



DATE: August 15, 2016

File: UP 16-04

TO: ZONING ADMINISTRATOR

FROM: Mike Sawley, AICP, Associate Planner, 879-6812

RE: Use Permit 16-04 (Lupton-Chuck Patterson) 283 East Avenue; APN 006-071-058

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find that the project is categorically exempt from environmental review and approve Use Permit 16-04 (Lupton-Chuck Patterson), based on the findings and subject to the recommended conditions of approval.

BACKGROUND AND ANALYSIS

This is a request to authorize vehicle sales and alteration of a non-conforming structure on a 0.17-acre site located on the south side of East Avenue, between Esplanade and Connors Avenue (see **Attachment A**, Location-Notification Map; **Attachment B**, Plat to Accompany Use Permit 16-04 and **Attachment C**, Elevations and Floor Plan). The site is designated Commercial Mixed Use on the City of Chico General Plan Land Use Diagram, and is located in the CC-AOD zoning district (Community Commercial with Airport Overflight Zone D overlay). The -AOD overlay zone has no practical effect on the proposed use.

The site currently supports an automotive repair use and is improved with a 2,880 square-foot metal structure (measuring approximately 72 feet in width, 40 feet in depth, 12-13 feet in height), and surface paving (see **Attachment D**, Site Photos). The existing structure is constructed approximately 1.5-feet from the rear property line, which adjoins a residential zoning district. A ten-foot rear yard setback is normally required when commercial property abuts residentially-zoned property.

The proposal includes removing approximately 340 square feet of the existing structure and converting the remaining portion of the building into an auto sales showroom with extensive glazing on the front and new parapet walls all around (see **Attachment C**). The demolition would remove approximately 8.5 feet from the easterly end of the structure, reducing its width to 63.5 feet. The new parapet walls would add approximately ten feet to the height of the structure, raising it from approximately 12 feet to 21.5 feet in height. Other proposed improvements include a new commercial driveway, accessible pedestrian walkways, and a new 8.5-foot wide landscape planter along the East Avenue frontage.

Chuck Patterson auto sales/display lots currently occupy several adjoining parcels on the south side of East Avenue; three to the east, and four to the west of the subject site. The proposed use would establish a consistent land use across all eight adjoining parcels along the south side of this portion of the East Avenue corridor.

Automobile sales require use permit approval in the CC zoning district pursuant to Chico Municipal Code (CMC) 19.44.020, Table 4-6. The proposed auto sales use is consistent with other nearby uses, including existing auto sales lots operated by Chuck Patterson Auto World. The location is also appropriate, being on a major arterial roadway between the Esplanade and SR 99.

Structural alteration of a nonconforming structure requires use permit approval pursuant to CMC Section 19.08.030.B.2. The proposed alteration of the existing building, reducing its width by 8.5 feet and remodeling the façade, would decrease the amount of structural encroachment into the rear setback and improve the overall building appearance.

Consistent with code requirements, no portion of the new construction would be any closer to the rear property line than the existing construction and new construction would not exceed the height of the existing structure limit (45 feet in the CC district). However, increasing the height of the portion of the structure located within the 10-foot rear yard setback area from 12 feet to over 21 feet presents potential challenges regarding findings contained in CMC 19.18 (Site Design and Architectural Review), which are a necessary component of the required project entitlements.

Specifically, it must be found that the project features are compatible with surrounding sites and structures, consistent with the City's Design Guidelines, and "*do not unnecessarily block views from other structures or dominate their surroundings.*" Recommended conditions require design review of the project by the Architectural Review and Historic Preservation Board, and that modified plans as part of that process minimize height increases within the 10-foot rear yard setback. The conditions explicitly state that no increased height is approved by the subject use permit and stipulate that the Board may approve minor increases in structural height, provided that the relevant findings for project approval can be made.

Other items requiring discussion and conditions of approval include vehicle parking, bicycle parking, and signage. Each of these issues is discussed briefly below.

Vehicle Parking: Pursuant to CMC 19.70.040, Table 5-4-D, required vehicle parking for automobile sales is 1 space per 625 square feet of floor area, plus 1 space per 2,500 square feet of outdoor vehicle display area. The proposed design requires four parking spaces, six spaces are proposed. It is unclear if the new landscape planter in front would be sufficient to provide the required 50 percent shading in 15 years. Conditions would require design review of the project in compliance with CMC 19.18, which will include review of detailed landscape plans and may result in modifications to the site plan (e.g. it may prove necessary to add a tree planter and reduce vehicle parking by one space).

