



DATE: December 5, 2018

File: UP 18-15

TO: ZONING ADMINISTRATOR

FROM: Shannon Costa, Assistant Planner, 530-879-6807, shannon.costa@chicoca.gov

RE: Use Permit 18-15 (Lingemann Daycare), 973 Palmetto Avenue, APN 003-550-045

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 18-15 (Lingemann Daycare), based on the findings and subject to the recommended conditions of approval.

BACKGROUND AND ANALYSIS

The project site is located at 973 Palmetto Avenue, approximately 80-feet west of the intersection of Sheridan Avenue and Palmetto Avenue (see **Attachment A**, Location/Notification Map and **Attachment B**, Plat to Accompany Use Permit 18-15). The site 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.

Proposed Project

The project involves converting an existing retail building and residential unit into a child care facility for up to 32 children. Anticipated hours of operation would be Monday through Friday, from 7 a.m. to 6 p.m. The site plan depicts the location of the proposed drop-off area located at the front of the site, children's play area at the center of the site, and driveway leading to the rear of the site providing access to a large paved parking area to accommodate the estimated three to six employees of the daycare facility.

Site improvements include the construction of new driveway approaches onto Palmetto Avenue, installation of No Parking signs along the parcel frontage, and improving driveways with an all-weather surface (asphalt).

Discussion

The site is developed with two residential units and an additional detached structure that was historically used for retail purposes. Multi-family and retail uses are not generally permitted in the R1 zoning district, but because the use was legally established under Butte County jurisdiction, the multi-family and retail uses are considered legal non-conforming. Converting the retail building to a daycare center and reducing the amount of residential units on the site down to one unit would bring the site into conformance City of Chico zoning code, as single-family homes and daycare facilities when authorized by a use permit are allowed in in the R1 zoning district, pursuant to Chico Municipal Code (CMC) Section 19.42.020, Table 4-2 (*Allowed Uses and Permit Requirements for Residential Zoning Districts*).

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 yard area is positioned at the center of the site, between the existing buildings which would serve as a noise buffer to the adjacent residential neighbors (see **Attachment B**). 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.

As mentioned, the site was previously used for retail and residential uses, therefore, a change in daily traffic patterns is anticipated with the proposed daycare facility. During the weekdays, traffic would be concentrated during morning drop-off and afternoon pick-up times with no evening or weekend activity. A half-circle driveway is designated as the pick-up/drop-off area at the front of the site, which would allow convenient access for parents to enter and exit the site in a forward motion. The driveway area could accommodate approximately four vehicles at a time. Additional turn-around and drop-off area is provided at the rear of the site in the employee parking area.

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 6 employees (including the owner) and a daily attendance of up to 32 children. The site plan shows five marked parking spaces at the rear of the site to accommodate daycare employees, as well as additional drop-off and turn-around area. To prevent traffic impacts along the Palmetto Avenue frontage, City of Chico Engineering staff recommends a condition of approval that requires the installation of "No Parking" signs along the parcel frontage and that daycare employees encourage parents to pull to the back of the site should cars begin to stack into the public right-of-way.

The proposed hours of operation of 7:00 a.m. to 6:00 p.m., Monday through Friday are compatible with the surrounding residential uses. There will be no additional noise or traffic generated during evening and weekend 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 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 (*Residential zone land uses and permit requirements*) allows a daycare center in the R1 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 traffic impacts to neighboring properties and public streets, 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 residence and retail building to a daycare center. All on- and off-site improvements will require building and/or encroachment permits from the City of Chico. Existing regulations require that any public improvements damaged during the course of construction shall be repaired or reconstructed by the applicant. No impacts to property or improvements 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 Low 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 a residence and retail building to a daycare center. The limited scale of the project, combined with the listed conditions will provide compatibility with existing and future land uses in the vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 18-15 authorizes a children's daycare center for up to 15 children or infants in the R1 zoning district, in substantial accord with the "Plat to Accompany Use Permit 18-15 (Lingemann 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. 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. To the satisfaction of the Public Works Department, No Parking signs shall be placed along the parcel frontage 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 out to all property owners and tenants within 500 feet of the project site.

