



**DATE:** June 15, 2018

File: UP 18-05

**TO:** ZONING ADMINISTRATOR

**FROM:** Shannon Costa, Assistant Planner, 530-879-6807, [shannon.costa@chicoca.gov](mailto:shannon.costa@chicoca.gov)

**RE:** Use Permit 18-05 (Orwitz Apartments), 808, 820, 842 Walnut Street, APNs 004-265-003, -004, -005, and -006

## RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 18-05 (Orwitz Apartments), based on the findings and subject to the recommended conditions of approval.

## BACKGROUND

This is a request to authorize ground-level residential occupancy for a multi-family residential development on a 1.25- acre site zoned CC (Community Commercial) (See **Attachment A**, Location Map, and **Attachment B**, Plat to Accompany Use Permit 18-05). The site is designated Commercial Mixed-Use (CMU) on the City's General Plan Land Use Diagram and is zoned CC (Community Commercial). Pursuant to Chico Municipal Code (CMC) 19.44.020, Table 4-6 (*Allowed Uses and Permit Requirements for Commercial Zoning Districts*) a use permit is required to establish a ground-floor residential use in the CC zoning district.

The project site is located on the west side of Walnut Street, between West 8<sup>th</sup> Street and West 9<sup>th</sup> Street. The site is partially developed with three single-family homes and associated outbuildings to be demolished. Surrounding land uses include multi-family and single-family residential uses and a restaurant to the east.

This proposed development includes construction of four 3-story buildings. Two buildings would contain three residential units and two buildings would contain six residential units. The site plan depicts the buildings setback 10-feet from the neighboring residential development to the west. Parking for the project is provided by a parking area down the center of the site and in first-floor garages within two of the buildings. Detailed site improvements and architecture associated with the apartment project will be reviewed by the Architectural Review and Historic Preservation Board (ARHPB) at a later date.

A Certificate of Merger was approved by the Map Advisory Committee on June 14, 2018, which will result in the four existing parcels merging to become one parcel. The resultant parcel has double-frontage on West 8<sup>th</sup> Street and West 9<sup>th</sup> Street. An abandonment of public right-of-way along West 8<sup>th</sup> Street is also necessary to create the proposed property configuration (198 feet by 141.25 feet).

## DISCUSSION AND ANALYSIS

Pursuant to Chico Municipal Code (CMC) 19.44.020, Table 4-6 (Allowed Uses and Permit Requirements for Commercial Zoning Districts), use permit authorization is required to

establish ground-level residential occupancy in the CC (Community Commercial) zoning district; residential units on the second floor or above are a permitted use. Overall density for the site would be 14 units per acre, which is within the allowable density range for the CC zoning district (6-22 units per acre).

The subject site is located on a seven-block corridor that is zoned CC and is identified as a Corridor Opportunity Site (COS) on the General Plan Land Use Diagram. Corridor Opportunity Sites are areas that have been identified to provide a greater opportunity for change or improvement within the General Plan planning horizon. The intent of the COS is to encourage mixed-use development, promote increased residential density and transportation patterns that do not rely solely on the automobile. The underlying base zoning for the project site is CC (Community Commercial) and although it does not include the Corridor Opportunity Site overlay zoning classification, the General Plan designation provides for the development of the site to consider Opportunity Site standards.

Allowing ground-level occupancy for an exclusively multi-family residential project would likely reduce commercial development opportunity at the subject site. However, the site has historically been developed and used for residential uses (single-family homes) and no existing commercial use would be eliminated. The adjacent blocks and parcels along Walnut Street contain a variety of multi-family residential, single-family residential and commercial uses. The existing land use pattern of the corridor involves more commercial uses established along the northern portion of Walnut Street and include neighborhood-serving uses, such as convenient stores, fast-food restaurants, hair salons and laundry facilities. The southern portion of the corridor, and adjacent to the project site, contains predominantly residential uses. The creation of residential development near existing commercial uses provides convenient shopping opportunities for residents in the area and promotes implementation of General Plan policies that encourage development of neighborhood-serving centers within walking distance of nearby residents (LU-3.1, LU-3.2 and CIRC-4). Approving the subject use permit would not result in an inadequate supply of commercial lands in the project area.

