



DATE: May 16, 2019

TO: PLANNING COMMISSION

FROM: Brendan Vieg, Deputy Director, CDD (879-6806; brendan.vieg@chicoca.gov)
Shannon Costa, Associate Planner (879-6807; shannon.costa@chicoca.gov)

RE: General Plan Amendment and Rezone 19-03 (City of Chico)

SUMMARY

Consistent with past practice, staff is bringing forward City-initiated amendments to the General Plan Land Use Diagram and Zoning Map for properties identified as inconsistent with their existing zoning classification, to promote projects that implement General Plan goals and policies, or to carry out actions directed by City Council. These types of amendments are historically done simultaneous with the annual General Plan review effort. This year, that exercise is not happening due to last year's Land Absorption Study, introduced to the Chico City Council on 10/16/2018 and Planning Department efforts focusing on other priority projects. The Planning Commission will forward a recommendation to the City Council for final consideration of the General Plan Land Use Diagram amendment and rezone.

Recommendation:

Planning staff recommends adoption of Resolution No. 19-08 (**Attachment A**, Resolution 19-08), recommending that the City Council approve the General Plan amendment and rezone for properties identified as APNs 006-330-006 and 002-180-109.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 19-08 (**Attachment A**, Resolution 19-08), recommending that the City Council approve the General Plan amendment and rezone for properties identified as APNs 006-330-006 and 002-180-109.

BACKGROUND

Staff is bringing forward City-initiated amendments to the City's General Plan Land Use Diagram and Zoning Map for properties identified as inconsistent with their existing zoning classification, to carry out actions directed by City Council, or to promote projects that implement General Plan goals and policies. Two such properties have been identified, involving:

Creekside Place Housing Development

1. Amend the General Plan Land Use Diagram to change the land use designation from Secondary Open Space (SOS) to High Density Residential (HDR) and rezone the site from Secondary Open Space (OS2) to High Density Residential (R4) for the parcel identified as 002-180-109, (see **Exhibit I**, GPA Plat and **Exhibit II**, Rezone Plat); and

Commercial Center Zoning Clean-Up

2. Amend the General Plan Land Use Diagram to change the land use designation from Office Mixed Use (OMU) to Commercial Mixed Use (CMU) and rezone the site from Office Residential (OR) to Community Commercial (CC), for the parcel identified as APN 006-330-006 (see **Exhibit III**, GPA Plat and **Exhibit IV**, Rezone Plat).

DISCUSSION

City-initiated amendments are occasionally necessary to support existing land uses and to promote General Plan implementation. In 2016 with the Chico 2030 General Plan Five-Year Review, staff identified a series of amendments to the City's Land Use Diagram and Zoning Map, including various parcels along the south side of Pomona Avenue between Miller Avenue and Little Chico Creek, and seven parcels along E. Park Avenue. These City-initiated amendments resulted in restoring conformance to existing land uses in the area and support economic growth for existing and future commercial uses. City-initiated amendments are historically done simultaneous with the annual General Plan review effort; however, that exercise is not happening this year due to the recent review of the Land Absorption Study, introduced to the Chico City Council on 10/16/2018 and Planning Division efforts focused on other priority projects.

Staff has identified two properties for which amendments to the City's Land Use Diagram and Zoning Map would result in bringing existing land uses into conformance and implement City Council direction. The written descriptions below provide background for the proposed General Plan land use designation amendments and rezones:

Creekside Place Housing Development

Site and Description: APN 002-180-109 - The vacant 4.99-acre parcel is located on the west side of Notre Dame Boulevard, south of Humboldt Road, directly north of Murphy Commons Apartments.

Current General Plan Designation and Zoning: The site is currently identified as Secondary Open Space (SOS) in the General Plan and zoned Secondary Open Space (OS2).

Proposed General Plan Designation and Zoning: The proposed General Plan designation is High Density Residential (HDR) and the proposed zoning is High Density Residential (R4).

