



Zoning Administrator Agenda Report

Meeting Date 12/22/15

DATE: December 11, 2015

File: UP 15-17

TO: ZONING ADMINISTRATOR

FROM: Jake Morley, Associate Planner, 879-6810

RE: Use Permit 15-17 (Souza/Aguilar) – APN 043-290-010 – 557 Nord Avenue.

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 15-17 (Souza/Aguilar), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to allow the construction of an 18 unit apartment complex with 9 ground floor units, in the CC (Community Commercial) zoning district at 557 Nord Avenue. A Use Permit is necessary to establish ground floor residence in the CC (Community Commercial) zoning district, while residential units on the second floor or above are permitted by right (See **Attachment A**, Location/Notification Map, See **Attachment B**, Plat to Accompany Use Permit 15-17).

The parcel is approximately 1 acre in size and is developed with a drive-through oil change structure at the northern end of the lot, while the majority of the southern portion of the site is vacant. There are 12 trees on the site, one of which (a 10-inch oak) will be removed (See Existing Conditions Site Plan, **Attachment C**).

The majority of surrounding uses are residential, including a large number of apartment complexes. The site is within walking and biking distance to University of California - Chico, commercial and retail services, is near Class I and Class II bicycle facilities and Butte County Regional Transit (B-line).

The property is designated Commercial Mixed Use on the General Plan diagram and located in the CC (Community Commercial) zoning district.

DISCUSSION

Pursuant to Chico Municipal Code Section 19.44.020 – *Commercial zone land uses and permit requires* – Table 4-6: a Use Permit is necessary to establish residential dwellings on the ground floor. The request is to allow 9 ground floor residences, with an additional 9 residences allowed by right on the second floor. The CC (Community Commercial) zoning district allows a density range of 6 to 22 units per acres. At 18.07 units per acre the project is consistent with this designation.

The proposed site plan illustrates the proposed 18 unit complex. Vehicle and bicycle parking have been meet, onsite circulation is adequate, parking stalls are screened from the public right-of-way and other development standards have been complied with. The Municipal

Code section 19.18 (Site Design and Architectural Review) requires that prior to issuance of a building permit that the site receive site plan and architectural approval from the Architectural Review and Historic Preservation Board (ARHPB). Because of this requirements, staff recommends a condition of approval allowing flexibility and modifications to the site plan, as necessary.

Further, since the site plan can be modified, it is reasonable to assume that additional qualifying trees could be removed. Therefore, staff recommends an additional condition of approval that the final tree removal number shall be determined at the time of ARHPB approval.

Given that the site has historically been utilized as a drive-through oil change business, the applicant provided a soil sample study dated December 22, 2009. The study concluded that the samples taken below the surface (40 and 60 inches deep) contain levels of "oil and grease range petroleum" that are well below the published standard and are considered "de minimis". No further action was recommended (See Soil Sample Analysis, **Attachment D**).

There is an established commercial core approximately 1,000 linear to the north with a variety of large and small retails services (Safeway, CVS, restaurants, salon, etc). Further south along Nord Avenue, is another commercial corridor that contains services, some of which contain vacant suites or underutilized properties. The site is also approximately 3/4th of a mile from downtown Chico, which has additional commercial and retail options. Therefore, the conversion of a commercially zoned property into a residential use would not impact the demand for commercial properties in the area.

The California Department of Transportation (Caltrans) has commented that they will require an encroachment permit for all improvements located within their right-of-way, therefore a condition of approval has been placed upon the project addressing Caltrans needs.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). Consistent with this exemption, the project is: consistent with applicable general plan designation and all applicable general plan policies and zoning designation and regulations. The site is within city limits on a project site less than five acres and is surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in significant effects related to traffic, noise, air, or water quality, and the site is adequately served by all utilities and public services.

FINDINGS

Following a public hearing, the Zoning Administrator may approve a use permit application, with or without conditions, only if all of the following findings can be made:

Use Permit Findings

- A. *The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).*

Chico Municipal Code Section 19.44.020 –Commercial zone land uses, ground floor residence are allowed within the CC (Community Commercial) zoning district subject to issuance of a Use Permit. This use permit has been processed in accordance with the requirements of Chapter 19.24.

- B. *The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.*

No impacts to the health, safety, or welfare of neighborhood have been identified as the project is compatible with the surrounding residential uses. Sufficient on-site parking spaces for an 18 unit complex is demonstrated on the site plan. The project has been conditioned to require additional review and approval by the Architectural Review and Historic Preservation Board to ensure that the final design meets all applicable Design Guidelines.

