



DATE: July 15, 2019

TO: PLANNING COMMISSION

FROM: Brendan Ottoboni, Public Works Director-Engineering (879-6901)
Bruce Ambo, Principal Planner (879-6801)

RE: Downtown Parking In-Lieu Fee Benefit Area Boundary Realignment and Deletion of Obsolete Municipal Code Chapters

SUMMARY

At its meeting on March 4, 2019, the Internal Affairs Committee (IAC) forwarded a recommendation to the Planning Commission to consider realigning the Downtown In-Lieu Parking Benefit Area to be largely consistent with areas Downtown designated Commercial Mixed Use (CMU) on the General Plan Land Use Diagram. The IAC also recommended that a project with an active application at 344 West 8th Street (The Graduate) be exempt from the newly realigned Downtown Parking In-Lieu area and be allowed to remain within the existing parking in-lieu boundary. As part of this amendment, staff is recommending that the Downtown Parking In-Lieu Benefit Area map be relocated from the Municipal Code Chapter 19R.43 (In-Lieu Benefit Area) to Chapter 19.70 (Parking and Loading Standards) in order to consolidate related Code information.

Additionally, staff is recommending the deletion of obsolete Municipal Code chapters that no longer serve a purpose, including Chapter 19R.45 (Impacted Parking Area) and Chapter 19R.66 (Foothill Design Criteria), which have been deleted or integrated into other parts of the Municipal Code as part of previous Code amendments. With these amendments, all planning related references to Chapter 19R will be deleted, thus simplifying the Code for ease of reference and navigation.

Recommendations:

The Internal Affairs Committee and the Director of Public Works - Engineering recommend adoption of Planning Commission Resolution No. 19-13 (**Attachment A**) recommending approval to the City Council the following:

1. Modify the Downtown Parking In-Lieu Benefit Area boundary to be largely consistent with areas Downtown designated Commercial Mixed Use (CMU) on the General Plan Land Use Diagram; and
2. Relocate Municipal Code Chapter 19R.43 (In-Lieu Parking Benefit Area) to Chapter 19.70 (Parking and Loading Standards).

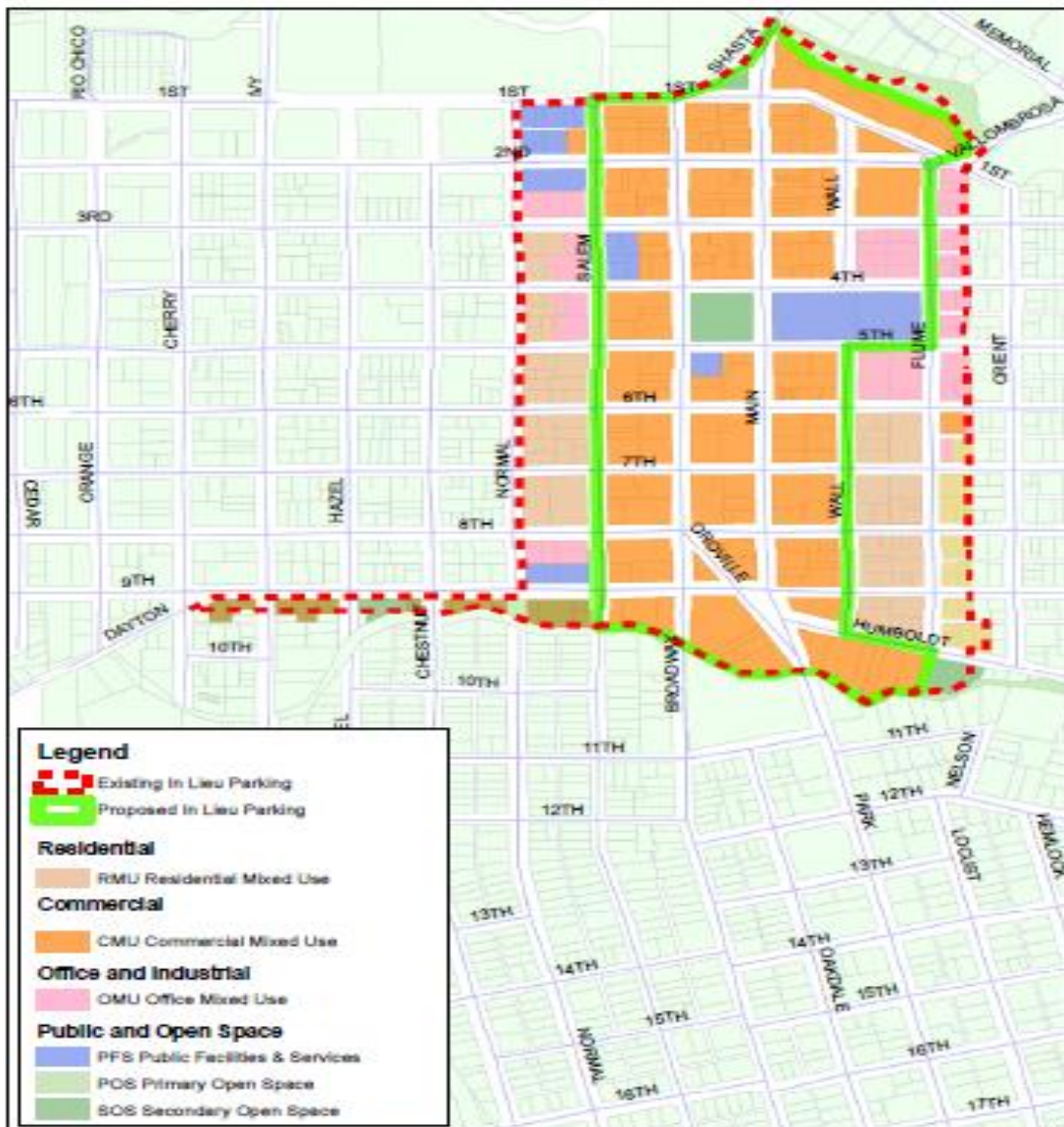
The Community Development Director – Planning/Housing recommends adoption of Planning Commission Resolution No. 19-13 (**Attachment A**) recommending approval to the City Council the following:

1. Delete Municipal Code Chapter 19R.45 (Impacted Parking Area) and Chapter 19R.66 (Foothill Design Criteria).

BACKGROUND

Staff is recommending that the Downtown Parking In-Lieu Fee Benefit Area boundary be realigned to concentrate the intended benefits within a smaller and compact context of the Commercial Mixed Use designated areas in the Downtown core that are similarly zoned Downtown North (DN) and Downtown South (DS). The intent is to remove the Residential Mixed Use designated areas from the Benefit Area boundary on the periphery of the Downtown core to ensure that adequate parking is provided for multifamily residential uses, particularly as it relates to parking shortages in the South Campus area. The existing (red-dashed line) and proposed (green line) Downtown Parking In-Lieu Fee Benefit areas are shown below in **Figure 1**.

Figure 1



The Downtown Parking In-Lieu Fee Benefit Area provides for reduced parking requirements and allows for the payment of a fee in-lieu of providing parking. While the parking in-lieu fee is not currently in place, efforts are underway to reestablish the in-lieu fee based on recommendations from the Internal Affairs Committee to the City Council. The Parking In-Lieu Fee Benefit Area seeks to provide parking flexibility and encourage mixed-use housing in the Downtown core.

The land area designated Residential Mixed Use (RMU) on the General Plan Land Use Diagram (General Plan), and zoned Residential Mixed Use (RMU) on the City's Zoning Map characteristically allows multifamily residential development. For projects that are solely residential, particularly if they involve student housing (multiple tenants renting bedrooms) versus work force housing, it is important that adequate parking be provided. This is especially important for the South Campus area where there is a high concentration of student housing that is heavily impacted by parking shortages.

A parking in-lieu fee is an important tool often used in downtown areas where the funds generated from the in-lieu fees paid by developers are pooled together by the City to support more centralized public parking facilities, transportation alternatives, and travel demand management (TDM) initiatives. Utilizing the parking in-lieu fees also saves limited downtown land for more intensive and economically productive commercial floor area, instead of inefficient paved parking lots in prime Downtown core areas.

General Plan/Zoning

The current Parking In-Lieu Benefit Area boundary has a mix of General Plan Land Use Diagram (General Plan) uses, zoning districts, and overlay zones. The RMU and CMU General Plan Land Use Diagram designations are as follows:

Residential Mixed Use (RMU), This designation is characterized by predominantly residential development at medium to high densities. It allows for commercial or office uses to be located on the same property, either vertically or horizontally. It does not preclude development that is entirely residential, but rather encourages a mix of uses. Additionally, other primary uses may be allowed by right or with approval of a Use Permit, as outlined in the Municipal Code.

Commercial Mixed Use (CMU), This designation encourages the integration of retail and service commercial uses with office and/or residential uses. In mixed-use projects, commercial use is the predominant use on the ground floor. This designation may also allow hospitals and other public/quasi-public uses. Other uses may be allowed by right or with approval of a Use Permit, as outlined in the Municipal Code.

