



Zoning Administrator Agenda Report Meeting Date 11/28/2023

DATE: November 16, 2023

File: UP 23-01

TO: ZONING ADMINISTRATOR

FROM: Tina Wilson, Associate Planner, 530-879-6807 tina.wilson@chicoca.gov

RE: Use Permit 23-01 (Child Day Care Center at Cussick Apartments Community Building), Cussick and W. East Avenues, APN 042-450-022

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 23-01 (Child Day Care Center at Cussick Apartments Community Building), based on the findings and subject to the recommended conditions of approval.

BACKGROUND AND ANALYSIS

The project is located on an approximately 3.23-acre site west of the intersection of Cussick and W. East Avenue (see **Attachment A**, Location/Notification Map and **Attachment B**, Site Plan to Accompany Use Permit 23-01). The site is designated Medium Density Residential (MDR) on the City of Chico General Plan Land Use Diagram and zoned R2-COS (Medium Density Residential and within the Corridor Opportunity Site overlay zone). The site is currently vacant. Surrounding land uses include single-family residences to the north and west, single-family and commercial veterinary uses to the east, and medical offices to the south.

On June 7, 2023, the Architectural Review and Historic Preservation Board approved the site design and architecture for a 76-unit apartment complex, and associated site improvements including outdoor amenities, parking, and landscaping. The apartment complex would consist of seven buildings. A community building would be centrally located on the site with outdoor amenities including a tot lot, benches, pergola, and community garden. The applicant requests approval of the use permit to operate a child day care center within the community building of the Cussick Apartments project that is currently under development (AR 22-05).

Proposed Project

The project involves designating a portion of the community building and abutting fenced open play area as a child day care center for up to a maximum of 24 children. Hours of operation would be from 7:30 a.m. to 5:30 p.m. with staggered drop off between 7:30 a.m. and 9:30 a.m. and pick up times between 1 p.m. and 1:30 p.m. and between 3:45 p.m. and 5:30 p.m. The site plan depicts a proposed pick-up/drop-off area and off-street parking on the northern side of the site along the drive aisle. Vehicles would enter the site's accessway at W. East Avenue and exit the site at the accessway at Cussick Avenue. The pick-up/drop-off area would circulate in a one-way traffic pattern. There are three proposed parking spaces to accommodate employees. There are two short-term parking spaces for dropping off and picking up children. When openings for enrollment are available, onsite residents of the Cussick Apartments complex will receive priority.

Discussion

Currently the site is vacant. The operator of the child day care center will provide residents of the Cussick Apartments complex priority when openings for enrollment are available. The operator anticipates that most of the families enrolled at the child day care center would live onsite, keeping the number of vehicular pick-ups and drop-offs low.

The R2 zoning district allows for day care centers with a use permit, pursuant to Chico Municipal Code (CMC) Section 19.42.020, Table 4-2.

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 is vacant, but the Cussick Apartments project is currently under development. The operation of an onsite child day care center would increase the traffic from dropping off and picking up children. During operational hours, traffic would be concentrated around drop off and pick up times. However, since there would be a preference for onsite resident enrollment, the number of vehicular drop-offs/pick-ups would likely be reduced. The project proposes a one-way traffic pattern to allow for a smooth drop-off and pick-up process with two parking spaces dedicated to drop-off/pick-up. Drop-off and pick-up times would be staggered from 7:30 a.m. and 9:30 a.m. and pick up times between 1 p.m. and 1:30 p.m. and between 3:45 p.m. and 5:30 p.m.

Per CMC 19.70.040, day care centers must provide one off-street parking space per employee, plus an adequate pick-up/drop-off area. The applicant anticipates a maximum of three employees and a daily attendance of 24 children maximum. There are three proposed parking spaces to accommodate employees. There are two short-term parking spaces for dropping off and picking up children. Due to the preference for onsite resident enrollment, there would likely be less use of the two short-term parking spaces. The one-way traffic pattern beginning from the accessway on W. East Avenue and ending at the accessway on Cussick Avenue provides adequate traffic circulation and pick-up/drop-off area for the day care.