- C. *The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.*

The project is within an area that already contains residential structures, public improvements, bicycle facilities, and access to public transit. No impacts to property or improvements have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The proposed project is consistent with General Plan goals and policies that encourage reinforcing compact urban form in locations where existing facilities and city services are in place (LU-1, LU-4.2), rehabilitation and revitalization of existing neighborhoods (H.5), and providing adequate supply of rental housing to meet a wide range of renters and future needs throughout the city (H.3, H.3.2, H.3.4).

- E. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

The proposed residential project is located in an area of the city that is dominated by residential uses that are near to the university and commercial uses, thereby allowing residences easy access to the campus and services. The design allows safe onsite turning movements, provides ample vehicle and bicycle parking stalls. The project's architecture, site plan and landscaping will be reviewed by the Architectural Review and Historic Preservation Board, which will further ensure its compatibility with the vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 15-17 authorizes the construction of 9 ground floor residential units in the CC (Community Commercial) zoning district, in substantial accord with the "Plat to Accompany Use Permit 15-17 (Souza/Aguilar)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works, and Fire Department. The permittee is responsible for contacting these offices to verify the need for permits.
3. Prior to issuance of building permits, the design of the project shall be subject to review by the Architectural Review and Historic Preservation Board, in compliance with Chico Municipal Code Section 19.18 (Site Design and Architectural Review). Subsequent approval may result in modification to the approved plat.
4. Prior to issuance of a building permit, the applicant shall secure an encroachment permit from The Department of Transportation (Caltrans) for all work necessary in the public right-of-way.

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed out to all property owners and tenants within 500 feet of the project site. As of this report's publication, staff has not received any public comments.

DISTRIBUTION:

Internal (2)

Mark Wolfe, Zoning Administrator

Jake Morley, Associate Planner

External (5)

Rick Souza/Jim Aguilar, 68 Pauletah Place, Chico, CA 95927

Greg Peitz, Architect, 383 Rio Lindo Ave., Chico, CA 95926

Pete Manerino, P.O. Box 7836, Chico, CA 95927

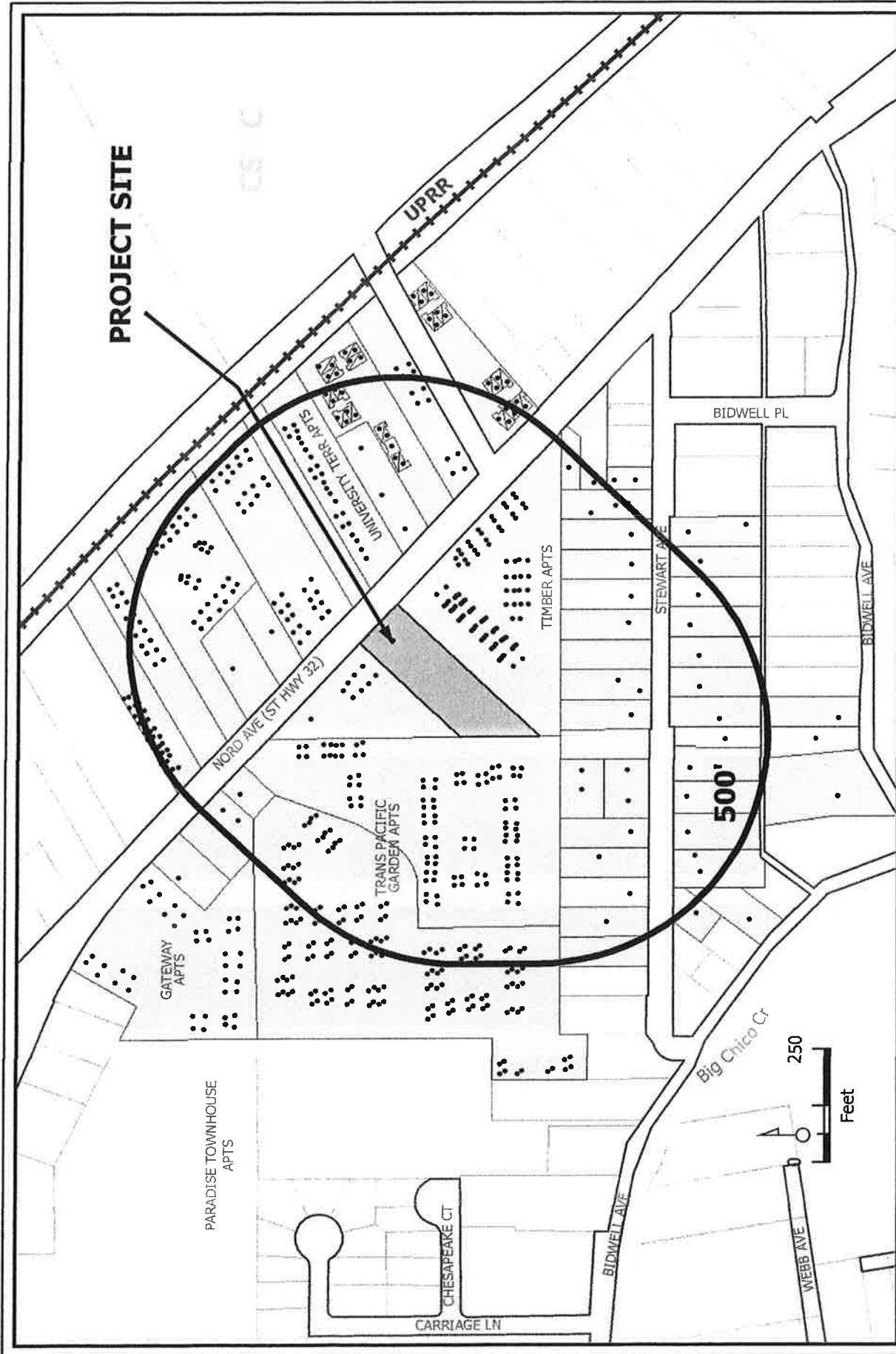
ATTACHMENTS:

A. Location/Notification Map

B. Site Plan to Accompany Use Permit 15-17 (Souza/Aguilar)

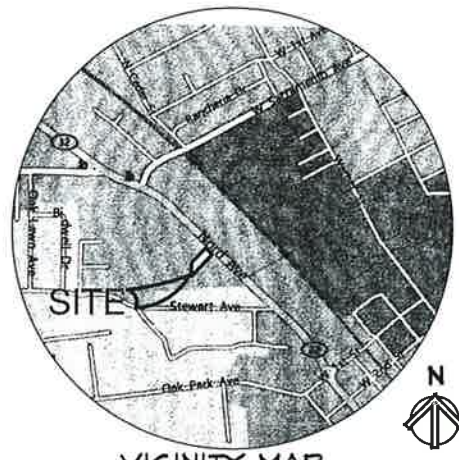
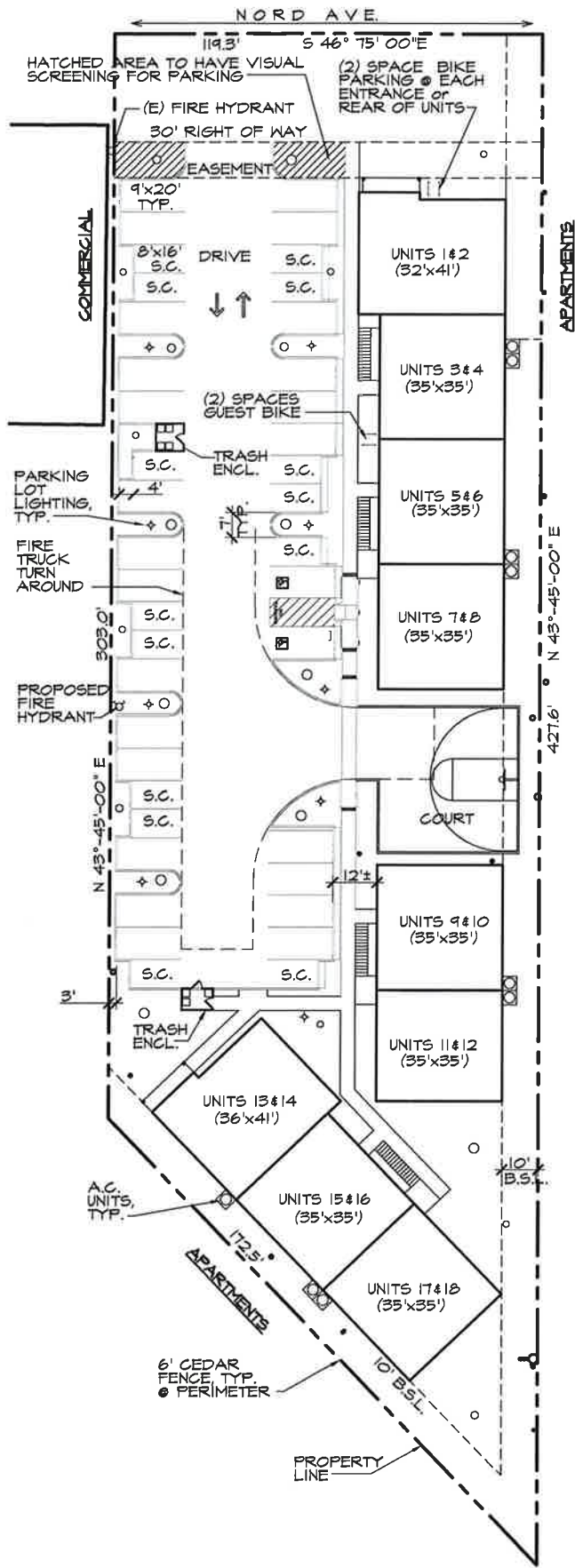
C. Existing Conditions Site Plan

