



Zoning Administrator Agenda Report Meeting Date 11/22/2016

DATE: November 9, 2016
TO: ZONING ADMINISTRATOR
FROM: Kelly Murphy, Assistant Planner, 879-6535
RE: Odiase Use Permit (UP 16-08)
1359 E. 9th Street, APN 004-342-038

File: UP 16-08

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 16-08 (Odiase) based on the findings and subject to the recommended conditions of approval in this report.

BACKGROUND / DISCUSSION

This is a proposal to legalize ground-level residential occupancy at 1359 E. 9th Street. The subject parcel is located on the south side of E. 9th Street (SR 32) and east of Bartlett Street, on land designated Commercial Mixed Use on the General Plan diagram and located within the CC (Community Commercial) zoning district (see **Attachment A** – Location Map).

Historically, the 0.14-acre site was developed with a single-family residence and garage, and located in the AR, Agricultural-Residential zoning district in Butte County. Upon annexation into the City of Chico in 2005, the property was pre-zoned R-1, Low Density Residential. Over time, E. 8th Street and E. 9th Street evolved into more prominent commercial corridors, prompting the City to re-designate some neighborhoods along these frontages and adjacent to Highway 99 to Commercial Mixed Use.

In 2011, the City Council adopted an ordinance rezoning over 14,000 parcels to provide consistency between zoning and the land use designations for all properties illustrated on the General Plan Land Use Diagram. The properties located east of Bartlett Street along E. 9th Street were included with these changes, and rezoned CC, Community Commercial.

Pursuant to CMC Section 19.44.020, ground-level residential occupancy in the CC zoning district is permitted only with an approved use permit. However, in accordance with CMC Section 19.08.060, the existing use of the property at the time of annexation was deemed a legal, conforming use and allowed to continue, so long as no expansion or change in the intensity of the use would prompt the need for approval of a new use permit.

Earlier this year, the existing garage structure was converted into a second single-family residence. The footprint of the existing garage building was not increased, however, the proper permitting to allow for occupancy of the second structure was never obtained, instigating action from Code Enforcement. An application for a use permit to legalize ground-level occupancy of the second single-family residence was subsequently submitted.

The subject parcel abuts a residential zoning district on its south and commercial properties to its east and west. The existing second residence is 493 square feet in size, and is located on the southwest corner of the property. It is setback approximately 19-feet, four inches from

the southern (rear) property line (see **Attachment B** – Plat). A total of four (4) parking spaces are required for the two single-family residences. A six-foot wood fence exists along the side and rear property lines. A medium sized pistache tree exists in the front yard of the property and two large walnut trees exist behind the main house. None of the existing trees are proposed for removal.

Physical changes proposed for the site are limited to paving of the driveway parking area to comply with the development standards for off-street parking established in CMC Section 19.76.060. A plan for onsite improvements, such as driveway paving, will be submitted to the Building Department and reviewed during the building permit process. In addition, the applicant is responsible for obtaining an encroachment permit from Caltrans for all required public improvements along the E. 9th Street frontage, including curb, gutter and sidewalk.

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:

Environmental Review

This proposed use permit request is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

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).*

Residential uses are allowed in the CC zoning district on the second-floor or above, and on the ground-level with a use permit. Approval of this permit would increase the residential density of the site to 10.87 dwelling units per gross acre, consistent with the allowable density range in the CC zoning district (6 to 22 units per acre). This use permit has been processed in accordance with the requirements of CMC 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 is subject to all applicable building codes, and conditions of approval would require obtaining the necessary clearances from the Building Division. Adequate public services are available to serve the second residence and payment of applicable fees for public services will be required through conditions that involve a building clearance and sewer service application. Legalization of the existing second residence would not result in significantly increased traffic, noise, or potential nuisance impacts to the surrounding area.

- 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.*

Occupancy of the second structure will not generate any significant impacts to traffic or property in the neighborhood of the proposed use. Legalization of the use would result in required public improvements along E. 9th Street. No aspects of the project have been deemed to be detrimental to 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.*

With an approved use permit, the proposed use is consistent with the Commercial Mixed Use (CMU) land use designation in the General Plan. The use is also consistent with General Plan policies that promote compatible infill development and encourage a mix of dwelling types (LU-1.3 and LU-4; LU-4.2.2 and H.3.3, respectively).