Basis for Recommendation: The City owns approximately 11-acres of vacant property zoned OS2 (Secondary Open Space), located at Notre Dame Boulevard and Humboldt Road. The parcels were purchased in the early 1990's and 2009 for a creek side greenway and a future community park site. The parcels have not been developed. At its February 6, 2018 meeting, the Chico City Council gave direction for City staff to proceed with a General Plan amendment and rezone of the property in support of a project to allow for permanent affordable housing.

The change in zoning and General Plan designation would allow the City, in partnership with Housing Authority of the County of Butte and Community Housing Improvement Program, to utilize the Affordable Housing Fund (F392) to develop the approximately 4.99-acre project site with an apartment community of approximately 100 one- and two-bedroom units to serve low-

and very low-income seniors and/or special needs households. Detailed site improvements and architecture associated with the apartment project will be reviewed by the Architectural Review and Historic Preservation Board (ARHPB) at a future date in conjunction with project specific CEQA review.

The Secondary Open Space land use designation allows for intensive recreation activities, such as parks, lakes and golf courses. As mentioned, the site was previously identified for the location of a community park site, although no project-specific details were ever pursued. The proposed zoning to High Density Residential allows for urban-residential development, including apartments and condominiums. The change in land use designation and zoning to allow a multi-family housing development would result in land use and zoning compatibility with surrounding land uses that include multi-family housing to the south and west, and Marsh Junior High School to the east.

Commercial Center Zoning Clean-Up

Site and Description: 2991 Esplanade, APN 006-330-006 - The 0.82-acre site is located on the southwest corner of the intersection of Esplanade and E. Shasta Avenue. The site is currently developed with a commercial shopping center, including Japanese Blossoms restaurant.

Current General Plan Designation and Zoning: The site is currently identified as Office Mixed Use (OMU) in the General Plan and is zoned Office Residential (OR).

Proposed General Plan Designation and Zoning: The proposed General Plan designation is Commercial Mixed Use (CMU) and proposed zoning is Community Commercial (CC).

Basis for Recommendation: The shopping center was constructed in 2004 and was zoned CC (Community Commercial) at the time of development. The property was rezoned to OR with the adoption of the Chico 2030 General Plan. The proposed CC zoning designation is consistent with the land use "Shopping Centers, 200,000 square feet or less", which is an allowed use in the CC zoning district, but not the OR zoning district. The prior change in zoning designation from CC to OR resulted in a non-conforming land use at the site, limiting economic growth and potential land uses within the center. In 2013, Planning staff identified the zoning discrepancy and flagged the property for a future cleanup with a General Plan Amendment and Rezone (see **Attachment B**, Staff Letter).

The proposed Commercial Mixed Use land use designation encourages the integration of retail and service commercial uses with office and/or residential uses. The proposed General Plan amendment and rezoning back to Community Commercial (CC) would bring the zoning of the site into conformance with the existing land use (shopping center) and would result in a consistent zoning and land use pattern for the Shasta/Esplanade commercial corner. While no new development is proposed at this time, the change in land use designation and zoning implements economic development General Plan goals and policies that ensure that regulations and permitting processes for the conduct of commerce and land development do not unreasonably inhibit local business activity.

GENERAL PLAN CONSISTENCY

The proposed revisions to the General Plan are consistent with the General Plan's policy

framework, and represent refinements informed by the Five-Year General Plan Review. The amendments identified implement the following General Plan goals and policies:

- Policy LU-2.2 (General Plan Monitoring and Reporting) - Regularly review and report on implementation of the General Plan.
- Policy ED-1.3 (Regulatory Environment) – Ensure that regulations and permitting processes for the conduct of commerce and land development do not unreasonably inhibit local business activity.
- Action ED-1.4.3 (City-Owned Sites) – Pursue opportunities to sell or lease City-owned lands for uses other than municipal operations.
- Policy LU-2.1 (Planning for Future Housing and Jobs) - Maintain an adequate land supply to support projected housing and job needs for the community.
- Action LU-4.2.1 (Mix of Dwelling Types) – Allow a mix of dwelling types within all residential land use designations consistent with density requirements and applicable design criteria.
- Goal H.2: Provide housing that is affordable to low incomes.
- Goal H.3: Promote construction of a wide range of housing types.
- Goal H.4: Encourage the creation of housing for persons with special needs.
- Policy H.4.6: Encourage the development of housing for homeless and extremely low-income persons.