Bicycle Parking: CMC 19.70.040 also requires a minimum of one bicycle parking space for the use. No bicycle parking is indicated on the plans. Staff recommends incorporating into the plans a bicycle rack that supports the bicycle frame at two points (Dero "Hoop" or other similar model), with review of the location to be conducted as part of the detailed design review required by conditions.

Signage: There is an existing ground-mounted sign, supported by steel pipes, located approximately two feet behind the front property line at the northeastern corner of the site. The sign does not meet code standards, which require a minimum 5-foot front setback and landscaping at its base. A condition is included to remove the sign and allow placement of a new sign that conforms to applicable code provisions.

All proposed improvements, including the building remodel, parking configuration, new landscaping, and other improvements shall be subject to Site Design and Architectural

Review pursuant to CMC 19.18, as well as review and approval by other City departments. Conditions are included that direct the applicant to obtain these other approvals following use permit approval. Staff recommends approval, subject to conditions.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). Consistent with subsection (c) of this exemption, the project involves conversion of an existing structure that is less than 10,000 square feet in size in urban area, does not involve the use of significant amounts of hazardous substances, is served by all necessary public services and facilities, and is not located in an environmentally sensitive area.

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 Sections 19.44.020 and 19.08.030.B.2 provide for automobile sales in the CC zoning district and expansion of nonconforming structures, respectively, subject to use permit approval. 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.*

The proposed use would re-purpose an existing building and establish an automobile sales business on commercial property currently supporting an automotive repair use. Code requirements for building permits will ensure that those frequenting the structure are adequately protected. The site will be brought up to current accessibility requirements, providing a safer environment for disabled persons. Architectural review of proposed improvements will ensure that aesthetic concerns are addressed. No other impacts to the health, safety, and/or general welfare of those in the surrounding neighborhood have been identified.

- 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 proposed use consists of an automobile sales business on commercial property currently supporting an automotive repair use. All new construction and improvements, including commercial driveway, parking, lighting and landscaping, shall conform to adopted City standards. No other 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.*

Approval of the project will result in the re-purposing a commercial property on a major arterial roadway, consistent with the Community Commercial designation for the property in the General Plan. The project, as conditioned, is also consistent with the following General Plan Policies: LU-4.2, supporting infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods; and ED-1.3, ensuring that regulations and permitting processes for the conduct of commerce and land development do not unreasonably inhibit local business activity. No specific, neighborhood, or area plans apply to the property.

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

The project, as conditioned to minimize structural height increases within the rear yard setback area, will be consistent in terms of design, location and size with existing and future land uses in the project area. No significant changes would be made to the overall site layout, and customer parking and accessibility will be improved. No change in the hours of operation is proposed. The project will be compatible with other adjacent automobile sales uses. Aesthetic compatibility of site modifications and compatibility with residential uses to the rear of the property will be maintained through subsequent design review of revised project elevations as part of architectural review process.

Supplemental Finding for Modification of a Nonconforming Structure (CMC 19.08.030.B.2)

- F. The addition, enlargement, extension, reconstruction, relocation, or structural alteration of the nonconforming structure would not result in the structure becoming:
1. Incompatible with other structures in the neighborhood;
 2. Inconsistent with the General Plan or any applicable specific plan;
 3. Detrimental to the health, safety, and general welfare of persons residing in the neighborhood; and
 4. Detrimental and/or injurious to property and improvements in the neighborhood.

Reducing the footprint of the structure and upgrading the façade would not result in the structure becoming incompatible with other structures in the neighborhood or inconsistent with the General Plan, provided that any height increases within the 10-foot rear yard setback are minimized. Conditions require revision of the conceptual elevations to minimize structural height increases within the 10-foot rear yard setback, subject to separate approval by the Architectural Review and Historic Preservation Board. Automobile sales is consistent with the General Plan Land Use designation, and is consistent with General Plan policies noted above. Staff has identified no other ways in which the project would be detrimental to the health and safety of neighborhood residents. Under existing City regulations, any public improvements damaged during construction must be replaced.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 16-04 authorizes automobile sales and modifications to a non-conforming structure at 283 East Avenue (APN 006-071-058), in general accord with the "Plat to Accompany Use Permit 16-04 (Lupton-Chuck Patterson)" and in compliance with all other conditions of approval.
2. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Public Works Department, Fire Department, and Butte County Environmental Health. The permittee is responsible for contacting these offices to verify the need for permits.
3. Prior to issuance of building permits, the design of all new structures, site improvements, and landscaping for 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). Board approval of the final design may result in modifications to the approved plat.
4. No additional height to these portions of the existing building located within the 10-foot rear yard setback is authorized by this use permit. Plans submitted for Site Design and Architectural Review shall minimize structural height increases within the 10-foot rear yard setback. A minor increase in structural height may be approved by the Board, subject to the required findings, including project consistency with General Plan policies and Design Guidelines.
5. The existing ground-mounted sign near the northeastern corner of the site shall be removed prior to initiation of the new auto sales use.