- 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 entails no changes to the building footprint of the existing structures and will not have significant impacts on current traffic patterns from existing uses. Use of the second residence will be compatible with other residential uses in the neighborhood. No incompatibilities have been identified between occupancy of the second residence and the existing uses at the site or in the project vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 16-08 (Clear Vision/Odiase) authorizes ground-level occupancy of the second residence located at 1359 E. 9th Street (APN 004-342-038) in substantial accordance with the "Plat to Accompany Use Permit 16-08", except as modified by any other condition of approval.
2. The applicant shall comply with all other State and local Code provisions, including those of the Community Development, Public Works, and Fire Departments. The permittee is responsible for contacting these offices to verify the need for permits.
3. Within 90 days of use permit approval (by 02/22/17), the applicant shall submit plans to the Building Division for review and approval of a building permit. Once advised that the plans have been approved and that the City is prepared to issue the permit, the applicant shall pay all related permitting fees as well as development impact fees for the new unit within 10 days and commence work pursuant to the permit. All construction under the issued permit shall be completed and the applicant shall request a final inspection thereof within 30 days of permit issuance. The applicant shall secure a final inspection and Certificate of Occupancy within 60 days of permit issuance.

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:

Internal (2)

Mark Wolfe, Zoning Administrator

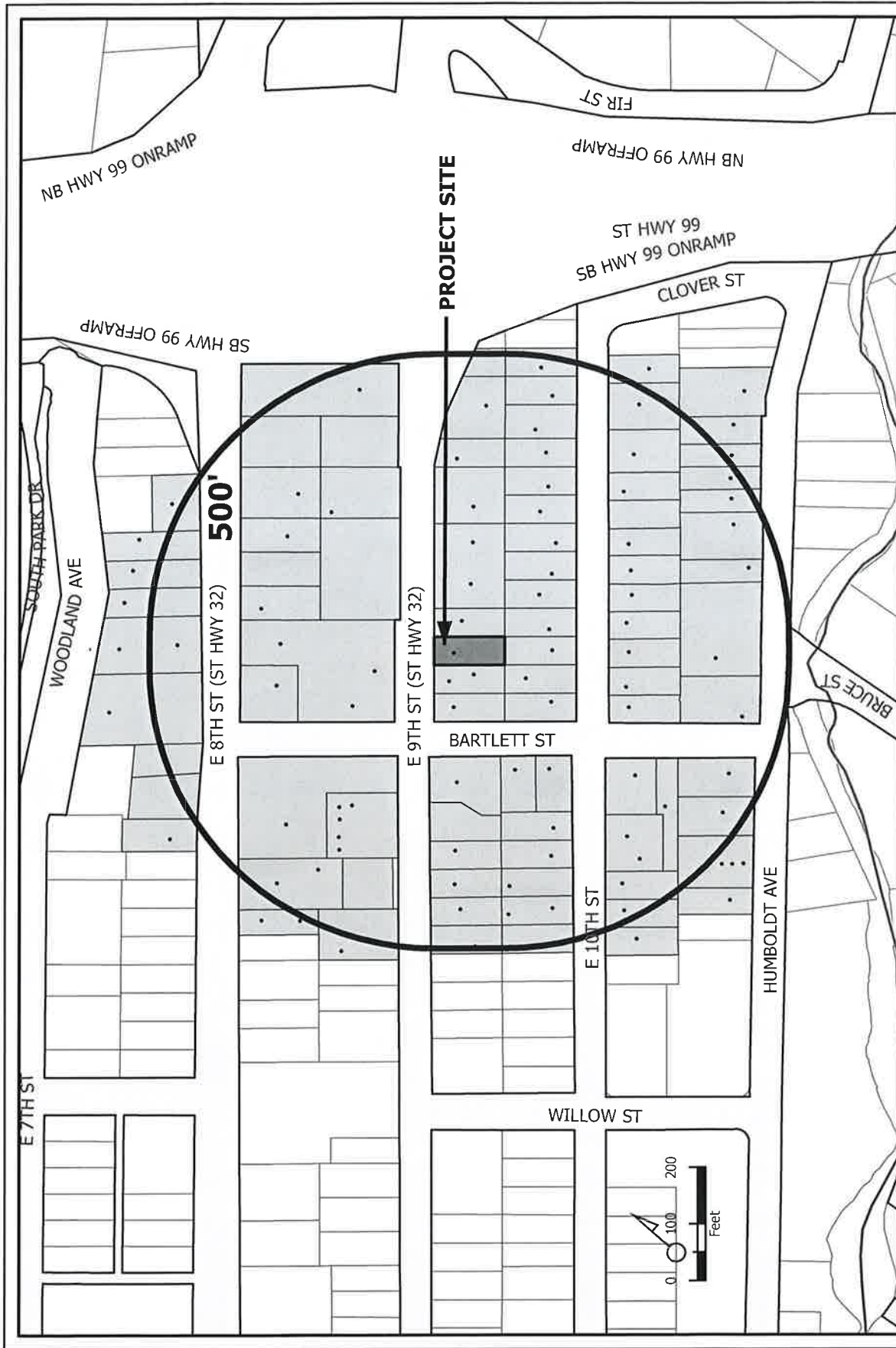
Kelly Murphy, Assistant Planner

External (1)

