



DATE: July 18, 2022

File: UP 22-03

TO: ZONING ADMINISTRATOR

FROM: Madison Driscoll, Assistant Planner, 530-879-6810 madison.driscoll@chicoca.gov

RE: Use Permit 22-03 (Metzen Daycare), 555 East Avenue and 2448 Tom Polk Avenue, APNs 007-080-059 and 007-080-034

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 22-03 (Metzen), based on the findings and subject to the recommended conditions of approval.

BACKGROUND AND ANALYSIS

The project is located on two parcels at 555 East Avenue and 2448 Tom Polk Avenue, on the southeast corner of East Avenue and Tom Polk Avenue (see **Attachment A**, Location/Notification Map and **Attachment B**, Plat to Accompany Use Permit 22-03). The northerly site, 555 East Avenue, is zoned OR (Office Residential) and is designated Office Mixed Use on the City of Chico General Plan Diagram. The southerly site, 2448 Tom Polk Avenue, is zoned R1 (Low Density Residential) and is designated Low Density Residential on the City of Chico General Plan Diagram. Surrounding land uses include single family homes, industrial warehousing, and small-scale retail.

Proposed Project

The project involves converting the existing retail building and residential unit into a childcare center for 40 children and 16 infants. Hours of operation would be from 7 A.M. to 6 P.M. with staggered drop off time from 7 to 9 A.M. and pick up time from 4 to 6 P.M. The site plan depicts a proposed drop off area and off-street parking on the western side of the site along Tom Polk Avenue. The drop off area would circulate in one way traffic pattern with both entrance and exit located on Tom Polk Avenue. There are six proposed parking spaces to accommodate employees and two short term parking drop off spaces. To make room for the driveway extension, the applicant proposes to remove two redwood trees. Trees identified for removal would be subject to the City's Tree Preservation Regulations (CMC 16.66). All trees removed must follow standard mitigation as recommended in Condition #5.

Discussion

Currently the site has two buildings that were originally constructed as residential units but have since been converted for commercial purposes. The building at 555 East Avenue will serve as a daycare for older children while the building at 2448 Tom Polk Avenue will serve as an infant center. Collectively, these two buildings will operate as one large daycare center. Each of the buildings are located on separate parcels, but the daycare center will use the parking lot and drop-off area to the west will support both the two parcels. Both the OR and R1 zoning district allow for day care centers with a use permit, pursuant to CMC 19.42.020 Table 4-2 and CMC 19.44.020 Table 4-6, respectively.

Operating a day care center in an existing neighborhood could present potential challenges such as traffic, parking, and noise. Each of these issues are discussed in further detail below.

This site land use has historically been office. The conversion to daycare would increase the traffic from day care and pick up. During operational hours, traffic would be concentrated around pick up and drop off times. The project proposes a semi-circular driveway to allow for a smooth pick up and drop off process with two parking spaces dedicated to drop off/pick up. The drop off semi-circle would allow a one-way flow of traffic to prevent vehicle queuing to spill onto East Avenue. Pick up and drop off time would be staggered from 7 to 9 A.M. and 4 to 6 P.M.

Per CMC 19.70.040, daycare centers must provide one off-street parking space per employee, plus an adequate pick up/drop off area. The applicant anticipates a maximum of six employees and a daily attendance of 56 children in total. Six parking spaces are provided for employees in addition to two drop off parking spaces. The half circle driveway along Tom Polk Avenue provides an adequate traffic circulation component and drop off area for the day care.

The proposed hours of operation are of 7:00 A.M. to 6:00 P.M., Monday through Friday are compatible with surrounding residential uses. There will be no additional traffic or noise during weekends or evening hours. Staff does not anticipate additional noise disturbance to neighboring properties. Lighting of the site will be limited that the amount normally associated with safety and security, and no additional light fixtures are proposed that would result in potential light and glare spillage impacts.

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 existing residential units 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 and 19.44.020 allows for a day care center in the R1 and OR zoning district respectively, 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 addresses traffic impacts to neighboring properties and public streets by providing adequate off-street parking, staggering drop off and pick up times, and limiting the hours of operation. These features of the project ensure that no significant impacts related to health, safety, and/or general welfare will affect those in the surrounding neighborhoods.

