

Address: **487 C Street, Biggs**

Application No. 2017-02

Project Data:

Applicant: Katrina Champeau
Application Type: Conditional Use Permit
Assessor Parcel Number: 001-061-031
Zoning: R-2 (Medium Density Residential)
General Plan: Medium Density Residential (MDR)
Environmental Review: Categorically Exempt
Planning Staff: David Young, City Planner

Project Description / Location

The applicant proposes to establish and operate the Little People Play School, a large day care facility, at 487 C Street in the City of Biggs; Assessor Parcel Number 001-061-031. The proposed facility would have two employees and accommodate up to 14 children with operating hours Monday - Friday between 6:30 AM to 6:00 PM.

Review Criteria

Zoning Code Sections:

14.110 – R-2 (Medium Density Residential) Zoning District

The R-2 medium density residential district provides areas of low to medium density residential development at densities not less than 6.0 and not more than 14.0 units per gross acre. Public and private schools are an allowed use in the R-2 zoning district pursuant to the issuance of a Conditional Use Permit under Section 14.100.030 of the Biggs Zoning Code.

14.035 – Conditional Use Permits

The purpose of a conditional use permit is to allow for site development which generally may have a distinct impact on an area in which they are located or are capable of creating special problems for adjacent properties unless given special attention. The City Council may designate conditions in connection with the granting of a conditional use permit.

Analysis

It is the intent of California Health and Safety Code 1597.40 that family day care homes for children should be situated in normal residential surroundings to provide children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional home setting. The following issues require that a determination be made by the City Council:

Land Use

The proposed use would be located within an existing structure for residential land use. The site is designated Medium Density Residential (MDR) on the in the Biggs General Plan Land Use Diagram and located in the Medium Density Residential zoning district (R-2). The project does not require the construction of any additional buildings outside of the existing structure. Since the proposed project is to be located within an existing structure, it would meet all required development standards and would not significantly affect the outside appearance of the building. Additionally, the Conditional Use Permit will be conditioned to ensure that adequate parking is provided and that the project is consistent with the applicable standards as set forth in the Biggs Zoning Code.

Conditional Use Permit:

As described in detail above, the proposed project would establish a large day care facility on the subject site. Pursuant to Chapter 14.100.030, Residential Use Table of the BMC, the proposed use requires the issuance of a Conditional Use Permit by the Planning Commission. Chapter 14.35, Conditional Use Permits, establishes four findings that must be made by the Planning Commission prior to approving a Use Permit. The four required findings are as follows:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the city; and
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan and any applicable specific plan.

As established in Section 14.35.050, the City Council may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

Staff Analysis of Consistency with Required Findings:

1. The proposal will 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 (large day care) would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The proposal would not generate significant noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: The proposed use (large day care) would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as such activity will be located entirely within an existing residential building on an existing parcel in the Medium Density (R-2) zoning district. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City

Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project would not be detrimental or injurious to property and improvements in the neighborhood of the project area.

3. The proposed use will not be detrimental or injurious to the general welfare of the city: The proposal would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the City as such activity will be located entirely within an existing residential building in the Medium Density Residential (R-2) zoning district and conditions of use and approval have been added to address any issues associated with parking, noise, lighting and utility connections. The proposed exercise facility would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project will not be detrimental or injurious to the general welfare of the city.
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan: Municipal Code Section 14.100.030, Conditional Uses, establishes that public and private schools may be permitted in Medium Density Residential zoning districts subject to the issuance of a Conditional Use Permit. In accordance with the procedures set forth in Municipal Code Chapter 14.35, Conditional Use Permits, the Council may grant approval of such permit. The proposal would not alter the uses permitted on the site. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.
5. The project will not have a significant or un-mitigable impact on the physical environment. The proposed occupancy meets the criteria for a Class I Exemption pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.

Parking

The proposed day care would be located entirely within an existing residential building and include two employees and drop off of students. Conditions of approval require that off-street parking is available for employees. These spaces can be provided in a driveway and can have a tandem orientation. Additional conditions require that drop offs shall occur immediately in front of the resident and/or in the driveway of 487 C Street. Drop-offs and pick-ups may not block neighboring driveways and clients must abide by all applicable traffic laws. Additional drop off, operations, or activities shall not occur on non-business hours on any given day.