The proposed hours of operation are 7:30 a.m. to 5:30 p.m., Monday through Friday, and 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 to 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 establishment of a

child day care center in the community building of an apartment complex currently under development 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 of 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 allows for a day care center in the R2 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 addresses traffic impacts to neighboring properties and public streets by providing adequate off-street parking, staggering drop off and pick up times, limiting the hours of operation, and a preference for onsite resident enrollment. 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 operate a child day care center within the community building of the Cussick Apartments project that is currently under development. On-site improvements will require building permits from the Building Division of 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 the Medium Density Residential land use designation, which allows for a child day care center. The project is consistent with General Plan Goal LU-2, providing a mix and distribution of uses that meet the identified needs 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 operation of a child day care center within the community building of the Cussick Apartments project that is currently under development. The smaller scale project with the specified conditions of operation will be compatible with the existing and future land uses in the vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 23-01 authorizes a children's day care center for up to 24 children in the R2 zoning district, in substantial accord with the "Site Plan to Accompany Use Permit 23-01 (Child Day Care Center at Cussick Apartments Community Building)" 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 5:30 p.m., Monday through Friday.
4. 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: (i) this requested entitlement; (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. At the time of the staff report being published, no comments have been received from the public.

DISTRIBUTION:

Internal (3)

Mike Sawley, Zoning Administrator

Bruce Ambo, Principal Planner
Tina Wilson, Associate Planner
File: UP 23-01

External (5)

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East Avenue Properties, LLC, Email(s): bbowen575@yahoo.com and
bbowen1744@yahoo.com





ATTACHMENTS:

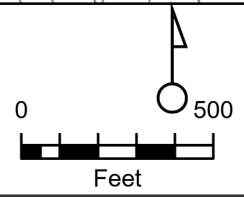
- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 23-01 (Child Day Care Center at Cussick Apartments Community Building)



UP 23-01 Child Day Care Center at
 Cussick Apartments Community Building
 APN 042-450-022-000

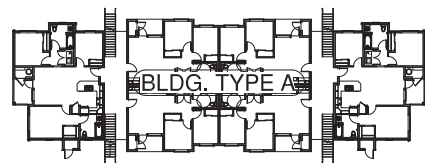
Date Saved: 9/21/2023 9:25 AM

-  Fire Hydrants
-  School
-  Noticed Parcel
-  Noticed Address

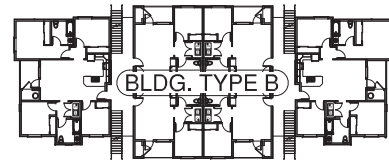


FIRE DEPARTMENT REQUIREMENTS:

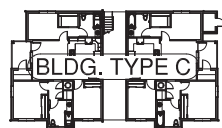
1. FIRE APPARATUS ACCESS ROADS AND WATER SUPPLIES SHALL BE PROVIDED DURING TIME OF CONSTRUCTION.
2. THE FURTHEST PROJECTION OF THE EXTERIOR WALL OF A BUILDING SHALL BE ACCESSIBLE FROM WITHIN 150 FEET OF AN APPROVED FIRE DEPARTMENT ACCESS ROAD, MINIMUM 20 FEET WIDE, AND NOT MORE THAN 400 FEET FROM AN APPROVED WATER SUPPLY PER CFC 503.1.1, 507.5.1.
3. ROADS USED FOR FIRE DEPARTMENT ACCESS THAT ARE LESS THAN 28 FEET IN WIDTH SHALL BE MARKED "NO PARKING FIRE LANE" ON BOTH SIDES; ROADS LESS THAN 36 FEET IN WIDTH SHALL BE MARKED ON ONE SIDE.
4. FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES PER CFC 503.2.3.
5. PROVIDE A CERTIFIED WATER FLOW TEST FOR THE PROPOSED USED, OCCUPANCIES AND CONSTRUCTION TYPE PER CFC 507.4.
6. PROVIDE REQUIRED FIRE HYDRANTS IN ACCORDANCE WITH CFC 507, APPENDIX C, SECTION C102.1, AND THE CITY OF CHICO MUNICIPAL CODE.
7. PROVIDE APPROPRIATE KNOX BOX FIRE DEPARTMENT ACCESS FOR SITE, AS APPROVED IN THE FIELD BY AUTHORITIES HAVING JURISDICTION, PER CFC SECTION 506.



