



Zoning Administrator Agenda Report Meeting Date 04/12/2022

DATE: March 31, 2022

File: MOD 21-03

TO: ZONING ADMINISTRATOR

FROM: Kelly Murphy, Project Planner, kelly.murphy@chicoca.gov, 879-6535

RE: Modification 21-03 (UUFC) – 1289 Filbert Avenue; APN 045-292-007-000.

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Modification 21-03 (UUFC) based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to modify a condition of approval of an existing use permit (UP 11-08) for the Unitarian Universalist Fellowship Church (UUFC). The project site is located on the southeast side of Filbert Avenue, between Bryant Avenue and Moss Avenue (see **Attachment A**, Location Map). The site is designated Low Density Residential on the City of Chico General Plan Land Use Diagram and zoned R1 (Low Density Residential). Surrounding properties and land uses are predominately single family residential.

DISCUSSION

Pursuant to Chico Municipal Code (CMC) Section 19.42.020, Table 4-2, churches are allowed in all residential zoning districts subject to use permit approval. The UUFC was formally organized in 1953 and acquired the property in which it is currently sited in 1955. Building construction and site improvements, including tree planting and new landscaping, occurred in the 1960s. In June of 2011, the UUFC obtained use permit approval authorizing “the expansion of an existing church, including construction of a new 100 seat sanctuary,” which later opened in 2012 (see **Attachment B**, Use Permit 11-08).

The site is currently developed with the following facilities:

- Sanctuary Building with a small conference room, one interior restroom and a utility room with sink. Equipped with heat and A/C. Can accommodate up to 100 people.
- Fellowship Hall with a kitchen and two interior restrooms. Equipped with heat and A/C. Can accommodate up to 40 people.
- Youth Hall. Electric heat available; no A/C. Can accommodate up to 50 people.
- RE Building with one interior and one exterior restroom. Equipped with heat and A/C. Can accommodate up to 15 people.

The applicant (UUFC) is requesting to modify Condition of Approval #6 of Use Permit 11-08 to allow for use of the church facilities between the hours of 7:00AM and 10:00PM, daily. No new construction, structural modifications or site improvements are proposed.

ANALYSIS

Pursuant to Chico Municipal Code (CMC) Section 19.24.080 and Section 19.30.060, a

permittee may apply for changes in any use or improvement authorized by the permit or any condition of approval applicable to the use or improvement.

(Original) Condition of Approval #6 for UP 11-08:

Hours of operation and activities shall be substantially similar to what is described in the Applicant's Statement. Regularly scheduled activities or classes shall end by 9:00pm on weeknights.

A variety of classes, events and community group meetings are described in the original statement of activities approved with UP 11-08. In specific, the narrative highlights the following activities in the schedule:

- Sunday service (10:30AM – Noon)
- Sunday – Meditation (6:00PM-7:30PM)
- Monday – Choir rehearsal (6:45PM-8:00PM)
- Tuesday – CODA (6:00PM-9:00PM)
- Wed/Thurs office hours (3:00PM-5:30PM)
- Third Wednesday – Women over 70 (2:00PM-4:00PM)
- Third Thursday -- Board of Directors meeting
- One Friday a month – Movie night (7:00PM-10:00PM)
- Twice monthly – Evening men's group meets for 2 hours
- Twice monthly -- Science of Spirituality meets for 2 hours
- Once a month – Potluck after Sunday service
- Funerals; no weddings
- Rental of the church grounds for an average of 2 hours per month

The UUFC has submitted an updated narrative and activities schedule which would allow them to use their facility between the hours of 7:00AM and 10:00PM, daily, with weekend evening use (Friday and Saturday) limited to no more than two times per month (see **Attachment C**, Applicant Letter and Activity Schedule). In addition, the UUFC is seeking flexibility to rent the facility to other non-profit/community groups more freely than the previous applicant's statement specified back in 2011.

