



DATE: August 28, 2019

File: UP 19-21

TO: ZONING ADMINISTRATOR

FROM: Shannon Costa, Associate Planner, 530-879-6807 (shannon.costa@chicoca.gov)

RE: Use Permit 19-21 (BMX Relocation), North Chico between Marauder Street and Cohasset Road, APN 047-560-041 (portion)

REPORT IN BRIEF

The proposal involves relocating the site of Silver Dollar BMX (SD BMX) to a partially developed 27-acre City-owned property located in north Chico, adjacent to the existing little league baseball fields between Marauder Street and Cohasset Road. The project site is designated Manufacturing and Warehousing on the General Plan Land Use Diagram and is zoned AM-AOC (Airport Manufacturing with Airport Overflight Zone C overlay). A portion of the site is currently occupied by five little league baseball fields, parking area and bleacher seating. The new tracks and buildings would occupy approximately six acres of vacant land, located west-adjacent to the baseball fields. Chico Municipal Code (CMC) 19.48.050 (*Use Permit Findings*) allows for the Zoning Administrator to issue a use permit for uses not included in CMC 19.48.050, Table 4-10 (*Allowed Uses and Permit Requirements for Airport Zoning Districts*) if additional findings can be made. Staff believes the additional findings can be made and has not identified any major issues with the proposal.

BACKGROUND

The project site is a 27-acre City-owned, partially developed site located between Marauder Street and Cohasset Road, north of the Chico Municipal Airport (see **Attachment A**, Location Map and **Attachment B**, Site Plan). The site is designated Manufacturing and Warehousing on the General Plan Land Use Diagram and is zoned AM-AOC (Airport Manufacturing with Airport Overflight Zone C overlay). The site is bound by Santos Excavation, Inc., to the south, rural residential development to the west and north and vacant land to the east. The site is partially developed with five little league baseball fields (Westside Little League Park), that have been in operation since the 1950's.

SD BMX currently operates their existing BMX track from an approximately 3.5-acre parcel located on the west side of Dr. Martin Luther King Jr. Boulevard, south of Costco (APN 005-560-032). SD BMX was established at the Silver Dollar Fairgrounds in the early 2000s and has been at its current location adjacent to the fairgrounds for nine years. The proposed relocation would allow SD BMX to construct two new tracks, resulting in the first double-track site in the world. Construction and quality would be Olympic-grade, of which only four others currently exist in the United States. The new tracks, parking area and buildings would occupy approximately six acres of vacant land, located west-adjacent to the baseball fields.

Site improvements would include bleacher/stand seating flanking the new tracks. A new structure would accommodate bathrooms, concessions and office space. Light poles would be relocated from the existing BMX track site to the new site and would consist of pole-mounted box lights mounted at approximately 25-feet-tall. New landscaping would be installed throughout the parking area and throughout the project site. Detailed site improvements and architecture associated with the proposal would be reviewed by City staff, pursuant to the City's Architectural Review and Historic Preservation standards (Chico Municipal Code (CMC) 19.18.)

DISCUSSION

Outdoor commercial recreational uses are not typically permitted in airport zoning districts, however, CMC 19.48.050 (*Use Permit Findings*) allows for the Zoning Administrator to issue a use permit for uses identified in CMC 19.48.050, Table 4-10 (*Allowed Uses and Permit Requirements for Airport Zoning Districts*), if the additional findings can be made. Findings include that the proposed use is: compatible with existing allowable uses in the district; would not create adverse parking problems adjacent to the site, and; would enhance the economic vitality of the airport area. Aspects of these findings are discussed briefly below:

Compatibility

The proposed project would occupy approximately six acres of a 27-acre City-owned property currently and historically occupied by five little league baseball fields (Westside Little League) since the 1950's. The proposed relocation of SD BMX to the site would result in an expansion of the existing outdoor recreational use at the site, which has existed compatibly with the Chico Municipal Airport for over 50 years. Peak hours for BMX practice and racing would typically occur during weekday evening hours with possible future weekend hours and are not anticipated to conflict with daily operation of uses within the Airport Industrial Park.