Utilities

Based upon the information provided by the applicant, the existing structure has existing water and sewer connections and, as a result, no new utility connections are being required. Should any new utility connections become necessary, such connections shall be approved by the City Engineer and will be required prior to the issuance of an occupancy permit for the proposed use.

Environmental Review

In accordance with State CEQA Guidelines, as developed under Public Resources Code Section 21084, City staff has determined the project to be categorically exempt, as it consists of the rehabilitation and repair of an Existing Facility as described in CEQA Guidelines Section 15301.

Recommendation

1. Staff recommends approval of Conditional Use Permit request CUP 2017-02 to allow for the establishment and operation of the Little People Play School, a large day care facility, at 487 C Street in the City of Biggs, subject to the required findings of approval and conditions of approval attached to this Staff Report.

Attachments

Attachment A – Application and Site Plan
Attachment B – Findings of Approval
Attachment C – Conditions of Approval
Attachment D – Resolution No. 2018-02
Attachment E – Notice of Exemption



City of Biggs
 Planning Department
 3016 Sixth Street
 P.O. Box 1134
 Biggs, CA 95917

Application for: Conditional Use Permit

Applicant		
Applicant: <u>Katrina M Champagne</u>		Daytime Phone: <u>530-869-9076</u>
Street Address: <u>487 C Street</u>		
City: <u>Biggs</u>	State: <u>Ca</u>	Zip: <u>95917</u>
Property Owner		<input checked="" type="checkbox"/> Check box if same as applicant
Name:		Daytime Phone:
Address:		
City:	State:	Zip
Property Location		
Address of Subject Property: <u>487 C Street</u>		
Assessor's Parcel Number(s): <u>001-061-031</u>		Size (Acres or Sq. footage):
Present City Zoning: <u>R2</u>		General Plan Designation:
Request		
<u>City approval for conducting business as a "Large Daycare" for children. Group size 9+ to 14 children. All requirements have been met for the Fire Safety Code and requirements for State will be met by 11-1-16.</u>		
Answer all that apply:		
Day and Hours of Operation: <u>M-F 6:30 to 6:00 pm</u>		No. of Employees: <u>2</u>
Number of Off-street Parking Spaces Proposed: <u>0</u>		

I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. (Before signing, see note on back.)

Applicant's Signature Katrina Champagne Date 10-18-2016

For Office Use Only	
Submittal Information Application received by: <u>[Signature]</u> Date: <u>10-18-16</u>	Planning Commission Action: Approved _____ Denied _____ Date _____ Vote _____
Fees: Receipt No. <u>28574</u> Application Fee \$ <u>741.25</u> Environmental Review \$ <u>0</u> Total Fee \$ <u>741.25</u>	City Council Action: Approved _____ Denied _____ Date _____ Vote _____ Resolution No. _____

