



File: UP 19-09

DATE: June 4, 2019

TO: ZONING ADMINISTRATOR

FROM: Shannon Costa, Associate Planner, 879-6807, shannon.costa@chico.ca.gov

RE: Use Permit 19-09 (Hubbard Residential) 1421 Park Avenue, APN 008-177-010

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find that the project is categorically exempt from environmental review and approve Use Permit 19-09 (Hubbard Residential), based on the findings and subject to the recommended conditions of approval contained in the agenda report.

BACKGROUND

This is a request to authorize expansion and reconfiguration of a non-conforming use, and to allow ground-floor residential occupancy in the CC (Community Commercial) zoning district. The site is located at 1421 Park Avenue (See **Attachment A**, Location Map, and **Attachment B**, Plat to Accompany Use Permit 19-09), on the east side of Park Avenue, between E 14th Street and E 15th Street. The 0.13 acre site is zoned CC-COS-SD8 (Community Commercial with Corridor Opportunity Site and Special Design Considerations (Southwest Chico Neighborhood) overlay) and is designated Commercial Mixed Use in the General Plan Land Use Diagram.

The site has historically been used for a variety of commercial uses and most recently, a bookstore. Building permit records indicate that the site had been previously used as residential, restaurant and retail space, although records are unclear as to when the residential use was established. A site plan produced by the permit file indicates a one-bedroom unit and a two-bedroom unit were provided address assignments in 2008.

The proposal includes the reconfiguration of the building floor plan resulting in one commercial suite at the front of the building that is approximately 720 square-feet in size, and three residential units behind, ranging from approximately 630 square-feet to 1,100 square-feet in size. The overall footprint of the building would not be modified and no changes to the exterior of the building are proposed. An existing parking area is located at the rear of the site and can accommodate three vehicles.

DISCUSSION AND ANALYSIS

The request is to allow three ground-floor residential units resulting in an overall density of 17 units per gross acre, which falls within the allowable density range of 6 to 22 units per acre in the CC (Community Commercial) zoning district. Pursuant to Chico Municipal Code (CMC) section 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. The existing residential units established prior to

adoption of this code section are considered legal non-conforming. Chico Municipal Code (CMC) 19.08.030 (*Nonconforming Structures, Uses and Parcels*) requires that any addition, enlargement, or relocation of an existing non-conforming use can be authorized with use permit approval.

Parking

Pursuant to CMC 19.70 (*Parking and Loading Standards*), five vehicle parking spaces are typically required for the unit and bedroom count for the proposed project. The existing 3,100 square foot building was constructed prior to 1953 and covers over 50-percent of the parcel resulting in the inability to provide new parking areas on the site. CMC 19.70.040 (*Number of Parking Spaces Provided*) provides that additional parking spaces shall be provided for the expansion or intensification of a use only when the number of required parking spaces is increased by three or more. The proposed project would increase the number of parking spaces required on site by two spaces, therefore, no additional parking spaces are required. With ample on-street parking available on Park Avenue, E 14th Street and E 15th Street, it is not anticipated that the proposed residential units would impact existing parking supplies in the project vicinity. To accommodate future tenants and encourage multi-modal transportation, a condition of approval is recommended that the applicant install one bike rack on the site prior to certificate of occupancy for the new residential units (see Condition of Approval # 3).

General Plan

The project site is located in the Park Avenue Corridor Opportunity Site. Opportunity Sites are identified in the General Plan as areas expected to be the focus of change and revitalization. The proposed project would implement General Plan goals and policies for this opportunity site in that it would result in a mixed-use, higher density development, compatible with surrounding land uses. It is not anticipated that the reduction in commercial space at the project site would result in an inadequate supply of commercial space along Park Avenue, as there appears to be ample, vacant space along the corridor, including within the Park Village shopping center located across from the project site. The proposed project would maintain its commercial frontage along Park Avenue, which is ideal for the commercial corridor. Additional General Plan goals and policies implemented by the project include:

- Policy LU-4.2 (Infill Compatibility) - Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.
- Action LU-4.2.1 (Mix of Dwelling Types) – Allow a mix of dwelling types within all residential land use designations consistent with density requirements and applicable design criteria.
- Policy LU-5.1 (Opportunity Sites) - Facilitate increased density and intensity of development and revitalization Opportunity Sites.
- Action LU-5.1.3 (Flexible Parking) – Maintain standards in the Municipal Code that allow flexibility for parking reductions and parking in shared lots

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). The project involves the conversion of a portion of an existing structure to a residential use where only minor modifications are made. The total number of dwelling units involves no more than four which is consistent with the CEQA exemption.

