



DATE: November 18, 2011

Files : PDP 11-01  
UP 11-10

TO: Planning Commission

FROM: Mike Sawley, Associate Planner, (879-6812, msawley@ci.chico.ca.us)  
Planning Services Department

RE: **Modification of Harvest Park Approval, APN 006-150-119**

## **SUMMARY**

The applicant requests modification of a planned development permit and use permit to develop a 90-unit multi-family apartment complex on the southerly side of East Avenue between Esplanade and Holly Avenue. Previously approved by the Commission on 8/4/11, the revisions would modify the site layout, introduce a new building type, and include a new 8-foot wooden fence along the westerly property line. The applicant is seeking the proposed changes to avoid an appeal hearing and litigation in court. The proposed changes are within the scope of the negative declaration adopted for the project and no major issues have been identified.

### Recommendation:

Planning staff recommends that the Planning Commission adopt Resolution No. 11-14 (**Attachment A**), approving the modifications to Planned Development Permit 11-01 and Use Permit 11-10, subject to the conditions of approval contained therein.

### Proposed Motion:

I move that the Planning Commission adopt Resolution No. 11-14, approving the modifications to Planned Development Permit 11-01 and Use Permit 11-10, subject to the conditions of approval contained therein.

## **BACKGROUND**

### Site Conditions and Context

The project site is located on the southerly side of West East Avenue between Esplanade and Holly Avenue (see Location/Notification Area Map, **Attachment B**). Designated Residential Mixed-Use on the General Plan Land Use Diagram and located in an OR-PD (Office Residential-Planned Development Overlay) zoning district, the site is also within a General Plan "Corridor Opportunity Site" identified as the "East Avenue Opportunity Site." Adjacent uses include multi-family residential immediately south and west of the site, a commercial shopping center to the east, and various offices and medical services to the north, across West East Avenue (see Site Context Plan, **Attachment C**).

### Prior Review

Project entitlements approved by the Commission on 8/4/11 consisted of a parcel map, a planned development permit and a use permit. The following describes each entitlement and its relationship to the current request.

**Parcel Map:** The approved parcel map would divide an 11-acre site into two parcels and result in the construction of a new cul-de-sac street with a traffic signal at East Avenue (see Approved Parcel Map, **Attachment D**). Parcel 1 would be developed with a 90-unit multi-family apartment complex ("Harvest Park"), pursuant to the Planned Development Permit and Use Permit described below. No modifications to the approved parcel map are requested.

**Planned Development Permit (PDP):** The approved PDP for the project specifies a site plan and three building elevations for the Harvest Park development (see Previously Approved Plat, **Attachment I** and Color Elevations for Buildings "A", "B" and "D", **Attachment H**). The PDP also provides for a reduction in off-street vehicle parking (173 instead of 195 spaces), greater than 50 percent compact parking stalls (64%), and a reduced front yard setback on West East Avenue for the Community Building (13 feet instead of 15 feet).

The new site layout would provide a large separation between the proposed residential buildings and the westerly property line, and would add a third residential building type that is suitable for a side-on configuration relative to East Avenue (see **Attachments E and F**, and Building Type "C" in **Attachment H**). The modified proposal would still total 90 units on a 5.15-acre site (5.85 gross acres), and entail similar requests to modify code requirements, as follows:

<b>Code Requirement</b>	<b>Approved PDP</b>	<b>Proposed Modification</b>
Off-street parking spaces	173	172
Compact stalls	64%	65%
Front Setback (Community Building only)	13 feet	13 feet

The proposed modifications also retain the original project amenities, open space, and a landscape plan that meets all applicable standards (see **Attachment G**).

**Use Permit:** The approved use permit for Harvest Park authorizes a multi-family residential use at the site. As part of this modification request the applicant proposes to construct an 8-foot redwood fence along the westerly property line shared with the Pebblewood Pines condominium complex.

## **DISCUSSION/ANALYSIS**

The proposed modifications represent a compromise reached between the applicant and the Pebblewood Pines Home Owner's Association (HOA). Following the Commission's 8/4/11 approval of the project the HOA submitted a timely appeal of the decision, and also filed a lawsuit against the property owner. The HOA has since agreed to withdraw the appeal and settle the lawsuit in favor of the proposed changes.

In addition to the modified site plan the settlement agreement requires the developer to install continuous eight foot fencing along the westerly property line and to limit the height of parking lot light standards to 12 feet along the westerly property line. These project features are supported by staff and have been included as recommended conditions of approval.

The proposed modifications to the Harvest Park project do not represent a significant change to the scope of the project or a major change to the code exceptions requested under the original approval. Staff supports the modifications and recommends approval.

## **ENVIRONMENTAL REVIEW**

A Negative Declaration (ND) was adopted for the project on 8/4/11. Pursuant to Section 15162 of the California Environmental Quality Act, no subsequent environmental review is necessary, as there have been no substantial changes to the project which would require revisions of the ND, no substantial changes have occurred with respect to the circumstances under which the project is being undertaken which would require revisions of the ND, and no new information of substantial importance has become available which would require revisions to the adopted ND.

