



Zoning Administrator Agenda Report Meeting Date 07/25/2023

DATE: July 7, 2023

File: MOD 23-01

TO: ZONING ADMINISTRATOR

FROM: Madison Driscoll, Assistant Planner, madison.driscoll@chicoca.gov, 879-6810

RE: Modification 23-01 (Patterson) – 257 East Avenue, APNs 006-071-073 & 006-071-054

RECOMMENDATION

Planning staff recommends that the Zoning Administrator finds the project categorically exempt from environmental review and approved Modification 23-01 to Use Permit (UP) 12-04 (Patterson) 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 12-04) Patterson (see **Attachment A**, UP 12-04) to allow for an expansion of a nonconforming structure for an auto dealership. The original use permit was approved by the Zoning Administrator on May 22, 2012.

The project site is located on the southern side of East Avenue, between Esplanade and California State Route 99 (see **Attachment B**, Location Map). The site is designated Commercial Mixed Use on the City of Chico General Plan Land Use Diagram and zoned CC (Community Commercial) with an -AOD (Airport Overflight Zone D) overlay. The -AOD overlay requires airspace review for structures over 100 feet in height, and therefore has no practical effect on the project. Surrounding uses include single family residential to the south, small scale retail to the west, and auto dealerships to the north and east.

DISCUSSION

The applicant is requesting to modify UP 12-04 to increase the size of a nonconforming structure (see **Attachment C**, Site Plan). The original expansion was permitted by UP 12-04 for a 1,120 square foot (s.f.) auto showroom with a reduced rear setback. The original building was built two feet from the rear property line, a 10 foot rear yard setback is normally required when abutting residentially zoned property. The new proposed expansion would increase the nonconformity of the structure through the addition 2,520 s.f. showroom with the same rear yard setback. In addition, a service bay portion would be part of the building expansion but would comply with the required 10-foot rear setback.

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 applicable to the use or improvement.

The auto sales business was established on the site under county jurisdiction, prior to annexation to the City in 2003. The sales building has been in operation and use since 2003, with the original expansion occurring in 2012 with a reduced setback. The applicant requests a modification to UP 12-04 to allow for an expansion that includes a new auto showroom and service bay. The proposed auto showroom expansion would follow along the nonconforming two-foot rear setback. The proposed service bay would be set back eleven feet which would meet the required ten-foot setback.

Currently there is a six-foot-tall wood fence and chain link fence separating the automobile dealership from the single family residences to the south. The fences would remain and provide a barrier between the residential neighborhood and auto dealership. In addition to the expansion, new sidewalk (located within the site) would be installed along the front of the building.

The proposed expansion of the structure would create a buffer for residential properties to the south. East Avenue is a main arterial through the City with high amounts of traffic. Expansion of the building would effectively create a sound barrier from traffic from East Avenue. The structure would continue to act as a barrier to light and glare from cars displayed at the auto dealership lot as well as from traffic.

Parking

Vehicular access is taken from East Avenue and eleven parking spaces are proposed. This is an increase from the current eight parking spaces and exceeds the parking requirements of Chico Municipal Code (CMC) 19.70.040. Currently there are two bicycle parking spaces on site and no proposal to increase in the number of spaces.

Neighborhood Meeting and Public Comment

A neighborhood meeting was held on May 30, 2023, at the project site, owners and occupants within a 500-foot radius were invited to attend (see **Attachment D**, Neighborhood Meeting Notice). A member of Planning Staff as well as a member of the applicant team were in attendance. No members of the public attended the meeting and staff has not received any public comment on the project.

All other conditions of approval for Use Permit 10-13 shall remain applicable. The project will also be required to go through staff level Architectural Review to ensure that the new addition is cohesive with the buildings current design and that all development standards are followed.

ENVIRONMENTAL REVIEW

The project has been previously determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). Consistent with subsection (e)(2) of this exemption, the project is: the expansion of an existing structure less than 10,000 s.f. in area; is in an area where all public services and facilities are available; and is in a location which is not environmentally sensitive.

