



Zoning Administrator Agenda Report

Meeting Date 12/27/16

DATE: December 16, 2016

File: UP 16-09

TO: ZONING ADMINISTRATOR

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

RE: Use Permit 16-09 (Neely Apartments) – APN 015-430-005 – 1289 East Avenue

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 16-09 (Neely Apartments), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to allow the construction of two, 2-story townhouses, with a total of 8 units, at 1289 East Avenue (see **Attachment A**, Location Map, and **Attachment B**, Plat to Accompany Use Permit 16-09). The subject parcel is designated Office Mixed Use (OMU) on the General Plan Land Use Diagram and located in the OR-AOC (Office Residential - Airport Compatibility Zone C overlay) zoning district. In accordance with the City's zoning regulations, multi-family residential uses are allowed in the OR zone subject to a use permit. Allowable residential densities under the OR zoning and OMU General Plan designation range from 6 to 20 dwelling units per acre.

The 0.43-acre project site is currently undeveloped and located on the south side of East Avenue, between Mariposa and Floral Avenue. Surrounding uses are residential dwellings, medical and professional offices, and commercial businesses. Specifically, single-family houses are located north, south, and east of the project site. Multi-tenant office buildings are located immediately west of the site. The subject parcel is located roughly one half of a mile west of Pleasant Valley High School and Marigold Elementary School.

The proposed development includes the construction of one 3-unit townhouse building and one 5-unit townhouse building. Both buildings would be two-story structures and have a height of 28-feet, 8 inches. The 3-unit building would be oriented to face East Avenue, setback 15-feet from the street. The 5-unit building, located behind the 3-unit building, would be setback 15-feet from the rear property line and face the proposed parking lot and play area. A new entrance drive and pedestrian path would provide access to the site from East Avenue. Each unit would have two bedrooms, an individual fenced backyard area and a covered front porch.

Existing site features include one valley oak tree located on the southeast corner of the site and a six-foot wood fence along the south and west property lines, both of which are to remain. Detailed site improvements and architecture associated with the apartment project will be reviewed by the Architectural Review and Historic Preservation Board (ARHPB) on 1/18/17.

DISCUSSION

Pursuant to Chico Municipal Code (CMC) Section 19.44.020, *Commercial zone land uses and permit requirements* – Table 4-6, use permit approval is required to establish a multi-family residential use in the OR zoning district. With a use permit, the project would adhere to all regulations of the OR zone and comply with the development standards for the AOC overlay. The project proposes a residential density of 16.14 units per gross acre, within the allowable density range for the OR zone and AOC overlay. Consistent with CMC Section 19.52.030, *Development standards in –AO overlay zones* – Table 4-15, the standard condition of approval requiring a recorded notice of airport operations has been included with this report as Condition #3.

The proposed site plan illustrates the layout and orientation of the two townhouse structures, as well as the location of the trash enclosure, parking and play areas, parking lot lighting and landscaping. The project would provide 16 vehicle parking spaces and a hoop style bicycle rack, meeting the vehicle and bicycle parking requirements contained in CMC Section 19.70.040 (1.75 space per unit x 8 units + 2 guest spaces = 16 spaces required).

The project complies with the minimum setback distances for the OR zoning district, established in Table 4-7 under CMC Section 19.44.030. Furthermore, the building setback distances are appropriate for a multi-family residential use as they are consistent with the development standards for the R3 (Medium High Density Residential) zoning district. Both the OR and R3 zones require a 15-foot front yard setback and 5-foot side yard setback. The OR zone requires a 10-foot rear yard setback, while the R-3 zone requires a minimum of 15-foot. As proposed, the 3-unit building would be setback 15-feet from the street, both buildings would have a 5-foot side yard setback, and the 5-unit building would be setback from the rear property line 15-feet.

The proposed apartments would be compatible with the adjacent office building on the west side, and the variety of commercial, office and residential uses present along this stretch of East Avenue. Harrier Lane provides a separation between the project site and the single-family houses located to the south, reducing the potential for these residences to be significantly impacted. The project is consistent with several General Plan goals and policies, including those that encourage compatible infill development (LU-1, LU-4, and CD-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).

The Chico Municipal Code section 19.18 (Site Design and Architectural Review) requires that prior to issuance of a building permit the project shall receive site plan and architectural approval from the Architectural Review and Historic Preservation Board (ARHPB). Because of this requirement, staff recommends a condition of approval allowing flexibility and modifications to the site plan, as deemed necessary for the Board to make the relevant findings.

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 the applicable general plan designation, all applicable general plan policies, and zoning regulations. The site is within city limits on less

than five acres of land and 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 can be 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, Table 4-6, provides for multi-family housing in the OR (Office Residential) 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 neighborhood have been identified as the project is compatible with the surrounding residential uses. Sufficient off-street vehicle parking spaces for the eight (8) new units 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.