ENVIROMENTAL REVIEW

The proposed land use designation and zoning amendments are a refinement of the General Plan adoption process, and their environmental impacts are adequately addressed by the Final Environmental Impact Report (EIR) prepared and certified for the Chico 2030 General Plan update.

The amendments do not propose any construction, demolition, or other activity that has the potential to negatively impact the environment. The amendments would not result in an increase in development beyond that which was analyzed in the Final Environmental Impact Report (EIR) prepared and certified for the Chico 2030 General Plan update (State Clearinghouse #2008122038). In accordance with CEQA Guidelines Section 15162, the proposed amendments are within the scope of the EIR that was certified for the General Plan. Further, project specific CEQA review will be required prior to the development or redevelopment of any of the parcels under consideration.

FINDINGS

Pursuant to Chico Municipal Code Section 19.060.050 A, amendments to the General Plan or Zoning Map may be approved only if all the following findings are made:

A. The proposed amendment is internally consistent with the General Plan.

The General Plan land use designations are intended to reflect existing uses or would support future uses that promote orderly growth and quality infill consistent with goals and policies

found throughout the General Plan.

B. The subject sites are physically suitable, including but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the requested zoning designation and anticipated land use and development.

Each parcel that is a subject of GPA/Rezone 19-02 is located within the City's built environment and has a full range of infrastructure and utilities available. The proposed land use designation amendments and rezones are intended to create enhanced land use compatibility with adjacent land uses.

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site. A legal notice was also placed in the Chico Enterprise Record. As of the date of this report, no additional inquiries regarding this project had been received by City staff.

DISTRIBUTION

Internal

PC Distribution
Principal Planner Ambo
Associate Planner Costa
Housing Manager Marie Demers

External

Mark Leiker, email: mleikermark@rocketmail.com
Jeramie Sabelman, email: jblooms@icloud.com

ATTACHMENTS

- A. Planning Commission Resolution No. 19-08
 - Exhibit I (GPA Plats)
 - Exhibit II (Rezone Plats)
 - Exhibit III (GPA Plats)
 - Exhibit IV (Rezone Plats)
- B. Staff Letter

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RESOLUTION NO. 19-08

**RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION
RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN
AMENDMENT AND REZONE FOR PROPERTIES IDENTIFIED AS
APNs 006-330-006 and 002-180-109
(City of Chico)**

WHEREAS, consistent with past practice, staff is bringing forward City-initiated amendments to the General Plan Land Use Diagram and Zoning Map for properties identified as inconsistent with their existing zoning classification, to promote projects that implement General Plan goals and policies, or to carry out actions directed by City Council; and

WHEREAS, an application has been received to amend the General Plan Land Use Diagram to change the land use designation from Secondary Open Space (SOS) to High Density Residential (HDR) and rezone the site from Secondary Open Space (OS2) to High Density Residential (R4) for the parcel identified as 002-180-109, (see **Exhibit I**, GPA Plat and **Exhibit II**, Rezone Plat); and

WHEREAS, an application has been received to amend the General Plan Land Use Diagram to change the land use designation from Office Mixed Use (OMU) to Commercial Mixed Use (CMU) and rezone the site from Office Residential (OR) to Community Commercial (CC), for the parcel identified as APN 006-330-006 (see **Exhibit III**, GPA Plat and **Exhibit IV**, Rezone Plat); and

WHEREAS, the proposed General Plan amendment and rezone would result in bring bringing an existing shopping center into conformance with zoning and allow the City to utilize the Affordable Housing Fund (F392) to develop an apartment community of approximately 100 one- and two-bedroom units to serve low- and very low-income seniors and/or special needs households.