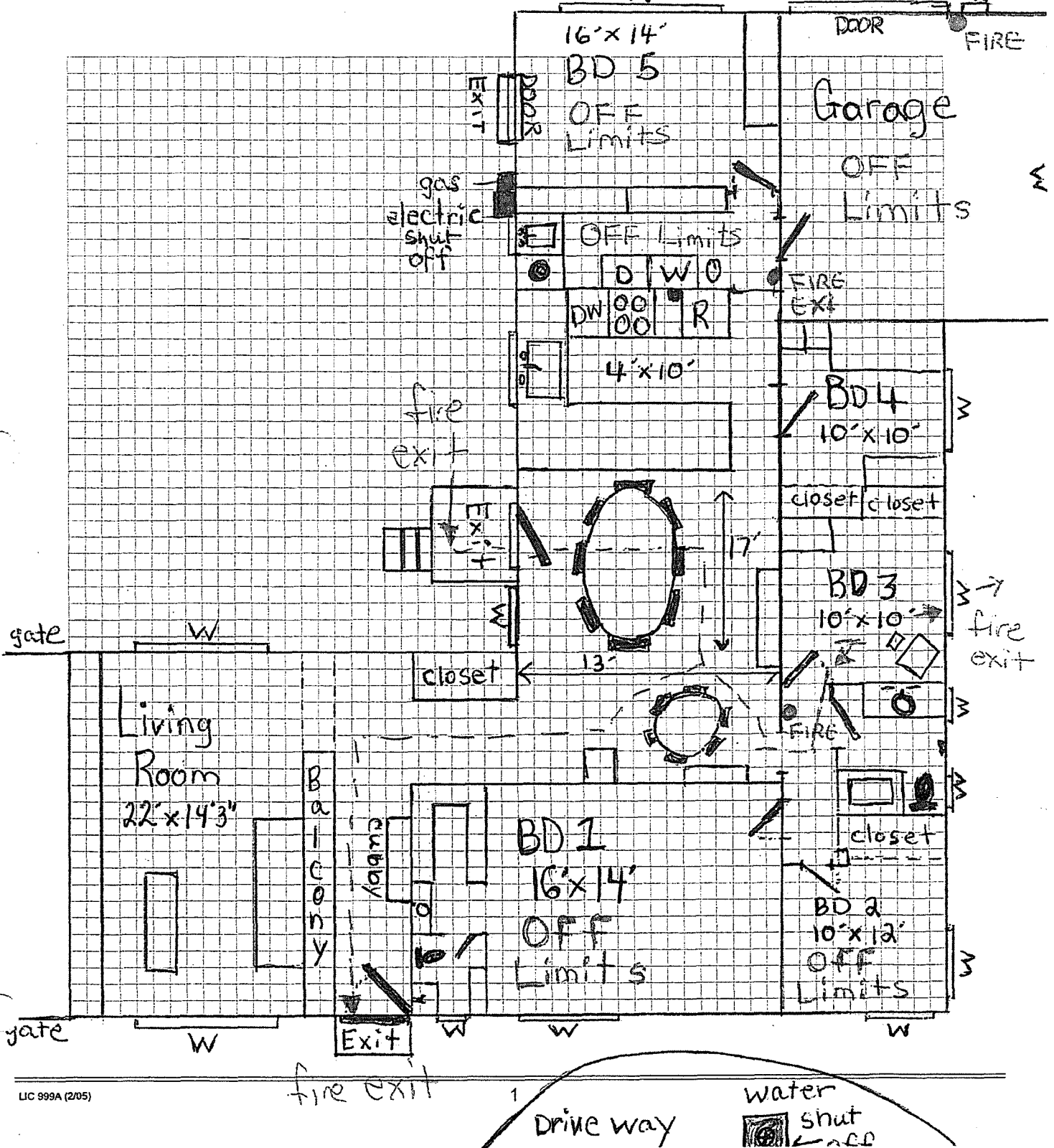
See back and attachments for additional information.