- 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 is within an area that currently contains both single-family and multi-family uses and structures, improved public streets, commercial services and access to public transit (B-Line Routes #4 and #7 have transit stops at both Floral Avenue/East Avenue and Mariposa Avenue/East Avenue). 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.*

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) 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 will be compatible with existing adjacent single-family residential uses and commercial/office buildings. The building height, setbacks, and design are compatible with the characteristics of the surrounding neighborhood. As conditioned, design details such as window placement on the 2nd floor 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 16-09 authorizes multi-family housing in the OR (Office Residential) zoning district, in substantial accord with the "Plat to Accompany Use Permit 16-09 (Neely)," date stamped December 5th, 2016, 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 final certificate of occupancy, record as a separate instrument an Avigation Easement granting the right of continued use of the airspace above the proposed parcel by the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts.
4. 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 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. As of this report's publication, staff has not received any public comments.

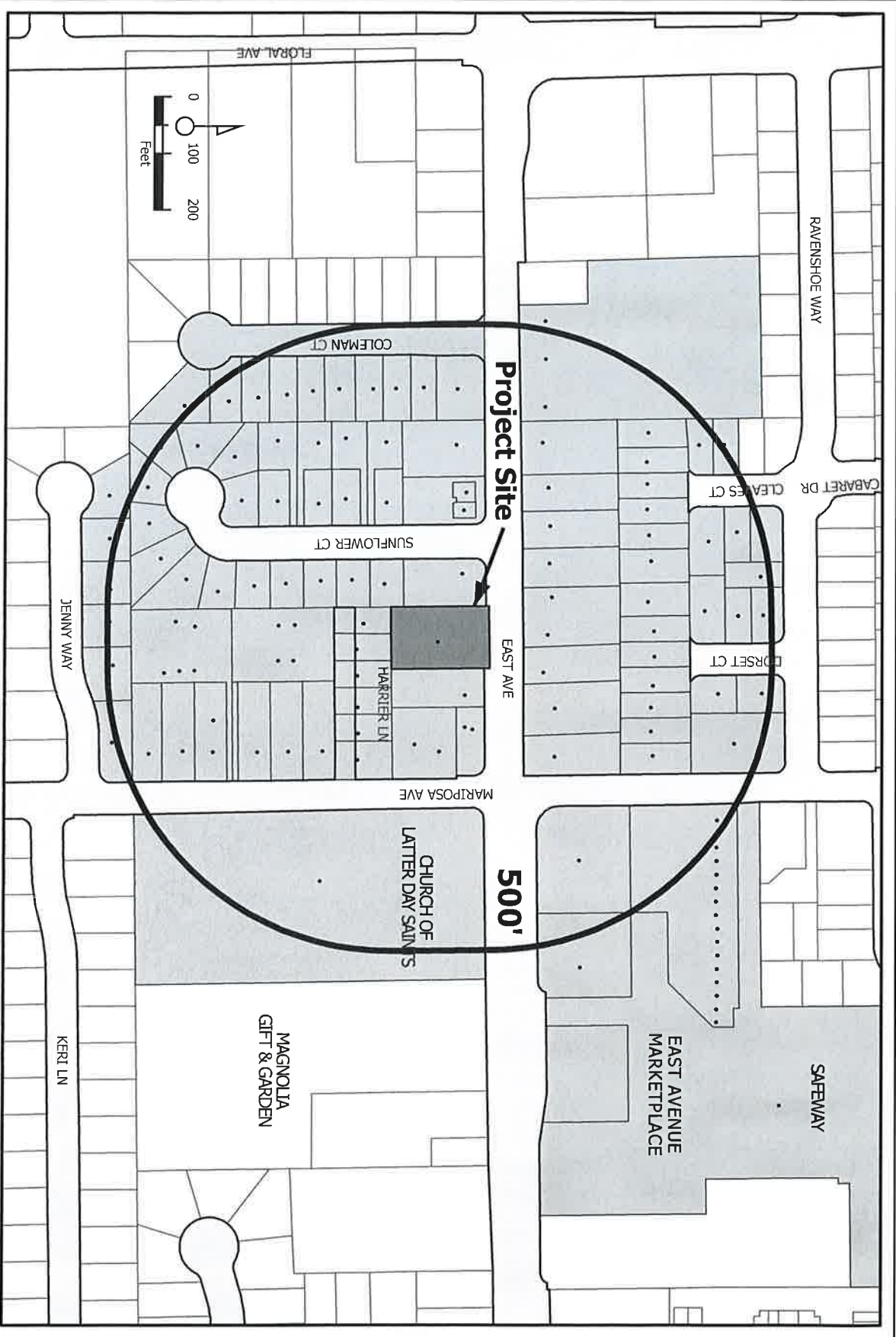
DISTRIBUTION:

Internal (2)
Mark Wolfe, Zoning Administrator
Kelly Murphy, Assistant Planner

External (2)
Greg Peitz, Architect, 383 Rio Lindo Ave., Chico, CA 95926
Randy Neely, 9668 Teal Lane, Durham, CA 95938

ATTACHMENTS:

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 16-09 (Neely)