DISTRIBUTION:

Internal (3)

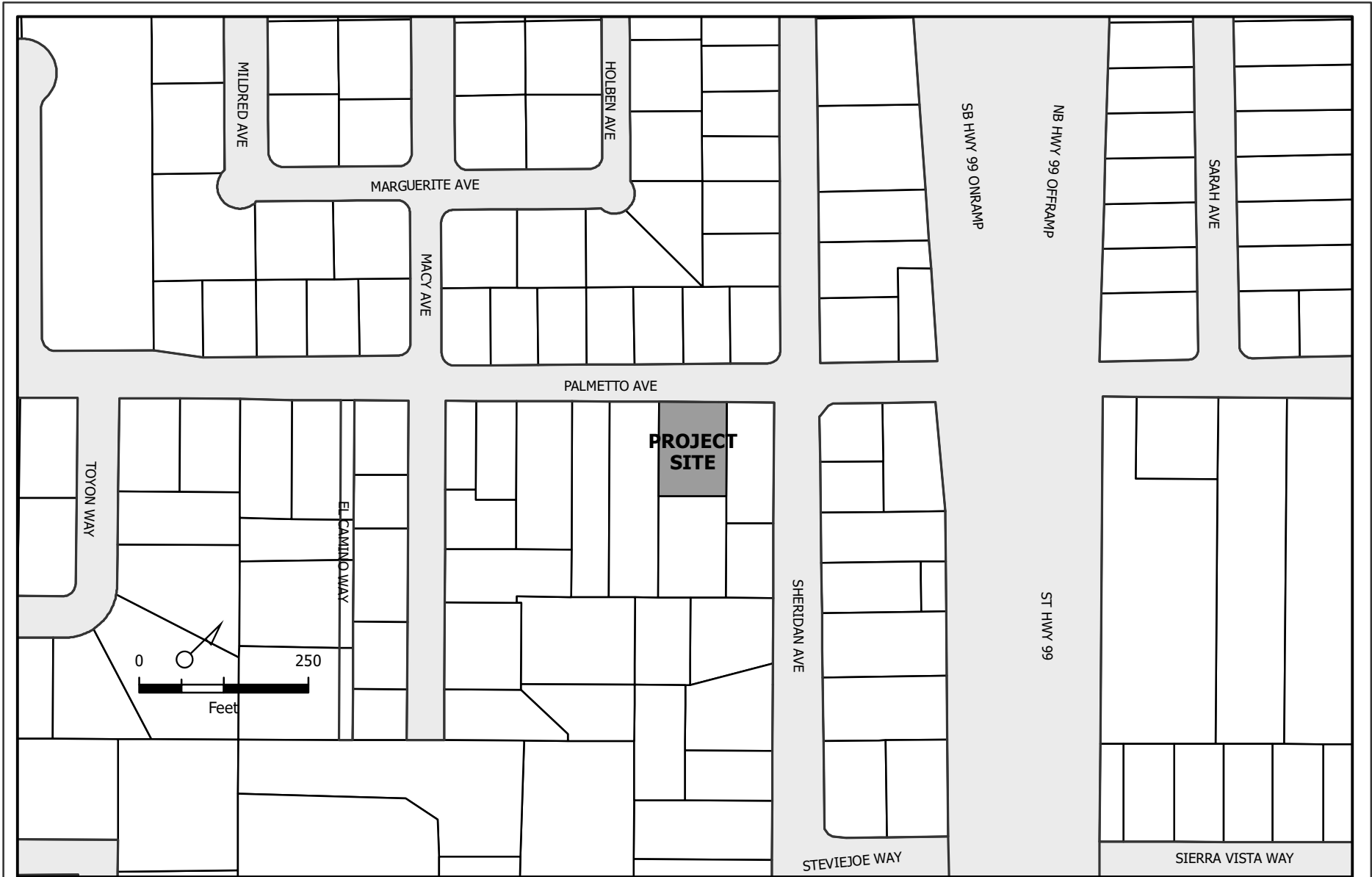
Brendan Vieg, Zoning Administrator
Bruce Ambo, Principal Planner
Shannon Costa, Assistant Planner
File: UP 18-15