WHEREAS, the Planning Commission considered the staff report and comments submitted at a noticed public hearing held on June 6, 2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CHICO AS FOLLOWS:

Attachment A

- 1 1. With regard to the General Plan Land Use Diagram Amendment, The Planning Commission
2 finds that:
 - 3 A. General Plan land use designations are intended to reflect existing uses or would support
4 future uses that promote orderly growth and quality infill consistent with goals and policies
5 found throughout the General Plan.
 - 6 B. Each parcel that is a subject of GPA/Rezone 19-03 is located within the City's built
7 environment and has a full range of infrastructure and utilities available. The proposed land
8 use designation amendments and rezones are intended to create enhanced land use
9 compatibility with adjacent land uses.
- 10 2. With regard to the Rezone the Planning Commission finds that:
 - 11 A. General Plan land use designations are intended to reflect existing uses or would support
12 future uses that promote orderly growth and quality infill consistent with goals and policies
13 found throughout the General Plan.
 - 14 B. Each parcel that is a subject of GPA/Rezone 19-03 is located within the City's built
15 environment and has a full range of infrastructure and utilities available. The proposed land
16 use designation amendments and rezones are intended to create enhanced land use
17 compatibility with adjacent land uses.
- 18 3. Based on all of the above, the Planning Commission hereby recommends that:
 - 19 A. The City Council amend the General Plan land use diagram for APNs 006-330-006 and
20 002-180-109, as set forth in Exhibits I and III, attached hereto;
 - 21 B. The City Council amend the Zoning Map and rezone APNs 006-330-006 and 002-180-
22 109, as set forth in Exhibits II and IV, attached hereto;
- 23 4. The Planning Commission hereby specifies that the materials and documents which constitute
24 the record of proceedings upon which its decision is based are located at and under the custody
25 of the City of Chico Community Development Department.

26 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning
27 Commission of the City of Chico held on June 6, 2019, by the following vote:

28 //

Attachment A

- 1 AYES:
- 2 NOES:
- 3 ABSENT:
- 4 ABSTAIN:
- 5 DISQUALIFIED:
- 6 ATTEST:

APPROVED AS TO FORM

10 _____
BRUCE AMBO
11 Planning Commission Secretary

Vincent C. Ewing, City Attorney*

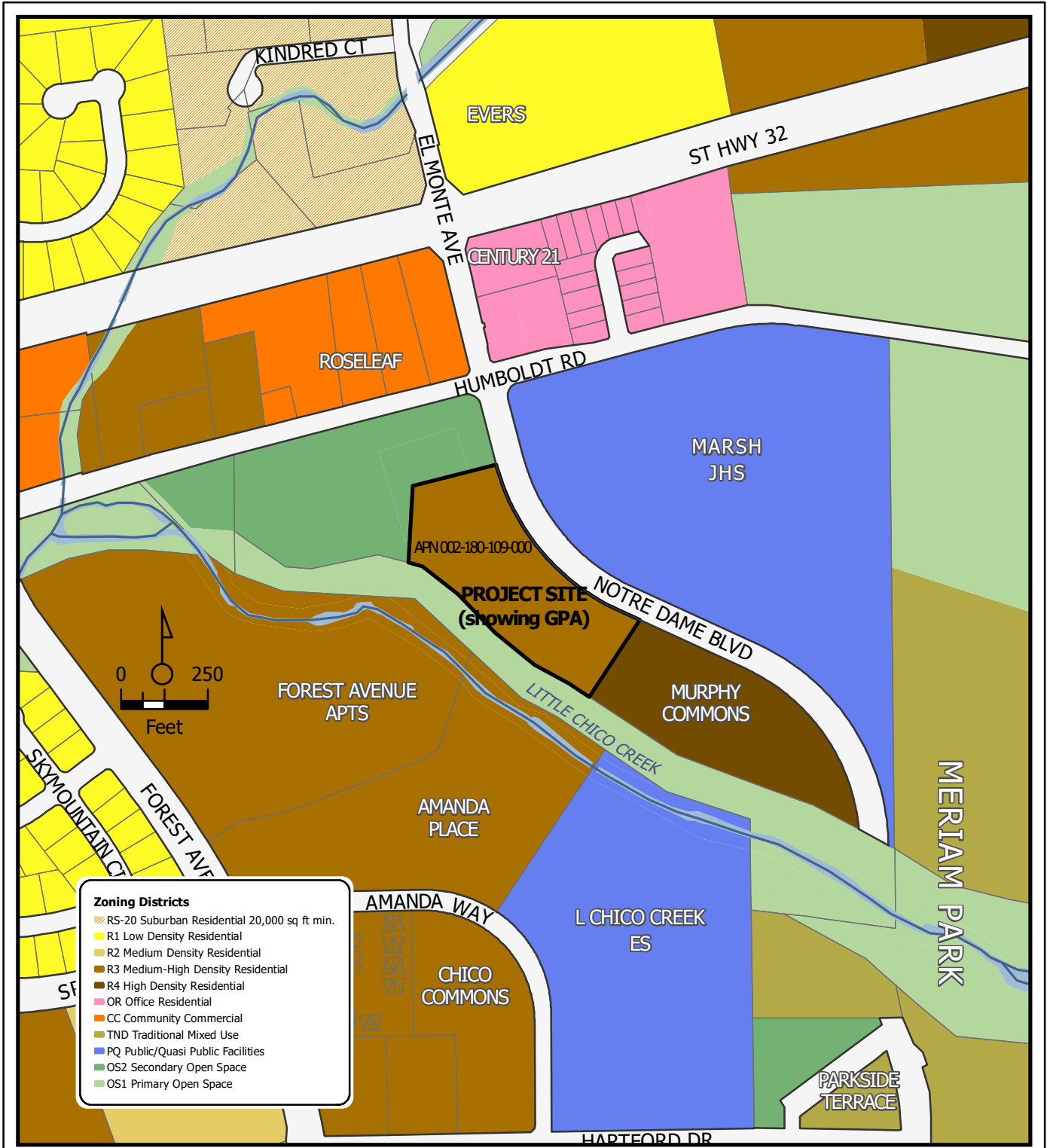
*Pursuant to The Charter of
the City of Chico, Section 906(E)