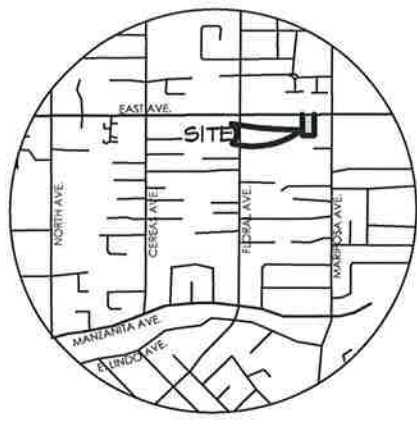
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- Notified Addresses
- Notified Parcels

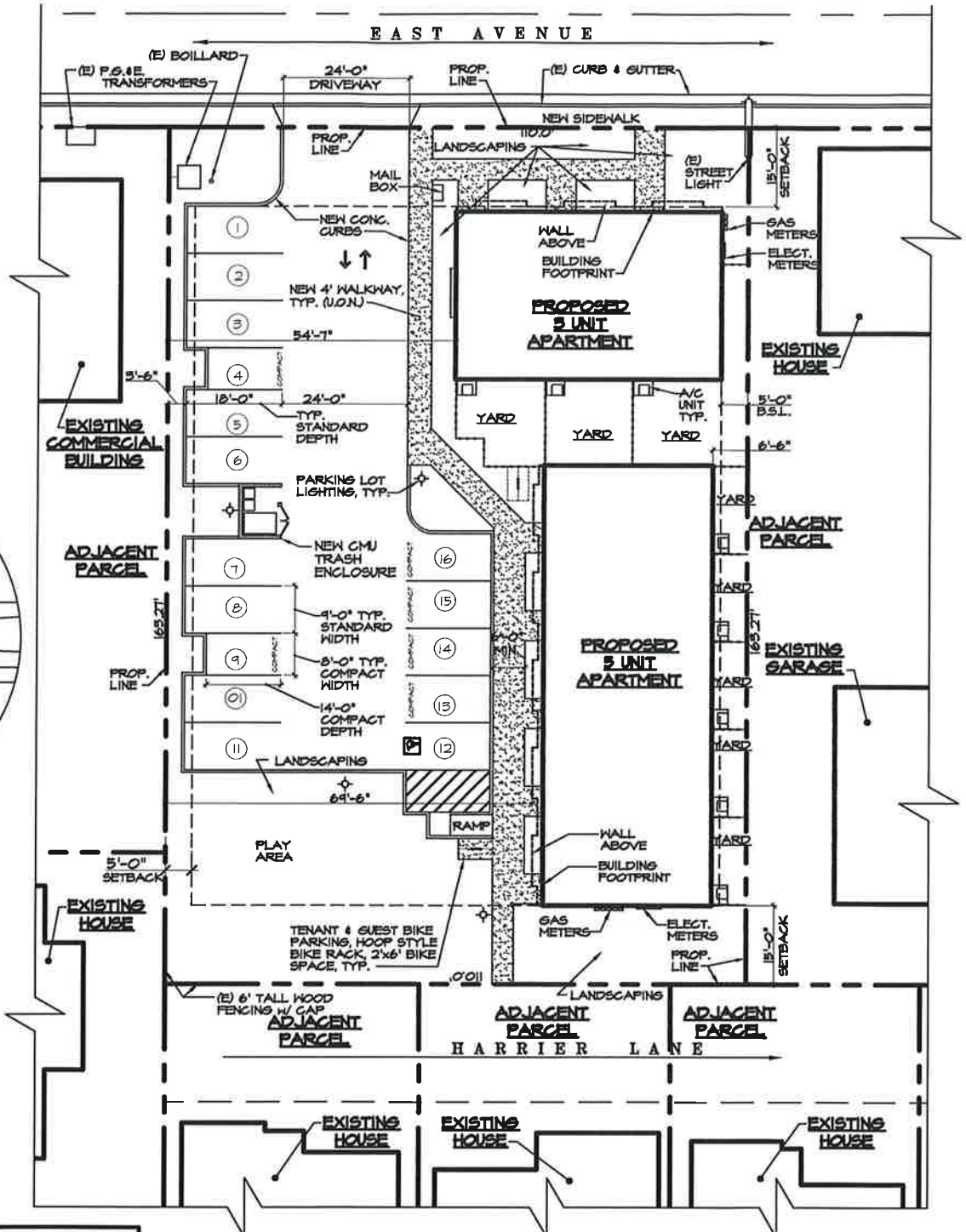




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 CITY OF CHICO
 PLANNING SERVICES



VICINITY MAP



LOT COVERAGE:	
LOT AREA:	17960 SQ. FT.
PROPOSED BUILDING AREA:	4296 SQ. FT.
LOT COVERAGE:	23.9%
LANDSCAPE AREA:	8675 SQ. FT.

SITE:
 APN: 015-430-005



12/6/2016 2:35:15 PM

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

USE PERMIT
 for:
RANDY NEELY
 1289 EAST AVE., CHICO CA

SHEET
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