



Zoning Administrator Agenda Report

Meeting Date 12/22/15

DATE: December 2, 2015

File: UP 15-20

TO: ZONING ADMINISTRATOR

FROM: Jake Morley, Associate Planner, 879-6810, jake.morley@chicoca.gov

RE: Use Permit 15-20 (Lydon) – APN 004-112-005 - 330 Cedar Street

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 15-20 (Lydon), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to allow the construction of a 5 unit apartment with 3 ground floor units, in the CC (Community Commercial) zoning district at 330 Cedar Street. A Use Permit is necessary to establish ground floor residence in the CC (Community Commercial) zoning district, while residential units on the second floor or above are permitted by right (See **Attachment A**, Location/Notification Map, See **Attachment B**, Plat to Accompany Use Permit 15-20).

The parcel is approximately 0.20 acre (0.256 gross acre) in size, and is currently developed with two ground floor residential structures. There are 3 trees on site, one of which, a 12-inch crepe myrtle, will be removed (See Existing Conditions Site Plan, **Attachment C**).

The majority of surrounding uses are residential dwellings, including a large number of apartment complexes. The site is within walking and biking distance to University of California - Chico, and is near Class I and Class II bicycle facilities, Butte County Regional Transit (B-line), open space (Depot Park) and commercial services.

The building file indicates that the site has been occupied by a residential use since the 1950's. In 1972 a Use Permit was approved allowing the construction of a second ground floor residence at the rear of the parcel (See UP 769, **Attachment D**).

The property is designated Commercial Mixed Use on the General Plan diagram and located in the CC-FS (Community Commercial with Fraternity/Sorority Overlay) zoning district.

DISCUSSION

Pursuant to Chico Municipal Code Section 19.44.020 – *Commercial zone land uses and permit requires* – Table 4-6: a Use Permit is necessary to establish residential dwellings on the ground floor. The request is to allow 3 ground floor residences, with an additional 2 residences allowed by right on the second floor. The CC (Community Commercial) zoning district allows a density range of 6 to 22 units per acres, at 19.53 units per gross acre the project is consistent with this designation.

The proposed site plan illustrates the proposed 5 unit complex. Vehicle and bicycle parking has been meet, onsite circulation is adequate, parking stalls are screened form the public right-of-way and other development standards have been complied with. The Chico Municipal Code section 19.18 (Site Design and Architectural Review) requires that prior to issuance of a building permit the project receive site plan and architectural approval from the Architectural Review and Historic Preservation Board (ARHPB). Because of this requirements, staff recommends a condition of approval allowing flexibility and modifications to the site plan, as necessary.

Further, since the site plan can be modified, it is reasonable to assume that additional qualifying trees could be removed. Therefore, staff recommends an additional condition of approval that the final tree removal number shall be determined at the time of ARHPB approval.

Staff supports the conversion of a commercial zoned property into a residential use, in that the property has been historically utilized as a residential use, and there are a significant number of commercial services nearby, including downtown. And the subject site is surrounded by similar residential developments.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to 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 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).*

Chico Municipal Code Section 19.44.020 –Commercial zone land uses, ground floor residence are allowed within the CC (Community Commercial) zoning district subject to issuance of a Use Permit. 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 neighborhood have been identified as the project is compatible with the surrounding residential uses. Sufficient on-site

parking spaces for a 5 unit complex is demonstrated on the site plan. The project has been conditioned to require additional review and approval by the Architectural Review and Historic Preservation Board to ensure that the final design meets all applicable Design Guidelines and aesthetics compatibility with the surrounding uses.

- 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 project site has historically been operating as a multi-family residential use with no known impacts upon the neighborhood or welfare of the city. With the increase number of units, the site will provide additional vehicle and bicycle parking, landscaping and shade trees that are currently not provided. The location of the project is near other residential structures, public improvements, bicycle facilities and access to public transit, public spaces and commercial services. No other 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.*

The proposed project is consistent with General Plan goals and policies that encourage reinforcing compact urban form in locations where existing facilities and city services are in place (LU-1, LU-4.2), 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 residential project is located in an area of the city that is dominated by residential uses that are near to the university and commercial uses, thereby allowing residences easy access to the campus and services. The design allows safe onsite turning movements, provides ample vehicle and bicycle parking stalls. The project's architecture, site plan and landscaping will be reviewed by the Architectural Review and Historic Preservation Board, which will further ensure its compatibility with the vicinity.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 15-20 authorizes the construction of 3 ground floor residential units in the CC (Community Commercial) zoning district, in substantial accord with the "Plat to Accompany Use Permit 15-20 (Lydon)" 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, and Fire Department. The permittee is responsible for contacting these offices to verify the need for permits.