## **ENVIRONMENTAL REVIEW**

This project is 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 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 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 19.44.020, Table 4-6, provides for ground-level residential occupancy in the CC (Community Commercial) zoning district, 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.*

No impacts to the health, safety, or welfare of persons residing or working in the neighborhood have been identified as the proposed residential use is consistent with the existing surrounding residential uses. Sufficient off-street vehicle parking is demonstrated on the site plan. The project has been conditioned to require design review by the Architectural Review and Historic Preservation Board to ensure that the final design meets all applicable Design Guidelines. No impacts to the health, safety, or welfare of neighborhood residents 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 surrounding area currently contains ground-floor residential uses and structures, improved public streets, bicycle facilities, and access to public transit (B-Line Route #9 stops at West 7<sup>th</sup> Street and Oak Street). Additionally, having an active use on the site will avoid blight and reduce the likelihood of vandalism and other potential undesirable behaviors on the site. Existing regulations require that any public improvements damaged during the course of construction be repaired or reconstructed by the applicant. 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.*

Chico Municipal Code 19.44.020, Table 4-6, provides for ground-level residential occupancy in the CC (Community Commercial) zoning district, subject to use permit approval. The proposed project is consistent with several General Plan goals and policies, including those that encourage compatible infill development (LU-1, LU-4, and CD-5), 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 multi-family residential use will be consistent and compatible with existing adjacent multi-family residential uses. As conditioned, design details such as setbacks and landscaping will be evaluated by the Architectural Review and Historic Preservation Board and conditioned as necessary, which will further ensure project compatibility with existing adjacent uses.

### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 18-05 authorizes ground-level residential occupancy, in substantial accord with the "Plat to Accompany Use Permit 18-05 (Orwitz Apartments)" 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.