The RMU, DN and DS zoning district classifications are as follows:

RMU (Residential Mixed Use) District. The RMU district is characterized by predominantly residential development at medium to high densities. It allows for commercial or office uses on the same property as residential uses, either vertically or horizontally. It does not preclude development that is entirely residential or entirely commercial. Other primary uses, including certain commercial uses, may be allowed by right or with approval of a use permit in

compliance with Table 4-2. The RMU zoning district is primarily intended to implement the Residential Mixed Use designation of the General Plan.

DN (Downtown North) District. The DN zoning district is applied to the central downtown area north of 6th Street. Appropriate uses include a wide range of retail, personal service, educational, cultural, and recreational uses, with office and residential uses above the ground floor. The density range for residential development within the DN district is 6 to 22 units per acre. The DN zoning district is primarily intended to implement the Commercial Mixed Use land use designation of the General Plan. The DN zoning district permits development of retail or other uses that contribute to increased pedestrian activity on the ground-floor and requires use permit approval for other ground- floor uses.

DS (Downtown South) District. The DS zoning district is applied to the central Downtown area south of 6th Street. Appropriate uses may include a wide range of retail with limited commercial service and auto-oriented uses. Residential uses above the ground floor are allowed at a density range of 6 to a maximum of 22 units per acre. The DS zoning district is primarily intended to implement the Commercial Mixed Use land use designation of the General Plan.

The above Municipal Code excerpts were underlined to emphasize the fundamental differences between the underlying intent of the CMU and RMU General Plan classifications and zoning district characteristics. For example, the intent of the CMU district is to encourage “*the integration of retail and service commercial uses with office and/or residential uses,*” while the RMU district is intended to facilitate the production of “*predominantly residential development at medium to high densities.*” Furthermore, both the DN and DS zoning districts are “*primarily intended to implement the Commercial Mix Use land use designation in the General Plan.*”

In addition to the underlying base zoning districts in the Downtown area (i.e., Downtown North (DN) and Downtown South (DS)), there are several overlay zones (CMC Chapter 19.52 (Overlay Zones) including the Corridor Opportunity Site (COS), Landmark (L), and the Fraternity and Sorority (FS) overlay zoning districts. For purposes of this discussion, the COS is most relevant because the development standards have been relaxed for flexibility as an incentive to stimulate development of certain corridor areas (properties along 8th Street are designated COS). The intent of the COS overlay zone (CMC Section 19.52.080) is noted below:

The -COS overlay zone is intended to encourage mixed use development of medium- and high-density residential and commercial land uses and to promote increased residential density, and transportation patterns that do not rely solely on the automobile. The development standards of the -COS overlay zone are designed to encourage a safe and pleasant pedestrian environment with an attractive streetscape, and limited conflicts between vehicles and pedestrians.

Parking Requirements

The vehicle parking requirements within and outside the Downtown In-Lieu Fee Parking Benefit Area are considerably different. For example, the residential parking requirement in the Downtown In-Lieu Fee Benefit area is 1 space per residential unit, and there is no parking

required for nonresidential uses (CMC 19.70.040G). The intended “benefit” is to stimulate development in the core downtown area as the central focal point and economic engine of the community.

Outside the Downtown In-Lieu Fee Parking Benefit Area, the required parking for multifamily residential projects is noted below from CMC Section 19.70.040 – Table 4:

- *Studio unit = 0.75 spaces per unit*
- *1 bedroom units = 1.25 spaces per unit*
- *2 bedroom units = 1.75 spaces per unit*
- *3 or more bedroom units = 2.00 spaces per unit*
- *Guest parking at 1 space per each 5 units*

The parking requirement in the -COS overlay zone also includes a graduated parking requirement based on the number of units (CMC Section 19.70.040 – Table 4), and does not require guest parking as follows:

- *Studio unit = 0.75 spaces per unit*
- *1 bedroom units = 1 space per unit*
- *2 bedroom units = 1.5 spaces per unit*
- *3 or more bedroom units = 1.50 spaces per unit*

Again, the parking requirement in the Downtown In-Lieu Fee Parking Benefit Area is a one-size-fits-all 1 space per unit regardless of the number of bedrooms.

Internal Affairs Committee (IAC) Recommendation

On March 4, 2019, the Council IAC recommended approval to the Planning Commission of the following:

- 1) A proposed boundary realignment of the Downtown Parking In-Lieu Fee Benefit Area; and
- 2) Exempt The Graduate project from the newly realigned Downtown In-Lieu Fee Parking Benefit Area.

The Graduate team at the IAC meeting objected to being included within the proposed boundary realignment (**Attachment B**). The IAC indicated that it was unfair to apply the new parking requirements to a project with an active application that is in the review process.

The Graduate project is a six-story, 56-unit (135 bedroom) apartment complex with 59 parking spaces proposed at 344 West 8th Street seeking approval from the City’s Architectural Review and Historic Preservation Board.

2019 Downtown Access Action Plan and Chico Parking Requirement Memorandum

Amending the Downtown In-Lieu Fee Parking Benefit Area boundary is just one of many action items identified in the 2019 Downtown Access Action Plan (Downtown Parking Plan). The Public Works Department engaged a parking management consulting firm, Dixon Resources Unlimited, Inc., to prepare the Downtown Parking Plan and a separate memorandum on

Chico's parking requirements. The Downtown Parking Plan outlines near-, mid- and long-term steps needed to implement an effective and efficient parking and mobility program in the Downtown area. The Downtown Parking Plan topics include parking demand management, parking enforcement, commercial loading, employee permit parking, special events, maintenance and revenue collections, parking benefit district, transportation demand management, shared parking, residential preferential parking, parking garage, outdoor cafés, wayfinding and parking guidance, education, and outreach.

A Chico Parking Requirement Memorandum was also prepared by Dixon that addresses the current parking requirements and provides recommendations for new parking requirements, a comparison of parking in-lieu fees charged by other cities, and a realignment of the Downtown Parking In-Lieu Benefit area boundary. As it relates to the Downtown In-Lieu Fee Parking Benefit Area boundary, it was recommended that the boundary be realigned to be coterminous with the Downtown area as defined by the 2030 General Plan or reduce the area to match the adjacent property uses.

DISCUSSION

Offering the Parking In-Lieu Fee is an incentive to encourage mixed use residential and commercial development in the Downtown core area. The current Parking In-Lieu Fee Benefit Area includes areas that no longer provide relevant parking benefits to the intended mix of uses in the Downtown area. Furthermore, the current Parking In-Lieu Fee Benefit Area has the potential to negatively impact a parking shortage in the South Campus area. Staff is recommending that the Downtown Parking In-Lieu Fee Benefit Area boundary be amended to more fully utilize the intended benefits in the CMU designated areas and ensure RMU designated areas where there will be "predominantly residential development at medium to high densities" provide adequate parking and cannot also simply pay a fee in-lieu of providing parking.

The proposed boundary realignment would generally remove the RMU designated areas from the Downtown In-Lieu Fee Parking Benefit Area boundary. The parking in-lieu district boundaries would be narrowed on the east (relocated from Normal Street to Salem Street, and eliminated along West 9th Street), and west (relocated from mid-block between Orient Street and Flume Street to Wall Street and Flume Street). The total parking in-lieu area would be reduced by approximately 17 city blocks and reconfigured to generally correspond to the CMU boundary.

Downtown Parking Survey

In an effort to better understand current parking demands in and around the Downtown area City Staff performed an evaluation of the current availability in both the 'South Campus' area bounded between 2nd Street to 9th Street, and Salem Street to Cedar Street (outlined below in red), as well as the Downtown Core Area (outlined below in blue). See **Figure 2** below:

