

CHAPMANTOWN-MULBERRY IMPROVEMENT REPORT

Prepared for Butte County

by

Town Planners

April 1994

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Preface

This report is intended to provide design standards and a list of public works and redevelopment projects for the Chapmantown-Mulberry neighborhood, an area located in the southeast section of Chico. The Chapmantown Mulberry neighborhood is situated primarily within the territorial jurisdiction of Butte County. But the area is surrounded by the City of Chico, making it economically, socially and politically very much a part of the Chico community. In order to improve living conditions in the Chapmantown-Mulberry neighborhood, the standards and projects described in this report should be included in the 1994 County General Plan update. Final implementation may require successful application for special grants and, in some instances, inclusion in Chico's redevelopment district.

The proposals in this report are based on interviews with residents, as well as a series of public meetings, a review of neighborhood surveys, previous community plans, the county General Plan, and a site analysis.

Community Description

The Chapmantown-Mulberry neighborhood is a medium density residential area characterized by a mix of aging and sometimes dilapidated housing with some relatively new but poorly designed small multifamily complexes. The area's streets need repair and the lack of adequate drainage results in shallow ponding on and next to the streets in some locations during heavy rains.

The area is served by a small neighborhood store on Boucher Street but other normal neighborhood retail services are not available without leaving the area.

There is a scrap metal recycling center and an asphalt contractor storage yard, both of which have a significant negative impact on the neighborhood atmosphere. The area benefits from its own small park, including a community center with a small multi-use room. There is also an elementary school in Chapmantown and the area adjoins a regional park providing an abundance of accessible play fields. A small park area is also being developed on the north side of Little Chico Creek.

Neighborhood Concerns

The Chapmantown-Mulberry residents appreciate the rural, less developed character of their neighborhood. There are strong concerns about the drainage problems, but the residents prefer to see them solved without using standard street and sidewalk designs. There is a desire to preserve the trees in the area and to clean up and improve the landscaping along Little Chico Creek.

There are numerous complaints about speeding cars in the area and residents want auto-pedestrian conflicts resolved. There is a desire to have better off-street bike and pedestrian access not only within the area, but also linking the Chapmantown-Mulberry neighborhood to the surrounding areas.

Residents have shown interest in the idea that the Chapmantown-Mulberry neighborhood can become more pedestrian oriented by establishing a small commercial center that would allow people to meet more of their needs within walking distance of their homes. They have also stated that they think it would be good to have more jobs in the area.

Neighborhood Improvement Goals

Based on this information, the neighborhood improvement goals are:

1. Maintain the rural residential character of the area.
2. Improve the safety of the streets.
3. Correct the drainage problems without using typical urban street, gutter, and sidewalk designs.
4. Minimize the number of new sidewalks. (If possible, utilize the current fee amounts for standard curb, gutter, and sidewalks to leverage additional improvements within the neighborhood.)
5. Improve the off-street bike and pedestrian circulation.
6. Create a neighborhood or village commercial center between 16th and 20th Street.
7. Relocate incompatible industrial and commercial uses out of the area. This includes the asphalt contractor's yard across from the elementary school, the scrap metal yard and existing manufacturing uses between Little Chico Creek and 20th Street.
8. Create design guidelines to enhance the residential character of the area.
9. Preserve as much of the vegetation in the area as possible and make new plantings to improve and enhance the natural character of Little Chico Creek.
10. Create a neighborhood industrial area along Humboldt Road. This will recognize the need for and allow reasonable expansion of existing industry on these sites providing for additional jobs in the area.