Parking

Parking requirements for outdoor recreational uses are determined through use permit approval. The site plan indicates 147 vehicle parking spaces within a new parking lot located east-adjacent of the new tracks; additional parking is provided by the existing parking area associated with the little league baseball fields. Viewing/stadium seating can accommodate up to 1000 people, however, regular/daily attendance at the track would range from 30 – 90 riders. The viewing/stadium seating area would be located at the northerly portion of the site, approximately 3,800 linear feet (0.5 miles) from the nearest available street parking at the intersection of Marauder Street and Ryan Avenue. It is not anticipated that regular weekly use of the site would create adverse parking problems adjacent to the site.

Economic Vitality

The proposed project implements General Plan Economic Development goals and policies that encourage protection of existing recreation assets and tourism industries (ED-2.1), promote regional and other major sporting events to economically benefit businesses located in Chico (ED-1.4.7), and encourage projects that increase the quality of life for Chico residents (ED-1.5). The project further implements General Plan goals and policies that discourage the expansion of incompatible uses surrounding areas identified for industrial and manufacturing uses, specifically in the Chico Municipal Airport area (ED 1.2.6) and support the continued operation and expansion of the airport (ED-1.7). It is not anticipated that the proposed project would interfere with the economic vitality of the airport area or its continuing development.

ANALYSIS

General Plan

The AM zoning district is applied to and appropriate for light industrial, manufacturing, and distribution uses related to aviation, require access to air transportation, or are otherwise compatible with the operational characteristics of the airport. The proposed project involves the relocation of an existing recreational use to a site currently occupied by a compatible recreational use.

The project implements General Plan goals and policies that encourage a partnership with Chico Area Recreation District (CARD) to offer recreation opportunities for the community and promoting regional sporting events to bring economic benefit to businesses located in Chico (ED-1.4.7). The following General Plan goals, policies and programs should be considered when reviewing this project:

ED-1.4.3 (City-Owned Sites) – Pursue opportunities to sell or lease City-owned lands for uses other than municipal operations.

ED-1.4.7 (Sports Marketing for Economic Development) – Invest in the attraction and promotion of regional and other major sporting events to bring economic benefit to businesses located in Chico.

ED-1.5 (Quality of Life in Support of Economic Development) – Encourage projects and programs that help increase the quality of life for local businesses and their employees.

ED-2.1 (Tourism Assets) – Protect and maintain existing recreation and tourism assets and encourage the development of additional recreation and tourism businesses and industries, such as an aquatic center or hotels.

Policy PPF-1.1 (Park and Recreation Facilities) – Partner with CARD and local providers to provide parks and recreation facilities that offer recreation opportunities for the community.

LU-2.4 (Land Use Compatibility) – Promote land use compatibility through use restrictions, development standards, environmental review and special design considerations.

Airport Influence Area

The project site is located within the Airport Influence Area for the Chico Municipal Airport, and is identified as within Compatibility Zone C, a “Traffic Pattern Zone”, by the Butte County Airport Land Use Compatibility Plan (BCALUCP). Based on the BCALUCPs land use categories, the proposed project is classified under “*Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters.*” Outdoor Large Assembly Facility uses are generally incompatible in Compatibility Zone C. This type of use generally includes spectator-oriented outdoor stadiums and amphitheaters and involves large groups of people viewing/spectating events. For the proposed project, weekly use of the site is anticipated to be limited to four or five days a week with approximately 40 riders during practice hours. Infrequent events at the site would result in larger crowds of between 250-400 people. BCALUCP Chapter 3-8 (*Exceptions to Land Use Criteria*) allows exceptions to normally incompatible uses for rare and special events, and site-specific special conditions. Large events drawing sizeable crowds would not be considered “normal” for the proposed project and would qualify under this exception. Further, the BCALUCP establishes intensity (people/acre) limits for Compatibility Zones; intensity limits for Compatibility Zone C are not to exceed 600 people/acre. The proposed project anticipates an average attendance of 40 people, resulting in a project intensity of six (40 people/six acres). This falls well below the allowed intensity for the Compatibility Zone C. Additionally, site-specific factors, such as the project site’s distance from the airport, the amount of remaining open space at the site, and that the project does not involve construction of structures that could evolve into incompatible uses in the future would not result in a use inconsistent with the BCALUCP.