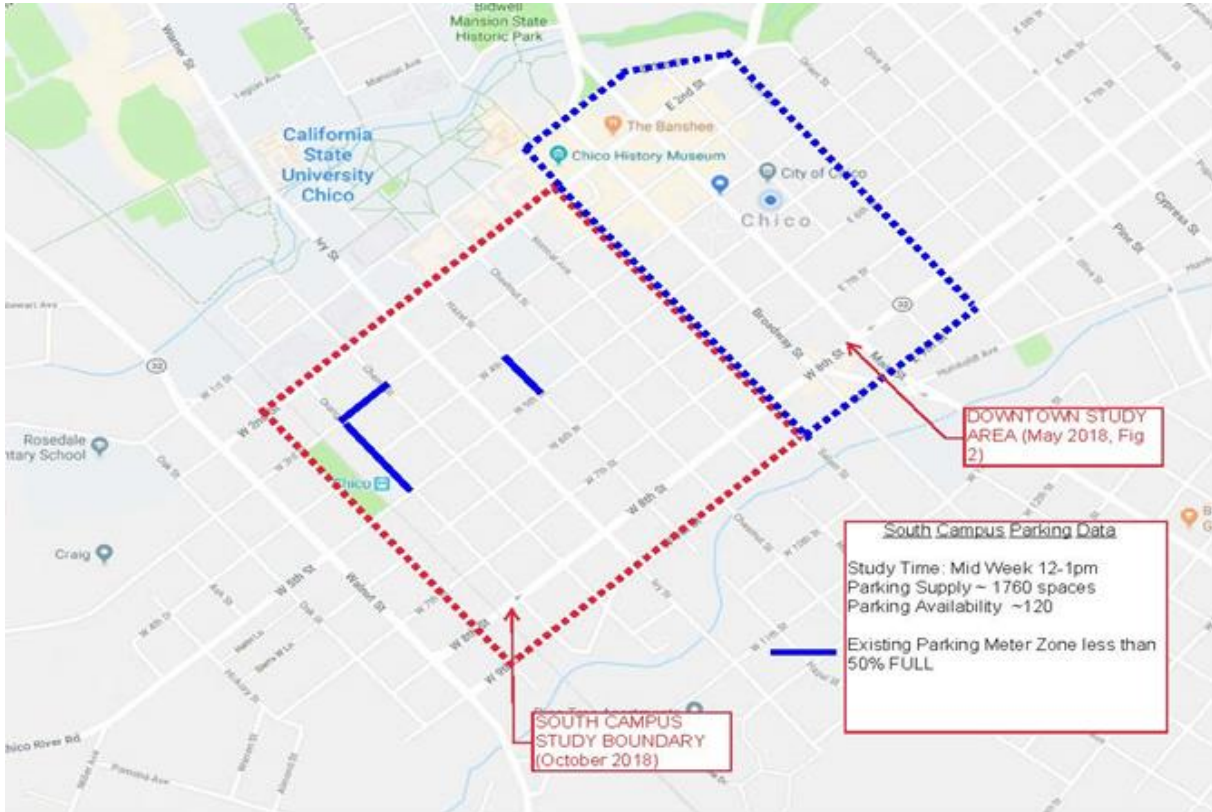


Figure 2

The South Campus survey (outlined above in red) was completed in October 2018 during the day time, peak hour during the school year. It is noted that the area studied, with the exception of a few minor areas depicted on the figure, do not contain parking meters. Based on the survey, the occupancy details were as follows:

| | |
|--|-------|
| Approximate number of parking spaces | 1,760 |
| Approximate number of available parking spaces | 140 |
| Approximate occupancy rate | 92% |

Most of the available spaces were in the metered area, and therefore, the non-metered residential areas are estimated at 95% - 98% occupancy.

Another Downtown Core Area parking survey (outlined above in blue) was conducted in May 2018. This survey was performed in more detail as part of the ongoing parking management update. Overall, the combined occupancy rate during the similar time period (mid-day, mid-week while school is in session) was found to have the following data:

| | |
|--|-------|
| Approximate number of parking spaces | 1,800 |
| Approximate number of available parking spaces | 950 |
| Approximate occupancy rate | 43% |

Due to the location and distribution of the various businesses in the Downtown area, the parking occupancy varies considerably in different areas. The dashed line in **Figure 3**. below represents the Metered Area Boundary with the occupancy by block face for the study area (outlined above in blue). The survey reveals the effect of having metered parking areas, and how parking is intentionally diverted to areas on the periphery without parking meters.

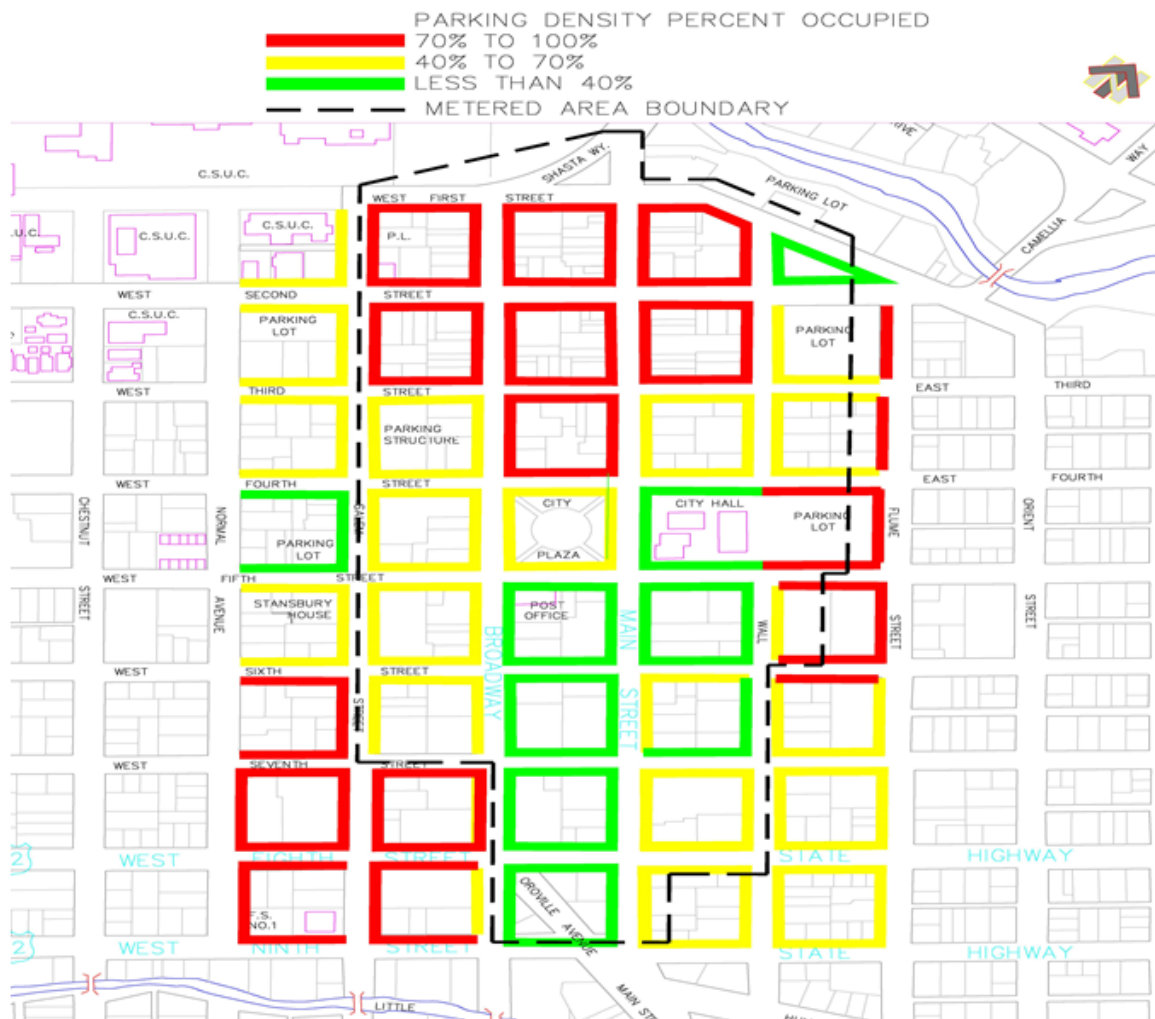


Figure 3

Parking reductions are not recommended in the South Campus area. It is critical that the In-Lieu Parking Benefit Area be established based on the underlying land use characteristics, otherwise significant parking impacts may occur in the South Campus area where parking occupancy is already over 90 percent.

The Graduate Exemption

As discussed above, the IAC recommended that the Planning Commission exempt The Graduate project from the newly proposed parking in-lieu boundary realignment and allow it to remain within the existing boundaries (**Attachment B**). If the project were required to comply with the parking requirements outside of the Downtown Parking In-Lieu Benefit area it would require 102 parking spaces (applying a standard multifamily parking requirement), or 84 parking spaces (applying the COS overlay multifamily requirement). This issue is moot, since CMC Section 19.01.050(E)1 (Effect of Amendments on Projects in Progress) specifies that any changes in the Code are exempt for projects that are deemed complete prior to the adoption of any Code changes as follows:

“The enactment or amendment of these Regulations may have the effect of imposing different standards on new land uses than those that were applied to existing development. For example, these Regulations or a future amendment could require larger building setbacks for a particular land use than former provisions. This subsection determines how the requirements of these Regulations apply to development projects in progress at the time requirements are changed.

Projects With Pending Applications. Any land use entitlement and subdivision application that has been determined by the director to be complete before the effective date of these Regulations or any amendment will be processed in compliance with the requirements in effect when the application was accepted as complete. Applications for land use entitlement time extensions (see Chapter [19.30](#) - Permit Implementation, Time Limits, Extensions) shall comply with these Regulations as they exist on the date when the time extension application is accepted as complete.” (underline added for emphasis)

The Graduate project was deemed complete on May 10, 2019, and there have been no other Municipal Code amendments, including the proposed Downtown In-Lieu Fee Parking Benefit Area realignment that would apply to the project.

Municipal Code Cleanup and Consolidation

A reference to the relocated Downtown Parking In-Lieu Benefit Area map in a new CMC Section 19.70.095 is proposed to be included in CMC Section 19.70.040(G). Another reference from CMC Section 10.10.020 (Definitions – Central Traffic District) is also proposed to be modified to refer to the new CMC Section 19.70.095, which also describes the Downtown Parking In-Lieu District Benefit Area map.

Staff is recommending the deletion of obsolete Municipal Code chapters that no longer serve a purpose, including Chapter 19R.45 (Impacted Parking Area) and Chapter 19R.66 (Foothill Design Criteria), which have been deleted or integrated into other parts of previous Municipal Code amendments. With these amendments, all planning related references to Chapter 19R will be deleted, thus simplifying the Code for ease of reference and navigation.

PUBLIC CONTACT

A display ad for the August 1, 2019 Planning Commission meeting to consider the proposed Title 19 amendments was published in the July 20, 2019 *Chico Enterprise Record*.