External

Jion and Heather Lingemann, 24 Watson Lane, Cohasset, CA 95973

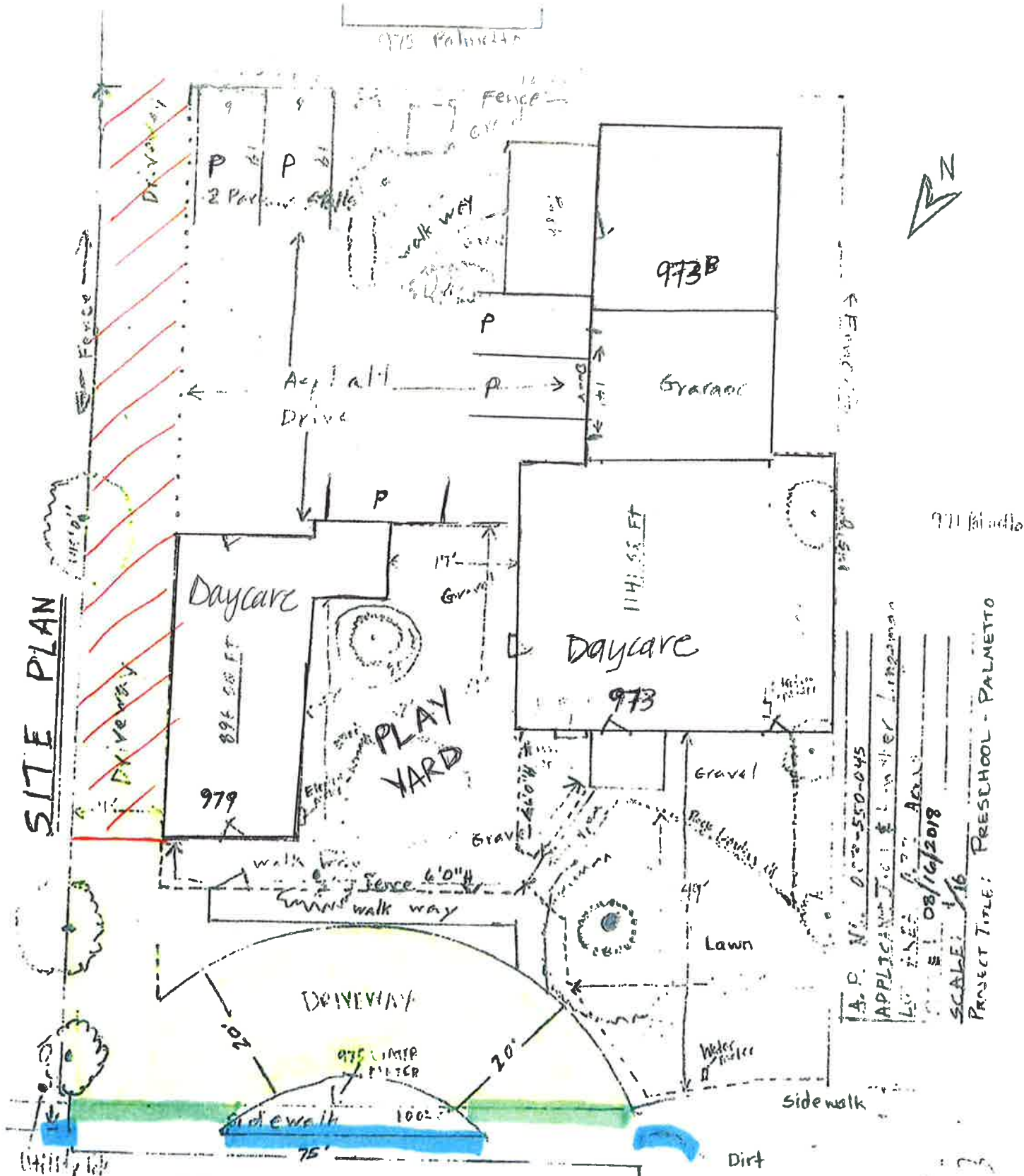
ATTACHMENTS:

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 18-15 (Lingemann Daycare)



UP 18-15 (Lingemann Daycare)
973 Palmetto Avenue
APN 003-550-045-000





SITE PLAN



A.P. No. 022-550-045
 APPLICATION FOR ZONING & LAND USE
 L.P. No. 08/16/2018
 SCALE: 1/16
 PROJECT TITLE: PRESCHOOL - PALMETTO

- ASPHALT PAVEMENT
 - NEW S-SA DRIVEWAY TO PALMETTO AVE
 - INSTALL "NO PARKING" SIGNS
 - EXISTING DRIVEWAY TO REMAIN GRAVEL
- * Driveway & front fence areas reflect proposed changes to site. Remaining areas reflect existing conditions of site.