PROPOSED IMPROVEMENTS

1. Resurface or rebuild streets to standards recommended in this report which have been developed specifically for the Chapmantown-Mulberry district (see Figure 1 and Chapmantown Improvement Location Map).
2. Design a storm drainage system that incorporates surface drainage and on-site detention, and is compatible with the Chapmantown-Mulberry street standards.
3. Construct a traffic turnaround circle at Cleveland Avenue where it abuts Chapman Elementary School (See Figure 2).
4. Build a bike and pedestrian path from the intersection of East Ninth Street and Highway 99 south across Little Chico Creek to Guill Street. Continue the path from the end of Ohio Street to the park, connecting it with one branch to Whitman Avenue and another branch parallel to Guill Street to Chapman School.
5. Build a bike and pedestrian path on the south side of Humboldt Road from Highway 99 to Mill Street.
6. Build a bike and pedestrian path from Elm Street to Franklin Street.
7. Build a bike and pedestrian path from the corner of Twenty-Third Street and Elm Street to the eastern segment of Twenty-Third Street.
8. Build a bike and pedestrian path from "D" Street to Virginia at Bruce Street through the alley right-of-way behind Fetter Street.
9. Build a bike and pedestrian path between Franklin and Elm Streets.
10. Pursue a single family housing redevelopment project on the property across from Chapman Elementary School (see Figure 2).

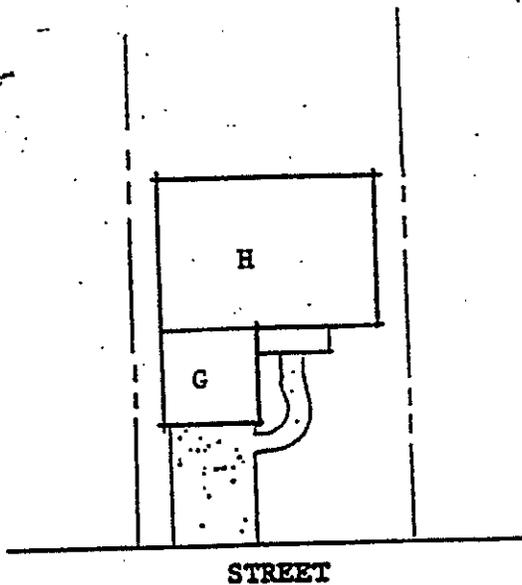
11. Pursue a community commercial center and housing redevelopment project on properties between Sixteenth Street and Twentieth Street (see Figure 3).
12. Pursue the acquisition of the properties at the southeast end of Ohio Street for park expansion.
13. Clean up debris, provide for replanting where needed and develop access to Little Chico Creek (see Figure 4).
14. Provide street undulations on Virginia Street, Bruce Street, Cleveland Street, Boucher Street and Guill Street to control speeding vehicles.
15. Provide for suitable land use designations and rezoning to allow for expansion of neighborhood industrial uses along Humboldt Road.
16. Adopt design guidelines to improve the residential qualities of the neighborhood.

DESIGN GUIDELINES

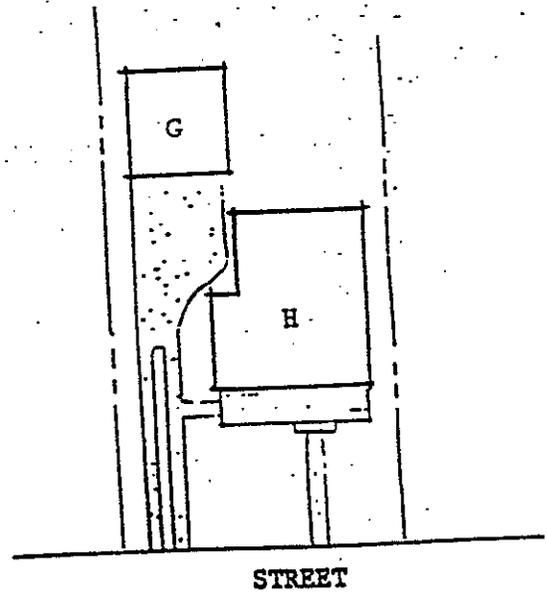
Design guidelines for the Chapmantown-Mulberry District are intended to improve the general appearance of the neighborhood by producing a traditional front door, yard, street relationship. The main emphasis of these guidelines is to reduce the prominence of parking and garage doors in the front of buildings.

Single Family

Single family residences should have garages in the rear or side with driveways alongside the houses. Houses should be designed with porches or stoops facing the street.