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed to all property owners and tenants within 500 feet of the project site.

DISTRIBUTION:

Mark Wolfe, Zoning Administrator
Mike Sawley, Associate Planner
Chuck Patterson Auto World, 200 East Avenue, Chico, CA. 95926
Pat Patterson, 200 East Avenue, Chico, CA. 95926
Mike Patterson, 200 East Avenue, Chico, CA. 95926
David Lupton, 3753 Morehead Avenue, Chico, CA 95928

ATTACHMENTS:

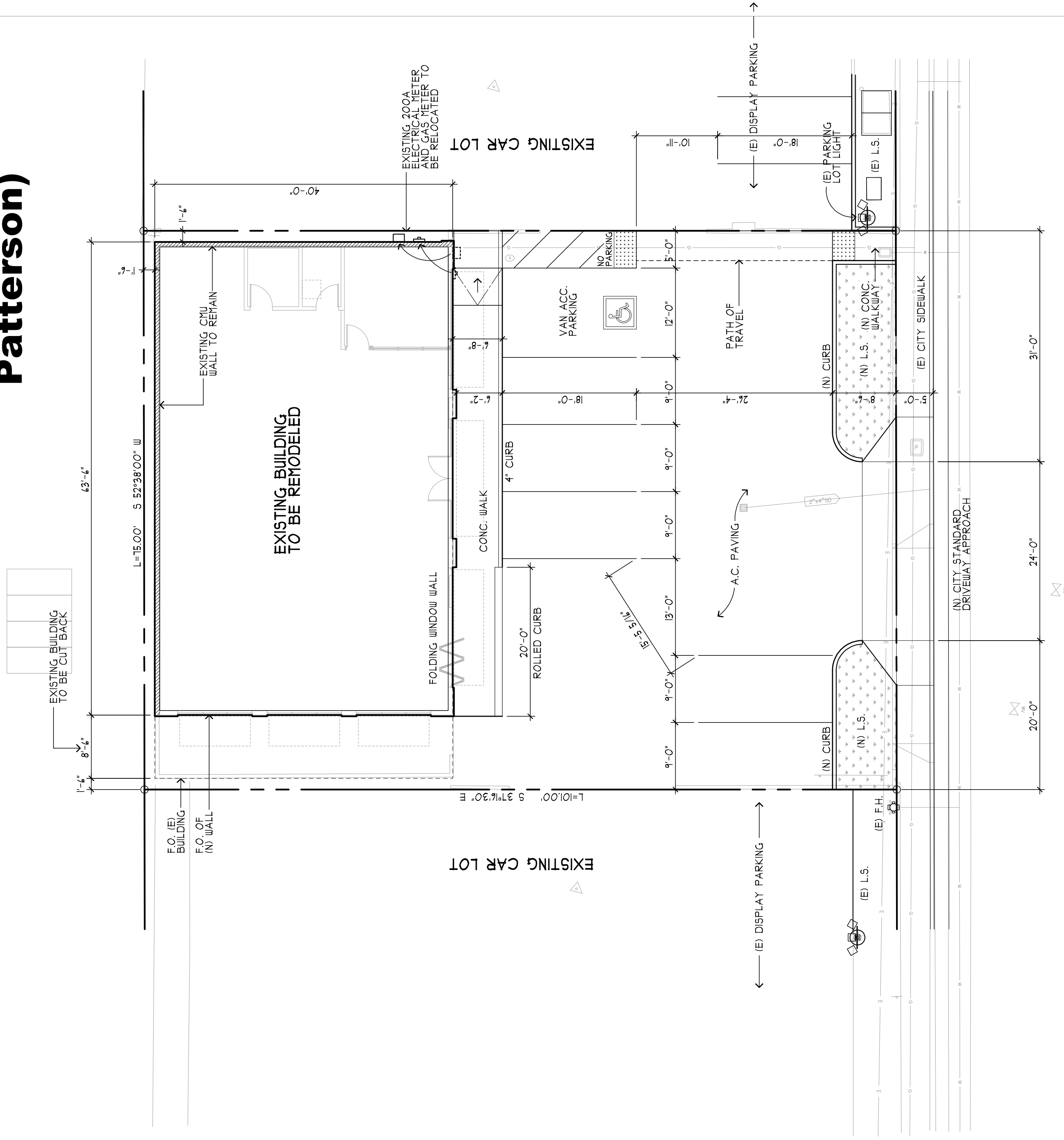
- A. Location/Notification Map
- B. Plat to Accompany Use Permit 16-04 (Lupton-Chuck Patterson)
- C. Proposed Elevations and Floor Plan
- D. Existing Site Photos