Proposed modifications to Condition of Approval #6 are indicated in underlined and italicized text and deletions are indicated by strikethrough text.

(Modified) Condition of Approval #6 for UP 11-08:

Hours of operation and activities shall be substantially similar to what is described in the Applicant's Statement. ~~Regularly scheduled~~ All daily activities or classes shall end by ~~9~~10:00pm ~~on weeknights~~. Weekend evening use (Friday and Saturday) shall be limited to no more than two times per month.

The proposed request does not include any new construction or structural modifications to the existing facilities, or site improvements such as new lighting, parking or landscaping. Pursuant to CMC Section 19.70.040, assembly uses including churches are required to provide one off-street parking space for each five (5) fixed sets or one space for each 10 feet

of benches. Consistent with these requirements, the site provides a total of twenty-five (25) off-street parking spaces, accommodating up to 100 persons. The applicant shall maintain the agreed upon off-site parking arrangement with Redeemer Faith Lutheran Church, should overflow parking be necessary.

Public Engagement

Staff received both written and verbal comments from neighbors in the project vicinity who expressed concerns regarding onsite security, lighting, and nuisance issues. At the advice of staff, the applicant held multiple noticed neighborhood meetings to meet with concerned individuals and discuss the requested use permit modification. The applicant has provided the attached “good neighbor” policy, which includes solutions for overflow parking at an off-site location and contact information for the UUFC Board President (see **Attachment D**, UUFC Good Neighbor Policy).

ENVIRONMENTAL REVIEW

The project has been previously determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects). Consistent with this exemption, the project is: consistent with the applicable General Plan designation, zoning regulations, and General Plan policies; is less than five acres in size, substantially surrounded by urban uses; has no habitat value for special status species; will not result in any significant impacts regarding traffic, noise, air quality, or water quality; and can be adequately served by all required 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).*

Pursuant to Chico Municipal Code (CMC) Section 19.24.080 and Section 19.30.060, a permittee may apply for changes in any use or improvement authorized by the permit or any condition of approval applicable to the use or improvement. This modification to Use Permit 11-08 was processed in compliance with CMC 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 UUFC has owned and occupied the subject property since 1955. No change of use, new construction, structural modifications, or site improvements are proposed. The site is subject to compliance with the City’s noise and nuisance regulations. The requested changes to UUFC’s operating hours and activity schedule are minor in nature and would not be detrimental to the health, safety or general welfare of 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 UUFC has owned and occupied the subject property since 1955. No change of use, new construction, structural modifications, or site improvements are proposed. The requested changes to UUFC's operating hours and activity schedule are minor in nature and would not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

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

The proposed modification would not alter or change the existing land use on the property which has been previously determined to be consistent with the policies, standards, and land use designations established by the General Plan.

- 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 modification would not alter or change the design, location, or size of any of the existing facilities and structures. The requested changes to UUFC's operating hours and activity schedule are minor in nature and would not be incompatible with the existing and future land uses in the vicinity.

MODIFIED CONDITIONS OF PROJECT APPROVAL

The following are conditions that have been modified or added to Use Permit 11-08. All other conditions of approval shall remain applicable.

(Modified) Condition #6:

Hours of operation and activities shall be substantially similar to what is described in the Applicant's Statement. All daily activities or classes shall end by 10:00pm. Weekend evening use (Friday and Saturday) shall be limited to no more than two times per month.

(New) Condition #9:

The applicant shall maintain the agreed upon off-site parking arrangement with Redeemer Faith Lutheran Church on Moss Avenue, should overflow parking be necessary.