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).*

CMC 19.08.030.B.2. allows for the expansion of nonconforming structures, subject to use permit approval. This modification of a use permit has been processed in accordance with the requirements of 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 proposed expansion would expand the nonconformity of the automobile sales showroom. The existing six-foot-tall wood and chain-link fence would remain, separating the two land uses. Expanding the structure will also reduce traffic noise and light/glare disturbance for residential neighbors. Staff will conduct an Architectural Review of the project to ensure all other portions of the project meet code requirements. No other impacts to the health, safety, and/or general welfare of those in the surrounding neighborhoods 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.*

Existing regulations require that any damaged public improvements be repaired at the conclusion of construction. After construction on the site is completed, no new heavy vehicles or equipment will be used to serve the site which aren't already in the neighborhood. No other new impacts to property or improvements have been identified. The expansion is considered minor in nature.

- 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 grandfathered in with annexation into the City in 2003. The project is consistent with the Commercial Mixed Use designation for the site which provides a variety of uses including auto sales. The expansion of a service bay is permitted as per CMC 19.04.020 auto repair is permitted if part of a dealership selling new vehicles on the same 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.*

No significant changes are being made to the overall site layout. No changes in the hours of operations is proposed. The project will go through the staff level Architectural Review process to ensure that all development standards are met, and aesthetics are complimentary of the site.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 12-04 (Patterson) authorizes the expansion of a nonconforming structure per the attached site plan.
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. All conditions listed within UP 12-04 (Patterson) shall remain applicable.

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
Madison Driscoll, Assistant Planner

External (1)

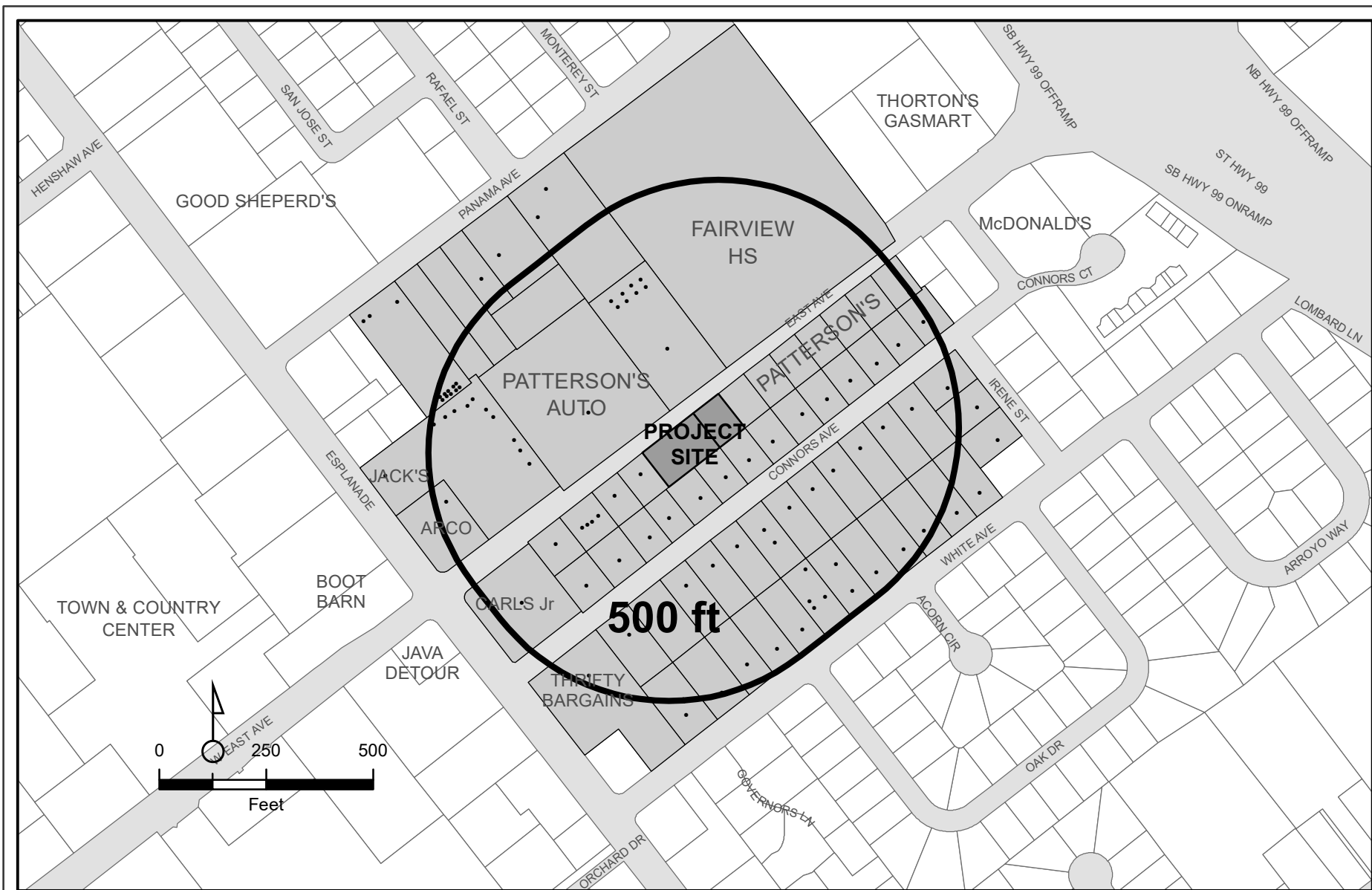
Michael Patterson, Email: mopar22100@gmail.com