- Notified Addresses
- ◻ Notified Parcels

UP 16-04 (Lupton- Chuck Patterson Auto Sales)
283 East Avenue
APN 006-071-058-000-000

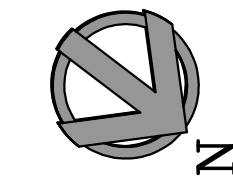
PLAT TO ACCOMPANY USE PERMIT 16-04 (Lupton-Chuck Patterson)



Attachment B

**Received
July 29, 2016
Planning Division
City of Chico**

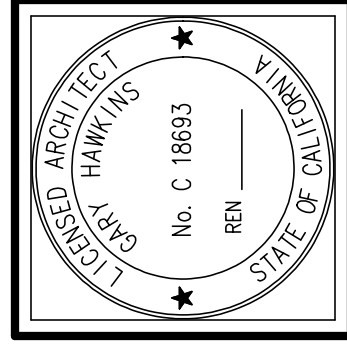
EAST AVE



SITE PLAN
SCALE: 1"=10'-0"

Date: 1-2016
Drawn: GC
Job No: 16-019

REMDEL FOR:
CHUCK PATTERSON
EAST AVE, CHICO, CA



GARY HAWKINS ARCHITECT
3045 Ceres Ave., Ste. 135
Chico, CA 95973
gary@gharchico.com
(530) 892-2700

Plot Date: 1/18/2016

Revisions:

Revisions:
 Plot Date: 1/18/2014

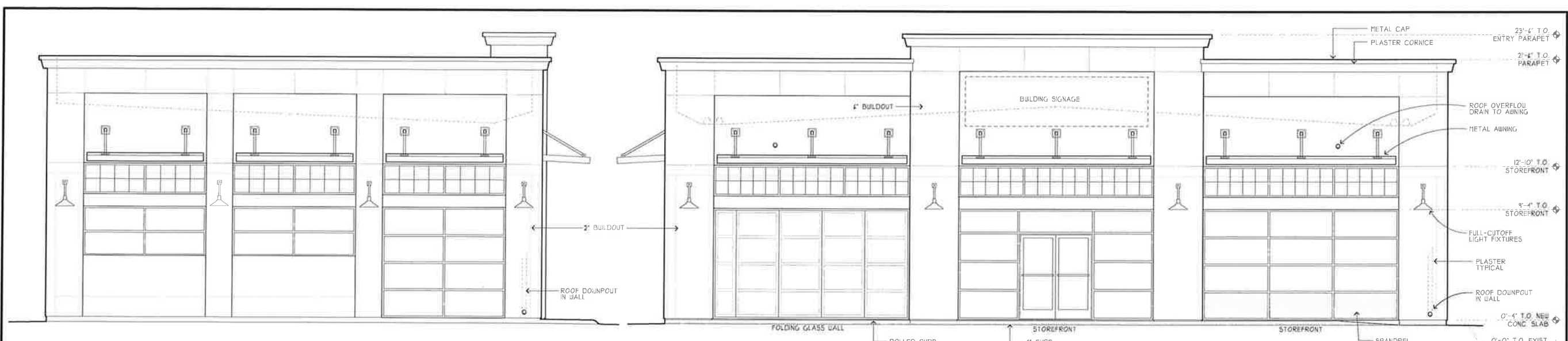
CH4
GARY HANNING ARCHITECT
 (530) 892-2700
 GARY@CH4CHICO.COM
 3045 CERES AVE., STE. 135
 CHICO, CA 95973