D. Soil Sample Analysis



- Mailing List Properties
- Mailing List Addresses

UP 15-17 (Souza/Aguilar)
 557 Nord Avenue (Hwy 32)
 APN 043-290-010-000



VICINITY MAP

Plat to Accompany Use Permit 15.17

LOT COVERAGE:	
LOT AREA:	= 43,581 SQ. FT.
PROPOSED BUILDING AREA:	= 11,093 SQ. FT.
LOT COVERAGE:	= 25.5 %
LANDSCAPE AREA:	= 14,588 SQ. FT.
	= 33.5 %

PARKING REQUIREMENT:

18 UNITS - (3) BD. - (2) SP. / UNIT: 36 SPACES
 GUEST PARKING - 1 SP. / 5 UNITS: 4 SPACES
 TOTAL REQUIRED: 40 SPACES
 SPACES PROVIDED: 40 SPACES

TENANT BIKE PARKING REQ'D: 18 SPACES
 GUEST BIKE PARKING REQ'D: 2 SPACES
 TOTAL BIKE PARKING REQ'D: 20 SPACES
 SPACES PROVIDED: 20 SPACES

RECEIVED

NOV 30 2015

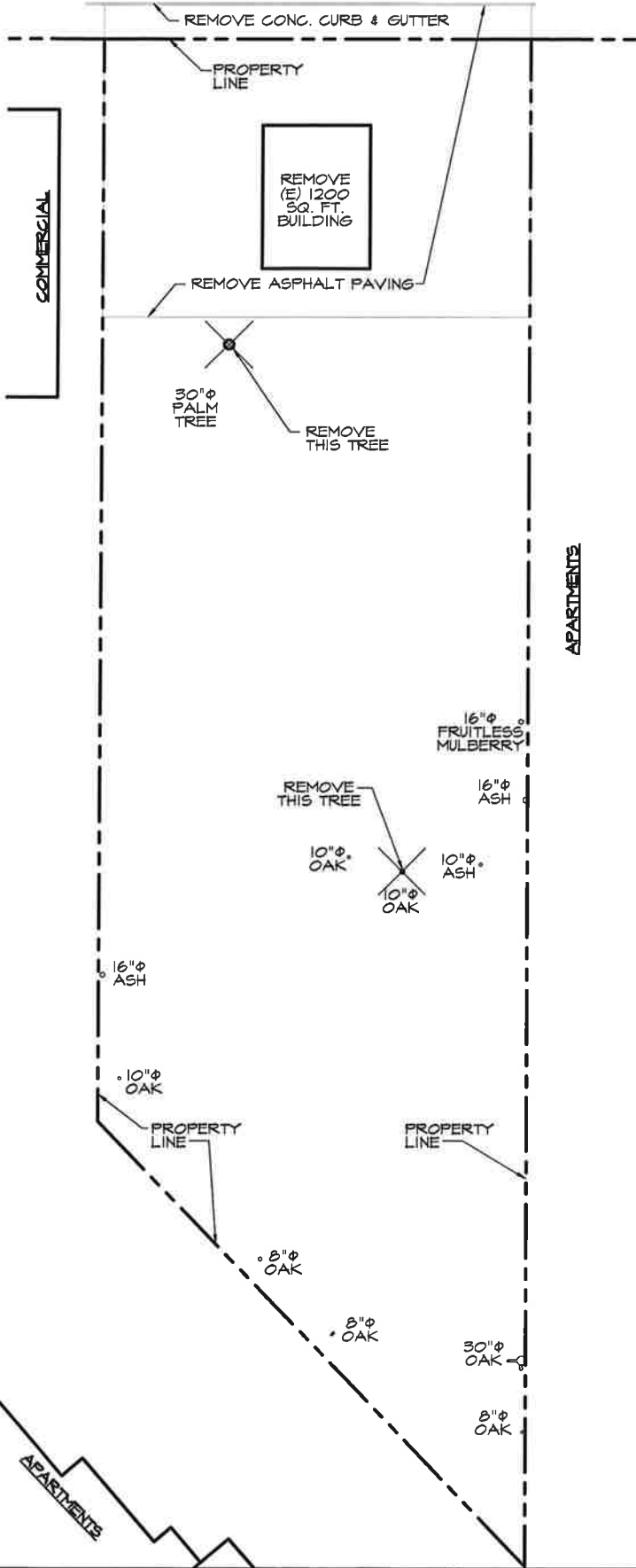
CITY OF CHICO
 PLANNING SERVICES



SITE PLAN
 1" = 30'-0"



<p>GREGORY A. PEITZ ARCHITECT 383 Rio Lindo Ave. Chico, CA. 95926 (530) 894-5719</p>	<p>USE PERMIT for: AGUILAR-SOUZA 557 NORD AVE., CHICO CA</p>	<p>SHEET 1 of: two</p>
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RECEIVED

NOV 30 2015

CITY OF CHICO
PLANNING SERVICES



SITE PLAN
1" = 30'-0"



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ATTACHMENT C

HANOVER

ENVIRONMENTAL SERVICES, INC.

22 December 2009

Mr. Peter Mannerino
P.O. Box 7836
Chico, Ca 95927

RE: Warren's Drive Thru Lube, 557 Nord Ave., Chico, Ca
Project Number: WAR-102-P2

Dear Mr. Mannerino,

Please find the attached soil sample analysis for two soil samples collected on December 2, 2009 by Hanover Environmental Services Inc. (Hanover) of Chico, Ca. Hanover was retained by the property owner to investigate the presence or absence of petroleum contamination below a floor drain located in the basement of Warren's Drive Thru Lube, 557 Nord Ave., Chico, Ca. (the "subject property")