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)

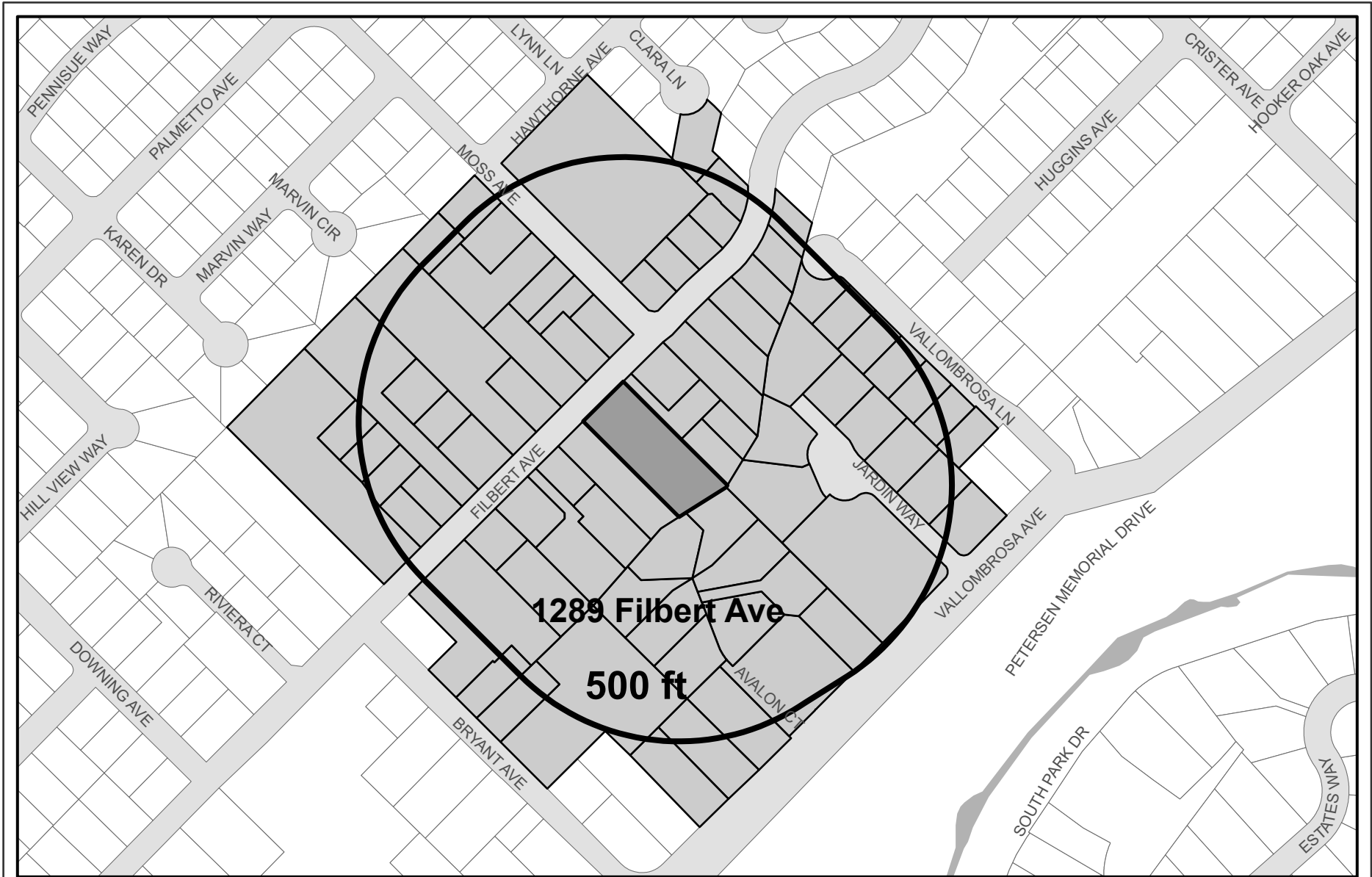
Mike Sawley, Zoning Administrator
Kelly Murphy, Senior Planner

External (1)

Unitarian Universality Fellowship in Chico, Attn: David Keller, Email: dmkeller@csuchico.edu