FACILITY SKETCH (Floor Plan) - Family Child Care Home

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

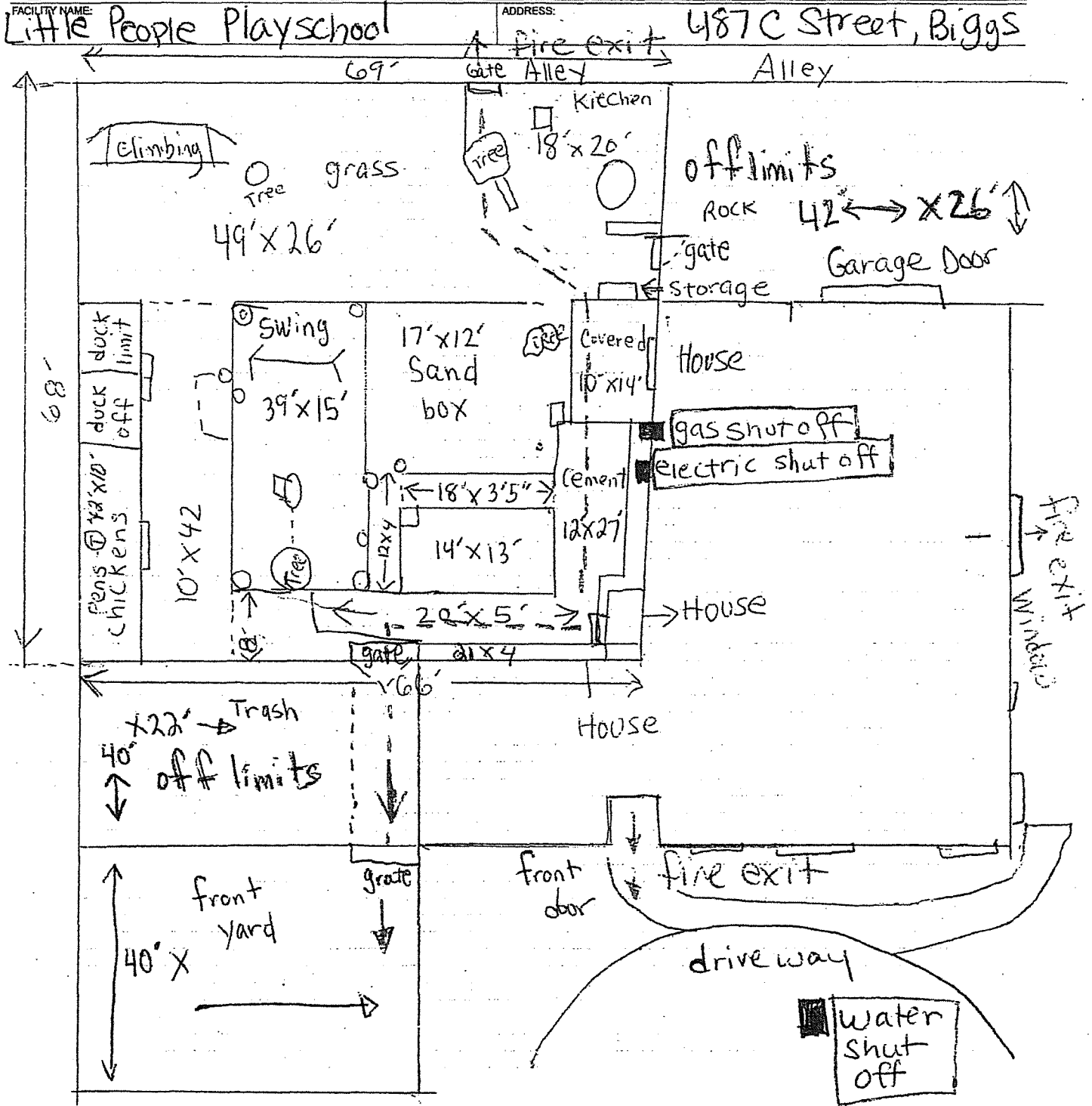
FACILITY NAME:
Little People Playschool

ADDRESS:
487 C Street, Biggs, Ca 95917



FACILITY SKETCH (Yard) - Family Child Care Home

The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Please identify areas which will be "off limits" to children. Show any potential hazardous areas such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.



CITY OF BIGGS
CITY COUNCIL FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2017-02
FOR: Katrina Shampeau
Assessor's Parcel Number: 001-161-038-000 (487 C Street)

Findings for adoption of the Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Biggs;
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan;
5. The project will not have a significant or un-mitigable impact on the physical environment.

Staff Analysis of Consistency with Required Findings:

1. The proposal will 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 (large day care) would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The proposal would not generate significant noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed use (large day care) would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as such activity will be located entirely within an existing residential building on an existing parcel in the Medium Density (R-2) zoning district. The proposal would not generate noise and there are no scenic vista points or designated scenic roadways in the area that would be affected. Subject to the issuance of a Conditional Use Permit by the City Council, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project would not be detrimental or injurious to property and improvements in the neighborhood of the project area.*

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposal would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the City as such activity will be located entirely within an existing residential building in the Medium Density Residential (R-2) zoning district and conditions of use and approval have been added to address any issues associated with parking, noise, lighting and utility connections. The proposed exercise facility would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project will not be detrimental or injurious to the general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan: *Municipal Code Section 14.120.030, Conditional Uses, establishes that public and private schools may be permitted in Medium Density Residential zoning districts subject to the issuance of a Conditional Use Permit. In accordance with the procedures set forth in Municipal Code Chapter 14.35, Conditional Use Permits, the Council may grant approval of such permit. The proposal would not alter the uses permitted on the site. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will not have a significant or un-mitigable impact on the physical environment. *The proposed occupancy meets the criteria for a Class I Exemption pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2017-02, Shampeau