As a result of the projects location in Airport Overflight Zone C overlay, the application was reviewed by Sherry Miller, the City’s Airport Manager. Ms. Miller determined that the proposed

facility does not encroach into navigable airspace as defined by part 77 of Title 14 of the Code of Federal Regulations (which begins at 200 feet above ground level when not in the immediate vicinity of an airport). Conditions of Approval recommended by Ms. Miller include restricting lighting for nighttime hours, prohibiting the release of airborne devices (balloons), and Air Traffic Control Tower approval for any drone use. The project, as conditioned, is not anticipated to result in a safety hazard or excessive noise for people residing or working in the project area.

ENVIROMENTAL REVIEW

An Initial Study was prepared for the project. Based on the results, a Mitigated Negative Declaration was prepared and circulated for a 30-day comment period from 11/20/2019 to 12/20/2019. The Initial Study identifies five mitigation measures that would be required to reduce potential impacts to a less-than-significant level including:

- 1) Incorporating air quality Best Management Practices (BMPs) during construction;
- 2) Avoiding impacts to nesting birds during tree removal and construction activities;
- 3) Avoiding impacts to bats during tree removal and construction activities;
- 4) Halting construction if cultural resources are discovered during construction; and
- 5) Minimizing potential for improper disposal or release of contaminated water if encountered during construction.

The Mitigated Negative Declaration and Mitigation Monitoring Program is included as **Attachment C**, and all the mitigation measures have been included as conditions of approval. Details of the environmental analysis can be found in the Initial Study (**Attachment D**).

Correspondence received during the public review period is included under **Attachment E**. Issues raised by the commenters are summarized below, followed by a staff response:

Regional Water Quality Control Board letter (11/25/2019)

This is a standard letter generated by the Regional Board, no response is necessary.

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).*

Outdoor commercial recreational uses are not typically permitted in airport zoning districts, however, CMC 19.48.050 (*Use Permit Findings*) allows for the Zoning Administrator to issue a use permit for uses identified in CMC 19.48.050, Table 4-10 (*Allowed Uses and Permit Requirements for Airport Zoning Districts*) as not permissible, if the additional findings can be made. Findings include that the proposed use is; compatible with existing allowable uses in the district; would not create adverse parking problems adjacent to the site, and; would enhance the economic vitality of the airport area. Staff believes that the findings have been made and processed this use permit in accordance with the requirements of Chapter 19.24 and CMC 19.48.

- 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 project would occupy approximately six acres of a 27 acre City-owned property currently and historically occupied by five little league baseball fields (Westside Little League), since the 1950's. The proposed relocation of SD BMX to the site would result in an expansion of the existing outdoor recreational use at the site, which has existed compatibly with the Chico Municipal Airport for over 50 years. Peak hours for BMX practice and racing would typically occur during weekday evening hours with possible future weekend hours and are not anticipated to conflict with daily operation of uses within the Airport Industrial Park. The proposed project would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood.

- 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 proposal consists of relocating the site of Silver Dollar BMX (SD BMX) to a partially developed 27-acre City-owned property located in north Chico, adjacent to the existing little league baseball fields between Marauder Street and Cohasset Road. Existing regulations require that any property or public improvements damaged during the course of construction be repaired or reconstructed by the applicant. No other impacts to property or improvements outside of the project site have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

The AM zoning district is applied to and appropriate for light industrial, manufacturing, and distribution uses related to aviation, require access to air transportation, or are otherwise compatible with the operational characteristics of the airport. The proposed project involves the relocation of an existing recreational use to a site currently occupied by a compatible recreational use. The project implements General Plan goals and policies that encourage a partnership with Chico Area Recreation District (CARD) to offer recreation opportunities for the community and promoting regional sporting events to bring economic benefit to businesses located in Chico (ED-1.4.7).