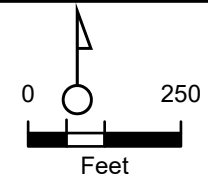
ATTACHMENTS:

- A. Location Map
- B. UP 11-08
- C. Applicant Letter/Activity Schedule
- D. Good Neighbor Policy



UP11-03 (UUGC)
 1289 Filbert Ave
 APN: 045-292-007-000

- Noticed Parcels
- Noticed Addresses





**PLANNING SERVICES
DEPARTMENT**

411 Main Street (530) 879-6800
P.O. Box 3420
Chico, CA 95927

PERMIT NO. Use Permit 11-08 (Unitarian
Universalist Fellowship)

CONDITIONAL USE PERMIT

Permit Description:

In accordance with Chico Municipal Code Sections: 19.08.060, 19.24.040 and 19.42.020,
Use Permit 11-08 (Unitarian Universalist Fellowship) authorizes the following:

Expansion of an existing church, including construction of a new 100-seat sanctuary

At: 1289 Filbert Avenue

Assessor's Parcel No.: 045-292-007

Final Action: Approved by the Zoning Administrator June 14, 2011

Effective Date of the Permit: June 24, 2011

Issuance of Permit:

In accordance with Chico Municipal Code Section 19.30.020, no permit, certificate, or other entitlement may be issued until the effective date. The Permittee shall sign the approved certificate or other entitlement within 30 days of approval indicating full understanding and concurrence with the approval and all conditions imposed by the review authority, or the entitlement will be deemed void.


This permit is hereby issued through the signatures of the Zoning Administrator and the Permittee.

Conditions of Approval:

1. Use Permit 11-08 authorizes the expansion of an existing church, including construction of a new 100-seat sanctuary, in substantial accord with the "Plat to Accompany Use Permit 11-08 (Unitarian Universalist Fellowship)" 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, Fire Department, Division of Engineering, and Butte County Environmental Health. The applicant is responsible for contacting these offices to verify the need for permits.
3. Windows and doors shall remain closed during services, performances, rehearsals, and any other noise-generating activities which may exceed CMC noise level standards. Compliance with the City's noise regulations shall be required at all times.

4. The permittee shall construct and maintain a minimum of twenty-five onsite parking spaces. The spaces shall have a permanent all weather surface, include sufficient trees to provide 50% parking lot shading at tree maturity, and meet all other standards in CMC 19.70.
5. The permittee shall install a bicycle rack with space for at least three bicycles. The rack shall support each bicycle frame at two points.
6. Hours of operation and activities shall be substantially similar to what is described in the Applicant's Statement. Regularly scheduled activities or classes shall end by 9 p.m. on weeknights.
7. Removal of the twelve trees shown on the tree survey is authorized by this use permit. Six replacement trees shall be planted onsite in compliance with CMC 16.66. These replacement trees shall be in addition to the required parking lot shade trees. The species and location of the replacement trees shall be subject to Planning staff review and approval.
8. All structures and improvements shall be subject to administrative architectural review.

I hereby agree to accept this Use Permit subject to the provisions of the Chico Municipal Code (CMC) and the conditions specified above. I am aware that this permit becomes null and void if not used within one year of the date of approval as established in CMC Section 19.30.050 and may be subject to revocation pursuant to CMC Chapter 19.14.

Permittee's Signature:  Date: 7/5/11

This use permit is hereby issued subject to the provisions of the Chico Municipal Code and the conditions specified above.

 Date of Permit Issuance: 7/6/11
Zoning Administrator

cc: Permittee, Owner, SPCE, Building File, GISA Pierce

City of Chico,

The Unitarian Universalist Fellowship in Chico is located at 1289 Filbert Ave. We have been at this location since 1955. At that time the shingled building which serves as our present day sanctuary, kitchen and office was the only building on the lot. In 1963 an approximately 600 sq ft building was moved to the site and is now our social hall. It has no heating or a/c, so conditions are a little primitive. In the 1990's a one room religious education building with 2 bathrooms was built. These are the 3 buildings that we presently call home.