14 X:\Current Planning\General Plan Amendment\2019\03 City of Chico\PC Recommendation\PC Resolution 19-08 City Sponsored GPA.docx

Rezone **19-03**

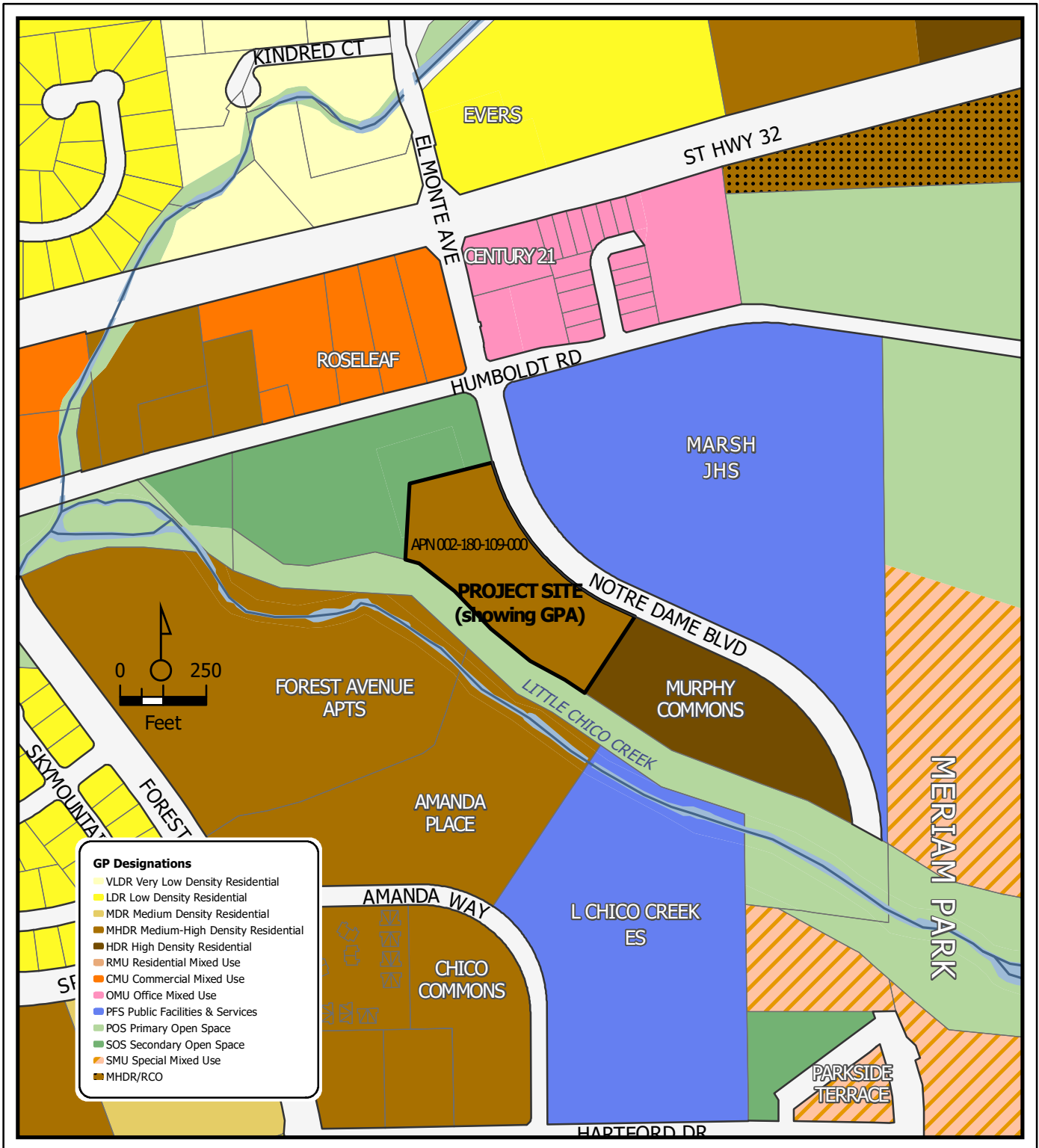
Approval Recommended by
Chico Planning Commission on
by Resolution No. _____.