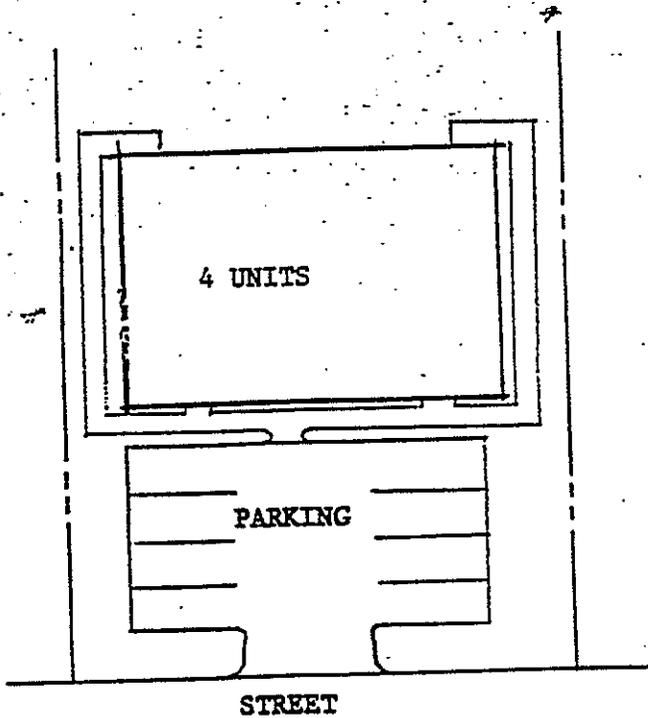
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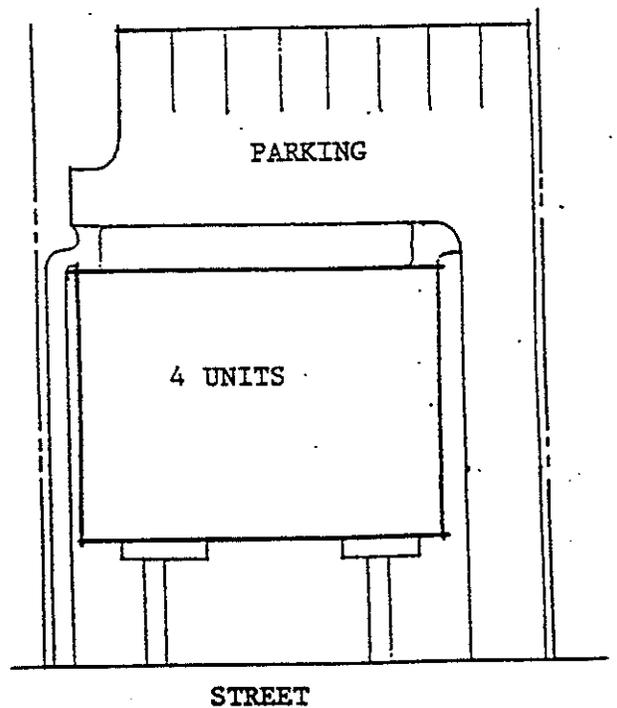
PREFERRED

Multi-Family

All multi-family units must face with front doors onto streets or park area. Parking lots are to be behind or one the interior of building clusters. Walkways to front doors will be from street sidewalks or from pedestrian or bike paths. There should be no fencing over 3 feet high between apartments and street sidewalks or park paths. Clothes drying yards and garbage containers must be screened and located within the interior or rear areas of building complexes.



NOT ACCEPTABLE



ACCEPTABLE

NOTE:

See Fig. 2 & 3 for other acceptable multifamily parking configurations.