DISTRIBUTION

PC Distribution

ATTACHMENTS

Attachment A – Planning Commission Resolution No. 19-13

Attachment B – Graduate Letter

1 **RESOLUTION NO. 19-13**

2 **RESOLUTION OF THE CITY OF CHICO PLANNING COMMISSION**
3 **RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS MODIFYING**
4 **THE DOWNTOWN PARKING IN-LIEU BENEFIT AREA BOUNDARY AND**
5 **DELETION OF OBSOLETE CHICO MUNICIPAL CODE CHAPTERS**
6 **(City of Chico)**

7
8 WHEREAS, the Internal Affairs Committee has considered the modified boundary of the
9 Downtown Parking In-Lieu Benefit Area, staff report, and comments at a duly noticed public
10 hearing on March 4, 2019; and

11 WHEREAS, relocating the Downtown Parking In-Lieu Benefit Area map from Chapter
12 19R.43 (In-Lieu Parking Benefit Area) to Chapter 19.07 (Parking and Loading Standards)
13 simplifies and facilitates navigation within the Municipal Code; and

14 WHEREAS, deleting obsolete references within the Municipal Code that no longer apply
15 due to previous amendments is a matter of Municipal Code maintenance; and

16 WHEREAS, the Planning Commission considered the proposed amendments, staff report,
17 and comments at a duly noticed public hearing held in the manner required by law; and

18 WHEREAS, in accordance with California Environmental Quality Act (CEQA) Guidelines
19 Section 15162, the proposed amendments are within the scope of the Final Environmental
20 Impact Report (EIR) prepared and certified for the Chico 2030 General Plan (State
21 Clearinghouse #2008122038).

22 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
23 Chico as follows:

24 1. The Planning Commission determines:

25 A. The proposed amendments are consistent with the General Plan’s policy framework
26 to simplify and streamline the permitting process and identify opportunities for
27 greater regulatory efficiency; and

28 B. The proposed amendments are consistent with the other provisions of the City’s
Land Use and Development Regulations are compatible with the uses authorized in,

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and the regulations prescribed for, the applicable zoning districts for which the revisions are proposed.

2. The Planning Commission recommends that the City Council approve the amendments to the Chico Municipal Code as set forth in Exhibits I, II and III.

THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission at its meeting held on August 1, 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

BRUCE AMBO,
Planning Commission Secretary

ANDREW L. JARED
Assistant City Attorney

Chapter:

~~—19R.43—In-Lieu Parking Benefit Area~~

~~—19R.45—Impacted Parking Area~~

~~—Exhibits: (Exhibits following Chapter 19R.43)~~

~~—B—Plat Delineating “In-Lieu” Parking Benefit Area~~

~~—Exhibits: (Exhibits following Chapter 19R.45)~~

~~—B—Impacted Parking Area “A”~~

~~—19R.66—Foothill Design Criteria~~

~~—NOTE: —Footnotes are numbered throughout the text and are located at the end of this title.~~

**Chapter ~~19R.43~~ Section 19.70.095
IN-LIEU PARKING BENEFIT AREA**

Section:

~~19R.43.010—~~19.70.100 Establishment of in-lieu parking benefit area.

~~19R.43.010—~~19.70.100 Establishment of in-lieu parking benefit area.

All of that certain area described on the attached Exhibit A (description) and delineated on the attached Exhibit B (plat) is hereby established as an in-lieu parking benefit area for the purposes set forth in Section 19.70.050 of the Chico Municipal Code.

(Res. No. 154 77-78 §2, Res. No. 106 78-79, Res. No. 13 91-92, Res. No. 02 03-04)

EXHIBIT A - DESCRIPTION

“IN-LIEU PARKING BENEFIT AREA

“All that certain real property situate in the county of Butte, State of California, more particularly described as follows:

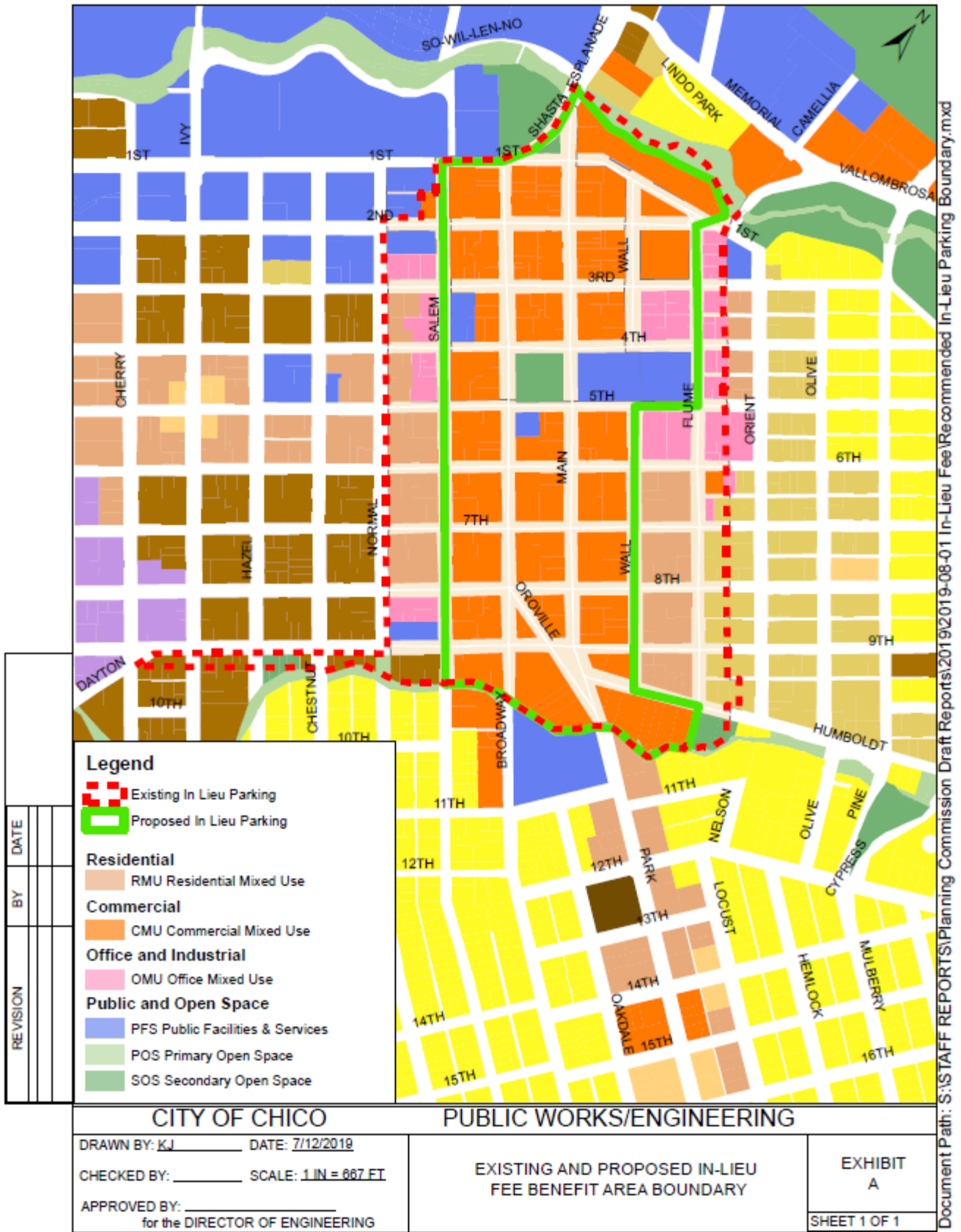
~~—“Beginning at the intersection of the northwesterly line of West 1st Street and the southwesterly line of Salem Street; thence southerly along said southwesterly line to a point 132 feet from the intersection of the northwesterly line of West 2nd Street and the southwesterly line of Salem Street; thence westerly parallel to West 2nd Street, 76.2 feet; thence southerly parallel to Salem Street, 132 feet to the northwesterly line of West 2nd Street; thence westerly along said northwesterly line to the northeasterly line of Normal Street; thence southerly along said northeasterly line to the southeasterly line of West 9th Street; thence westerly along said southeasterly line to the northeasterly line of Cherry Street; thence southerly along said northeasterly line to a point 132 feet southerly of the southeasterly line of West 9th Street; thence easterly and parallel to said southeasterly line to the centerline of Little Chico Creek; thence easterly along said centerline to the southerly extension of the north-south centerline dividing the blocks bounded by Flume Street and Orient Street; thence northerly along said centerline divider to the westerly line of Camellia Way; thence northerly along said westerly line to the southerly boundary of Bidwell Park; thence westerly along said southerly boundary to the westerly line of Shasta Way; thence southerly and westerly along said westerly line of Shasta Way to the point of beginning.”~~

“Beginning at the intersection of the northwesterly line of West 1st Street and the southeasterly line of Salem Street; thence southerly along said southeasterly line of Salem Street to the northeasterly line of West 9th Street; thence southerly along said southeasterly line of Salem Street to a point 200.29 feet southerly of the northeasterly line of West 9th Street; thence easterly and parallel to the centerline of Little Chico Creek to the southwesterly corner of Parcel 004-432-006-000 currently known as the Chico Skate Park; thence northerly to the southwesterly line of Humboldt Avenue and the westerly line of Flume Street; thence westerly along the southwesterly line of Humboldt Avenue to the westerly line of Wall Street; thence northerly along said westerly line of Wall Street to the northwesterly line of East 5th Street; thence easterly along the line of said northwesterly line of

East 5th Street and the westerly line of Flume Street; thence northerly along said westerly line of Flume Street to the northwesterly line of West 1st Street; thence northerly along said northwesterly line to the southerly boundary of Bidwell Park ; thence westerly along said southerly boundary to the westerly line of Shasta Way; thence southerly and westerly along said westerly line of Shasta Way to the point of beginning."