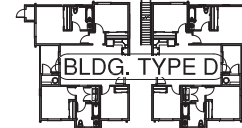
BUILDING A
(2) BUILDING TOTAL
(12) 2-BDRM UNITS & (6) 3-BDRM UNITS
FOOTPRINT - 6,529 S.F.
MAXIMUM HEIGHT - 35'-0"± (3) STORY
OCCUPANCY R-2
FULLY SPRINKLERED PER NFPA 13R
CONSTRUCTION TYPE: VB



BUILDING B
(1) BUILDING TOTAL
(8) 1-BDRM UNITS & (4) 4-BDRM UNITS
FOOTPRINT - 6,835 S.F.
MAXIMUM HEIGHT - 28'-0"± (2) STORY
OCCUPANCY R-2
FULLY SPRINKLERED PER NFPA 13R
CONSTRUCTION TYPE: VB



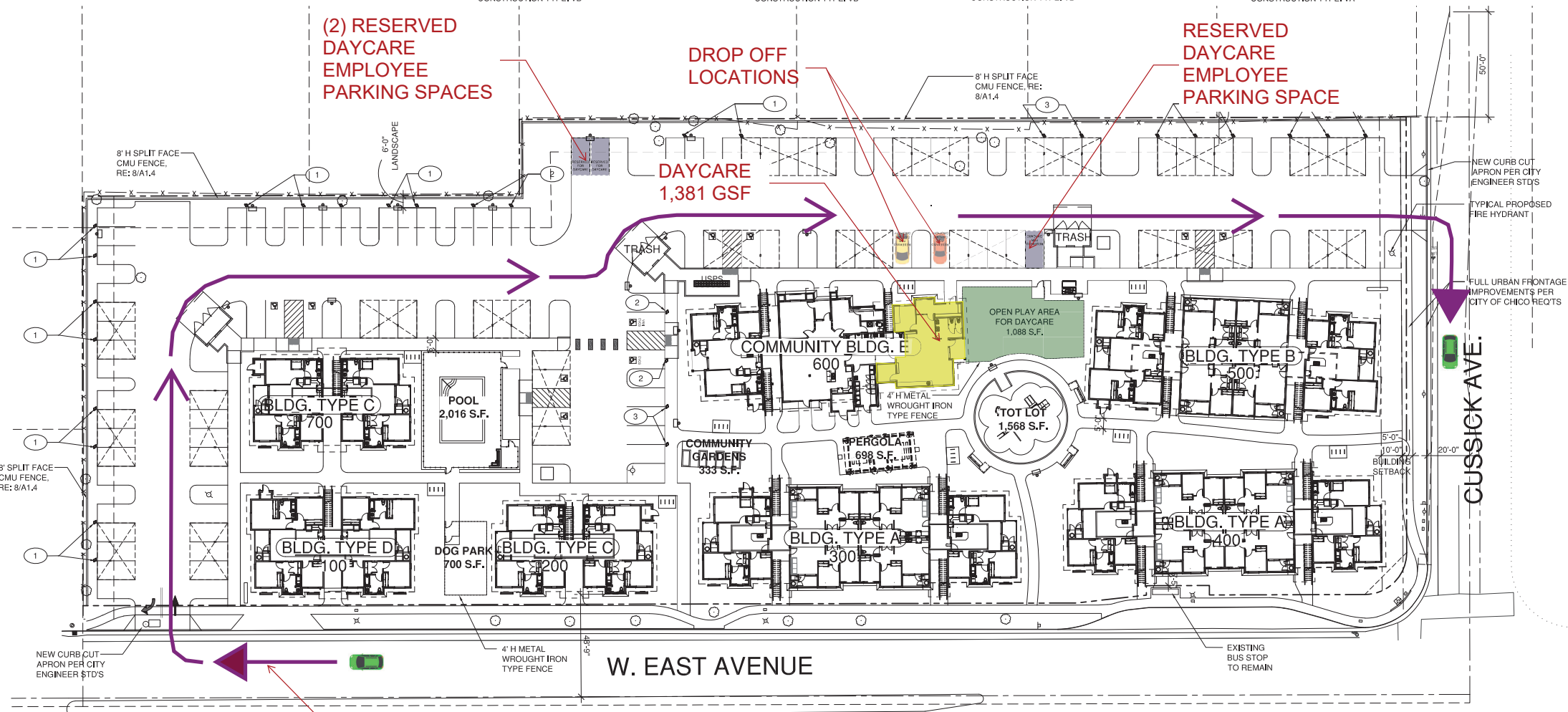
BUILDING C
(2) BLDG. TOTAL
(6) 3 BEDROOM UNITS
FOOTPRINT - 2,983 S.F.
MAXIMUM HEIGHT - 35'-0"± (3) STORY
OCCUPANCY R-2
FULLY SPRINKLERED PER NFPA 13R
CONSTRUCTION TYPE: VB