Assessor's Parcel Numbers: 001-061-038-000

Project location: 487 C Street

Zoning: R-2, Medium Density Residential

General Plan Land Use Designation: MDR, Medium Density Residential

Conditional Use Permit # 2017-02, Shampeau: A request by Katrina Shampeau to establish and operate the Little People Play School, a large day care facility, at 487 C Street in the City of Biggs; Assessor Parcel Number 001-061-031. The proposed facility would have two employees and accommodate up to 14 children with operating hours Monday - Friday between 6:30 AM to 6:00 PM. Pursuant to Biggs Municipal Code Section 14.100.030, public and private schools are allowed in the R-2 Medium Density Residential Zoning District with an approved Conditional Use Permit. In accordance with State CEQA Guidelines, as developed under Public Resources Code 21084, City staff has determined the project to be categorically exempt, as it consists of the rehabilitation and repair of an Existing Facility as described in CEQA Guidelines Section 15301.

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Biggs** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Butte County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be

major or significant in nature shall require a formal application for amendment by public hearing before the City Council.

7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.

Application Specific Conditions of Approval:

Business Hours and Class Size:

10. The Use Permit is for the allowance of no more than fourteen (14) children on the premises. Permitted hours of operation are from 6:30AM to 6:00PM, Monday through Friday. This use shall not be expanded or modified beyond the approvals detailed in this report.

Permitting and Approvals:

11. Project shall comply with all California building, plumbing, mechanical and electrical codes as determined by the Butte County Building Department;
12. Applicant must submit all plans and shall obtain all required permits from the Butte County Building Department prior to the commencement of any future property or structural improvements related to the day care facility.
13. This permit approval for a large care facility is only valid for the residence at 487 C Street. Should the facility relocate, the new location must be reviewed and approved with the Planning Department.
14. A City business license shall be obtained from the Finance Department. Proof of State License approval must be shown before City Business License can be approved.
15. Obtain confirmation from the Fire Department that all fire code requirements are satisfied.
16. If sprinkler system for fire suppression is required, the current positive displacement meter will need to be changed to a 1" E-series flow through meter.

Parking:

17. Applicant will ensure that off-street parking is available for employees. These spaces can be provided in a driveway and can have a tandem orientation.
18. Drop offs shall occur immediately in front of the resident and/or in the driveway of 487 C Street. Drop-offs and pick-ups may not block neighboring driveways and clients must abide by all applicable traffic laws. Additional drop off, operations, or activities shall not occur on non-business hours on any given day. Violation of this requirement may result in additional review, conditions, or revocation by City staff.

RESOLUTION NO. 2018-02

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS,
APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT
FOR 487 C STREET (APN: 001-061-031)
APPLICATION: CONDITIONAL USE PERMIT #2017-02**

WHEREAS, Katrina Champeau (applicant) has requested a Conditional Use Permit to establish and operate a large day care at 487 C Street in the Medium Density Residential Zoning District; and

WHEREAS, the City Council held a duly noticed public hearing to accept public comments and to review and consider the application on February 13, 2018; and

WHEREAS, the City Council has determined that, subject to approval of the Conditional Use Permit, the request is consistent with the Biggs General Plan and the standards of Biggs Zoning Code; and

WHEREAS, the City Council has determined the project is Categorical Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the Public Resources Code; and

WHEREAS, the City Council has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use.
3. The proposed use will not be detrimental or injurious to the general welfare of the city.
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan and any applicable specific plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve the requested Conditional Use Permit for 487 B Street subject to the following conditions:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise

provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.

3. The applicant shall submit a check or money order in the amount of \$100.00 made payable to the City of Biggs for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
4. The applicant shall submit a check or money order in the amount of \$50.00 made payable to the Butte County Recorder's Office for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Biggs to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
7. The applicant shall pay all appropriate fees for any required utilities modification and connections.
8. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner or City Administrator.
9. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.