Figure 2 - Redevelopment Project Safety and Compatibility Improvements across
from Chapman Elementary School

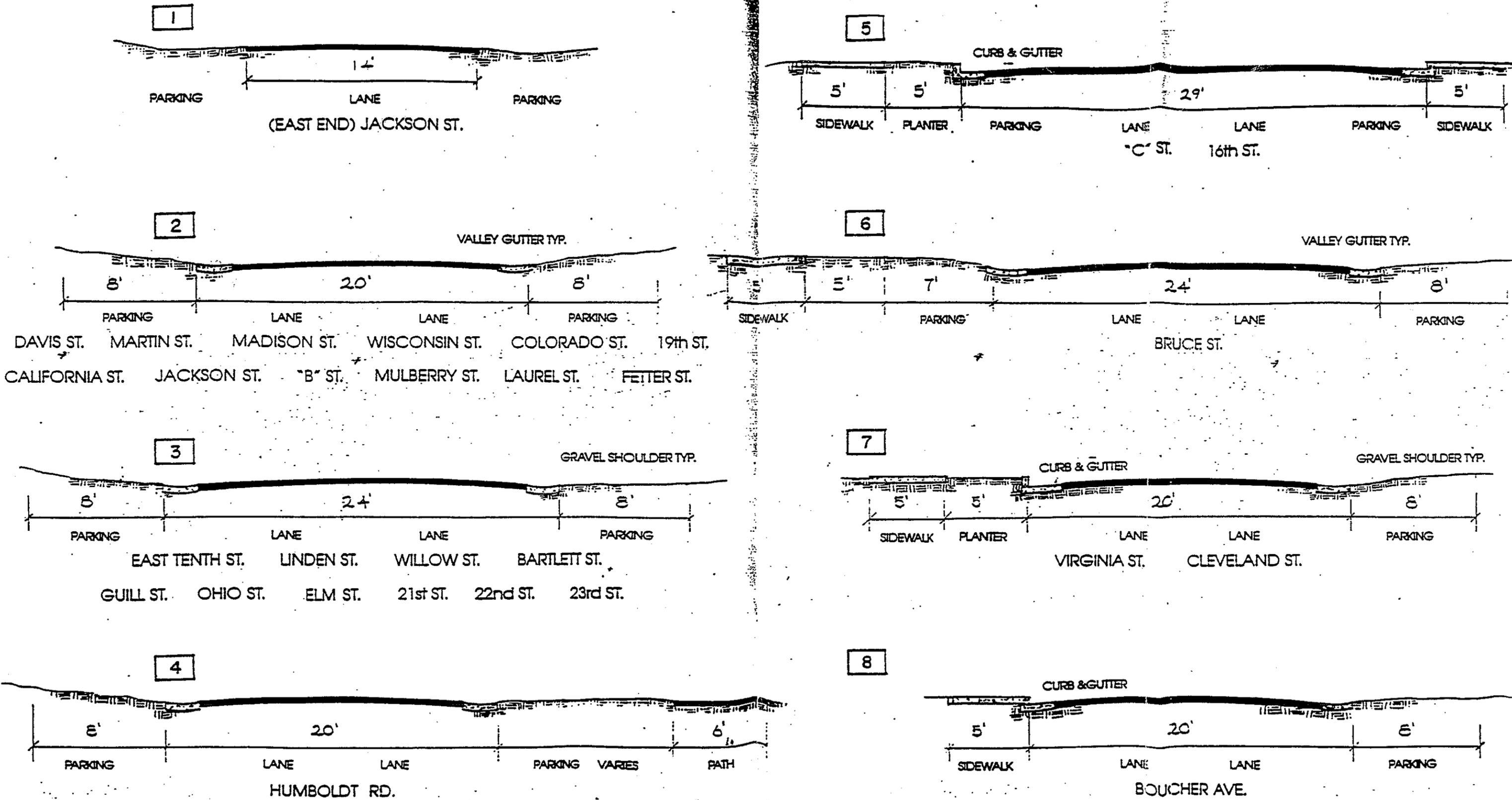
This program would remove a non-conforming industrial use from in front of the Chapman Elementary School. The acquisition and redevelopment of this site will allow for needed traffic safety improvements. The current traffic pattern is congested with school busses, vehicles and children on bicycles and pedestrians using the same narrow traffic lane.