- 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 proposal consists of relocating the site of Silver Dollar BMX (SD BMX) to a partially developed 27-acre City-owned property located in north Chico, adjacent to the existing little league baseball fields between Marauder Street and Cohasset Road. Site improvements would include bleacher/stand seating flanking the new tracks. A new structure would accommodate bathrooms, concessions and office space. Light poles would be relocated from the existing BMX track site to the new site and would consist of pole-mounted box lights mounted at approximately 25 feet tall. New landscaping would be installed throughout the parking area and throughout the project site. Detailed site improvements and architecture associated with the proposal would be reviewed by City staff, pursuant to the City's Architectural Review and Historic Preservation standards (Chico Municipal Code (CMC) 19.18.). Peak hours for BMX practice and racing would typically occur during weekday evening hours with possible future weekend hours and are not anticipated to conflict with daily operation of uses within the Airport Industrial Park.

Additional Findings Pursuant to CMC 19.48.050 (Use Permit Findings)

Pursuant to CMC 19.48.050 (*Use Permit Findings*), the Zoning Administrator may approve a use permit for uses which are indicated as being permissible in a particular zoning district, if the following findings can be made:

- A. *That the proposed use would not be incompatible with the other existing or allowable uses in the district;*

The proposed project would occupy approximately six acres of a 27-acre City-owned property currently and historically occupied by five little league baseball fields (Westside Little League), since the 1950's. The proposed relocation of SD BMX to the site would result in an expansion of the existing outdoor recreational use at the site, which has existed compatibly with the Chico Municipal Airport for over 50 years. Peak hours for BMX practice and racing would typically occur during weekday evening hours with possible future weekend hours and are not anticipated to conflict with daily operation of uses within the Airport Industrial Park.

- B. *That the proposed use would enhance the economic vitality of the airport area and further its continuing development;*

The site has historically been utilized by five little league baseball fields (Westside Little League Park), established in the 1950's. The proposed project implements General Plan Economic Development goals and policies that encourage protection of existing recreation assets and tourism industries (ED-2.1), promote regional and other major sporting events to economically benefit businesses located in Chico (ED-1.4.7) and encourage projects that increase the quality of life for Chico residents (ED-1.5). The project further implements General Plan goals and policies that discourage the expansion of incompatible uses surrounding areas identified for industrial and manufacturing uses, specifically in the Chico Municipal Airport area (ED 1.2.6) and support the continued operation and expansion of the airport (ED-1.7). It is not anticipated that the proposed project would interfere with the economic vitality of the airport area or its continuing development.

- C. *That the proposed use would not create any adverse parking problems adjacent to the site of the proposed use;*

Parking requirements for outdoor recreational uses are determined through use permit approval. The site plan indicates 147 vehicle parking spaces within a new parking field located east-adjacent of the new tracks; additional parking is provided by the existing parking area associated with the little league baseball fields. Viewing/stadium seating can accommodate up to 1000 people, however, regular/daily attendance at the track would range from 30 – 90 riders. It is anticipated that the expansion and relocation of the track would provide for the ability to host larger, national events drawing crowds of between 600 – 800 people. To accommodate the intermittent influx in attendees and the need for additional parking, a condition of approval is recommended that the applicant work with neighboring land owners to secure over-flow parking at an off-site location during intermittent national events. The viewing/stadium seating area would be located at the northerly portion of the site, approximately 3,800 linear feet (0.5 miles) from the nearest available street parking at the intersection of Marauder Street and Ryan Avenue. It is not anticipated that regular weekly use of the site would create adverse parking problems adjacent to the site.

D. *That the proposed use, if located in the A Aviation district, is aviation-related; and*

The project site is not located in the A Aviation district.