BUILDING D
(1) BLDG. TOTAL
(6) 4 BEDROOM UNITS
FOOTPRINT - 3,348 S.F.
MAXIMUM HEIGHT - 35'-0"± (3) STORY
OCCUPANCY R-2
FULLY SPRINKLERED PER NFPA 13R
CONSTRUCTION TYPE: VB



BUILDING E
(1) BLDG. TOTAL
(9) 3 BEDROOM UNITS
FOOTPRINT - 5,779 S.F.
MAXIMUM HEIGHT - 35'-0"± (3) STORY
OCCUPANCY B/A-3R-2/E
FULLY SPRINKLERED PER NFPA 13
CONSTRUCTION TYPE: VA



(2) RESERVED
DAYCARE
EMPLOYEE
PARKING SPACES

DROP OFF
LOCATIONS

RESERVED
DAYCARE
EMPLOYEE
PARKING SPACE

DAYCARE
1,381 GSF

TRASH

OPEN PLAY AREA
FOR DAYCARE
1,088 S.F.

COMMUNITY BLDG. E
600

BLDG. TYPE B
500

TOT LOT
1,568 S.F.

BLDG. TYPE C
700

POOL
2,016 S.F.

COMMUNITY
GARDENS
333 S.F.

PERGOLA
698 S.F.

BLDG. TYPE A
300

BLDG. TYPE A
400

BLDG. TYPE D
700

DOG PARK
700 S.F.

BLDG. TYPE C
200

BLDG. TYPE A
300

BLDG. TYPE A
400



SITE PLAN
SCALE: 1" = 30'-0"



PROPOSED PATH FOR CARS TO
DROP OFF CHILDREN



VICINITY MAP

APPLICANT
CHICO CUSSICK AVENUE, LP
CHRIS DART
5251 ERICSON WAY
ARCATA, CALIFORNIA 95521
(707) 822-9000

ARCHITECT
DG GROUP ARCHITECTURE, PLLC
DOUGLAS GIBSON, CALIFORNIA ARCHITECT C29792
430 E. STATE STREET, SUITE 100
EAGLE, IDAHO 83616
(208)-461-0022 X3021

ACCESSIBILITY

	# OF UNITS	PERCENTAGE
ACCESSIBLE UNITS (15% TOTAL)	12	16%
SENSORY IMPAIRED UNITS (10% TOTAL)	8	10.7%

UNIT MIX SUMMARY

	GROSS SQ. FOOTAGES
(8) 1-BEDROOM UNITS (8) x 652 S.F. =	5,216 S.F.
(24) 2-BEDROOM UNITS (24) x 734 S.F. =	17,616 S.F.
(28) 3-BEDROOM UNITS (28) x 1,274 S.F. =	36,948 S.F.
(4) 3-BEDROOMA UNITS (4) x 1,049 S.F. =	4,196 S.F.
(10) 4-BEDROOM UNITS (10) x 1,486 S.F. =	14,860 S.F.
(75) UNITS TOTAL	78,834 S.F.

COMMUNITY BUILDING	3,550 S.F.
TOTAL	82,384 S.F.

