



General Information

Applicant: Thomas T. van Overbeek, 10163 Miguelito Road, San Jose, CA 95127

Property Owner: Same as applicant

Project Architect: David Kim, 300 Broadway Blvd., NE, Suite K, Albuquerque, NM 87102-3488

Purpose: A request to allow residential uses on the ground floor in the OC (Office Commercial) zoning district. The proposal consists of a 15-unit, two-story apartment development that would create a gross density of 12 units per acre, which is within the allowable density range of 6 to 20 units per acre.

Location: 249 W. 8th Avenue

Assessor's Parcel Nos.: 003-573-001

Parcel Acreage: 0.83 acre (net), 1.25 acres (gross)

Existing Land Use: Offices

Existing Zoning: OC-SD4 Office Commercial-Special Design Overlay 4

General Plan Designation: Office Mixed Use

Surrounding Land Uses:

<i>N</i>	Single-family residential (w/2 nd dwelling unit)
<i>S</i>	Single-family residential
<i>E</i>	Single-family residential (w/2 nd dwelling unit)
<i>W</i>	Single-family residential

Environmental Review: Categorical Exemption, CEQA Guidelines Section 15332 (Infill Development)



File: UP 16-01

DATE: March 15, 2016
TO: ZONING ADMINISTRATOR
FROM: Bob Summerville, Senior Planner
RE: Use Permit 16-01 (van Overbeek) 248 W. 8th Avenue

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find that the project is categorically exempt from environmental review and approve Use Permit 16-01 (van Overbeek), based on the findings and subject to the recommended conditions of approval contained in the agenda report.

BACKGROUND AND ANALYSIS

The request is to allow residential uses on the ground floor in the OC (Office Commercial) zoning district. The proposal consists of a 15-unit, two-story apartment development that would create a gross density of 12 units per acre falling within the allowable density range of the OC district which is 6 to 20 units per acre. A parking reduction from 29 to 27 spaces is also requested. Located at the southeast corner of Arcadian and W. 8th Avenues, the proposed site plan illustrates two apartment buildings positioned close to the street frontages with off-street parking located at the rear of the site, accessed from an adjacent unimproved alley (see location map, **Attachment A** and site plan/Plat, **Attachment B**).

A soils and site history report submitted with the application notes that the site was used by Caltrans as a maintenance facility, including fueling station, from the 1940s through the 1960s. The report notes that all underground storage tanks (USTs) have been removed and soils remediated. The site plan illustrates that all existing structures on the site will be demolished including an existing home near the street corner (legalized for office uses during the past 15 years), a Caltrans garage located along the alley, and various other sheds. A row of mature sycamore trees along the south side of the site will also be removed.

Site design locates all parking spaces at the rear of the site and accessed from the adjacent unimproved alley via two new driveways. The parking analysis provided on the site plan notes that twenty-nine parking spaces are required, with 27 spaces proposed on-site. Parking reductions may be granted by entitlement pursuant to CMC 19.70.050. Staff recommends that the Zoning Administrator grant the reduction pursuant to the findings noted below in this report. The site plan illustrates that approximately one-half of the required 27 spaces on-site will be accommodated within two garage/storage units, and the remaining exposed spaces will be shaded by new landscape trees. The two garage structures and privacy walls screen views of the parking area from W. 8th Avenue and adjacent residences to the south.

Two apartment buildings illustrated on the site plan (each generally designed with a “U-shaped” footprint) face each other to create a central courtyard with amenities that include a central fountain, outdoor dining, and fireplace for tenant gathering and passive open space. Intermittent privacy walls (four and six-foot tall) are arranged along the periphery of the site.

Residential uses in the OC zoning district require a use permit pursuant to Chico Municipal Code (CMC) section 19.44.020, Table 4-6. The site is also located within the –SD4 (Special Design Consideration 4) overlay zoning district which regulates second dwelling units. There are no second dwelling units associated with the project. None of the existing structures on the site are listed on the City’s Historic Resources Inventory and do not appear to qualify for listing. The project will require review and approval by the City’s Architectural Review & Historic Preservation Board prior to the issuance of building or grading permits. Any tree preservation or removal will require compliance with City regulations including Chapter 19.68 and 16.66.

Discretion through the use permit process for residential uses on the ground floor in commercial districts (including the subject OC district) is typically intended to focus on issues that include vertical mixed-use and compatibility of residences near ground-level commercial uses. In the subject case, surrounding uses are all residential, although some are located in the OC district (adjacent to the north and east) where commercial and office uses are permitted. The proposed ground-floor residential use will be compatible with adjacent residential uses and will support existing commercial services which are within walking distance. Also, no other multi-family residential uses are located in the immediate neighborhood, therefore, the project will offer an option of density and housing type to further support the area’s General Plan designation of Office Mixed Use. The ground-level (architectural) form of the proposal will be compatible with the adjacent architectural form of existing residential uses. The ground-level residential use will not be incompatible with existing commercial uses to the north and east which are all low-intensive.