### **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.

### **DISTRIBUTION**

#### Internal (2)

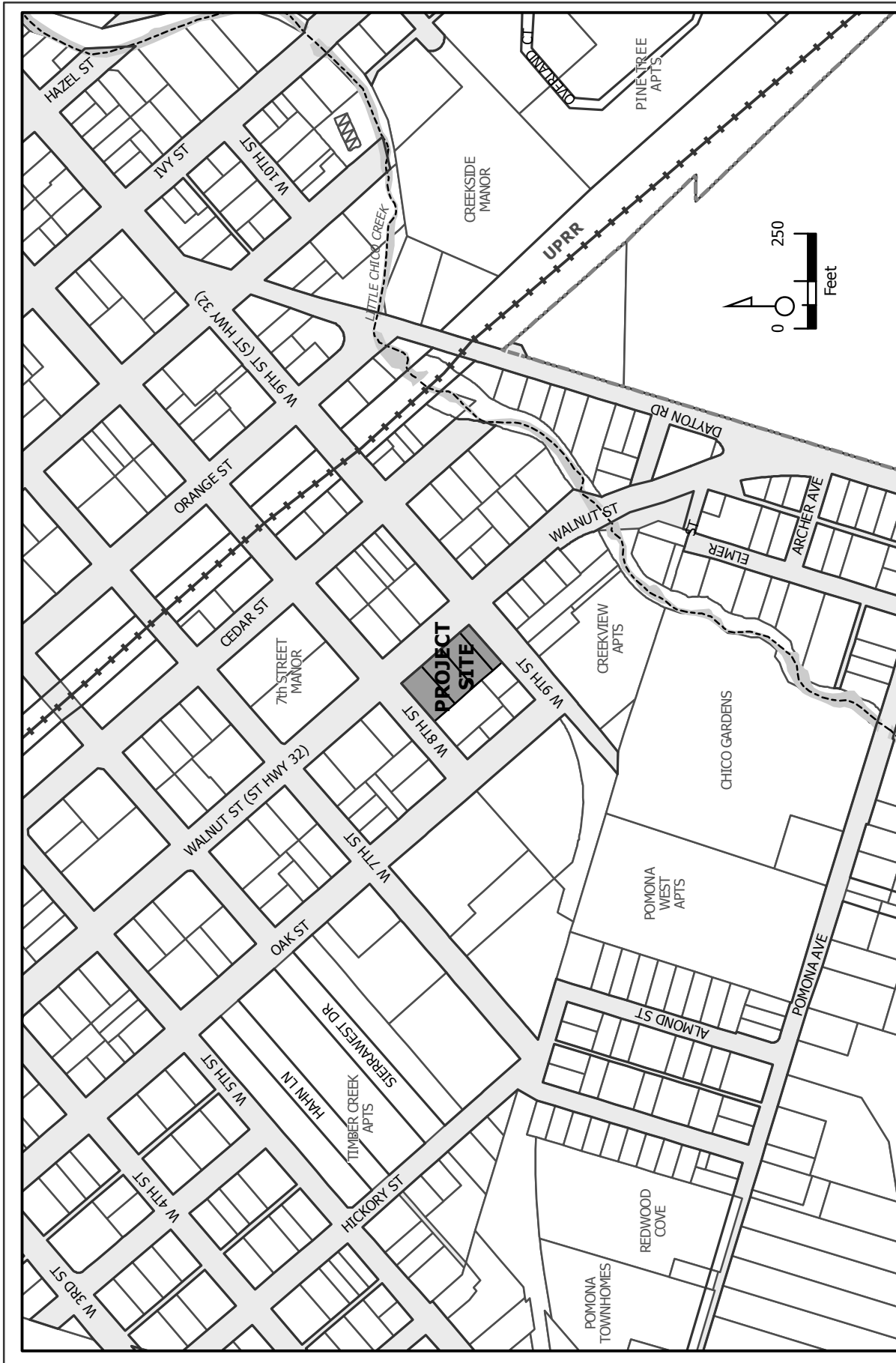
Brendan Vieg, Zoning Administrator  
Shannon Costa, Assistant Planner

#### External (2)

Greg Peitz, Email: [gregpeitz@sbcglobal.net](mailto:gregpeitz@sbcglobal.net)  
OSM Investments, 1516 S. Bundy Drive, Suite 300, Los Angeles, CA 90025