E. *That the proposed use, if located in the AC Airport commercial district, is related to airport activities or will serve employees working in one or more of the Airport zoning districts or is otherwise compatible with the operational characteristics of the airport.*

The project site is not located in the AC Airport Commercial zoning district.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 19-21 authorizes an outdoor recreational use in the AM zoning district, in substantial accord with the "Plat to Accompany Use Permit 19-21 (BMX Relocation)" 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. **MITIGATION C.1 (Air Quality)**: To minimize air quality impacts during the construction phase of the project, specific BMPs shall be incorporated during initial grading and subdivision improvement phases of the project as specified in Appendix C of the BCAQMD's CEQA Air Quality Handbook, October 23, 2014, available at <http://bcaqmd.shasta.com/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf>.

Examples of these types of measures include but are not limited to:

- Limiting idling of construction vehicles to 5 minutes or less.
- Ensuring that all small engines are tuned to the manufacturer's specifications.
- Powering diesel equipment with Air Resources Board-certified motor vehicle diesel fuel.
- Utilizing construction equipment that meets ARB's 2007 certification standard or cleaner.
- Using electric powered equipment when feasible.

MITIGATION MONITORING C.1 (Air Quality): Prior to approving grading permits or improvement plans City staff will review the plans to ensure that Mitigation Measure C.1 is incorporated into the construction documents, as appropriate.

4. **MITIGATION D.1 (Biological Resources)**:

Prior to ground disturbance, the boundaries of the wetland features shall be flagged in the field by a qualified biologist. In areas near the wetlands, construction and silt fencing shall be installed to designate the work area and to prohibit construction activity in the wetlands. The fencing shall be monitored, maintained and repaired on a daily basis and only removed upon completion of construction activities.

MITIGATION MONITORING D.1 (Biological Resources): Planning staff will verify that the above wording is included on construction plans.

5. **MITIGATION D.2 (Biological Resources):**

If vegetation removal or initial ground disturbances occur during the avian breeding season (February 1 – August 31) the applicant shall hire a qualified biologist to conduct a migratory bird and raptor survey to identify any active nests within 250 feet of the biological survey area (BSA). A qualified biologist shall:

- Conduct a survey for all birds protected by the Migratory Bird Treaty Act and California Fish and Game Commission within seven (7) days prior to vegetation removal or initial ground disturbances (whichever activity comes first), and map all active nests located within 500 feet of the BSA where accessible;
- Develop buffer zones around active nests. The qualified biologist shall determine appropriate species protection buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.
- If construction activities stop for more than 15 days, then another migratory bird and raptor survey shall be conducted within seven (7) days prior to the continuation of construction activities.

MITIGATION MONITORING D.2 (Biological Resources): If initial ground disturbance is proposed to be conducted during the avian breeding season, Planning and Engineering staff will require final copies of the required surveys documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site. If active nests are encountered, the qualified biologist shall determine appropriate species protection buffers around active nests based on the species tolerance of disturbance, species type, nest location and activities that will be conducted near the nest. Construction activities shall be prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to the City of Chico Community Development Department weekly or as necessary.

6. **MITIGATION D.3 (Biological Resources):**

Prior to issuance of any grading permit or other city approval that would directly result in disturbance to the site the applicant shall provide Planning staff with final copies of the permits and compensatory mitigation required by the U.S. Army Corps of Engineers, CVRWQCB and CDFW, or copies of relevant correspondence documenting that no permit is required, as applicable.

MITIGATION MONITORING D.3 (Biological Resources): Planning and Engineering staff will require final copies of the required permits and compensatory mitigation or letters documenting relief thereof, prior to issuance of any grading or other permits that will result in disturbances to the site.

7. **MITIGATION R.1. (Tribal Cultural Resources):** If during ground disturbing activities, any potentially paleontological, prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources are encountered, the supervising contractor shall cease all work within 10 feet of the find (100 feet for human remains) and notify the City. A professional