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 and Changes to a Structure or Site Improvement 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 ground-level residential occupancy in the CC (Community Commercial) zoning district, subject to use permit approval. Chico Municipal Code 19.08.030 provides that any addition, enlargement, or relocation of an existing non-conforming use can be authorized through 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.*

Ground-floor residential uses have existed compatibly at the site and within the neighborhood for many years. The proposed expansion of the ground-floor residential use 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 project site is within an area that currently contains multi-family uses and structures, commercial services and access to public transit. The proposed multi-family use is consistent with the historic use of the site. 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), 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) and increasing intensity and density in the Corridor Opportunity Sites (LU-5.1).

- 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 ground-floor residential use has existed compatibly within the neighborhood. No expansion or changes to the existing structure are proposed.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 19-09 (Hubbard Residential) authorizes expansion and alteration of a non-conforming use, and ground-level residential occupancy in a CC (Commercial Services) zoning district in substantial accordance with the "Plat to Accompany Use Permit 19-09 (Hubbard Residential)", except as modified by any other condition of approval.
2. The permittee 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. Prior to certificate of occupancy for the new residential units, the application shall install one bicycle parking rack on the site.

PUBLIC CONTACT

All landowners and occupants within 500 feet of the subject property were noticed and a legal notice was published in the *Chico Enterprise Record*. As of the date of this report, no comments have been received from the public.

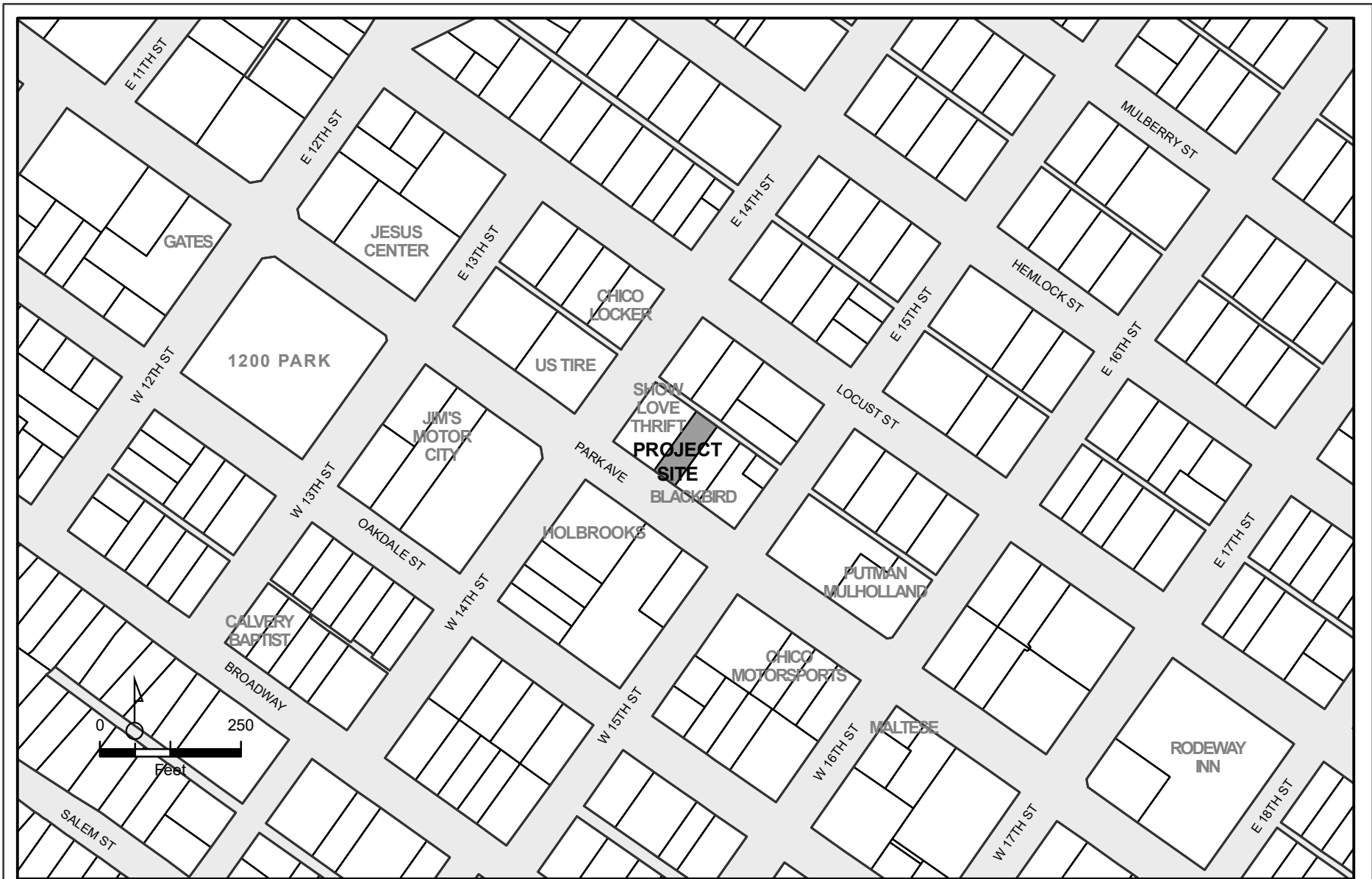
DISTRIBUTION:

Mike Sawley, Zoning Administrator
Bruce Ambo, Principal Planner
Shannon Costa, Associate Planner

Thomas K. Hubbard, 791 Victorian Park Drive, Chico, CA 95926, email: tkh@utexas.edu

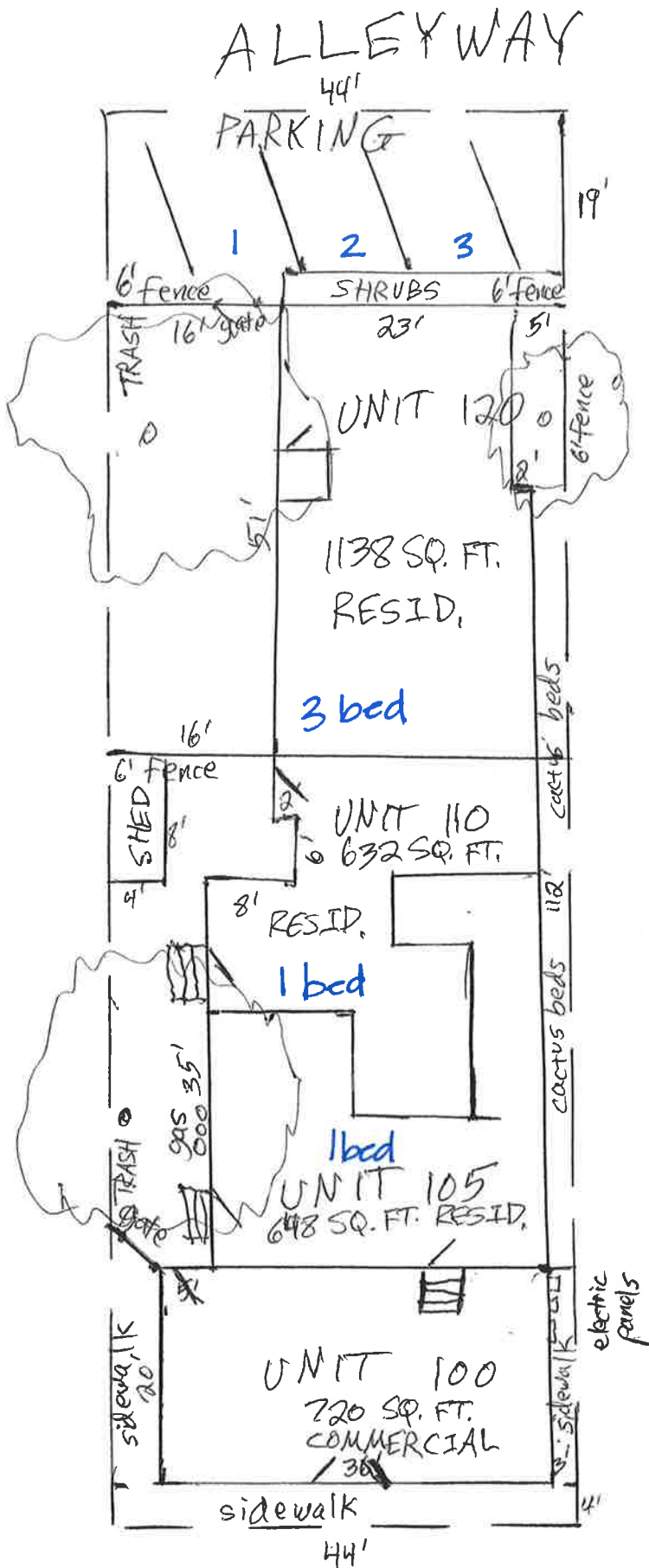
ATTACHMENTS:

- A. Location/Notification Map
- B. Plat to Accompany Use Permit 19-09 (Hubbard Residential)



UP 19-09 (Hubbard)
1421 Park Avenue
APN 005-177-010-000





Applicant: Thomas K. Hubbard
 Lot Area: 44' X 135' = 5940 sq. ft. (0.13 acre)
 Scale: 1" = 16 ft.
 Date: 4/29/2019

RECEIVED

APR 30 2019

CITY OF CHICO
 PLANNING SERVICES



1421 PARK AVE.
 Parcel No. 005-177-010-000