Our current membership is 65 individuals. In 2009 we hired a half-time clergy team, Rev's Sydney Wilde and Dennis Daniel. We also employ a part time music director, a part time pianist, and a part time administrative assistant with office hours on Wed and Thurs. from 3-5:30. In addition we employ two young people who help with the children during the Sunday services, which are from 10:30 - 12:00.

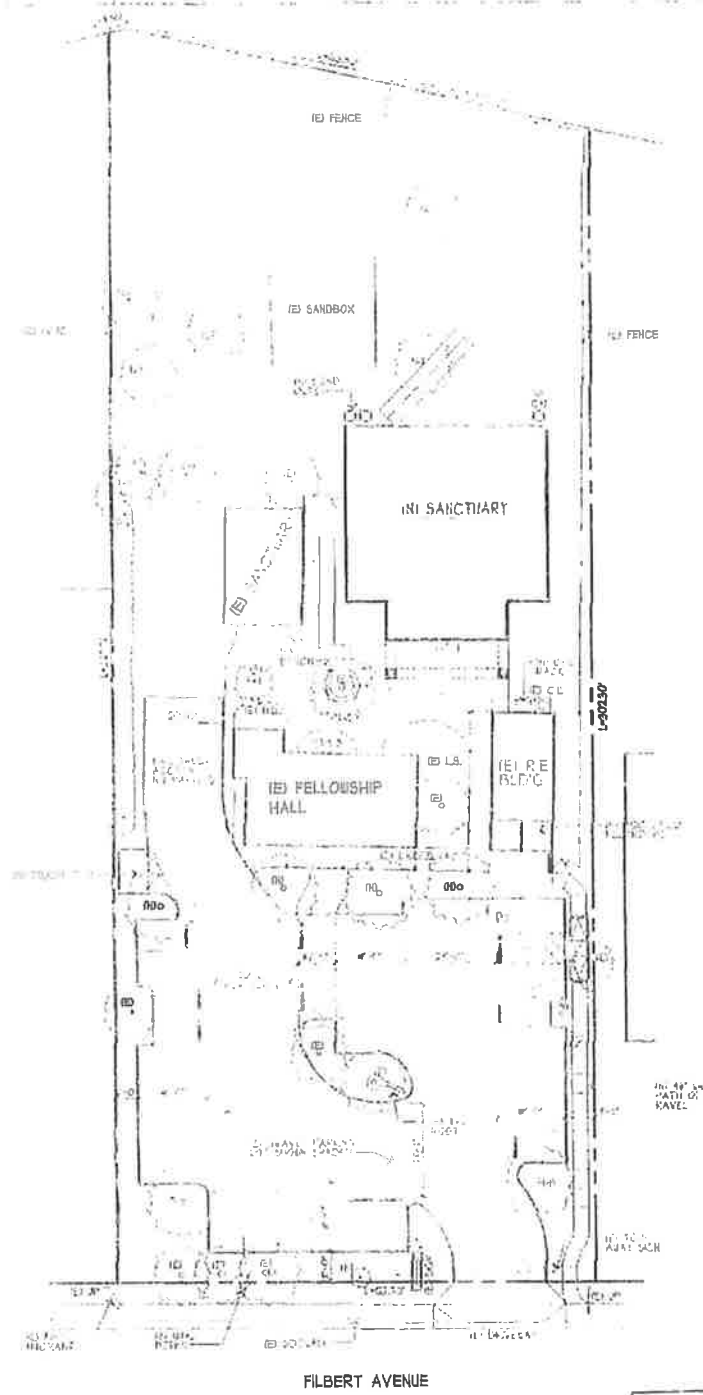
Weekly we have choir rehearsal on Mon. 6:45-8PM, CODA Tues. 6-9PM, Meditation on Sun. 6:30-7:30, and Spiritual Reality on Mon. 6:30-8:30. Twice monthly the Evening Men's Group meets for 2 hrs. and The Science of Spirituality for 2 hrs. Once a month there is a potluck following the Sunday service which lasts about 1 ½ hrs.; the Board of Directors meets the 3rd Thurs from 6-9PM; one Friday a month we hold movie night from 7-10pm, and the women over 70 meet the 3rd Wed from 2-4PM. Last year we housed two funerals which each lasted about 3 hours. There were no weddings. We rent the grounds for an average of not more than 2 hours a month to other groups that meet our rental requirements.