LICENSED ARCHITECT
 GARY HANNING
 No. C 18693
 STATE OF CALIFORNIA

REMODEL FOR:
CHUCK PATTERSON
 EAST AVE, CHICO, CA

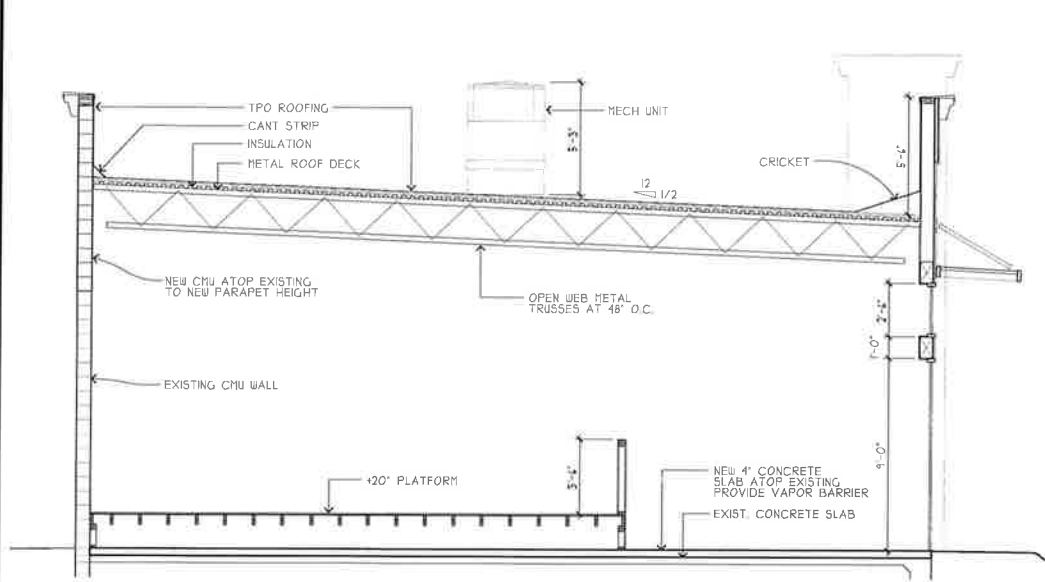
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 Job No: 16-018