Greg Peitz, Email: gregpeitz@sbcglobal.net

Jason Ridenour, Email: jridenour002@gmail.com

ATTACHMENTS:

- A. Location Map
- B. Use Permit 12-04
- C. Site Plan
- D. Neighborhood Meeting Notice



Chuck Patterson's Neighborhood Meeting
 257 East Avenue
 APNs 006-071-(054, 073)-000

- Noticed Parcels
- Noticed Addresses





**PLANNING SERVICES
DEPARTMENT**

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

PERMIT NO. 12-04 (Patterson)

**CONDITIONAL
USE PERMIT**

Permit Description:

In accordance with Chico Municipal Code Sections: 19.08.030 and 19.24.040,
Use Permit 12-04 (Patterson) authorizes the following:

Expansion of a nonconforming structure for an auto dealership

At: 257 East Avenue

Assessor's Parcel Nos.: 006-071-052 & -053

Final Action: Approved by the Zoning Administrator May 22, 2012

Effective Date of the Permit: June 2, 2012

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 12-04 authorizes expansion of a nonconforming structure for an automobile sales business, in substantial accord with the "Plat to Accompany Use Permit 12-04 (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 and Development Services Department, Fire Department, and Capital Projects Services Department. The permittee is responsible for contacting these offices to verify the need for permits.
3. The permittee shall apply for a merger of APNs 006-071-052 & -053. The merger shall be recorded prior to issuance of a final certificate of occupancy.
4. The permittee shall maintain 8 onsite vehicle parking spaces, and 1 bicycle parking space. The bicycle rack shall support the bicycle frame at two points (Dero "Hoop" rack or similar model) and be relocated to meet the criteria in CMC 19.70.080.B.d.2.

5. The permittee shall display vehicles for sale in a manner which does not encroach upon required maneuvering areas for customer parking.
6. No portion of the expanded structure may be built closer to the rear property line than what currently exists.
7. All modifications to the building and site improvements shall be subject to approval by the Architectural Review and Historic Preservation Board as established in CMC 19.18.