3. Prior to issuance of building permits, the design of 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). Subsequent approval may result in modification 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. As of this report's publication, staff has not received any public comments.

DISTRIBUTION:

Internal (2)

Mark Wolfe, Zoning Administrator

Jake Morley, Associate Planner

External (5)

Keith and Kelly Lydon, 10696 Player Lane, Chico, CA 95928

Greg Peitz, Architect, 383 Rio Lindo Ave., Chico, CA 95926

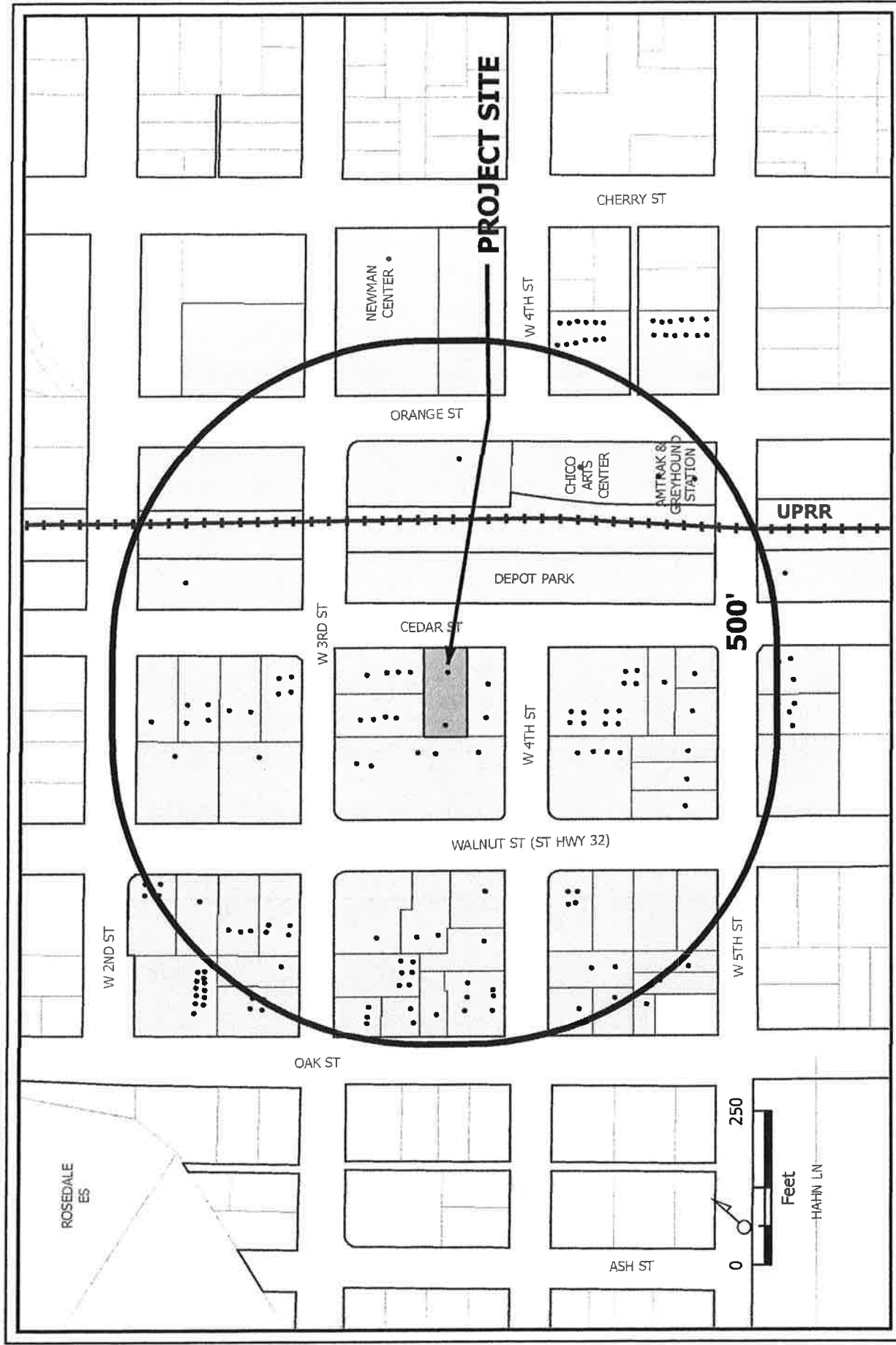
ATTACHMENTS:

A. Location/Notification Map

B. Site Plan to Accompany Use Permit 15-20 (Lydon)

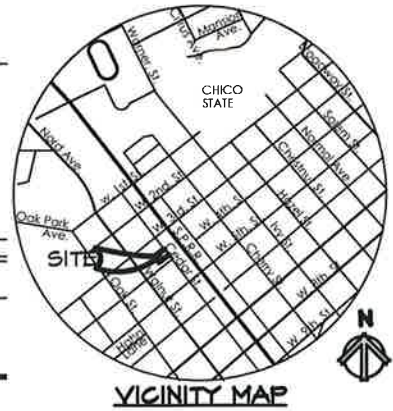
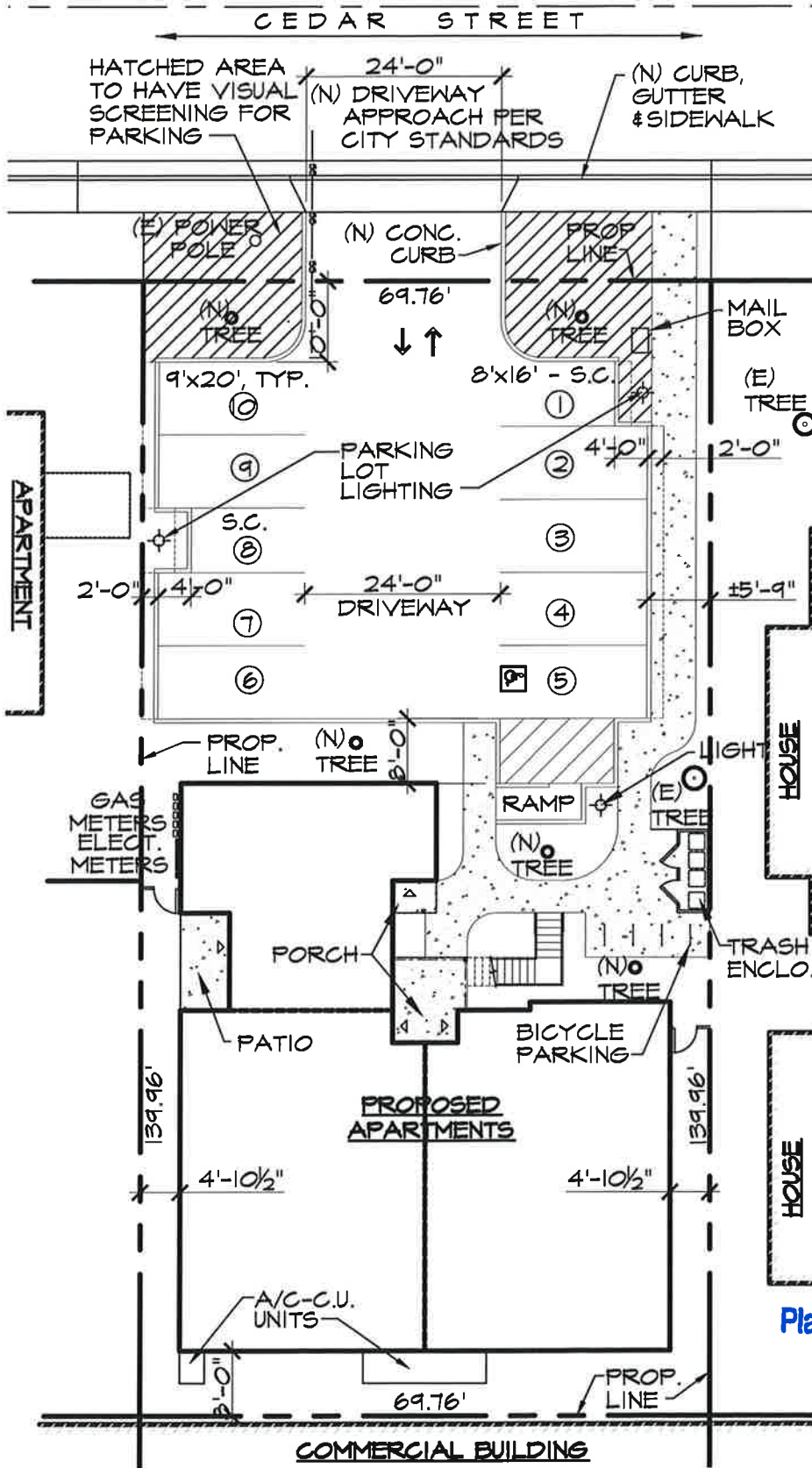
C. Existing Conditions Site Plan