Exhibit I



~~Chapter 19R.45~~ ~~IMPACTED PARKING AREA~~

Section:

~~19R.45.010—Establishment of impacted parking area “A.”~~

~~19R.45.010—Establishment of impacted parking area “A.”~~

~~—All that certain area described in the attached Exhibit A (description) and delineated on the attached Exhibit B (plat) is hereby designated as impacted parking area “A” for the purposes set forth in subsection 19.28.030D of the Chico Municipal Code.
(Res. No. 64-87-88)~~

~~EXHIBIT A – DESCRIPTION~~

~~“DESCRIPTION – IMPACTED PARKING AREA “A”~~

~~—“All that real property situate in the City of Chico, County of Butte, State of California, more particularly described as follows:~~

~~—“Beginning at the intersection of West Fourth Avenue and Warner Street; thence southwesterly along West Fourth Avenue to the Southern Pacific Railroad right-of-way; thence northwesterly along said railroad right-of-way to the West Eighth Avenue right-of-way; thence southwesterly along West Eighth Avenue to the southwesterly right-of-way line of Nord Avenue (State Highway Route 32); thence southwesterly perpendicular to the Nord Avenue southwesterly right-of-way line, a distance of 630 feet, more or less, to a point; thence southeasterly and parallel to the southwesterly line of Nord Avenue to the centerline of Big Chico Creek; thence easterly along said creek centerline to the southwesterly line of Walnut Street (State Highway Route 32); thence along said southwesterly line of Walnut Street to the southeast line of West First Street; thence along said southeast line of West First Street and Oak Park Drive westerly to the west boundary line of the Rosedale Elementary School; thence southerly along the west boundary line of Rosedale Elementary School and its southerly extension to River Road; thence easterly along River Road to its intersection with Miller Avenue; thence southwesterly along Miller Avenue to its intersection with Pomona Avenue; thence southeasterly along Pomona Avenue to the centerline of Little Chico Creek; thence easterly along said creek centerline to Salem Street; thence northwesterly along Salem Street to West Second Street; thence southwesterly along West Second Street to Ivy Street; thence northwesterly along Ivy Street and Warner Street to the point of beginning.”~~



Chapter 19R.66 FOOTHILL DESIGN CRITERIA

Section:

~~19R.66.010 Design criteria.~~

~~19R.66.010 Design criteria.~~

~~—Within the foothill area, the following design criteria shall be implemented whenever applicable:~~

- ~~—A. Terrain Alteration. The project shall be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns which form visually protruding horizontal bands or steeply cut slopes for roads or lots shall be avoided.~~
- ~~—B. Street Layout. Streets shall follow the natural contours of the terrain, where possible, to minimize the need for grading. Cul-de-sacs and loop roads are encouraged where necessary to fit the natural topography, subject to the approval of the City Engineer and Fire Department.~~
- ~~—C. Site and Structure Design. Site design should utilize varying setbacks, structure heights, split-level foundations, and retaining walls to blend structures into the terrain.~~

~~—D. Lot Line Locations. Where possible, lot lines shall be placed at the top of slope areas to help ensure that the slope will not be neglected.~~

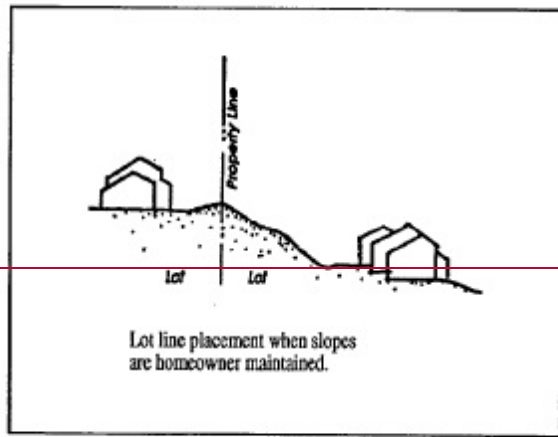


Figure 1
LOT LINE LOCATION

~~—E. Location of Structures. Structures should be sited in a manner that will:~~

- ~~—1. Minimize the creation of flat pads by using compact, split-level designs.~~
- ~~—2. Preserve vistas from public places.~~
- ~~—3. Preserve, to the extent feasible, visually significant rock outcroppings, natural hydrology, native plant materials, and areas of visual significance.~~

~~—F. Architectural Design. Buildings should be designed with the following principles in mind:~~

- ~~—1. Building forms should be scaled to complement the character of the foothills and to avoid excessively massive forms that dominate views of the foothills.~~
- ~~—2. Building facades should change plane and use overhangs as a means to create changing shadow lines to further break up massive forms.~~
- ~~—3. Wall surfaces facing viewshed areas should be minimized through the use of single-story elements, setbacks, roof pitches, and landscaping. See Figure 2.~~

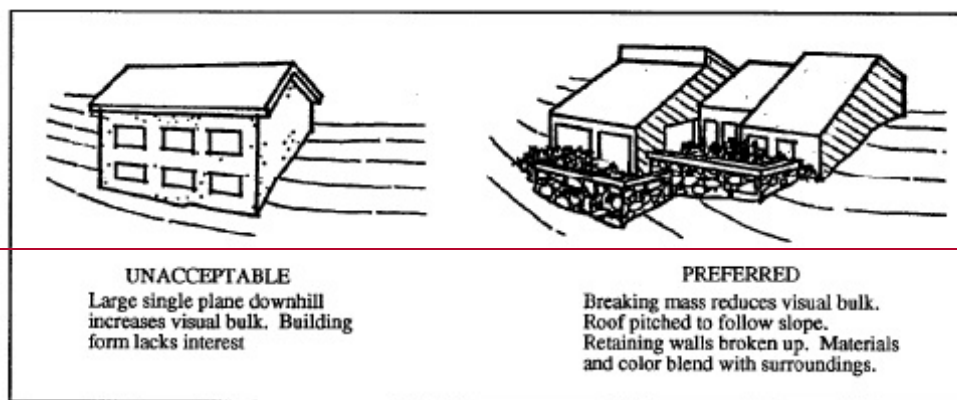


Figure 2
RELATING BUILDING FORM TO TERRAIN

~~—4. Roof pitches should generally be placed to follow the angle of the slope; but variation should be provided to avoid a monotonous appearance. See Figure 3.~~

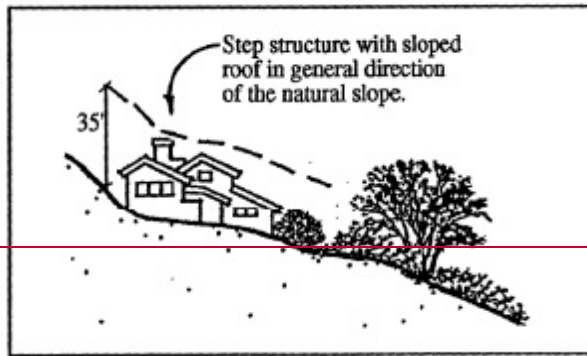


Figure 3
RELATING BUILDING FORM TO TERRAIN

~~—G. Colors and Materials. A harmonious mixture of materials, color, and forms should be used to blend structures with the natural appearance of the foothills:~~

~~—1. Based upon the graphic principle that dark colors recede and light colors project, medium to dark earth tone colors should be used for building elevations and roof materials in view-sensitive areas.~~

~~—2. Surface materials should be rough-textured to blend with the coarseness of landscaping and natural vegetation. Textured stucco, wood, natural brick, and coarse block are appropriate.~~

~~—3. Roof materials should be rough-textured and be a Class-B material as defined in the Uniform Building Code. Roof colors should utilize darker tones, including browns, grays, greens, and terra cotta. Bright colors should be avoided.~~

~~—H. Exterior Lighting. Night views of the foothills should not be dominated by an array of bright lights. Lighting within view-sensitive areas should be properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low fixtures is encouraged, as opposed to the use of fewer but taller fixtures.~~

~~—I. Retaining Walls. Large retaining walls in a uniform plane shall be avoided. Break retaining walls into elements and terraces, and use landscaping to screen them from view. Generally, no retaining wall should be higher than 5 feet.~~

~~—J. Open Space Preservation. Open space may be preserved by reducing the width of street improvements, using common driveways, and clustering units, subject to the approval of the City Engineer and Fire Department.~~