Initially, Hanover attempted to hand core through the concrete floor of the property, however, gravels were encountered immediately below the slab which precluded hand coring due to the constant collapse of the bore. A Geoprobe® direct push rig was mobilized to the site. The Geoprobe® was able to push a sample rod through the gravels underlying the floor slab while parked on the service floor above the property basement. The gravels proved to be about 30" deep. Two samples were collected from a depth of 40" and 60" below the basement slab (MAN-40" and MAN-60"). The samples were entered onto a chain-of-custody and transported to Shasta Analytical Laboratories of Redding, Ca. by Hanover for analysis.

The samples were analyzed for Total Petroleum Hydrocarbons as Oil and Grease (TPH-o&g) by EPA Method 1664A and 5 priority metals (Cadmium, Chromium, Lead, Nickel and Zinc by EPA Method 6010B. The laboratory analysis revealed that soil sample MAN-40" contained 24 mg/ kg of Oil and Grease Range Petroleum. Soil sample MAN-60" contained 19 mg/ kg of Oil and Grease Range Petroleum. The metals analysis revealed expected background levels of all anilities. A copy of the certified laboratory analysis is attached to this letter as Appendix I.

Published standards for residual fuels (RWQCB Region 2 Environmental Screening Levels [ESL]) in soil (Commercial Land Use) where groundwater in a source of drinking water is 1.0E+03 Mg/Kg (1000 MG/Kg). Contaminant levels observed on the subject property were well below the published standard and were attenuating with depth. Hanover Environmental Services Inc considers the levels observed *de minimis*. No further action is recommended.

Thank you,



Will Bono, R.E.A.
President
Hanover Environmental Services Inc.

GEOLOGIC SERVICES

REMEDATION

WATER QUALITY

REGULATORY PERMITTING

ENVIRONMENTAL PLANNING

HANOVER ENVIRONMENTAL SERVICES, INC.
1072 MARAUDER STREET, SUITE 220
CHICO, CA 95973

ATTACHMENT

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OCT 06 2015

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PLANNING SERVICES