Environmental Review

The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (In-Fill Development). The project is consistent with the General Plan designation and all applicable zoning regulations. The project site is located within city limits on a site less than five acres in size. There is no known value to the site for habitat for endangered, rare or threatened species, and the site can be adequately served by required utilities and public services. Approval of the project will not result in any significant effects relating to traffic, noise, air quality or water quality.

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).*

Residential uses in the OC zoning district require a use permit pursuant to Chico Municipal Code (CMC) section 19.44.020, Table 4-6. A parking reduction may be

granted by entitlement pursuant to CMC 19.70.050 (see required findings, below). This use permit has been processed in accordance with the requirements of CMC Chapter 19.24 (Use Permits).

- 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 multi-family residential use would be consistent with existing residential uses in the neighborhood and provide employee housing for existing office and commercial uses in the neighborhood, including the Enloe Medical Center.

- 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.*

Required public improvements to the site's adjacent street frontages, alley, and storm water facilities, as anticipated in the adopted Chico Avenue Neighborhood Plan, will reduce current deficiencies to better serve the neighborhood. Civil design of the parking lot and alley improvements will be in accordance with City Best Management Practices (BMPs) and standards including directing storm water flows away from adjacent properties and into existing drain facilities.

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

The project is consistent with the following policy of the Land Use Element of the General Plan that supports compatible infill development:

Policy LU-4.2 (Infill Compatibility) - Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

The project is consistent with the following goal and policies contained in the Community Design Element of the General Plan:

Goal CD-3: Ensure project design that reinforces a sense of place with context sensitive elements and a human scale.

Policy CD-3.1 (Lasting Design and Materials) - Promote architectural design that exhibits timeless character and is constructed with high quality materials.

Policy CD-5.3 (Context Sensitive Design) - For infill development, incorporate context sensitive design elements that maintain compatibility and raise the quality of the area's architectural character.

Public improvements to the street frontage, alley, stormwater facilities, and bulbing of the street corner at the intersection of W. 8th and Arcadian Avenues is consistent with goals and objectives of the adopted Chico Avenues Neighborhood Plan.

- 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 apartment buildings are located close to street frontages with decorative privacy walls and balconies. Parking areas are located to the rear of the site and screened from public views by apartment buildings and decorative screen walls. Parking lot shade trees are provided over exposed parking spaces.

Additional Findings for Reduction of Off-street Parking

A reduction of off-street parking pursuant CMC 19.70.050 may be allowed only if both of the following findings can be made:

1. *The site is located in an area of mixed use development.*

Retail shopping and dining uses are located within two blocks of the site, as well as office uses, including the Enloe Medical Center. In addition, the area is served by public transit, bicycle facilities, and new sidewalks from W. 8th Avenue to The Esplanade.

2. *The proposed parking reduction of two spaces is not likely to overburden public parking in the vicinity.*

Six new parking spaces will be improved along the site's Arcadian Avenue frontage, including a new sidewalk and landscaped parkway strip. The unimproved shoulder of the Arcadian Avenue frontage does not currently serve a demand for neighborhood parking.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 16-01 (van Overbeek) authorizes residential uses on the ground floor in the OC (Office Commercial) zoning district and a parking reduction from 29 to 27 on-site spaces, in substantial accordance with the "Plat to Accompany Use Permit 16-01 (van Overbeek)", 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. The project will require review and approval by the City's Architectural Review & Historic Preservation Board prior to the issuance of any building or grading permits. Any tree preservation or removal shall require compliance with City regulations including Chapter 19.68 and 16.66.

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:

Internal (2)