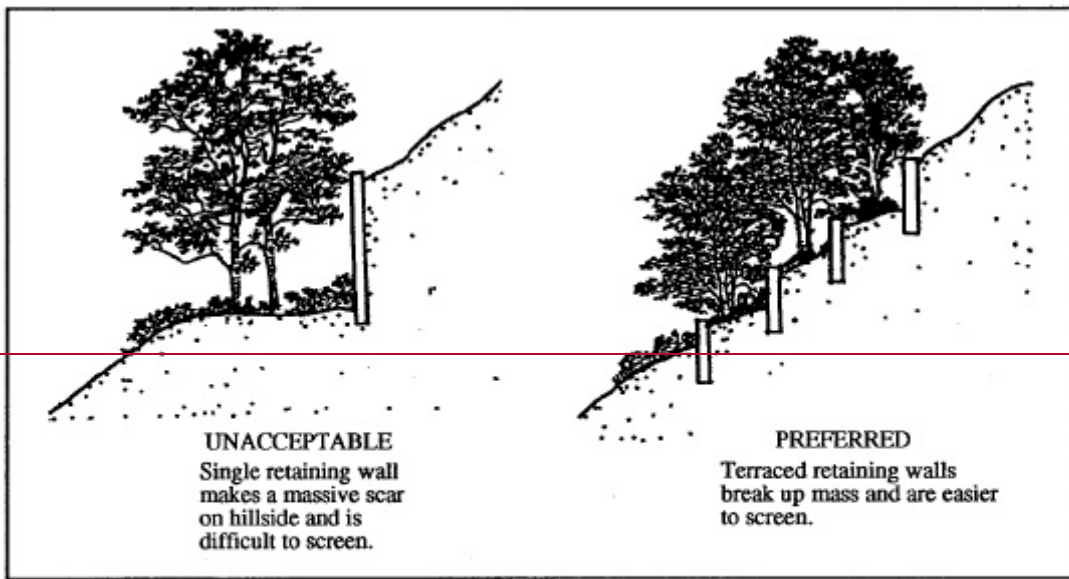


Figure 4
RETAINING WALLS

~~—K. Slope Restoration. Transitional slopes shall be replanted with non-invasive but self-sufficient trees, shrubs, and groundcover that are compatible with existing surrounding vegetation, to enhance the blending of manufactured and natural slopes.~~

~~—L. Reduced Street Widths. Streets may be designed without parking lanes when the result is a substantial decrease in cutting and/or filling. Off-street parking areas shall be provided at a ratio of one additional space per dwelling unit if parking is allowed on one side of the adjacent street, and two additional spaces per dwelling unit if there is no on-street parking. Streets may be reduced as provided for in Title 18R, Design Criteria and Improvement Standards.~~

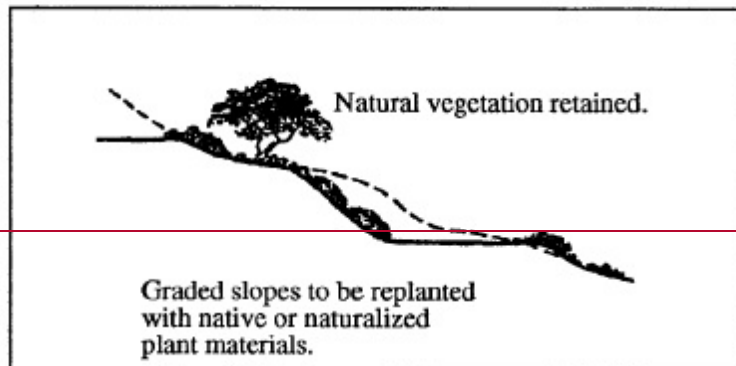


Figure 5
SLOPE RESTORATION

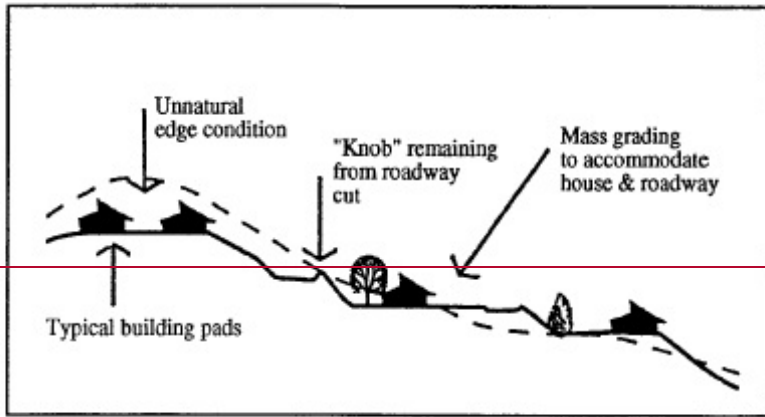


Figure 6
DEVELOPMENT THAT DOES NOT PRESERVE RIDGELINE CHARACTER

~~—M. Preservation of Ridgelines. Ridgelines should be preserved as much as possible. Structures located adjacent to prominent ridgelines should complement, rather than provide a stark contrast with, the natural landform(s). Through careful placement, development can help preserve vistas and landforms, and maintain positive visual impact.~~

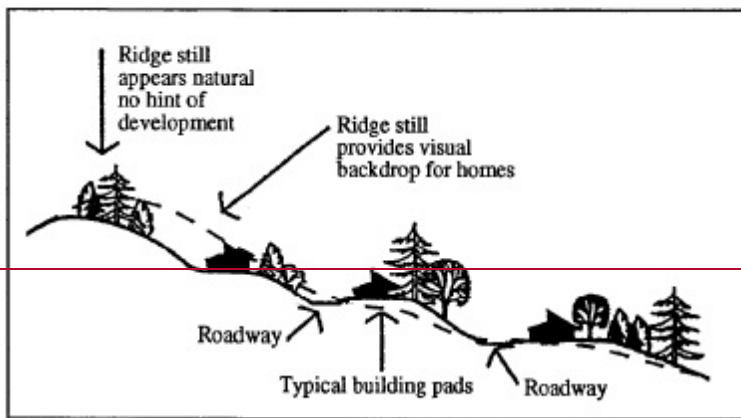


Figure 7
DEVELOPMENT THAT PRESERVES RIDGELINE CHARACTER

~~(Res. No. 27 99-00 §1 and 2)~~

Chapter 19.70

PARKING AND LOADING STANDARDS

- 19.70.010 Purpose**
- 19.70.020 Applicability**
- 19.70.030 General parking regulations**
- 19.70.040 Number of parking spaces required**
- 19.70.050 Reduction of off-street parking**
- 19.70.060 Design and development standards for off-street parking**
- 19.70.070 Driveways and site access**
- 19.70.080 Bicycle parking and support facilities**
- 19.70.090 Off-street loading space requirements**

19.70.010 Purpose.

The purpose of these off-street parking and loading standards is to:

- A. Provide reasonable requirements to ensure sufficient parking facilities to meet the needs generated by the proposed use;
- B. Provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking and loading facilities;
- C. Expedite traffic movement and reduce congestion;
- D. Encourage the use of alternative modes of transportation by providing for adequate and conveniently located bicycle and carpool parking;
- E. Improve traffic and pedestrian safety and protect neighborhoods from the effects of vehicular noise and traffic;
- F. Ensure access and maneuverability for emergency vehicles;
- G. Provide loading and delivery services in proportion to the needs of the proposed use; and
- H. Discourage construction of excessive parking.

(Ord. 2442)

19.70.020 Applicability.

Every permanent use, including a change or expansion of use, and structure shall have permanently maintained off-street parking areas in compliance with the provisions of this chapter. Except for single-family dwellings, the design of all off-street parking areas shall be subject to architectural review. A certificate of occupancy shall not be issued for a use or structure until the improvements required by this chapter are satisfactorily completed and ready for use.

(Ord. 2442)

19.70.030 General parking regulations.

A. **Deferral of Parking Installation.** For non-residential developments of 10,000 square feet or more of gross floor area, the Director may approve deferral of one or more required off-street parking spaces to a future date. The applicant shall demonstrate, to the satisfaction of the Director, that the occupant(s) of the site will not need the required parking spaces and that the area temporarily occupied by landscaping or other aesthetic amenities can, in the future, be used for parking spaces. The Director may impose reasonable conditions, including the recordation of a legal agreement which would provide that the landscaping or other amenity is to be removed by the applicant and the off-street parking spaces are to be installed when they are needed to serve the use(s) on the site.

B. **Recreational Vehicle Storage/Parking - Residential Areas.** The storage of recreational vehicles and boats in residential zoning districts shall be allowed only in designated off-street parking areas outside the public right-of-way.

(Ord. 2442)

19.70.040 Number of parking spaces required.

Each land use shall provide the minimum number of off-street parking spaces required by this section, except where a different number of spaces is approved through an entitlement process.

A. **Expansion of Structure, Change in Use.** When the required number of parking spaces is increased by three or more spaces as a result of an expansion of a structure, intensification of use,

and/or a change in use, the additional parking spaces shall be provided in compliance with this chapter. Exception: Single-family homes shall retain or provide the required number of parking spaces when a garage or carport is converted to a use other than vehicle parking.

B. Multiple Uses/Tenants. A site or facility proposed for multiple tenants or uses shall provide the aggregate number of parking spaces required by this section for each separate use; except where a parking reduction is allowed in compliance with Section 19.70.050 (Reduction of off-street parking).

C. Parking Required by Entitlements, Development Agreements, and Specific Plans. Parking requirements established by planned development permits, use permits, development agreements, or specific plans, as established elsewhere in this code, shall supersede the provisions of this section.