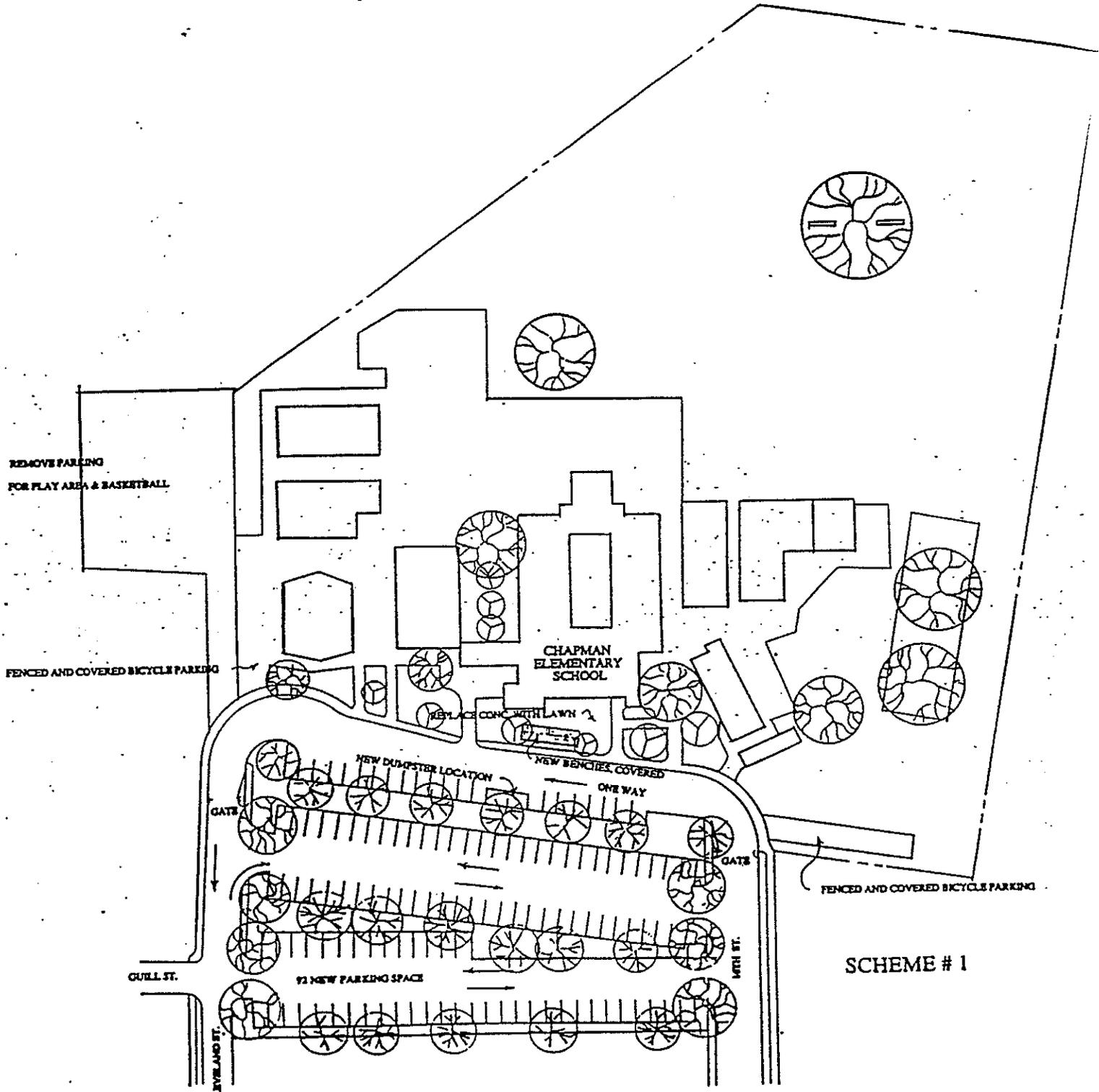
The remainder of the site will primarily be utilized for resolving the impacted parking for faculty, staff and community programs located at the school.

The possible rehabilitation of the one residential structure located along Cleveland Street will be investigated in conjunction with the need for increased parking.

