator  
Kimber Gutierrez, Associate Planner  
File: UP 17-18

#### **External (2)**

Denise Alioto, 5 Auburn Crest Court, Chico, CA 95973  
Dana and Louise Ward, 3155 Alta Vista, Unit C, Laguna Woods, CA 92637

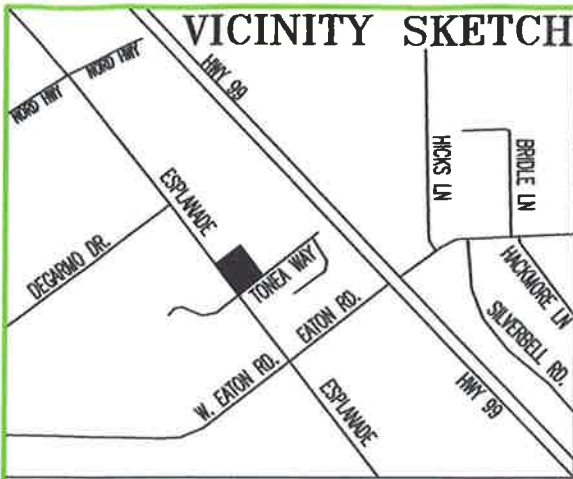
### **ATTACHMENTS:**

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 17-18 (Enchanted Play Preschool)



- Notified Addresses
- Notified Parcels

UP 17-18 (Enchanted Play Preschool)  
 3312 Esplanade  
 APN 006-220-020-000



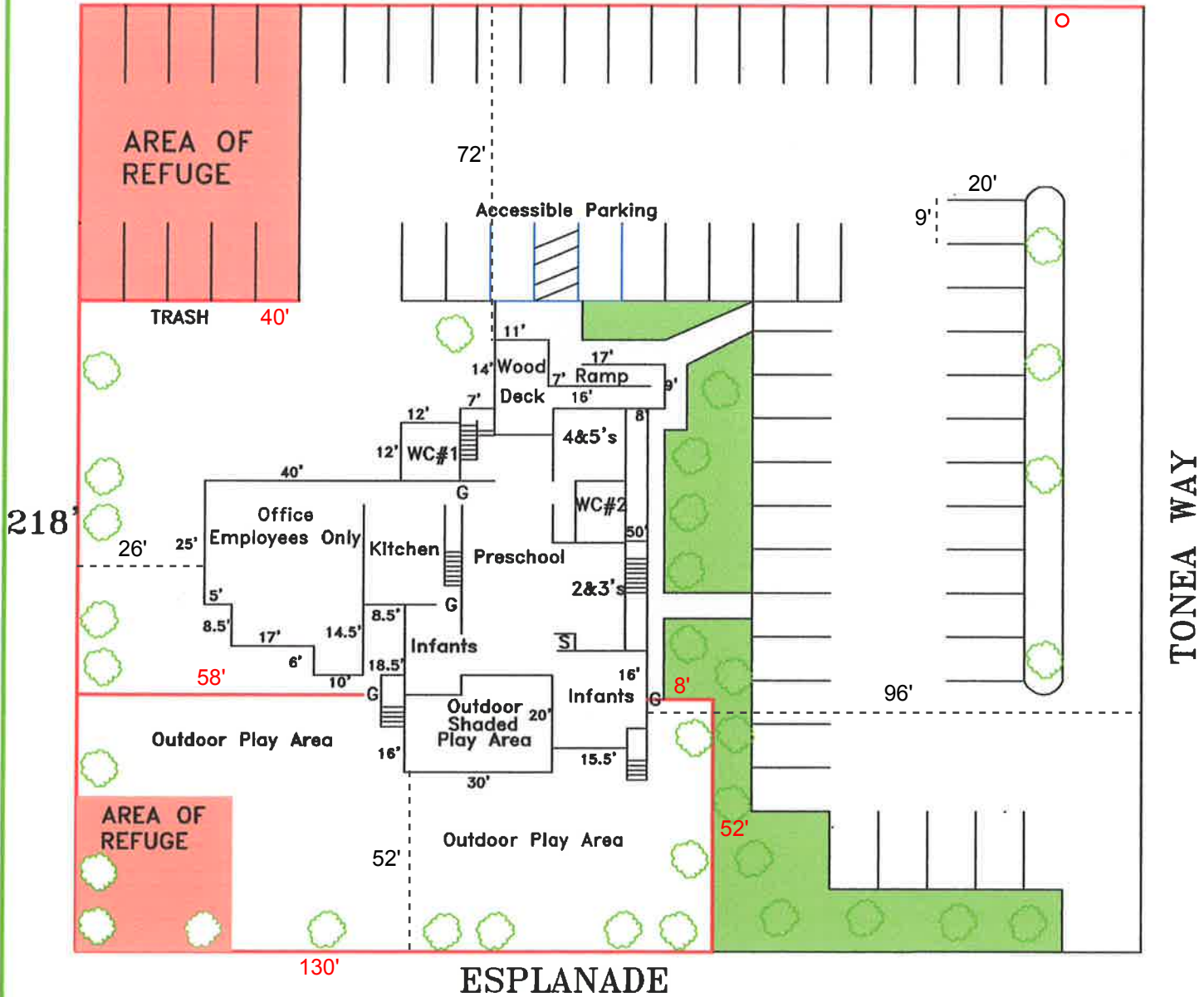
**KEY**

- Fence
- Existing Parking Lot Light
- G** Gated
- S** Sink
- WC** Bathroom

CALCULATIONS:  
 Lot Size 42,510 Sq. Ft.  
 Floor Area 5,285 Sq. Ft.  
 Lot Coverage 41,759 Sq. Ft.  
 Landscaped Area 15,000 Sq. Ft.



**195'**



APN: 006-220-020	
Lot Size: 1.08 AC	
SQ FT: ~5000	
SCALE: NTS	DATE:

**3312 ESPLANADE AVE.**  
**ENCHANTED PLAY INFANT & PRESCHOOL CENTER**  
**DENISE ALIOTO**

Total Parking: 51	
Accessible Parking: 2	
SHT:	SHEETS
	REV.