D. Uses Not Listed. Land uses not specifically listed by this section shall provide parking as required by the Director or other review authority. In determining appropriate off-street parking requirements, the Director or review authority shall use the requirements of this section as a general guide in determining an acceptable number of off-street parking spaces.

E. Rounding of Quantities. When calculating the number of required parking spaces results in a fraction, the requirement shall be rounded down to the next whole number.

F. Excessive Parking. Off-street parking spaces in excess of these standards create large amounts of impervious surfaces that increase radiant heat and may have a negative aesthetic appearance. Parking spaces which exceed the minimum number of spaces required by more than 35 percent may be administratively approved by the Director when a combination of additional landscaping, pedestrian/bicycle improvements, and/or pervious surfaces are provided above those required by this chapter. The area for off-street parking on any parcel shall not exceed 75 percent of the site area.

G. Parking in the Downtown In-Lieu Parking Benefit Area ([Section 19.70.095](#)). No parking is required for non-residential uses within the Downtown In-Lieu Parking Benefit Area. Parking for new residential uses within the Downtown In-Lieu Parking Benefit Area shall be one space per unit or as determined by land use entitlement.

H. Parking Requirements by Land Use - Outside of the Downtown In-Lieu Parking Benefit Area. The minimum number of parking spaces shall be provided for each use as set forth in Table 5-4; additional spaces may be required through entitlement approval.

(Ord. 2442, Ord. 2494 §41, Ord. 2511, §12)

TABLE 5-4

PARKING REQUIREMENTS

| <u>Land Use Type:</u> Manufacturing & Processing | Vehicle Spaces Required | Bicycle Spaces Required (Minimum of 1 space) |
|---|--|---|
| Machinery and equipment sales | 1 space for each 625 sq.ft. of gross floor area, plus 1 space for each 2,500 sq.ft. of outdoor sales or service area. | 10% of vehicle spaces. |
| Personal or mini-storage | 1 space for an on-site manager/caretaker, plus 1 space for each 375 sq.ft. of office space, with a minimum of 3 spaces. | 1 space. |
| Recycling facilities (other than reverse vending machines and small collection centers) | If the facility is open to the public, an on-site parking and/or queuing area shall be provided for a minimum of 8 vehicles at any one time. | 10% of vehicle spaces. |
| | 1 employee parking space shall be provided on-site for each | 10% of vehicle spaces. |

Chapter 10.10 DEFINITIONS

Section:

- 10.10.010 Definitions generally.
- 10.10.020 Central traffic district.
- 10.10.025 Director.
- 10.10.030 Holidays.
- 10.10.040 Limited curb parking space.
- 10.10.050 Municipal center.
- 10.10.060 Parking meter.
- 10.10.070 Parking meter space
- 10.10.080 Parking meter zone.
- 10.10.090 Parking time.
- 10.10.100 Parkway.
- 10.10.110 Public transit system.
- 10.10.120 Roller skate and roller skater.
- 10.10.130 Traffic control device
- 10.10.140 Traffic signal
- 10.10.150 Vehicle code.
- 10.10.160 Vehicle height.
- 10.10.170 85% Parking occupancy rate.
- 10.10.180 Parking area.

10.10.010 Definitions generally.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in the California Vehicle Code and hereinafter set forth in this chapter shall govern the construction of the words and phrases used in this title.

(Ord. 2119)

10.10.020 Central traffic district.

The term “central traffic district” shall mean all streets and portions of streets and public rights-of-way within the In-Lieu Parking Benefit Area established pursuant to Title 19 of this code and described in ~~Chapter 19R.43~~ Section 19.70.095 of this code.

(Ord. 2119)

10.10.025 Director.

The term “director” shall mean the director of the public works department.

(Ord. 2364 §108, Ord. 2439 §76)

10.10.030 Holidays.

The term “holidays” shall mean: January 1, third Monday in January, third Monday in February, last Monday in May, July 4, first Monday in September, November 11, the Thursday in November appointed as Thanksgiving Day, the day after Thanksgiving Day, December 24, December 25, and December 31.

(Ord. 2119; Ord. 2304)

10.10.040 Limited curb parking space.

The term “limited curb parking space” shall mean an area open for lawful parking alongside of, and adjacent to, a curb, which area is not of sufficient length to permit two or more vehicles to freely move for parking therein at the same time.

(Ord. 2119)

10.10.050 Municipal center.

The term “municipal center” shall mean all property bounded on the west by Main Street, on the north by East Fourth Street, on the east by Flume Street, and on the south by East Fifth Street.

(Ord. 2119)

10.10.060 Parking meter.

The term “parking meter” shall mean any device which, when activated, indicates unexpired



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February 1, 2019

Via email to Brendan.Ottoboni@Chico.ca.gov

Internal Affairs Committee
City of Chico
c/o Brendan Ottoboni, Public Works Director - Engineering
411 Main Street – 2nd Floor
Chico, CA 95927

Re: Downtown In-Lieu Parking Benefit Area

Dear Committee Members:

This letter is provided on behalf of The Graduate, LLC, a California limited liability company (“The Graduate”). The Graduate is the owner of the property located at 344 West 98th Street, APN 004-281-002 (the “Property”).

As referenced in the Agenda Report for the City Chico Internal Affairs Committee (the “Committee”) for its January 7, 2019 meeting, The Graduate has an application pending to develop a multi-family residential project (the “Project”) on the Property. The Property is located within the South Downtown Area of the City of Chico (as delineated on the Downtown Land Use Plan included as Figure DT-3 of the Chico 2030 General Plan (the “General Plan”). The Property is also currently located within the existing Downtown In-Lieu Parking Benefit Area as delineated by Chico Municipal Code Section 19R-43.010, to implement the purposes in Section 19.70.05 of the Chico Municipal Code.

The modifications to the Downtown In-Lieu Parking Benefit Area deliberated at the January 7, 2019 meeting could have a significant impact on the viability of the proposed Project, and the density that the Project intends. The Graduate strongly opposes revisions to the existing designated Downtown In-Lieu Parking Benefit Area, and objects to the procedures conducted to recommend such revisions to the City Council. In addition to a flawed procedure, the information provided to the Committee in the relevant staff report, were severely flawed. We therefore respectfully request that your Committee reconsider the prior actions that it took.

Please ensure this letter is included in the Record of Proceedings regarding the consideration of modifications to the Downtown In-Lieu Parking Benefit Area considered by your Committee, any other Board, Commission or agency of the City of Chico, or the Chico City Council. In addition, because the agenda for the February 4, 2019 Internal Affairs Committee includes an Exhibit that assumes that the Downtown In-Lieu Parking Benefit Area boundary has been modified, please ensure that this letter is included in the Record of Proceedings regarding the consideration of the agenda items for the February 4, 2019 Internal Affairs Committee.



1. Revisions to the In-Lieu Parking Benefit Area Are Outside the Intended Scope of the Committee.

Your Committee is established by Section 10.050.040 of Chapter 10 of the Chico Municipal Code. Chapter 10 of the Chico Municipal Ordinances does not relate to zoning criteria or private property development standards regarding parking ratios. Its provisions that relate to vehicle parking are strictly related to public streets and public parking lots. The Committee's regulatory authorities are intended to address vehicle and traffic regulations, not zoning standards. For that reason, parking ratios for private development projects are not listed within the stated authorities of the Internal Affairs/Traffic Committee of the City Council. Because the modifications to the Downtown In-Lieu Parking Benefit Area relate solely to the parking standards applied to private development projects, the Committee is not the proper entity to develop or make recommendations regarding such land use standards.

2. Revisions to the In-Lieu Parking Benefit Area Constitute Amendments to the City of Chico Land Use and Development Regulations, and Can Therefore Only Be Adopted In Accordance with the Initiation and Hearing Procedures Detailed in Chico Municipal Code Section 19.06.020.

The boundaries of the Downtown In-Lieu Parking Benefit Area are designated at Chico Municipal Code Section 19R-43.010. That Code Section confirms that the designated boundaries exist for purposes set forth in Section 19-70.050 of the Chico Municipal Code. Section 19-70.050 of the Chico Municipal Code is part of Title 19 of the Chico Municipal Code.

Section 19.010.010 confirms that Title 19 of the Chico Municipal Code establishes the City's Land Use and Development Regulations. Section 19.01.00 confirms that there are a range of Commissions and other persons with authority to administer the land use regulations, but the Internal Affairs Committee is not among those relevant authorities.

Section 19.06.010 confirms that Chapter 19.06 establishes procedures for amendments to the City's Land Use and Development Regulations. Those procedures require that amendments be initiated by an application, or upon initiation by the Architectural Review and Historic Preservation Board, the Planning Commission, or the City Council. After a proposed amendment is initiated, the Planning Director is to review the proposal and conduct public hearings before either the Architectural Review or Historic Preservation Board of the Planning Commission. Those authorities are then required to submit a written recommendation to the City Council (Section 19.06.030). The City Council to take action to consider the adoption of amendments to the City's Land Use and Development Regulations only after a public hearing before the relevant advisory body, and receipt of a written recommendation from that body. (Section 19.06.040).