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: _____

⁶
~~7~~ 18-2012

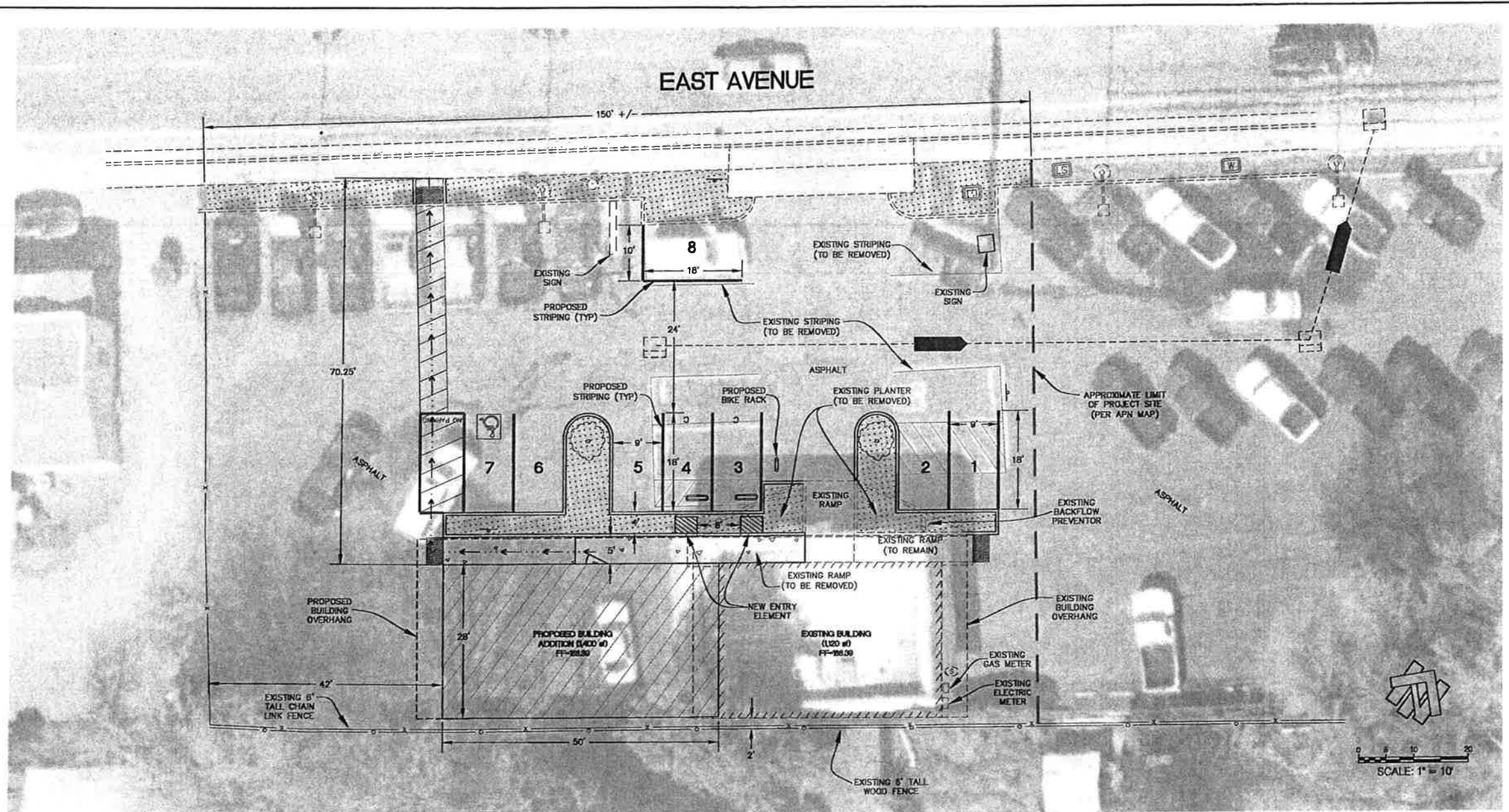
This use permit is hereby issued subject to the provisions of the Chico Municipal Code and the conditions specified above.


Zoning Administrator

Date of Permit Issuance: _____

June 18, 2012

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



Plat to Accompany
 Use Permit 12-04 (Patterson)
 257 East Avenue; APNs 006-071-052 & -053

LEGEND

- | | |
|---|--|
| <ul style="list-style-type: none"> EXISTING SIGN EXISTING FIRE HYDRANT EXISTING WATER METER EXISTING LANDSCAPE CONTROL BOX EXISTING ELECTRIC BOX EXISTING STORM DRAIN INLET EXISTING STREET LIGHT EXISTING BACKFLOW PREVENTOR EXISTING SANITARY SEWER CLEANOUT EXISTING STORM DRAIN LINE EXISTING CHAINLINK FENCE LINE EXISTING WOODEN FENCE LINE EXISTING BUILDING EXISTING ROADWAY IMPROVEMENTS | <ul style="list-style-type: none"> PROPOSED LANDSCAPE IMPROVEMENTS PROPOSED CONCRETE IMPROVEMENTS PROPOSED BUILDING ADDITION PROPOSED ADA PATH OF TRAVEL PROPOSED SIGN PROPOSED TRUNCATED DOMES 7 PARKING SPACE COUNT PROPOSED PARKING BUMPER PROPOSED TREE |
|---|--|