We currently seat about 50 in the sanctuary. There is no foyer so all activity happens in the same room. The only place for a speaker to stand is in front of a large window and there is a large post blocking the view of the audience. The kitchen and bathrooms are on the other side of a drapery. With the recent addition of the clergy team our attendance is up and we have insufficient space to seat everyone. We long for a more comfortable and inviting space.

The proposed new building will have a sanctuary that will seat 100. It will be fully ADA accessible, well lit, well ventilated and quiet. It will have a modern audio/visual system and hearing assistance. The foyer will provide space for meeting and greeting, hanging coats, name tags, church literature and late comers. We have planned a meeting room where a table and chairs can be left up all the time for church business. The plan also includes a storage room for tables, chairs and all the misc. items that are used in a church. There is a small private office for the ministers and an ADA accessible bathroom.

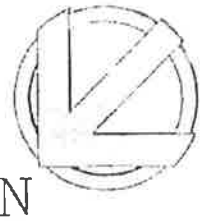
In consultation with the national Unitarian Universalist Association of Congregations we have determined that we do have the financial resources to build our dream building and are well on our way to achieving our fundraising goals. We have hired Gary Hawkins as our Architect and Rolls, Anderson and Rolls to do the Civil Engineering.

Thank you for your time in reviewing our Use Permit Application. We hope this serves to acquaint you with who we are and what we hope to build.



FILBERT AVENUE

**Plat to Accompany Use Permit 11-08
(Unitarian Universalist Fellowship)
1289 Filbert Ave. - APN 045-292-007**



SITE PLAN - OPTION 1

SCALE: 1"=50'-0"

1

**(N) SANCTUARY FOR:
CHICO UNITARIAN FELLOWSHIP
1289 FILBERT AVENUE, CHICO, CALIFORNIA**

GARY HAWKINS ARCHITECT
3045 Ceres Ave., Ste. 135 (530) 892-2700
Chico, CA 95973 Fax: (530) 893-0532
garyarch@sbcglobal.net

Unitarian Universalist Fellowship in Chico



Planning Services Dept.
411 Main Street
Chico, CA 95927

Subject: Modification of City Use Permit (11-08), Applicant Statement

Dear Sir/Madam:

The Unitarian Universalist Fellowship in Chico (UUFC) requests a modification of our current City Use Permit (11-08). UUFC wishes to expand the hours of use of our campus. No modifications of our property or construction are proposed.

Since 1955 the Chico Fellowship has been located at 1289 Filbert Ave. During that time our campus expanded from one to 4 buildings, now including a modern sanctuary structure (2012) seating up to 100. Nearby in our neighborhood is the Redeemer Evangelical Lutheran Church, a bit further away on Filbert Ave. is the Evangelical Free Church.

Our CUP was issued in June 2011, prior to the completion of our sanctuary. The Applicant Statement (paragraph 3) summarized the specific activities and hours of use by our members and renters at that time. The CUP Conditions of Approval (item No. 6) stipulations have significantly restricted our weekly hours of use, not just for our members but for other church sponsored events and activities, including rental use. The stipulations continue to prevent UUFC from meeting and realizing a significant part of our mission and serving our community by living out our Unitarian Universalist principles.