The procedures that your Committee has indicated it is following in consideration of the amendments to the boundaries of the Downtown In-Lieu Parking Benefit Area violate the above procedures that govern amendment of the City's Land Use and Development Regulations. The Internal Affairs Committee has no designated role or responsibility for initiating, recommending, or otherwise evaluating proposed amendments to the Land Use and Development Regulations. If your Committee adopts a recommendation to modify the boundaries of the Downtown In-Lieu Parking Benefit Area, it should properly route such proposal to the Architectural Review and Historic Preservation Board or the Planning Commission, so that a relevant authority can conduct an evaluation of a proposal to initiate such a significant amendment to the City's Land Use and Development Regulations.

3. The Staff Report for the January 7, 2019 Internal Affairs Committee Misinterprets Relevant City Ordinances and Incorrectly Asserts the Existence of a Conflict in the Policies Governing the Downtown In-Lieu Parking Benefit Area and Policies Associated With the Impacted Parking Area.

The January 7, 2019 Staff Report to the Internal Affairs Committee (the "Staff Report") advises the Committee that there is a conflict in the policies in relevant City of Chico Ordinances that justify a revision to the boundaries of the existing Downtown In-Lieu Parking Benefit Area. There is, however, no conflict in the existing relevant policies.

More specifically, the Staff Report references the Impacted Parking Boundary, and the fact that there is an overlap between the boundary of that area (described in Chico Municipal Code Section 19R45.010), and the boundary of the Downtown In-Lieu Parking Benefit Area. However, the alleged overlap does not reflect any conflict in policies because the City of Chico previously repealed the Ordinance provision that provided the sole regulatory purposes for the Impacted Parking Boundary. Because no regulatory purposes for the Impacted Parking Boundary exist, there can be no conflict in the relevant policies of the two designated areas.

The fact that the sole regulatory purpose for the Impacted Parking Boundary was terminated is evidenced by the fact that Municipal Code Section 19R45.010 references that the boundary is designated for the purpose set forth in Municipal Code Section 19.28.03D. There is, however, no longer a Municipal Code Section 19.28.030D. Section 12 of Ordinance No. 2494, adopted on April 18, 2017, repealed that provision of the Chico Municipal Code.

Because the designated Impacted Parking Boundary currently serves no regulatory purpose, there can be no conflict between the policies served by that boundary (which do not exist), and the policies that are supported by the Impacted Parking Boundary. Because the entire impetus for the recommendation to realign the boundaries of the Impacted Parking Boundary is based upon a nonexistent conflict in the regulatory purposes of the two boundaries, there is no legitimate purpose in revising the designated

Impacted Parking Boundary. Such a proposal would also be inconsistent with policies of the General Plan.

4. The Staff Report Fails To Disclose That Its Recommendation to Realign the Downtown In-Lieu Parking Benefit Area With the Impacted Parking Area Boundary Is Not Supported By the Consultant Report It Heavily Relies Upon.

The Staff Report places much reliance and emphasis on a Memo regarding the Downtown In-Lieu Parking Benefit Area prepared by Dixon Resources Unlimited. However, the Staff report nowhere disclosed to the Committee, or the public, the fact that the Staff Report is provides recommendations that vary from the recommendations of that Dixon Resources Unlimited study.

Specifically, the Dixon Resources Unlimited study recommends that the Downtown In-Lieu Parking Benefit Area be realigned with the Downtown Chico boundaries, as defined by the 2030 General Plan. That recommendation would remove a sliver of lands south of East 9th Avenue from the Downtown In-Lieu Parking Benefit Area. However, that revised alignment would preserve my client's Property as within such boundaries because my client's Property is within the boundaries of Downtown Chico as delineated in Figure DT-2 of that General Plan.

The Staff Report adopts a different proposal for realigning the Downtown In-Lieu Parking Benefit Area and thereby disregards the recommendations of the Dixon Resources Unlimited study. The Staff Report also relies upon a nonexistent conflict between the policies that support the boundaries of the Downtown In-Lieu Parking Benefit Area and the repealed policies that previously supported the Impacted Parking Boundary. Because there is no policy basis for the proposed realignment of the Downtown In-Lieu Parking Benefit Area, it is apparent that the Staff Report's proposal is intended to solely target my client's Property, with the apparent intent of diminishing the residential development opportunities for that Property. These efforts to impact my client's Project are being conducted in a manner that raises serious legal issues.

5. The Staff Report's Survey of Current Parking Demands In the Downtown In-Lieu Parking Benefit Area Do Not Support the Proposed Realignment.

The Staff Report includes an analysis of parking occupancy rates in portions of the City. The analysis adopts boundaries for a comparison of the study data that are not supported by any other existing boundary delineations. Specifically, the South Campus Study Boundary referenced in the Staff Report incorporates several blocks that are designated in the General Plan as Downtown Chico. Similarly, areas that the Staff Report's study designates as Downtown, fails to include all of the area designated as Downtown in the General Plan (including my client's Property).

The block face occupancy analysis detailed in the Study is also not evidence that supports removing portions of Downtown from the Downtown In-Lieu Parking Benefit Area. Of the block faces that are inventoried in that study, 24 are within the area that is

proposed for removal from the Downtown In-Lieu Parking Benefit Area.¹ Of those that were inventoried, 42% are designated as Red, 46% are Yellow, and 13% are Green. For the 118 block faces within the area not proposed for removal, 37% are Red, 43% are Yellow, and 20% are Green. These variances in extent of impact do not appear be substantial and they do not provide evidence that justify the boundary line adjustment being proposed. If the intent is to remove areas most significantly impacted, as reflected by the percent of Red designation, the area between West First Street and Fourth Street, bounded between Salem and Wall Street, is a more suitable candidate.

The fact that a fair evaluation of the survey data fails to provide evidence supporting the boundary revision is further evidence that there is no policy basis for the proposed realignment of the Downtown In-Lieu Parking Benefit Area. It is also further evidence that the proposal is intended to solely target my client's Property, with the intention of diminishing the residential development opportunities for that Property.

6. The Staff Report's Assertion that the Parking Ratios May Be Determined by "Land Use Entitlement", Ignores the Fact that the Intended Project is Fully Entitled Without Need for Further Land Use Entitlement - Other Than A Design Review That May Not Incorporate Increased Parking Demand Ratios In Its Review Standards.

As previously noted, the Staff Report curiously makes specific reference to my client's Property and its intended Project, as a basis for initiating the proposed realignment of the Downtown In-Lieu Parking Benefit Area. As noted above, this is simply a further indication that the proposal is intended to solely target my client's Property, with the intention of diminishing the residential development opportunities for that Property.

The Staff Report, unfortunately, also appears to portend some additional initiatives to impact my client's Project development. Specifically, the Staff Report states that "Based on components of the application, the minimum parking for the In-Lieu Parking Benefit Area are met, however, the Municipal Code language also state that "parking for new residential uses within the Downtown In-Lieu Parking Benefit Area shall be one space per unit or *as determined by land use entitlement.*" (Emphasis in the original).

We understand that the staff believes that the emphasized language may provide the City a basis to impose different parking standards for the Project than exist in the existing code (i.e. 1 parking space per unit). However, the Project, as proposed, is in full compliance with all applicable City of Chico Land Use and Development Regulations. There is therefore no further land use entitlement that the City can use to impose any further parking standards on the Project development.

¹ There are six additional block faces within that Downtown Area proposed for removal from the Downtown In-Lieu Parking Benefit Area that are curiously not inventoried at all.

Because no discretionary entitlements are required for the Project, the only further planning evaluation that must be conducted for the Project is a design review to be conducted by the Architectural Review and Historic Preservation Board pursuant to Section 19.18.024. That review is limited to the factors detailed in Section 19.18.050-A-1, and evidence relevant to the findings referenced in Section 19.18.060.


Broader evaluations of the Project beyond those standards (including CEQA evaluations respecting parking) are not legally permissible, despite the planning staff's efforts to the contrary. (*McCorkle Eastside Neighborhood Group v. City of Helena* (2019 WL 322703); Public Resources Code Section 21159.21). The fact that parking ratios are not an appropriate or relevant element of the Design Review to be conducted by the Architectural Review and Historic Preservation Board is further evidenced by the provisions of the Design Review Manual, which make no reference to parking ratio reviews.

We therefore urge that your Committee, and all relevant agencies and boards of the City of Chico, evaluate the Project's entitlements (and relevant parking ratios) consistent with the above standards.

7. **Conclusion.**

Based on the foregoing, we respectfully request that the Internal Affairs Committee rescind its previous recommendation to revise the Downtown In-Lieu Parking Benefit Area. The matter is beyond the jurisdictions of the Committee. The stated policy conflict between the Downtown In-Lieu Parking Benefit Area and the Impacted Parking Area boundaries do not exist because the regulatory purpose of the Impacted Parking Area was repealed. The outside consultants report relied on by the Staff Report did not propose the subject realignment. The survey data do not support the subject realignment. Furthermore, the sole purpose of the proposal seems to be impermissibly diminish the residential development opportunities for my client's Property.

Sincerely,
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP



Jeffrey M. Reid

cc: Deborah Presson, City Clerk
Vice Mayor Alex Brown, Chair – Internal Affairs Committee
Council Member Scott Huber– Internal Affairs Committee
Council Member Karl Ory– Internal Affairs Committee
Mayor Randall Stone
Vincent C. Ewing, Esq., City Attorney
Assistant City Manager Chris Constantin