D. Use Permit 769



- Mailing List Properties
- Mailing List Addresses

UP 15-20 (Lyndon)
 330 Cedar Street
 APN 004-112-005-000



LOT COVERAGE:

| | |
|-------------------------|----------------|
| LOT AREA: | = 9764 SQ. FT. |
| PROPOSED BUILDING AREA: | = 3298 SQ. FT. |
| LOT COVERAGE: | = 33.7 % |
| LANDSCAPE AREA: | = 2410 SQ. FT. |
| | = 24.7 % |

PARKING ANALYSIS:

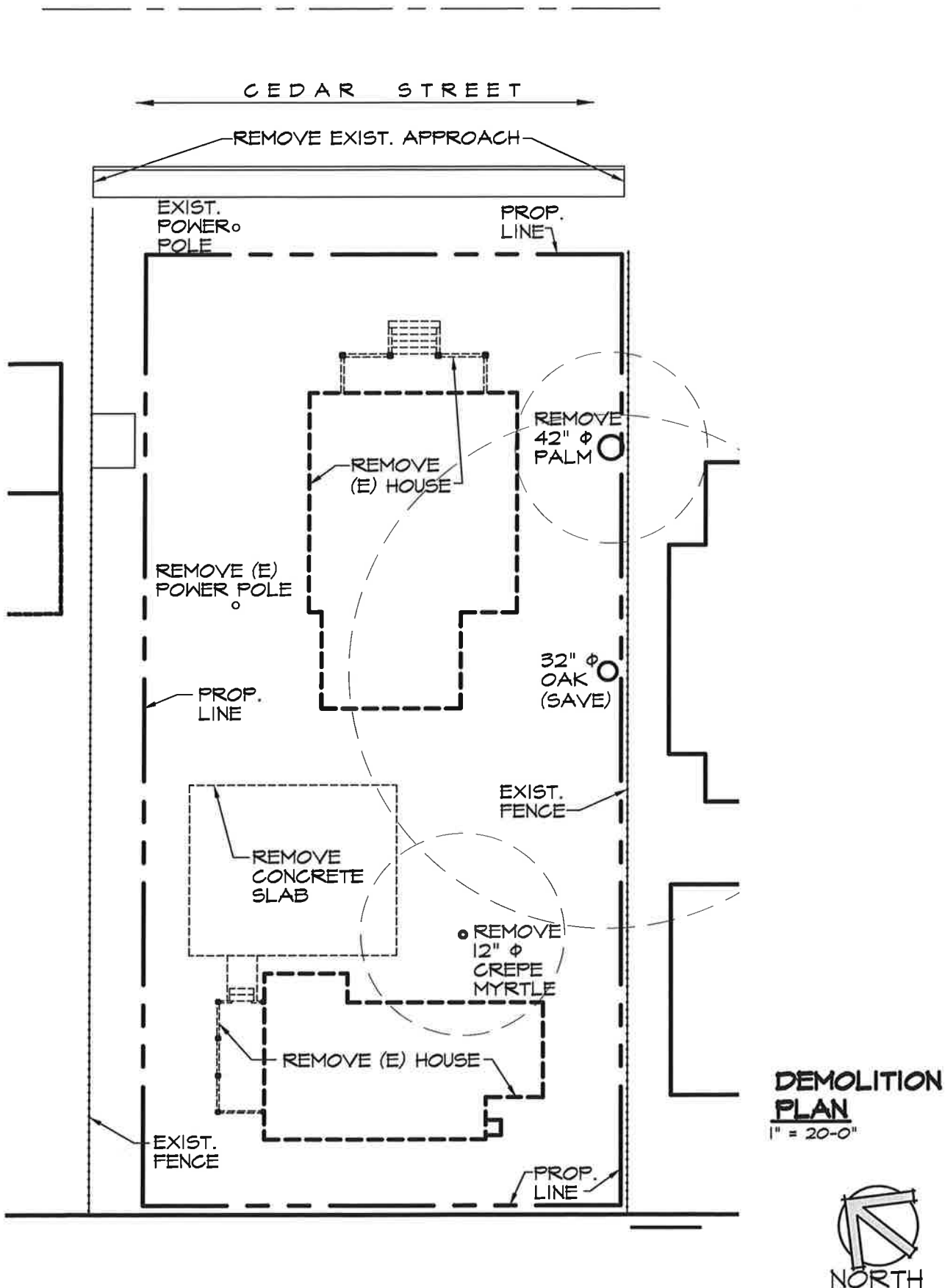
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|------------------------------|-------------|
| PARKING REQUIREMENTS: | |
| (5) APARTMENTS @ 1.75 | = 9 REQ'D. |
| GUEST PARKING: | = 1 REQ'D. |
| TOTAL: | = 10 REQ'D. |
| PARKING PROVIDED: | = 10 SPACES |