FIRE SPRINKLER

AUTOMATIC FULLY SPRINKLERED SYSTEM WITH CENTRAL CALL STATION, OFF-SITE MONITORING AND FDC'S

SITE SIZE

137,235 S.F.± (3.15 ACRES ±) (136,755 NET S.F. ± OR 3,139 NET ACRES ±)
24.13 DWELLING UNITS/ACRE

SITE COVERAGE

	SQ. FT.	PERCENTAGE
BUILDING FOOTPRINTS	34,790 S.F.	25.35%
ON-SITE ASPHALT CONCRETE PAVING	46,145 S.F.	33.62%
SITE AMENITIES (PERGOLA, TOT LOT, DOG PARK, POOL, COMMUNITY GARDEN)	5,319 S.F.	3.88%
CONCRETE WALKS & PADS	12,465 S.F.	9.08%
LANDSCAPE, OPEN SPACE	38,516 S.F.	28.07%
TOTAL AREA	137,235 S.F.	100%

NOTE: * ALL NUMBERS PROVIDED ARE ESTIMATED FOR SITE COVERAGE

PARKING SUMMARY

TOTAL REQUIRED FOR CORRIDOR OPPORTUNITY SITE (COS) PER CITY OF CHICO 19.52.080 AND 19.70 TABLE 5-4 FOR MULTIFAMILY HOUSING:

(8) 1-BDRM UNITS X 1.5 =	8 SPACES REQUIRED
(24) 2-BDRM UNITS X 1.5 =	36 SPACES REQUIRED
(34) 3-BDRM UNITS X 1.5 =	51 SPACES REQUIRED
(10) 4-BDRM UNITS X 1.5 =	15 SPACES REQUIRED
TOTAL SPACES REQUIRED:	110 SPACES

TOTAL PROVIDED: 130 (INCLUDING 6 STANDARD ACCESSIBLE, 2 VAN ACCESSIBLE, 1 VAN ACCESSIBLE EVCS, & 1 STANDARD ACCESSIBLE EVCS SPACE AS WELL AS 65 COVERED SPACES)

COVERED SPACES PROVIDED: 65 (INCLUDING 6 ADA COVERED SPACES)

BICYCLE PARKING	1/UNIT REQUIRED
	76 PROVIDED INCLUDING 4 LONG TERM COVERED SPACES AND 72 SPACES ON 9 BICYCLE RACKS

PER 2022 CALGREEN 4.106.4.2.2 REQUIREMENTS, 10% OF TOTAL RESIDENTIAL PARKING SPACES OR 130 X 0.10 = (13) FOR FUTURE LEVEL 2 EV SPACES ARE BEING PROVIDED + 25% OF TOTAL NUMBER OF PARKING SPACES SHALL BE EQUIPPED WITH LOW POWER LEVEL 2 EV CHARGING RECEPTACLES OR 130 X 0.25 = (33), AND 5% OF THE TOTAL NUMBER OF PARKING SPACES SHALL BE EQUIPPED WITH LEVEL 2 EVSE OR 130 X 0.05 = (7), PER 5.106.5.3 REQUIREMENTS (0) FOR NON-RESIDENTIAL (0) SPACES PROVIDED/REQUIRED, SUMMARY OF RESIDENTIAL SPACES PROVIDED IS: (14) TOTAL FUTURE LEVEL 2 EVSE, (33) LOW POWER LEVEL 2 EV CHARGING RECEPTACLES, AND (7) LEVEL 2 EVSE SPACES PROVIDED, PER 2022 CBC 11B-228.3.2.1 (1) VAN ACCESSIBLE EVCS SPACE IS BEING PROVIDED, (1) STANDARD ACCESSIBLE EVCS, (1) FUTURE EVCS SPACE, (1) AMBULATORY EVCS SPACE, AND (1) FUTURE AMBULATORY EVCS SPACE ARE BEING PROVIDED.

KEY NOTES

1. (33) LOW POWER LEVEL 2 EV CHARGING RECEPTACLES
2. (7) LEVEL 2 EVSE, INCLUDING (1) VAN ACCESSIBLE & (1) STANDARD ACCESSIBLE

REVISIONS

NO.	DATE	DESCRIPTION

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PROJECT

CUSSICK APARTMENTS

CUSSICK AVENUE
CHICO, CA

A1.1

ARCHITECTURAL SITE PLAN

Attachment B