Sheet:
A-3

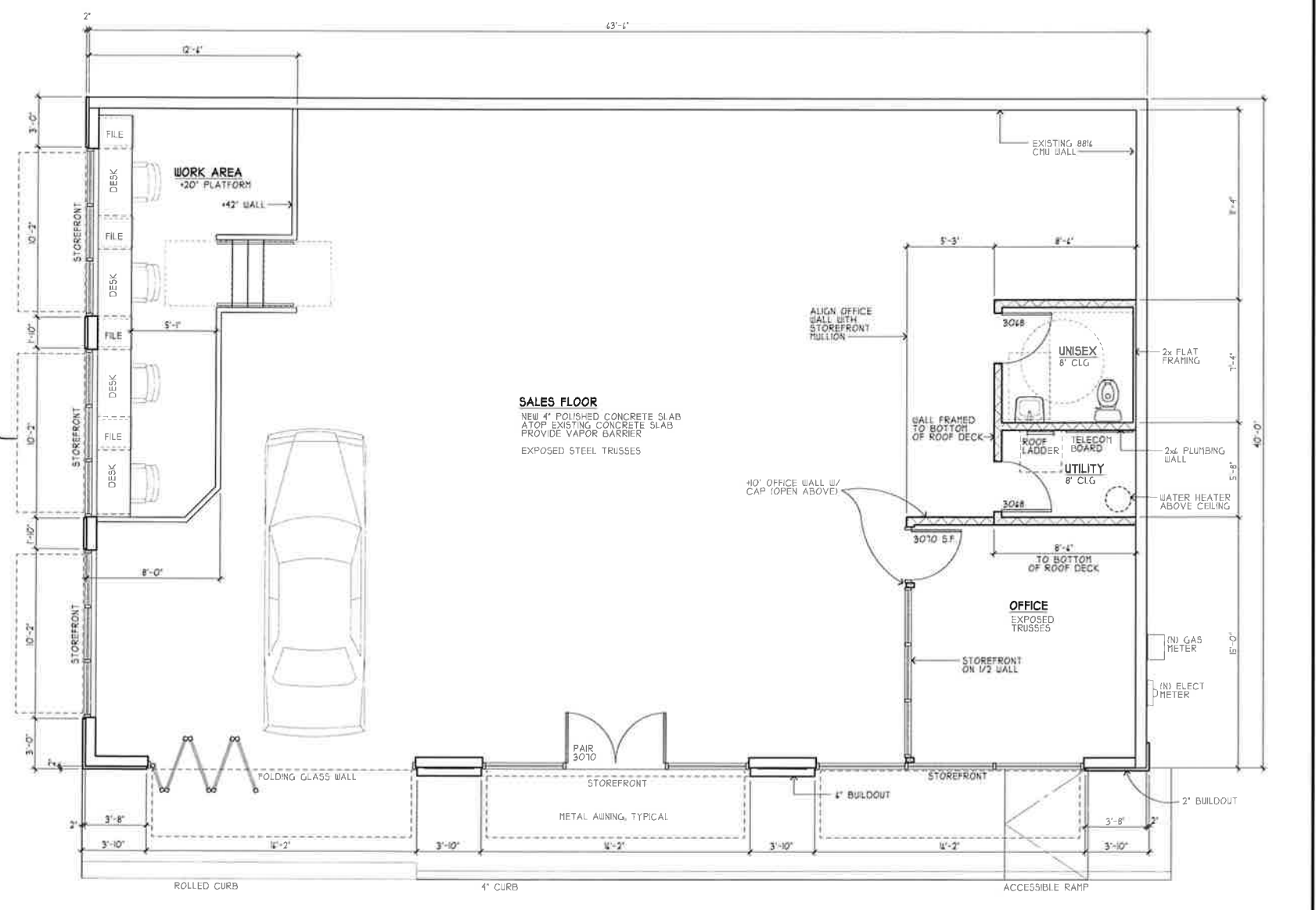


LEFT ELEVATION
 SCALE: 1/4"=1'-0"

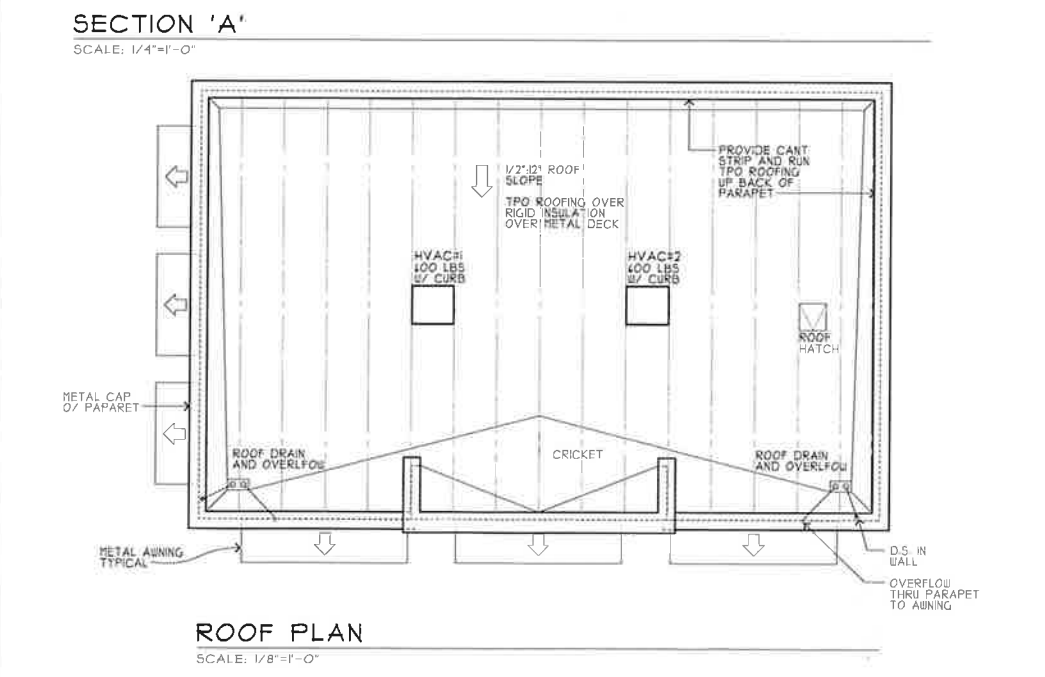
FRONT ELEVATION
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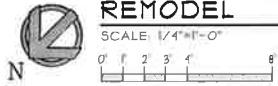
SECTION 'A'
 SCALE: 1/4"=1'-0"



FLOOR PLAN - REMODEL
 SCALE: 1/4"=1'-0"



ROOF PLAN
 SCALE: 1/8"=1'-0"



Attachment C

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03/01/2016



02/29/2016



03/12/2015