APN: 004-112-005
 .20 ACRES

Plat to Accompany Use Permit 15 of 20



| | | |
|--|---|--|
| <p>GREGORY A. PEITZ ARCHITECT 383 Rio Lindo Ave. Chico, CA. 95926 (530) 894-5719</p> | <p>USE PERMIT for: KELLY LYDON 330 CEDAR ST., CHICO CA</p> | <p>SHEET 1 of two</p> |
|--|---|--|



DEMOLITION PLAN
1" = 20'-0"



| | | |
|---|--|---------------------------------------|
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|---|--|---------------------------------------|

CITY OF CHICO
REPORT

TO: Planning Commission

DATE: March 30, 1972

FROM: ZONING AND PERMITS COMMITTEE

FILE: CM Info/CP 1009/A-ZON-4 (769)

SUBJECT: Use Permit No. 769 (Timmons) Request authorization for (1) a multiple residential use in a C-2 zone and (2) to move a building to 330 Cedar Street (AP 4-112-05)

This application was submitted by Mr. Lloyd Timmons, owner of the subject property, who requests authorization to move a 24' X 41' dwelling onto a rear portion of a lot located at the above address. There is presently a single family residential dwelling located on this C-2 zoned parcel.

The Zoning and Permits Committee met on March 30, 1972, reviewed this application for use permit and herewith recommends that the application be approved subject to the following conditions:

1. That all development be substantially in accord with the attached plat entitled "Plat to Accompany Use Permit No. 769."
2. That the required off-street parking be developed per Department of Public Works standards.