Our Mission: Members of UUFC are called to build a beloved community within and beyond our walls. Guided by individual conscience, and wisdom from many sources, we gather in worship and service to nourish the spirit, work for justice, and celebrate the Divine in all.

UUFC is asking that our CUP be amended so that we may use our campus in ways comparable to other Chico houses of worship in our neighborhood and in the City. For example: Redeemer Evangelical Lutheran Church and Evangelical Free Church use their facilities 7 days per week. Evangelical Free Church is allowed to operate one of their buildings regularly between 7am to 10pm, any day of the week.

1289 Filbert Avenue, Chico, California 95926

530-343-1693 • email: office@uuchico.org • www.uuchico.org • TIN 68-0288168

Attachment C

Unitarian Universalist Fellowship in Chico



We are asking to use our facility between 7am and 10pm Sunday through Saturday. We will limit our weekend evening use (Friday or Saturday), to at most two times per month.

A weekly Block Use Calendar is attached to illustrate the hours requested. A key to the calendar follows:

- Green - daily, 7 am to 6 pm (office hours, Sunday service, member groups & outside organizations)
- Pink - Sunday to Thursday, 6 pm to 10 pm (a limited number of UUFC groups or non-profit groups)
- Blue - Friday & Saturday, 6 pm to 10 pm (not more than 2x per month)

In summary, UUFC is requesting a modification of our CUP. Our current use permit restricts our ability to meet our mission, and is much more restrictive than nearby churches in our neighborhood. We are requesting use of our church facilities seven days a week between the hours of 7am and 10pm.

Respectfully,

A handwritten signature in blue ink that reads "David Keller". The signature is fluid and cursive, with a horizontal line underneath it.

David Keller
President, Board of Trustees

A handwritten signature in blue ink that reads "Bryan Plude". The signature is fluid and cursive, with a horizontal line underneath it.

The Reverend Bryan Plude
Minister, Unitarian Universalist Fellowship

1289 Filbert Avenue, Chico, California 95926

530-343-1693 • email: office@uuchico.org • www.uuchico.org • TIN 68-0288168

Attachment C

UUFC Weekly/Monthly Schedule

Time	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
7:00 AM							
8:00 AM							
9:00 AM							
10:00 AM							
11:00 AM							
12:00 PM							
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM							
5:00 PM							
6:00 PM							
7:00 PM							
8:00 PM							
9:00 PM							
10:00 PM							

Calendar Description
Daily, 7 - 6pm (Office Hours, Sunday Services, Member Groups and Outside Org's
Sun - Thursday, 6 - 10pm (A limited number of UUFC groups or Non-Profit Org's
Friday and Saturday, 6 - 10 (not more than 2 times per month)

Unitarian Universalist Fellowship in Chico



March 23, 2022

To: City of Chico Planning Department

Re: Good Neighbor Policy

The Unitarian Universalist Fellowship in Chico (UUFC) will strive to keep communication open between the church and the neighbors through email, phone calls, and door-to-door outreach. Using these approaches we will communicate upcoming events that may impact the local neighborhood. We will also adopt the following policies:

- **Parking.** Occasional overflow parking will be managed onsite with parking directors and with signs directing people to park at nearby Redeemer Lutheran Church on Moss Ave. The Lutheran church has granted us permission to use their parking spaces for special events.
- **Monitoring.** Rental use by non-affiliated organizations and groups will be vetted and monitored to comply with more rigorous expectations regarding noise, loitering or litter.
- **Activities and Building Use.** Our church website will have a monthly use calendar to alert neighbors to upcoming events.

If complaints arise, neighbors may contact **David Keller**, Board President, who will respond and open a dialog between the church and the neighbors to resolve the complaints.

David Keller

530-720-4473

dmkeller@csuchico.edu

1289 Filbert Avenue, Chico, California 95926
530-343-1693 • email: office@uuchico.org • www.uuchico.org

Attachment D