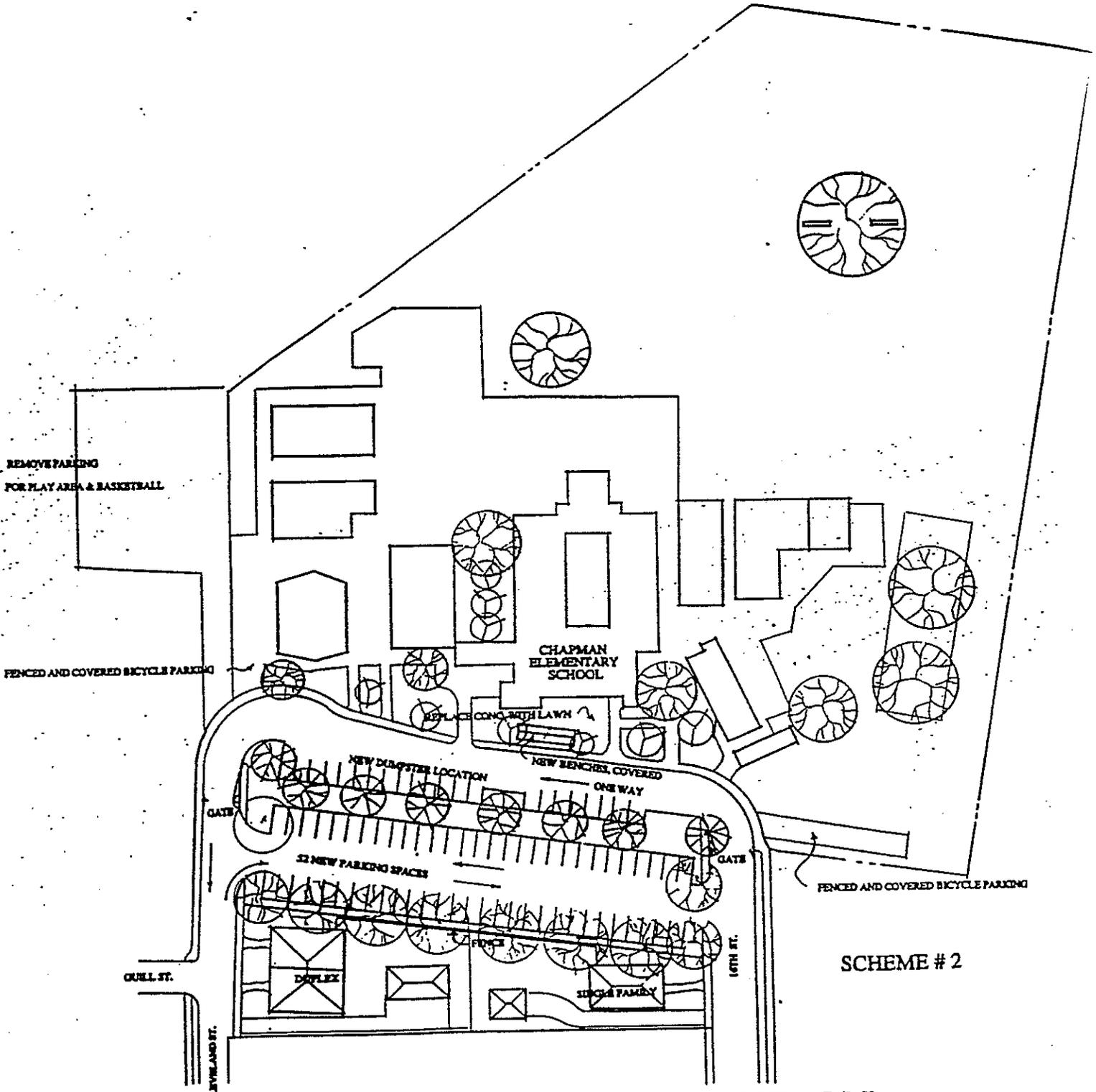
FIGURE 1 - Street Sections

STREET IMPROVEMENT LEGEND AS SHOWN ON CHAPMANTOWN IMPROVEMENT LOCATION MAP





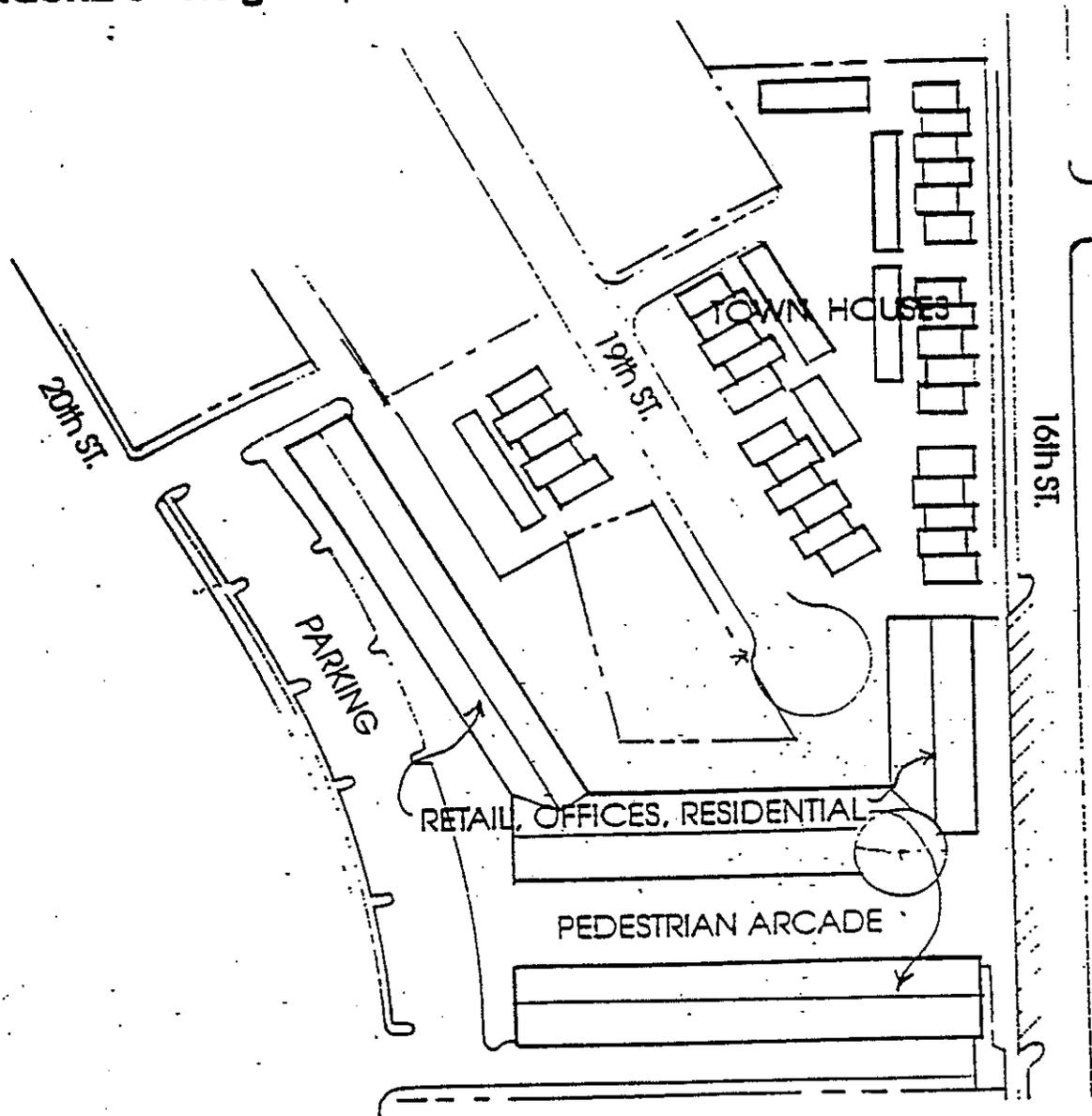
McKINNEY ACQUISITION REDEVELOPMENT PLAN



SCHEME # 2

McKINNEY ACQUISITION REDEVELOPMENT PLAN

FIGURE 3 - Neighborhood Commercial Center



This project would provide a small neighborhood commercial center and 20 to 30 townhouse units depending on how many properties could be acquired.