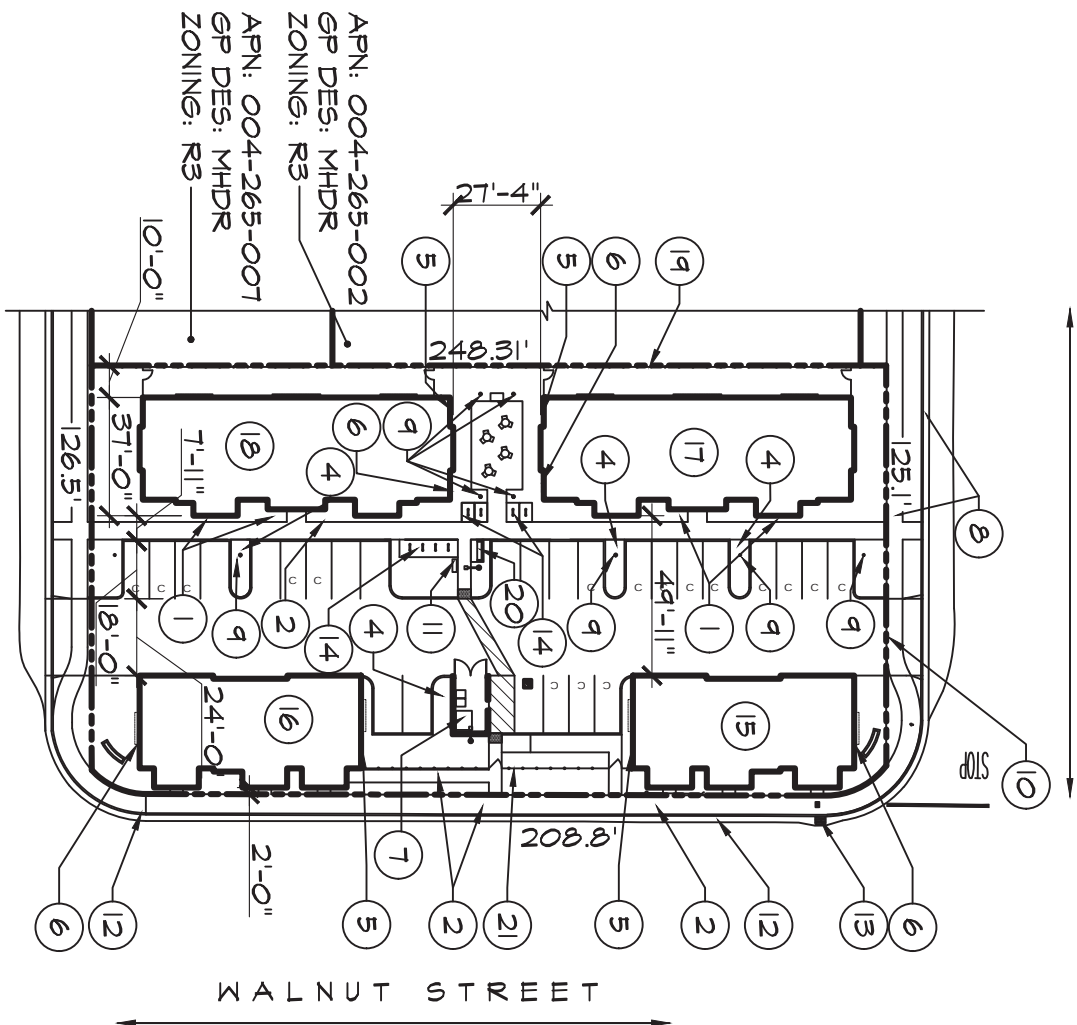
### **ATTACHMENTS**

- A. Location Map
- B. Plat to Accompany Use Permit 18-05 (Orwitz Apartments)



UP 18-05 (Orowitz)  
808, 820, 832, 842 Walnut Street  
APNs 004-265-(003, 004, 005, 006)-000

W. 8th STREET



WALNUT STREET

0 20' 40' 60' 80' 100'

1" = 60'-0"

W. 9th STREET

**SITE PLAN**

**TYP. PARKING STALLS:**

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

- ① LANDSCAPING
- ② SIDEWALK
- ③ PARKING
- ④ 7' WIDE LANDSCAPE ISLAND
- ⑤ ELECTRICAL METERS
- ⑥ GAS METERS
- ⑦ TRASH ENCLOSURE
- ⑧ (N) SEPARATED CONC. CURB, GUTTER & SIDEWALK
- ⑨ BOLLARD LIGHTING
- ⑩ (N) DRIVEWAY APPROACH PER CITY STANDARDS
- ⑪ MAILBOX CLUSTER
- ⑫ (E) CURB AND GUTTER
- ⑬ (E) SDDI GRATE
- ⑭ GUEST BIKE PARKING
- ⑮ PROPOSED BUILDING #1 (3) 3-BEDRM UNITS (3-STORY)
- ⑯ PROPOSED BUILDING #2 (3) 3-BEDRM UNITS (3-STORY)
- ⑰ PROPOSED BUILDING #3 (6) 4-BEDRM UNITS (3-STORY)
- ⑱ PROPOSED BUILDING #4 (6) 4-BEDRM UNITS (3-STORY)
- ⑲ 6' CEDAR FENCE WITH CAP
- ⑳ BENCH
- ㉑ 3' TALL STEEL FENCE

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

**USE PERMIT**  
 For:  
**MICHAEL ORNITZ**  
 808, 820, 832, 842 WALNUT ST., CHICO CA

APN: 004-265-003,  
 004, 005, 006  
 0.76 ACRES

**SHEET**  
**3**  
 of: FOUR