PARKING SUMMARY

BUILDING AREA = 2,520 SF
 OUTDOOR DISPLAY AREA = 5,141 SF
REQUIRED PARKING:
 1 SPACE FOR EACH 500 SF OF BUILDING AREA = 5 SPACES
 1 SPACE FOR EACH 2,000 SF OF OUTDOOR DISPLAY AREA = 3 SPACES
 1 VAN ACCESSIBLE SPACE PER 1-25 SPACES = 1 SPACE
TOTAL REQUIRED = 8 SPACE OF WHICH 1 SHALL BE VAN ACCESSIBLE

SITE COVERAGE SUMMARY

TOTAL AREA = 15,150 SF
 BUILDING AREA = 2,520 SF (16.6%)
 LANDSCAPE AREA = 1,321 SF (8.7%)
 PARKING AREA = 4,423 SF (29.2%)
 *THE PARKING AREA TOTALS DO NOT INCLUDE THE AREA USED FOR PARKING NEW CARS ON DISPLAY BUT ONLY THAT AREA WHICH IS USED FOR CUSTOMER PARKING AND ACCESSIBILITY.

NOTES

1. THIS IS NOT A BOUNDARY SURVEY. NO LIABILITY IS ASSUMED BY NORTHSTAR ENGINEERING FOR THE EXISTENCE OF ANY EASEMENTS, ENCUMBRANCES, DISCREPANCIES IN BOUNDARY OR TITLE DEFECTS NOT MENTIONED IN SAID DOCUMENTS AND THEREFORE NOT SHOWN ON THIS DRAWING.
2. PHYSICAL ITEMS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE LIMITED TO THOSE ITEMS VISIBLE BY SURFACE INSPECTION AS OF THE DATE OF THIS SURVEY. SUBSURFACE STRUCTURES, IF ANY, ARE NOT SHOWN.
3. THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY WERE OBTAINED FROM SURFACE FEATURES AND SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. NORTHSTAR ENGINEERING ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THIS DRAWING.
4. THIS TOPOGRAPHIC SURVEY WAS COMPLETED BY NORTHSTAR ENGINEERING ON MAY 7, 2012.



Designed:	Revision	Date	By
Drawn By: RLK			
Approved:			
Date: 5/7/12			

SLATER AND SON INC.
 3753 MOREHEAD AVE
 CHICO, CALIFORNIA

SITE PLAN			
CHUCK PATTERSON DODGE ADDITION			
APN Number 006-071-052, 053	Job Number 12-15	Scale 1" = 10' Horiz	N/A Vert
			Sheet 1 Of 1

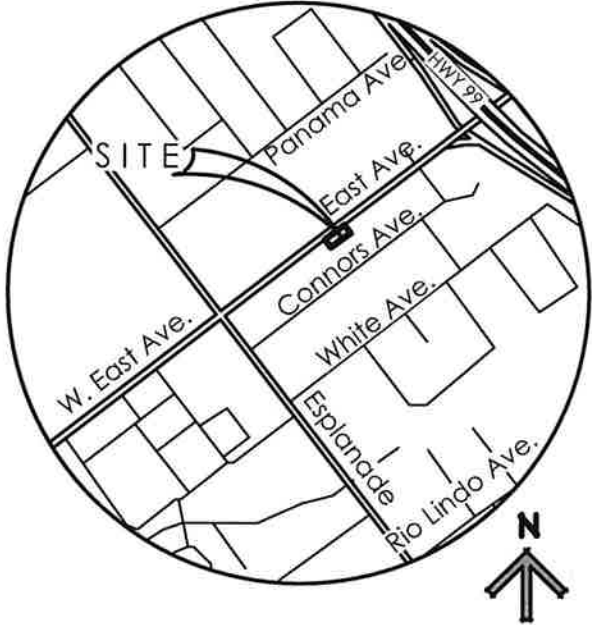
ATTACHMENT B

MAY 14 2012

S:\Projects\Civil\2012\12-115 Chuck Patterson - Dodge Show Room\DWG\12-115 T.dwg, ARE-STREPLAN, 5/11/2012 9:24:21 AM