Approved by Chico City Council on
by Ordinance No. _____.



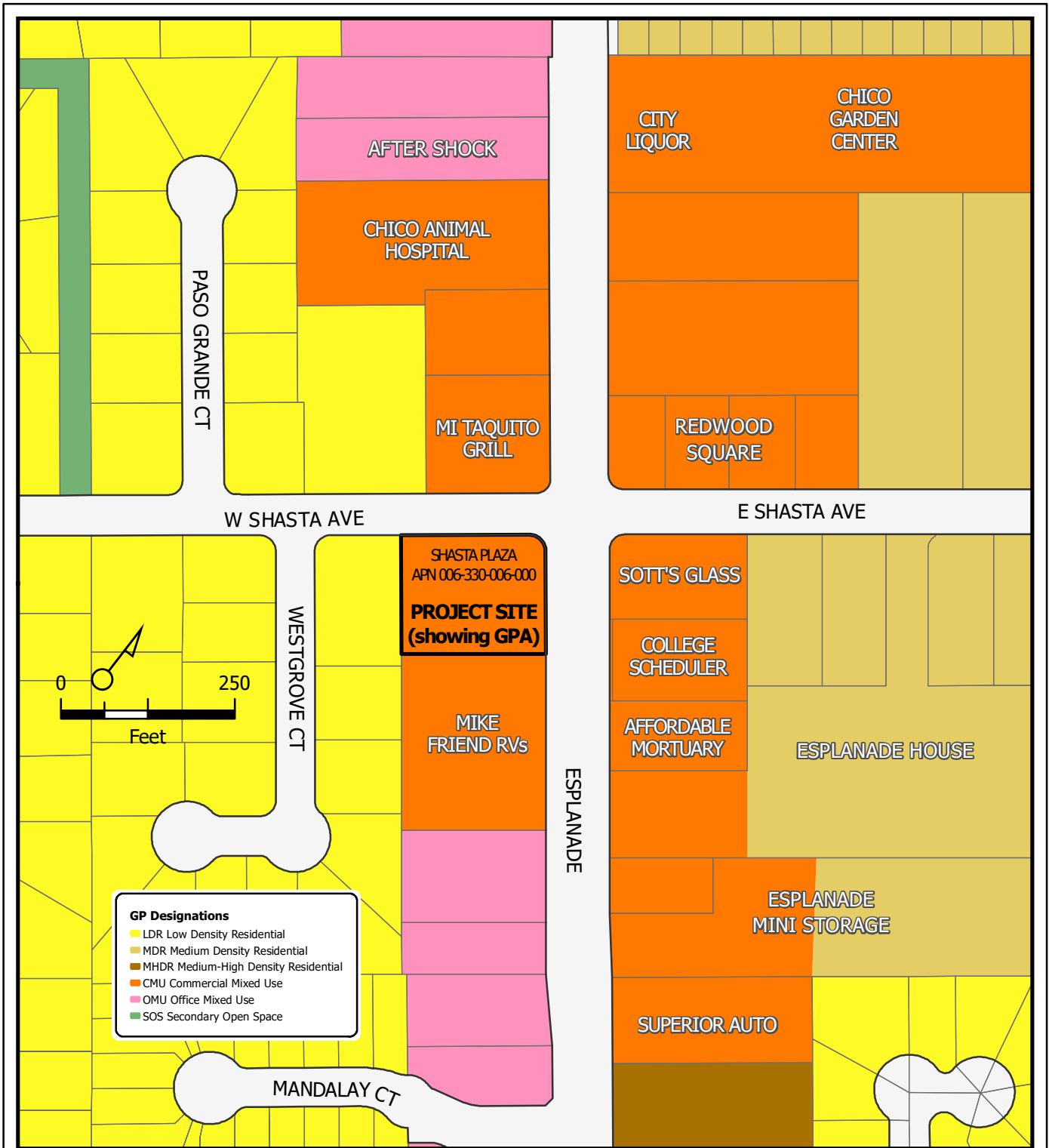
Rezone 19-03 (City of Chico)
Humboldt Road, APN 002-180-109-000
From: OS2 Secondary Open Space
To: R3 Medium-High Density Residential