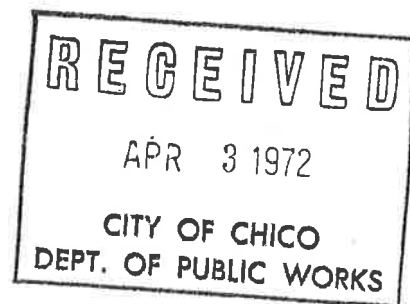
Respectfully submitted,

ZONING AND PERMITS COMMITTEE
Betty Smith, Chairman

By: 
John P. Hoole, City Planner

JPH:sd

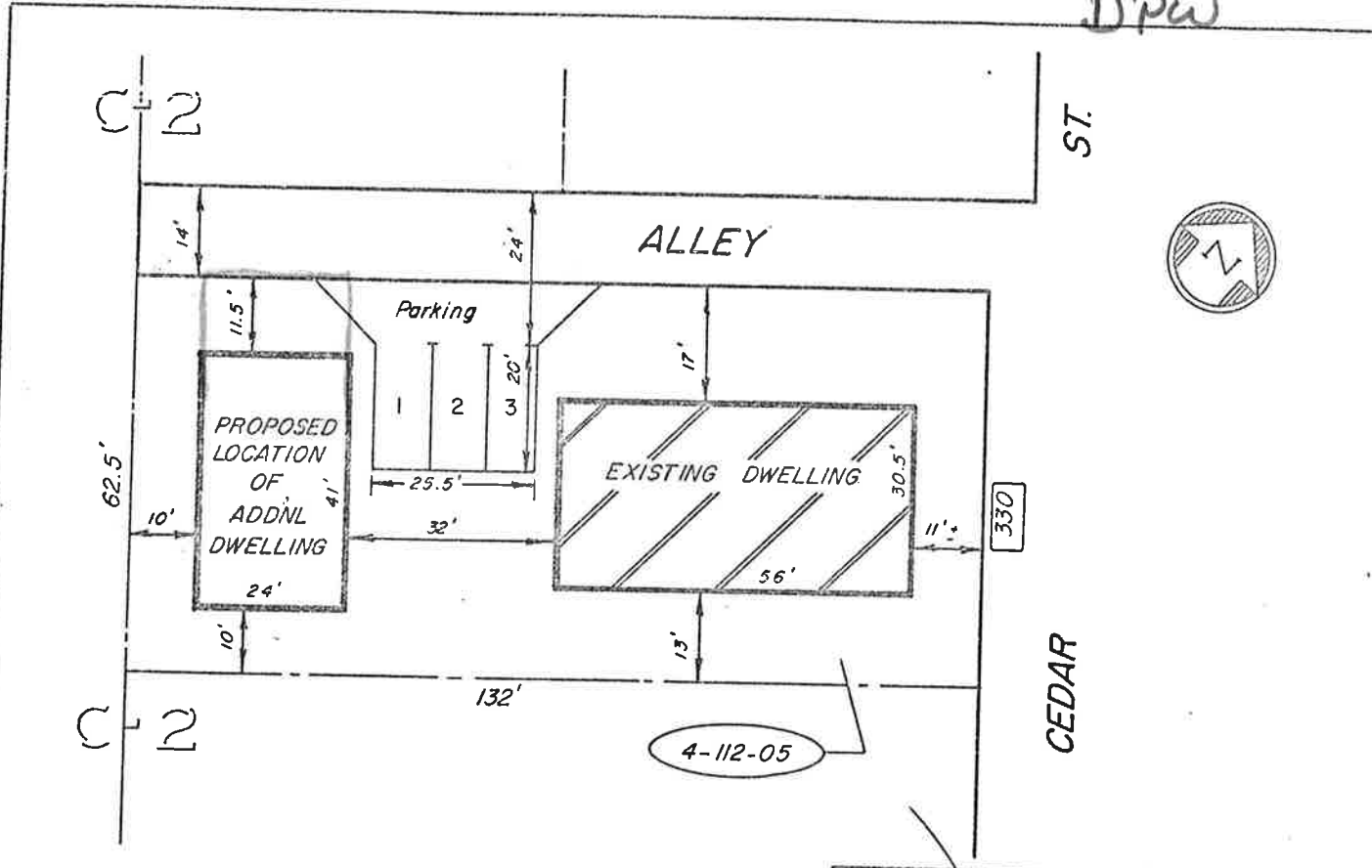
cc: Applicant
BF - 330 Cedar Street



BF

ATTACHMENT D

DPW

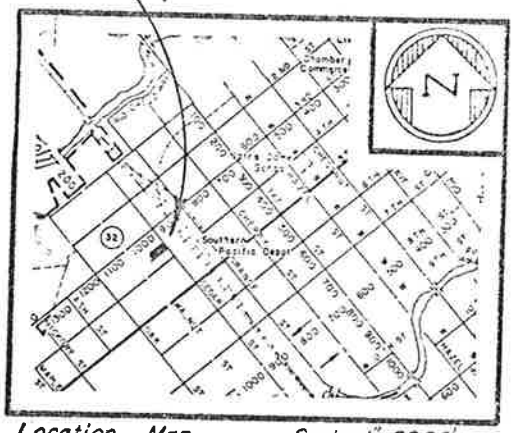


USE PERMIT NO. 769

Applicant: Lloyd Timmons
#4 Sunland Dr.
Chico, CA

Request: To allow a multi-residential use in C-2 zone & to move a building within the City to 330 Cedar.

Property location: 330 Cedar



Location Map Scale: 1" = 2000'

LEGEND :

- 00-000-00 ASSESSOR'S PARCEL NO.
- 000 STREET ADDRESS
- C-2** CITY ZONING

| | | |
|------|------|----|
| REV. | DATE | BY |
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| | | |

CITY OF CHICO

PLANNING OFFICE

PLAT TO ACCOMPANY
USE PERMIT NO. 769

DRAWN BY J. B. CHECKED BY J. P. H.
 DATE March 28, 1972 SCALE 1" = 30'
 APPROVED BY _____ CITY PLANNER