Mark Wolfe, Zoning Administrator

Bob Summerville, Senior Planner

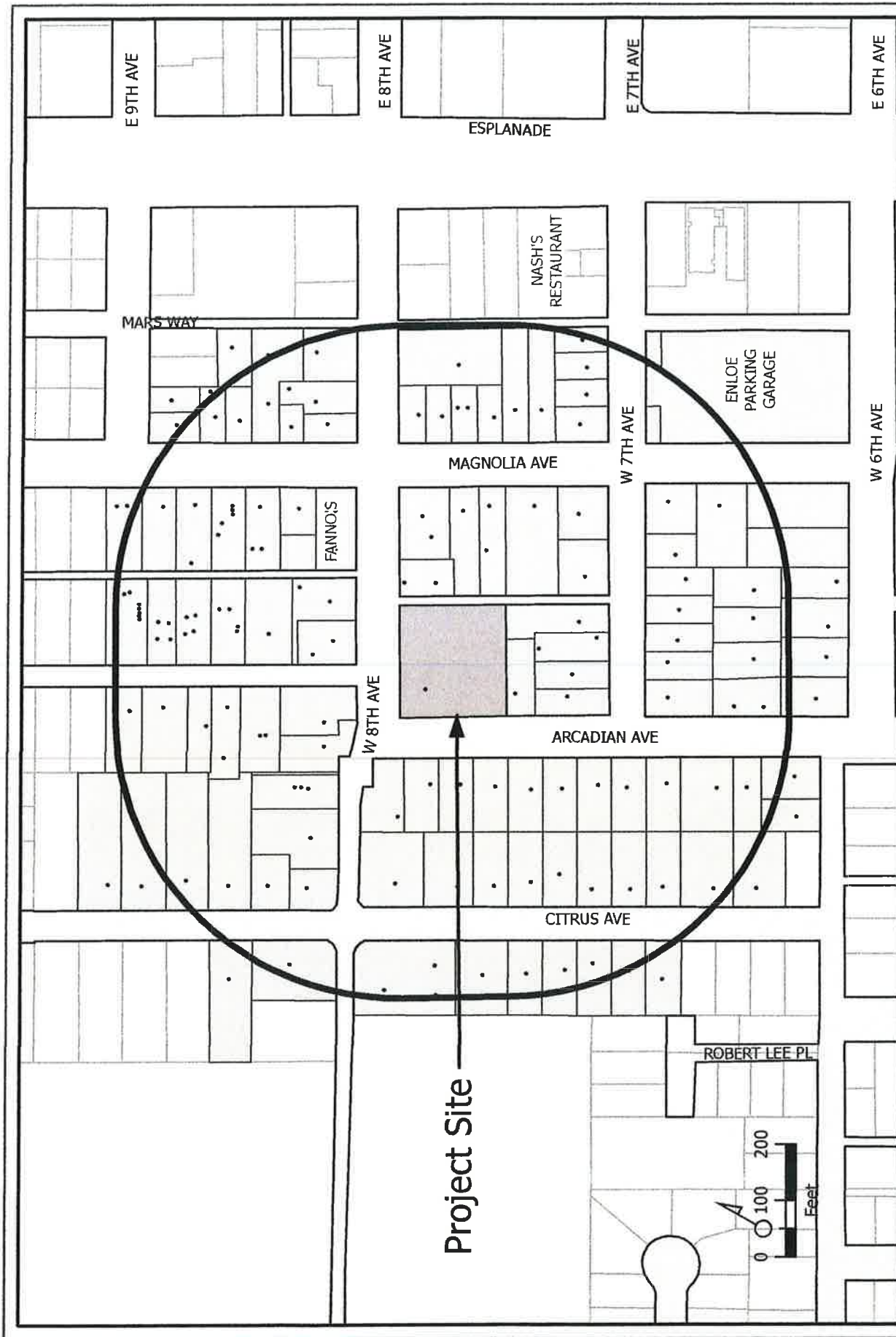
External (2)

Thomas T. van Overbeek, 10163 Miguelito Road, San Jose, CA 95127

David Kim, 300 Broadway Blvd., NE, Suite K, Albuquerque, NM 87102-3488

ATTACHMENTS:

- A. Location/Notification Map
 - B. Plat to Accompany Use Permit 16-01 (van Overbeek)
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UP 16-01 (van Overbeek)
 249 W 8th Avenue
 APN 003-573-001-000

Plat to Accompany Use Permit 16-01 (van Overbeek)

Parcel Size: **180'x200'=36,000 SF/0.83 Acres**
 Floor Area: **18,660 SF**
 Number of Parking (auto): **29** (See below)
 Number of Parking (bicycle): **16** (See below)
 Landscaped Area: **6,996 SF or 19%**
 Lot Coverage: **14,040 SF or 39%**

COURTYARD APARTMENTS

249 West 8th Avenue, Chico, California 95926
 Assessor's Parcel Number: 003-573-001
 Applicant: Thomas T van Overbeek

(E) Building to be removed

Automobile Parking Calculations:
 Multi-Family - 2BR units at 1.75 spaces
 (15 units x 1.75 = 26.25 spaces)
 Guest Parking - 1 per every 5 units
 (15 units / 5 = 3 spaces)
 Total Required - 26.25+3 = 29.25 or 29
 (round down per 19.70.040 E)
Total provided - 29 spaces

Bicycle Parking Calculations:
 Multi-family - 1 space per unit
 (15 units x 1 = 15 spaces)
 Total Required - 15
Total provided - 16 spaces

ARCADIAN AVENUE

Balconies above
 Fountain
 Outdoor fireplace & seating area
 4' Site walls, typical
 6' Site walls, typical

WEST 8TH AVENUE

MULTI-FAMILY
 18,660 SF

GARAGE
 1,664 SF

GARAGE
 1,664 SF

ALLEY

(E) Underground tank to be buried
 (E) Shed to be removed

Trash Enclosure
 (E) Building to be removed

Each storage unit to accommodate one bicycle (12 total)