GPA 19-03 (City of Chico)
Humboldt Road, APN 002-180-109-000
From: SOS Secondary Open Space
To: MHDR Medium-High Density Residential





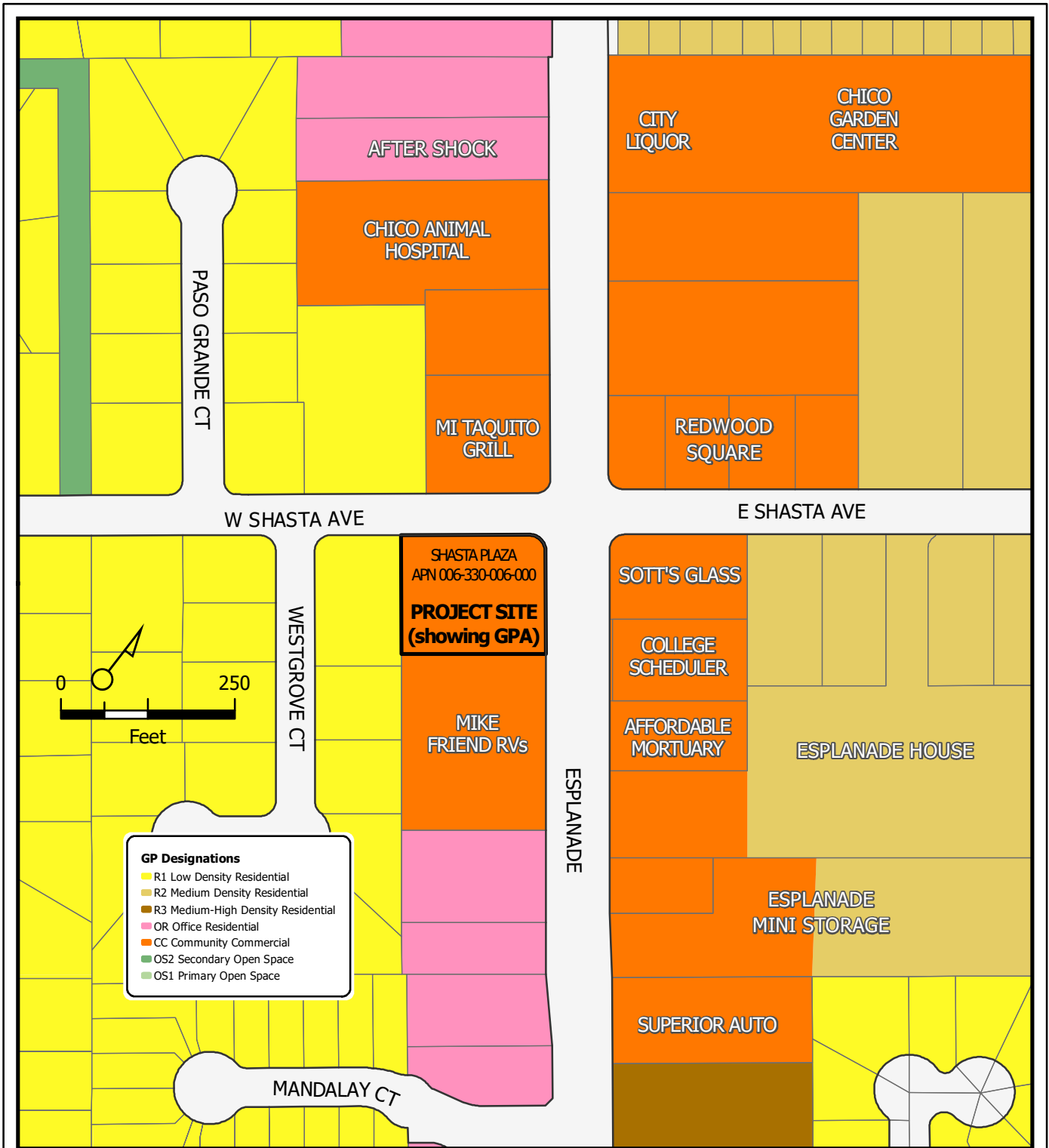
GPA 19-03 (City of Chico)
2991 Esplanade, APN 006-330-006-000
From: OMU Office Mixed Use
To: CMU Commercial Mixed Use



Rezone **19-03**

Approval Recommended by
Chico Planning Commission on
by Resolution No. _____.

Approved by Chico City Council on
by Ordinance No. _____.



Rezone 19-03 (City of Chico)
2991 Esplanade, APN 006-330-006-000
From: OR Office Residential
To: CC Community Commercial





COMMUNITY DEVELOPMENT DEPARTMENT

411 Main Street – 2nd Floor
P.O. Box 3420
Chico, CA 95927

530-879-6800
Fax 530-895-4726
<http://www.ci.chico.ca.us>

May 13, 2013

Mark Leiker
2991 Esplanade, Suite 110
Chico, CA 95973

E-mailed to: mleikermark@rocketmail.com

Re: Zoning Verification Letter 13-09
2991 & 2995 Esplanade
APN 006-330-006

Mr. Leiker:

This letter is in response to your request for a zoning verification letter received on April 29, 2013. A copy of receipt # 188000 for the \$84 check included with your request is attached.

The above-referenced property is located in the OR zoning district. When the project was originally approved and built, it was located in the CC (Community Commercial) zoning district.

Because the property contains 5 or more commercial suites, staff has determined that the use is appropriately classified as a shopping center. The shopping center use is considered legal nonconforming, and may continue in perpetuity. Any use allowed by right in a shopping center, including retail, restaurants, offices, and personal services, would be allowed. Any expansion of the center would require use permit approval.

Based on the history of this property, it has been flagged as a potential candidate for a cleanup general plan amendment and rezone. Staff will contact you if any rezoning of the property is anticipated during the next cleanup cycle.

If you have any questions or need any additional information, please don't hesitate to contact me at (530) 879-6810 or gredeker@ci.chico.ca.us.

Sincerely,

Greg Redeker, AICP
Associate Planner

Enclosures

cc: ZV Binder - ZV 13-09
BF: 2991 & 2995 Esplanade

X:\Staff Folders\gcr\Zoning Verification\ZV 13-09 2991 2995 Esplanade.wpd

Attachment B