## **REQUIRED FINDINGS FOR APPROVAL**

### Planned Development Permit Findings (CMC Section 19.28.060)

Following a public hearing, the Planning Commission may approve or conditionally approve a planned development permit only after first making all of the following findings:

1. *The proposed development is allowed within the zoning district and generally complies with all of the applicable provisions of City of Chico Title 19 regulations with modifications as specifically approved, and applicable project design guidelines.*
2. *The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well as with the land uses presently on the subject property.*
3. *The proposed entitlement is consistent with the General Plan.*
4. *The site is physically suitable for the type and density and/or intensity of use being proposed.*
5. *There are adequate provisions for public and emergency vehicle access, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety.*
6. *The design, location, size and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.*
7. *The proposed development is consistent with the purpose of [CMC 19.28.010].*

Planned Development Permit 11-01 has been processed in conjunction with Use Permit 11-10, which would allow a multi-family residential use on the project site. The project generally complies with all applicable provisions of Title 19 Land Use Regulations, with modifications specifically approved to allow a front setback of 13 feet for the Community Building, 172 off street parking spaces, and up to 65 percent compact parking spaces.

The proposed multi-family residential use would be compatible with existing multi-family residential uses adjacent to the site as well as with future developments within the OR zoning district. There are no land uses presently on the subject property.

At 15.38 units per acre, the proposed development would be consistent with the General Plan designation of RMU and with the density requirement for Corridor Opportunity Sites to provide 15-70 units per acre. The proposed site design both meets the minimum required density for the Corridor Opportunity Site and achieves compatibility with adjacent multi-family residential uses, consistent with policies LU-4.2 (*Infill Compatibility*), LU-4.3 (*Emphasis on Neighborhood Compatibility*), LU-5.1.2 (*Midpoint Density*), and CD-5.1 (*Compatible Infill Development*). The rent-restriction component of the project would implement General Plan Goal H.2 (*Provide housing that is affordable for residents with low-incomes and low paying jobs, fixed incomes and pensions*), and the inclusion of accessible units for special needs individuals with extremely low incomes is consistent with Goal H.4 (*Encourage the creation of housing for those with special housing needs*).

The 5-acre Harvest Park site is physically suitable for development with 90 units in that the site is relatively flat, contains no significant vegetation or remarkable environmental features, and the site is adequately served by existing infrastructure.

Conditions of approval require compliance with all other State and local Code provisions, including those of the Building and Development Services Department and the Fire Department. There are adequate provisions for public and emergency vehicle access, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety.

The proposed development is consistent with CMC 19.28.010 in that it would provide community benefits in the form of affordable housing and incorporate open areas which are planned as an integral part of the project design.

#### Use Permit Findings (CMC Section 19.24.060)

Following a public hearing, the Planning Commission may approve or conditionally approve a use permit only after first making all of the following findings:

1. *The proposed use is allowed within the subject zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits);*
2. *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;*
3. *The proposed use would 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;*
4. *The proposed entitlement is consistent with the General Plan, any applicable specific plan, and any applicable neighborhood or area plan;*
5. *The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.*

Pursuant to CMC 19.44, multi-family residential uses are allowed in the OR district subject to use permit approval. Use Permit 11-10 has been processed in accordance with the provisions of CMC 19.24 (*Use Permits*).

Development of the site will be required to comply with all applicable development standards of the CMC. Conditions of approval require compliance with all other State and local Code provisions, including those of the Building and Development Services Department and the Fire Department. There are adequate provisions for public and emergency vehicle access, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Development of the site under relevant approvals and subsequent building permits will not result in a use that is detrimental to persons or property located in the neighborhood of the project.

The proposed Harvest Park multi-family use is consistent with the General Plan, Design Guidelines, and will be compatible with surrounding uses, as detailed in the PDP findings, above. No specific plan or neighborhood plan applies to the subject site.

## **PUBLIC CONTACT**

A 10-day public hearing notice for this modification was mailed to all landowners and residents within 300 feet of the site, and other interested parties. A legal notice was also placed in the *Chico Enterprise Record*. As of the date of this report staff has received no comments.

## **DISTRIBUTION**

Internal (3)

Mike Sawley, Associate Planner

Files: PDP 11-01, UP 11-10

External (5)

AHDC, Inc., Attn: Laurie Doyle, 3128 Willow Avenue, Suite 101, Clovis, CA 93612

NorthStar Engineering, Jim Stevens, 111 Mission Ranch Blvd., Ste. 100, Chico, CA 95926

Mogavero Notestine Associates, Attn: Renner Johnston, 2012 K St, Sacramento, CA 95811

S & S Enterprises, Attn: Walt Stile, P.O. box 1422, Chico, CA 95927

Pebblewood Pines HOA, c/o Gary Taylor, 1750 Humboldt Rd, Chico, CA, 95928

## **ATTACHMENTS**

A. Resolution 11-14

I. Exhibit I Conditions of Approval for PDP 11-01/UP 11-10

B. Location/Zoning Map

C. Site Context Plan

D. Parcel Map 11-02

E. Illustrative Site Plan

F. Proposed Plat to Accompany Planned Development Permit 11-01 and Use Permit 11-10

G. Landscape Plan (2 Sheets)

H. Color Elevations for Buildings A, B, C and D (7 sheets)

I. Previously Approved Plat to Accompany PDP 11-01 and UP 11-10