Application Specific Conditions of Approval:

10. The Use Permit is for the allowance of no more than fourteen (14) children on the premises. Permitted hours of operation are from 6:30AM to 6:00PM, Monday through Friday. This use shall not be expanded or modified beyond the approvals contained herein.

Permitting and Approvals:

11. Project shall comply with all California building, plumbing, mechanical and electrical codes as determined by the Butte County Building Department;

12. Applicant must submit all plans and shall obtain all required permits from the Butte County Building Department prior to the commencement of any future property or structural improvements related to the day care facility.
13. This permit approval for a large care facility is only valid for the residence at 487 C Street. Should the facility relocate, the new location must be reviewed and approved with the Planning Department.
14. A City business license shall be obtained from the Finance Department. Proof of State License approval must be shown before City Business License can be approved.
15. Obtain confirmation from the Fire Department that all fire code requirements are satisfied.
16. If sprinkler system for fire suppression is required, the current positive displacement meter will need to be changed to a 1'' E-series flow through meter.

Parking:

17. Applicant will ensure that off-street parking is available for employees. These spaces can be provided in a driveway and can have a tandem orientation
18. Drop offs shall occur immediately in front of the resident and/or in the driveway of 487 C Street. Drop-offs and pick-ups may not block neighboring driveways and clients must abide by all applicable traffic laws. Additional drop off, operations, or activities shall not occur on non-business hours on any given day. Violation of this requirement may result in additional review, conditions, or revocation by City staff.

I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 13th day of February 2018, by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

 Roben Benish
 CITY CLERK

 Angela Thompson
 MAYOR

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, 1400 Tenth Street, Room 22
Sacramento, CA 95812-3044

From: City of Biggs
Planning Department
P.O. Box 1134
Biggs, CA 95917

County Clerk-Recorder
Butte County
25 County Center Drive
Oroville, CA 95965

Project Title: Conditional Use Permit #2017-02 - Shampeau

Project Location - Specific: City of Biggs – 487 C Street

Assessor's Parcel Number(s): 001-061-031

Project Location – City: Biggs

Project Location – County: Butte

Project Description: The applicant proposes to establish and operate the Little People Play School, a large day care facility, at 487 C Street in the City of Biggs; Assessor Parcel Number 001-061-031. The proposed facility would have two employees and accommodate up to 14 children with operating hours Monday - Friday between 6:30 AM to 6:00 PM. Pursuant to Biggs Municipal Code Section 14.100.030, public and private schools are allowed in the R-2 Medium Density Residential Zoning District with an approved Conditional Use Permit.

The subject parcel is designated Medium Density Residential (MDR) by the City of Biggs General Plan and is located in the Medium Density Residential (R-2) zoning district. No change of land use designation or zoning is requested.

Lead Agency: City of Biggs

Lead Agency Contact Person and Phone Number: David Young, City Planner
(209) 206-8448

Applicant: Katrina Shampeau

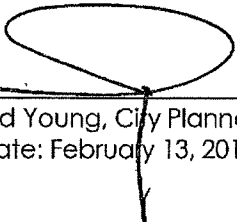
- Exemption Status:**
- Ministerial [Section 21080(b); 15268];
 - Declared Emergency [Section 21080(b)(3); 15269(a)];
 - Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 - General Rule [Section 15061(b)(3)];
 - Categorical Exemption a Class 1 exemption, Section 15301
 - Statutory Exemption

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

In accordance with State CEQA Guidelines, as developed under Public Resources Code Section 21084, this project has been determined to be categorically exempt, as it consists of the rehabilitation and repair of an Existing Facility as described in CEQA Guidelines Section 15301, a class 1 exemption. The proposed use is compatible with applicable General Plan and Zoning designations with an approved Conditional Use Permit, is located on a developed site, has no value as habitat for endangered, rare, or threatened species, will result in no significant effects related to traffic, noise, air quality, or water quality as it is surrounded by residential zoning and land uses; and the site is serviced by developed utilities and public services.

City of Biggs
Planning Department

By _____


David Young, City Planner
Date: February 13, 2018