- 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 plans to convert an already existing residence and commercial building into a daycare center. On-site improvements will require building permits from the Building Division from the City of Chico. No impacts to neighboring properties have been identified.

- 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 both Low Density Residential and Office Mixed Use designation, which both allow for a daycare center. The project is consistent with General Plan Goal LU-2, providing a mix and distribution of uses that meet the identified need of the community, Goal LU-3 enhance existing neighborhoods and create new neighborhoods with walkable access to recreation, places to gather, jobs, daily shopping needs and other community services, and Policy PPF-7.2 support 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 commercial and retail building into a daycare center. The smaller scale project with the specified conditions of operation will be e compatible with the existing and future land uses in the vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 22-03 authorizes a children's daycare center for up to 40 children and 16 infants in the R1 and OR zoning district, in substantial accord with the "Plat to Accompany Use Permit 22-03 (Metzen Daycare)" 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 7:00 a.m. to 6 p.m., Monday through Friday.
4. One way signage shall be placed in front of the drop off driveways to allow for a functional traffic flow prior to Certificate of Occupancy.
5. As required by CMC 16.66, trees removed shall be replaced as follows:
 - a. On-site, for every six inches DBH removed, a new 15-gallon tree shall be planted on site. Placement trees shall be of similar species, unless otherwise approved by the urban forest manager, and shall be placed in areas dedicated for tree plantings. New plantings' survival shall be ensured for three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fall within the first three years after the date of planting and shall be verified by the applicant upon request by the director. If any replacement trees die or fail within the first three years of their planting, then the applicant shall pay an in-lieu fee as established by a fee schedule adopted by the City Council.
 - b. Off-site, if it is not feasible or desirable to plant replacement trees on-site, payment of an in-lieu fee as established by a fee schedule adopted by the City Council shall be required.
 - c. Replacement trees shall not receive credit as satisfying shade or street tree requirements otherwise mandated by the municipal code.
 - d. Tree removal shall be subject to the in-lieu fee payment requirements set forth CMC 16.66 and fee schedule adopted by the City Council.
 - e. All trees not removal shall be preserved on and adjacent to the project site. A tree preservation plan, including fencing around drip lines and methods for excavation within the drip lines of protected trees to be preserved shall be prepared by the project developer pursuant to CMC 16.66.110 and 19.68.060 for review and approval by planning staff prior to any ground disturbing activities.
6. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: Use Permit for Metzen Daycare (UP 22-03) ("Project"); (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of

occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

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)

Mike Sawley, Zoning Administrator
Bruce Ambo, Principal Planner
Madison Driscoll, Assistant Planner
File: UP 22-03

External

Erica Metzen and Shannon Sivadon, 11541 Dairy Road, Chico, CA 95973; Email:
erica@atochico.com