LANDSCAPE OPEN SPACE	SETBACKS	PROJECT SPECIFICATIONS
LOT AREA: 22,725 SQ. FT. LANDSCAPE OPEN SPACE AREA: 1,653 SQ. FT. PROPOSED LANDSCAPE AREA: 7.3%	FRONT: 0'-0" SETBACK SIDES: 0'-0" SETBACK REAR: 10'-0" SETBACK (ABUTS AN R DISTRICT)	EAST AVENUE APN: 006-071-054, 073 GENERAL PLAN: CMU ZONE: CC (-AOD OVERLAY)

PARKING	
PARKING REQ'D: PARKING PROVIDED: BICYCLE SPACES REQUIRED: BICYCLE SPACES PROVIDED:	$(1) \text{ SPACE PER } 625 \text{ SQ. FT. GROSS AREA}$ $4,563 \text{ SQ. FT.} / 625 = (7) \text{ SPACES REQ'D.}$ $(1) \text{ SPACE PER } 2,500 \text{ SQ. FT. OUTDOOR DISPLAY}$ $4,163 \text{ SQ. FT.} / 2,500 = (1) \text{ SPACE REQ'D.}$ <hr/> $7 + 1 = 8 \text{ SPACES REQ'D.}$ 11 SPACES PROVIDED $(1) \text{ SPACE PER } (5) \text{ PARKING SPACES}$ $8 / 5 = 1 \text{ SPACE REQ'D.}$ 2 SPACES PROVIDED