Osamede S. Odiase, 3196 Sawyers Bar Lane, Chico CA 95973

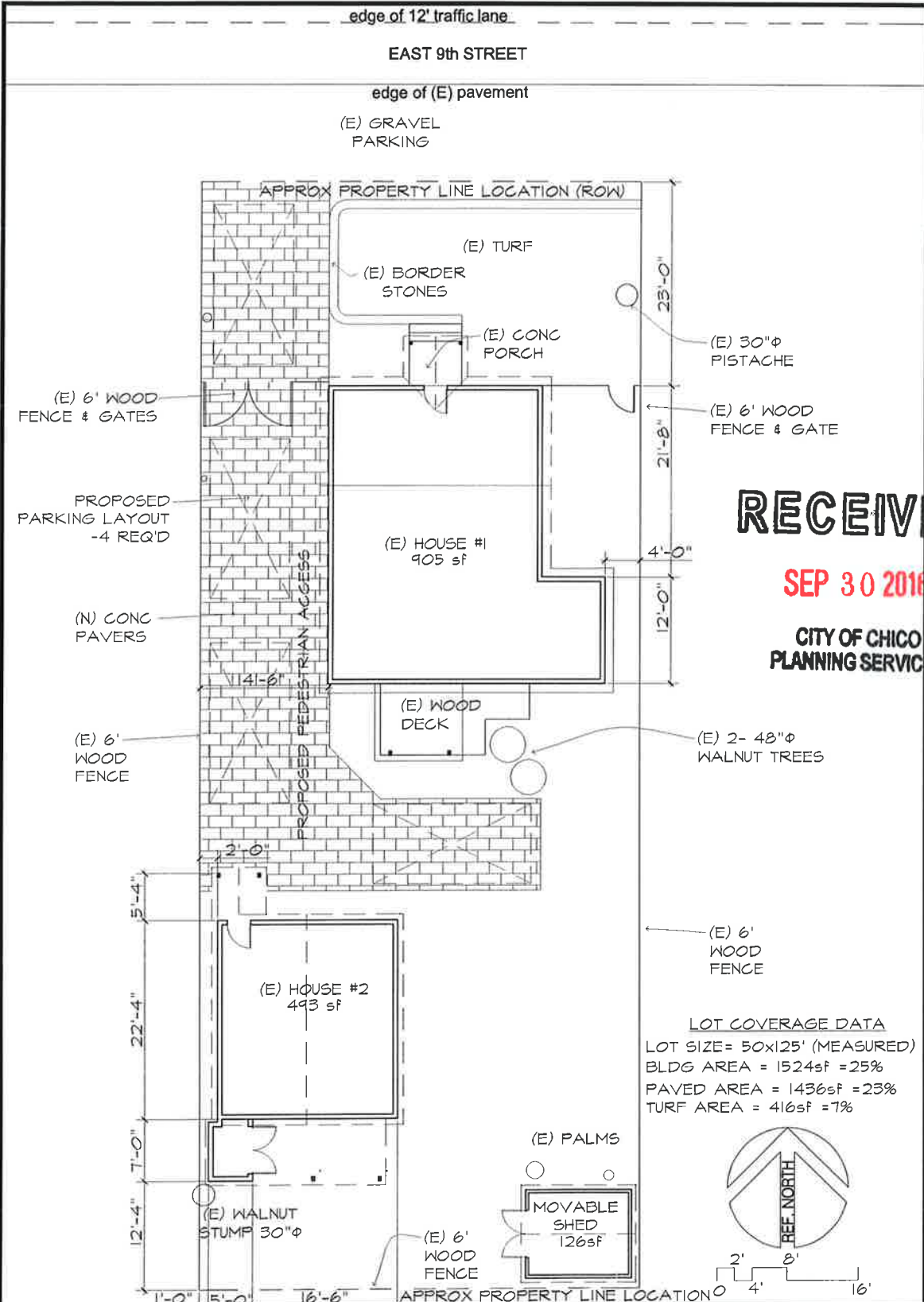
ATTACHMENTS:

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 16-08 (Odiase)



- Notified Addresses
- ◻ Notified Parcels

UP 16-08 (Odiase)
 1359 E 9th Street
 APN 004-342-038-000



RECEIVED

SEP 30 2016

CITY OF CHICO
PLANNING SERVICES

LOT COVERAGE DATA
 LOT SIZE = 50x125' (MEASURED)
 BLDG AREA = 1524sf = 25%
 PAVED AREA = 1436sf = 23%
 TURF AREA = 416sf = 7%



PLOT PLAN 1

MODEL 1"=10'-0"

ARCADEME
architecture
 355 East 9th Street
 Chico, Ca 95928
 530.343.5728

REVISIONS:	DATE:
	XXX

1359 EAST 9th STREET
 Owner: Osamede Odiase
 3196 Sawyers Bar Lane,
 Chico, CA 95973 Phone 916.838.7393

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 27 SEPT 2016