



## Zoning Administrator Agenda Report Meeting Date 02/09/2021

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**DATE:** January 26, 2021

File: UP 21-01

**TO:** ZONING ADMINISTRATOR

**FROM:** Kelly Murphy, Project Planner, [kelly.murphy@chicoca.gov](mailto:kelly.murphy@chicoca.gov), 879-6535

**RE:** Use Permit 21-01 (Old Dominion Security Fence) – 325 Meyers Street; APN 039-430-095.

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### RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 21-01 (Old Dominion), based on the findings and subject to the recommended conditions of approval.

### BACKGROUND AND ANALYSIS

This is a request to allow for the installation of an 8-foot tall, low-voltage security fence on the 2.19-acre industrial property owned and operated by Old Dominion. The project site is located at 325 Meyers Street (see Location Map, **Attachment A**). The subject parcel is designated Manufacturing and Warehousing (MW) on the General Plan Land Use Diagram and zoned ML (Light Manufacturing/Industrial) . There are no residential uses in the vicinity.

Pursuant to Chico Municipal Code (CMC) 19.60.060(F), the use of an electrified fence is allowed only upon issuance of a use permit. The applicant has provided a site plan consistent with the requirements for a Conditional Use Permit set forth in CMC Chapter 19.24 (see Site Plan, **Attachment B**).

The site has been developed with an industrial warehouse facility for the Old Dominion Freight Line company. Vehicle and freight terminals are a principally permitted transportation use per CMC Section 19.46.020. There is a gravel parking, loading and unloading area near the front of the site that is not fenced, while parking areas at the rear and sides of the building are enclosed with an existing 6-foot chain-link fence. No new grading or landscaping is proposed. Existing trees along the Meyers Street frontage would remain. The proposed new fencing would be located 12 inches interior to the existing perimeter fence. Approval of the project would enhance the security of the site and deter theft/vandalism.

### ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e) (New Construction – Accessory Structures).

### 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).*

Pursuant to CMC 19.60.60(F), an electrified fence may be permitted in the ML zoning district subject to the issuance of a use permit. This use permit was processed in compliance with 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 project site is an industrial parcel surrounded by industrial and commercial uses. There are no residential uses or properties in the vicinity. The site is located adjacent to the Comanche Creek Greenway and bike path, where Meyers Street becomes Ivy Street. The new fence would be located 12 inches interior to the existing perimeter fence. As such, the proposed fencing is not expected to have detrimental effects on the surrounding neighborhood.

- 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 existing land use on the project site would not change. The proposed new fencing would improve onsite security and deter theft/vandalism. Full public improvements including curb, gutter and sidewalk exist along the Meyers Street frontage. Installation of the proposed fence is not anticipated to have any detrimental effects on property or improvements in the area.

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

The proposed use is accessory to a permitted use in the Manufacturing and Warehousing General Plan land use designation. There are no neighborhood or specific plans for this site.

- 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 use is compatible with surrounding commercial and light industrial uses, as demonstrated by the existing land use.

#### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 21-01 (Old Dominion Security Fence) authorizes the installation of an 8-foot low-voltage security fence at 325 Meyers Street, in general accord with the "Site Plan to Accompany Use Permit 21-01 (Old Dominion Security Fence)" 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. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities,

demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

### **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)

Mike Sawley, Zoning Administrator

Kelly Murphy, Project Planner

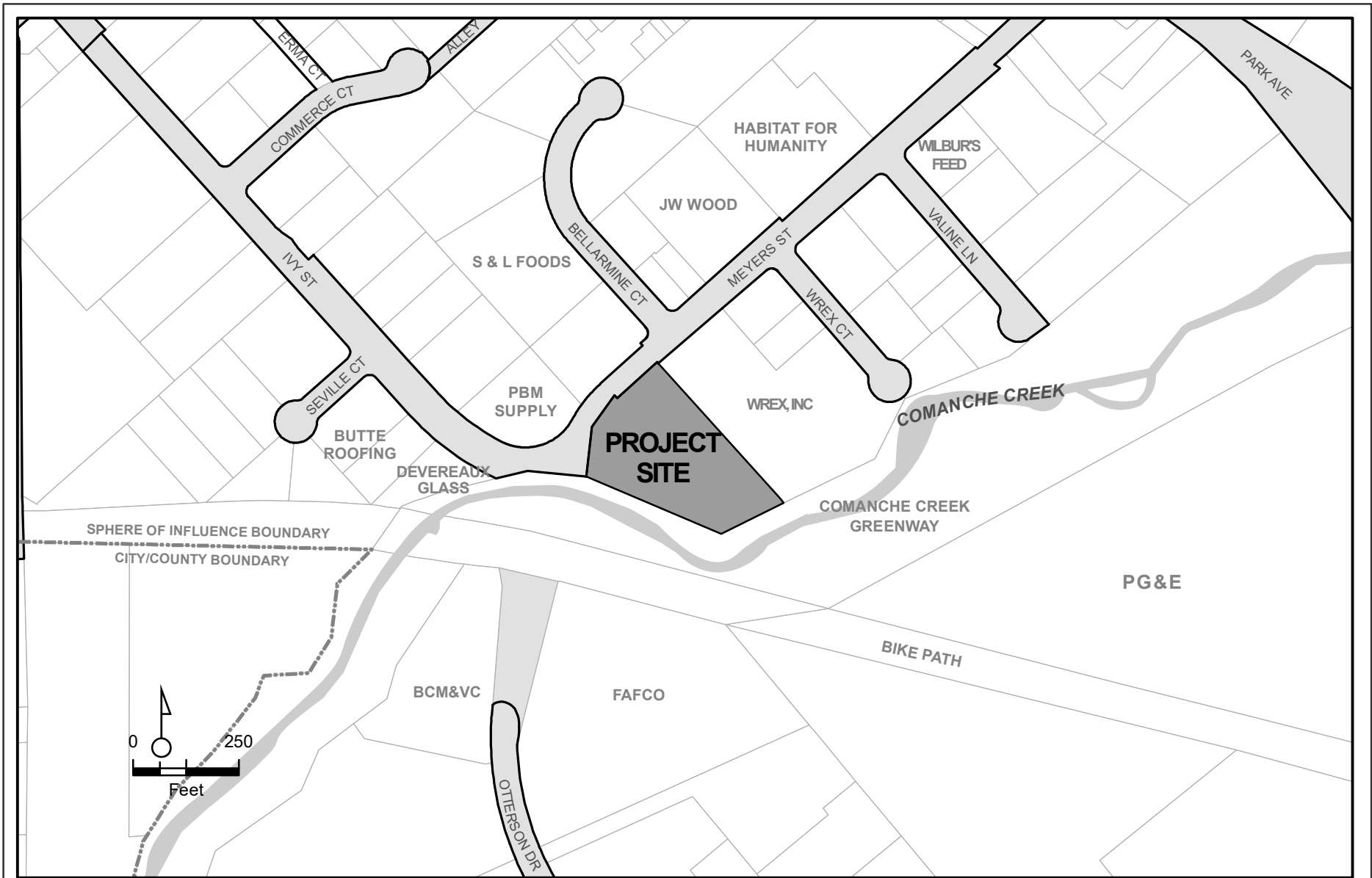
External (2)

Amarok LLC., Attn: Carol Bausinger, [cbausinger@amarok.com](mailto:cbausinger@amarok.com)

Edna Rodriguez, 1145 Parkgreen Drive, Dixon, CA 95620

### **ATTACHMENTS:**

- A. Location Map
- B. Site Plan to Accompany Use Permit 21-01 (Old Dominion)



UP 21-01 (Old Dominion)  
 325 Meyers St  
 APN 039-430-095-000