VICINITY MAP

GREGORY A. PEITZ
ARCHITECT
 383 Rio Lindo Ave. Chico, CA. 95926 (530) 894-5719

USE PERMIT
 for:
PATTERSON FAMILY TRUST
 257 EAST AVE., CHICO CA

SHEET
1
 of: two
 Attachment C

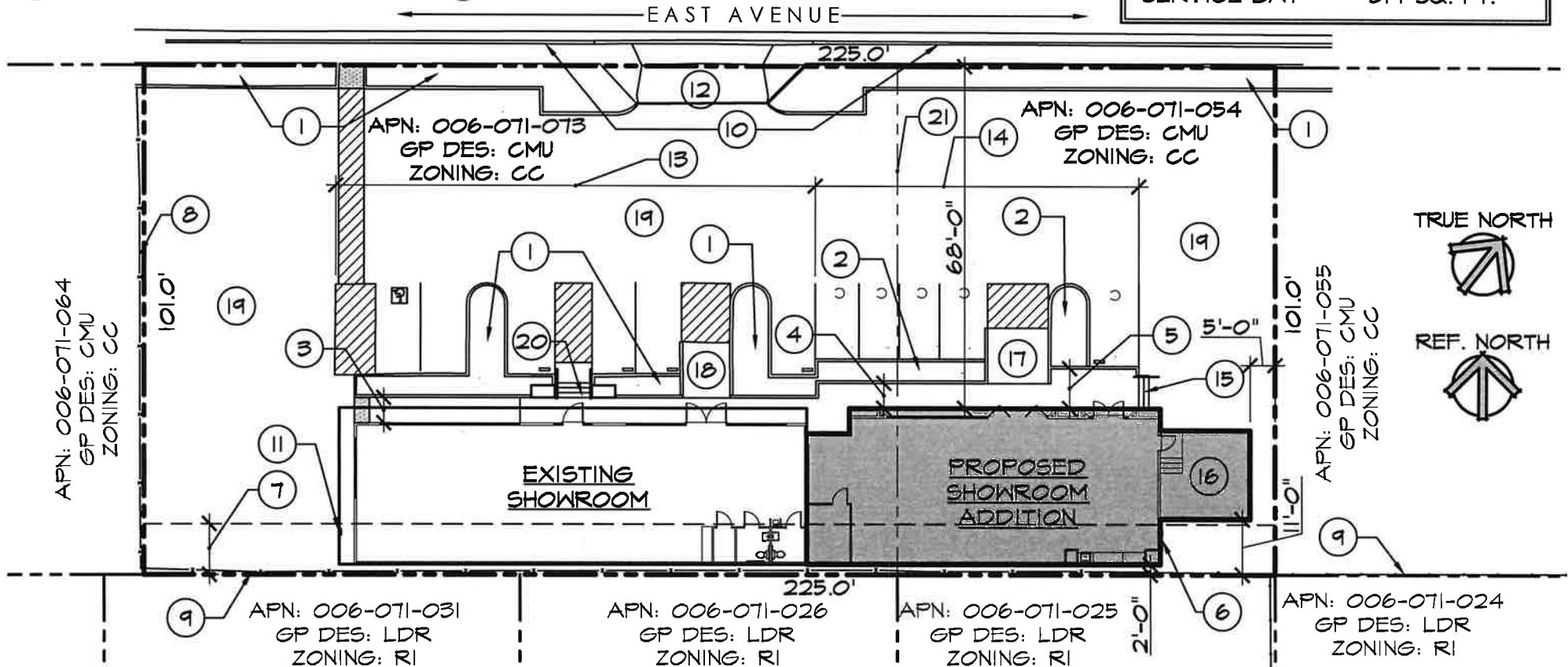
LEGEND

- ① (E) LANDSCAPING
- ② (N) LANDSCAPING
- ③ (E) 5' WIDE CONC. SIDEWALK
- ④ (N) 5' WIDE CONC. SIDEWALK
- ⑤ (N) 8' WIDE CONC. SIDEWALK
- ⑥ PROPOSED GAS/ELECT. METER
- ⑦ 10'-0" BUILDING SETBACK
- ⑧ (E) 6' CHAIN LINK FENCE
- ⑨ (E) 6' CHAIN LINK & 6' CEDAR FENCE
- ⑩ (E) CITY CURB, GUTTER, & SIDEWALK
- ⑪ BIKE PARKING SPACE
- ⑫ (E) CONC. APPROACH
- ⑬ (E) PARKING SPACES
- ⑭ (N) PARKING SPACES
- ⑮ PROPOSED STEPS
- ⑯ PROPOSED SERVICE BAY
- ⑰ PROPOSED VEHICLE RAMP
- ⑱ EXISTING VEHICLE RAMP
- ⑲ (E) ASPHALT DRIVE
- ⑳ (E) STEPS
- ㉑ (E) PROP. LINE TO BE REMOVED

TYP. PARKING STALLS:

- 9'x18' STANDARD
- 8'x14' COMPACT

(E) SHOWROOM	2,520 SQ. FT.
(N) SHOWROOM	2,043 SQ. FT.
TOTAL	4,563 SQ. FT.
SERVICE BAY	314 SQ. FT.



**GREGORY A. PEITZ
ARCHITECT**

383 Rio Lindo Ave. Chico, CA. 95926 (530) 894-5719

USE PERMIT

for:

**PATTERSON FAMILY TRUST
257 EAST AVE., CHICO CA**

SHEET

2

of two

Attachment C

**NOTICE FOR PRE-APPLICATION
NEIGHBORHOOD MEETING**

5/15/23

A pre-application meeting will be held on **Tuesday, May 30th 2023, at 5:30 p.m. at the project site, located at 257 East Ave.**, regarding the following project:

Auto Showroom Addition – 257 East Ave. - APN 006-071-054, 073 - A request to expand an existing auto-showroom by 2,043 sq. ft. The project will feature a new Jeep branded showroom addition to an existing 2,520 sq. ft. auto-showroom. The site is zoned CC, Community Commercial, and is designated Commercial Mixed Use on the General Plan.

A pre-application neighborhood meeting is required for all discretionary land use entitlements that will need City of Chico Planning Commission or City Council approval. No decision will be made at this meeting. The meeting is intended to provide an opportunity for neighbors to meet with the project proponent to review and comment on the proposal in advance of a formal application.

For further information regarding this project, please contact the applicant's representative:

Jason Ridenour - Greg Peitz Architecture
383 Rio Lindo Ave.
Chico, CA 95926
(530) 894-5719
jridenour002@gmail.com

For further information regarding Chico's development process and regulations, please contact:

City of Chico Planning Division
411 Main Street
P.O. Box 3420
Chico, CA 95927
(530) 879-6800
zoning@chicoca.gov

Distribution:

Property owners/residents within 500 feet of project site, mailed 10 days before meeting
Neighborhood Group(s)
City of Chico Planning Division
City of Chico Development Engineering Division