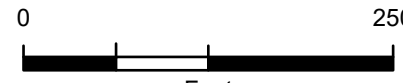
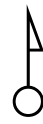
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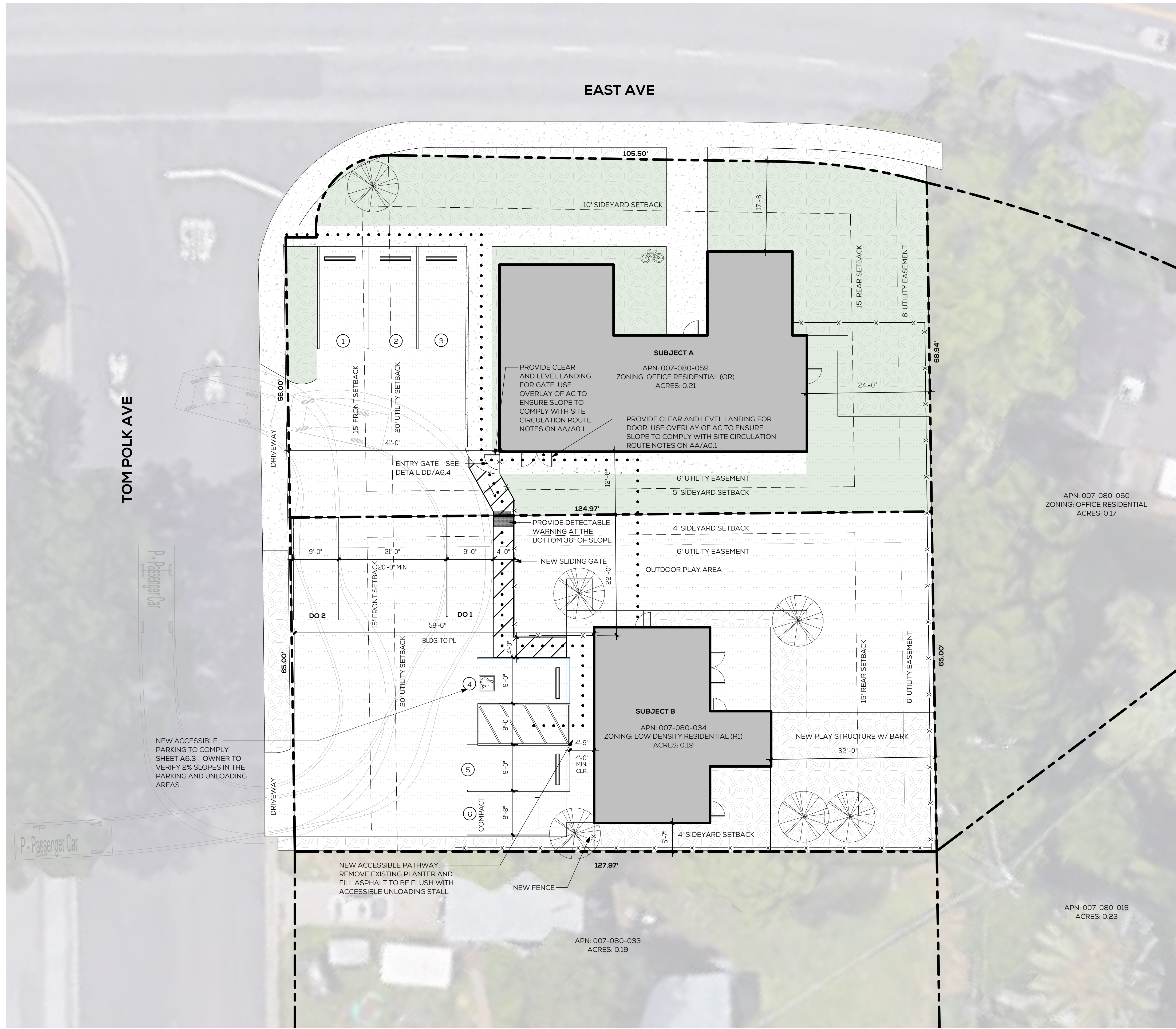
- A. Location/Notification Map
- B. Plat to Accompany Use Permit 22-03 (Metzen Daycare)



UP 22-03 (Metzen Daycare)
APN 018-230-001-000 & 007-080-034-000

Date Saved: 6/17/2022





DD - FLOOR PLAN
SCALE: 1" = 10'-0"

GENERAL NOTES

1. ACCESSIBLE SITE CIRCULATION ROUTE SHALL COMPLY WITH CIRCULATION ROUTE NOTES COMPONENTS OF THIS SITE PLAN HAVE BEEN DEPICTED WITH THE USE OF AERIAL SITE IMAGERY AND NOT FIELD SURVEY DATA. REFER TO CIVIL
2. IMPERVIOUS SURFACES, INCLUDING CONCRETE FLATWORK, WITHIN 10 FEET OF THE BUILDING SHALL BE SLOPED A MINIMUM OF 2 PERCENT AWAY FROM THE BUILDING

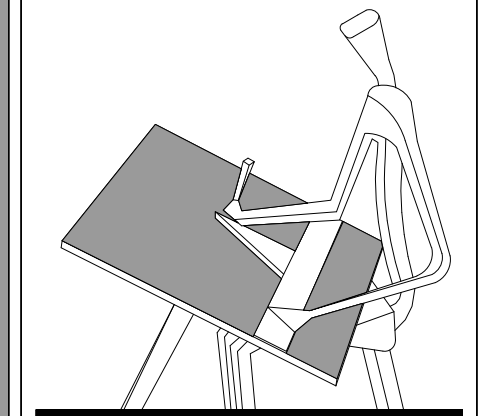
SITE CIRCULATION ROUTE NOTES:

ACCESSIBLE "PATH OF TRAVEL" (P.O.T.), AS INDICATED, IS A COMMON BARRIER FREE ACCESS ROUTE WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/2" BEVELED AT 1:2 MAXIMUM SLOPE, EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL, AND IS AT LEAST 48" WIDE. THE PATH SURFACE IS SLIP RESISTANT, STABLE, FIRM AND SMOOTH. PASSING SPACES (11B-403.5.3) AT LEAST 60" X 60" ARE LOCATED NOT MORE THAN 200' APART. THE CROSS-SLOPE DOES NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL AND IS LESS THAN 5% UNLESS OTHERWISE INDICATED. (P.O.T.) SHALL BE MAINTAINED FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM (11B-307.4) AND PROTRUDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL AND ABOVE 27" AND LESS THAN 80" (11B-307.2).

- CONCRETE
- LANDSCAPING
- ASPHALT PAVING
- EXISTING BUILDING FOOTPRINT
- PROPERTY LINE
- ACCESSIBLE SITE CIRCULATION ROUTE- SEE NOTES
- FIRE LANE
- UTILITY EASEMENT
- ZONING SETBACK
- FENCE
- EXISTING BUILDING OUTLINE
- PARKING SPACE COUNT
- ACCESSIBLE PARKING SPACE
- EXISTING TREE - 8" DIAMETER TRUNK AND LARGER
- WHEEL STOPS
- BICYCLE RACK. SEE DETAIL EE/A6.4 PROVIDES (2) 2' x 6' PARKING SPACES
- DROP OFF AREA

| | | |
|--|------------------|-----------------------------------|
| VEHICLE PARKING REQUIRED | | |
| 7 EMPLOYEES | ⊕ 11 EMPLOYEES = | 6 SPACES |
| TOTAL VEHICLE PARKING REQUIRED: | | 6 SPACES |
| VEHICLE PARKING PROVIDED | | |
| STANDARD PARKING SPACES | | 4 SPACES |
| COMPACT SPACES | | 1 SPACE |
| ACCESSIBLE PARKING SPACES | | 1 to 25 = 1 SPACE (CBC 11B-208.2) |
| TOTAL VEHICLE PARKING PROVIDED: | | 6 SPACES |
| BIKE PARKING REQUIRED REQUIREMENT | | 1 SPACE (CMC 19.70.040 TABLE 5-4) |
| BIKE PARKING PROVIDED | | 2 SPACES |

| | |
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| LANDSCAPE COVERAGE (CHICO MC 19.68.040) | |
| | LOW DENSITY RESIDENTIAL (R1) LANDSCAPE REQUIRED: N/A |
| | OFFICE RESIDENTIAL (OR) LANDSCAPE REQUIRED: 30% LANDSCAPE PROVIDED: 45% |



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architecture + engineering

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95926
&
2488 TOM
POLK AVE,
CHICO CA
95926**

ASSESSORS PARCEL NUMBER
**007-080-059
&
007-080-034**

| | |
|------------------------|------------|
| RGA PROJECT # | 21-494 |
| PLAN CHECK # | |
| DRAWN | BW |
| CHECKED | MG |
| USE PERMIT | 2022.04.14 |
| 1ST SUBMITTAL | 2022.06.20 |
| USE PERMIT RESUBMITTAL | 2022.07.05 |

SITE PLAN

A0.1

Attachment B

AA - SITE LEGEND & NOTES
SCALE: NONE