The commercial center would front on both Twentieth Street and Sixteenth Street. There would be a pedestrian walk with businesses on both sides that would connect with both streets. There could be offices or residential units on the second level.

The project would require the relocation of the scrap metal yard and one house. The remaining properties are vacant.

The project would probably require redevelopment agency involvement.

Potential business would be: Relocation of the neighborhood store on Boucher Street, laundromat, dry cleaners, barbershop, hair salon, yogurt shop, coffeehouse, bar, small restaurant and offices.

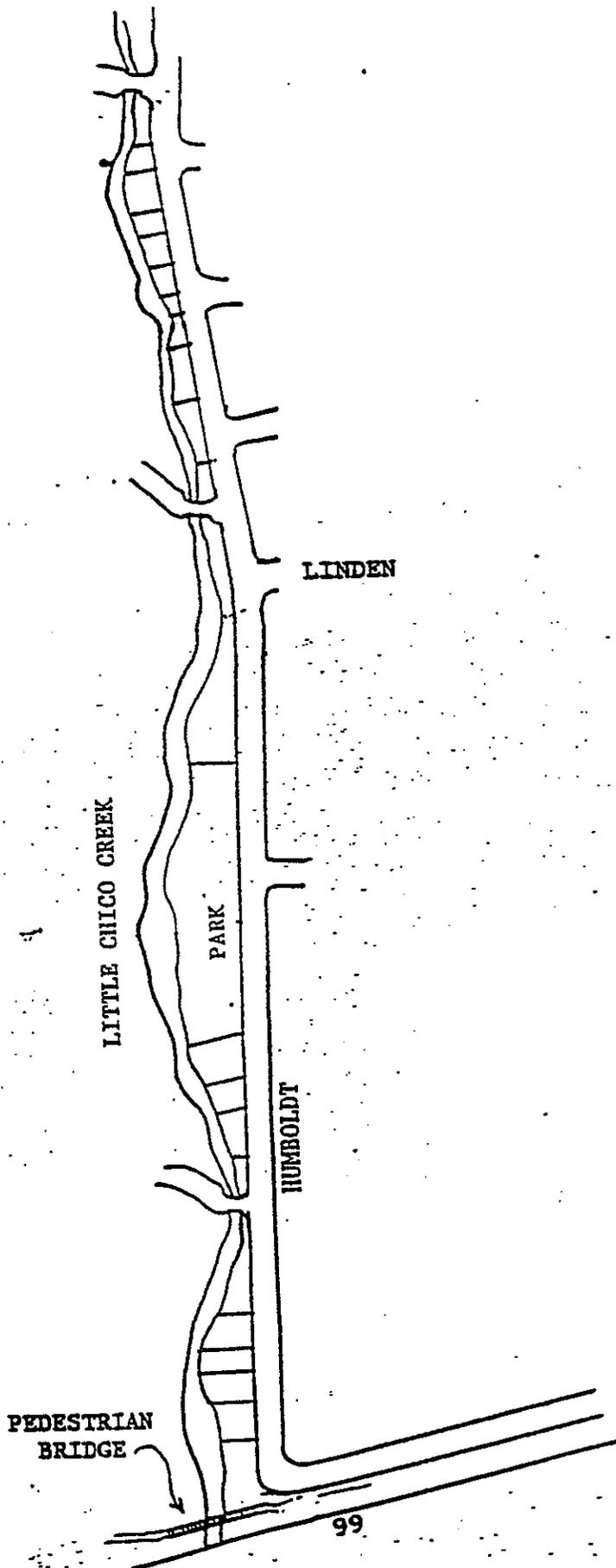


FIGURE 4 - Creek and Habitation Restoration Work

1. Remove all debris from the creek throughout the project area.
2. Do selective pruning to remove vegetation that blocks the channel and vegetation that is in danger of falling.
3. Remove enough vegetation to allow observation into the creek area for the purpose of increasing public safety.
4. Replant selected native species where needed to create natural state conditions and good aesthetics.
5. Build tables and benches for passive use along the creek in the park on Boucher Street, near the proposed bike bridge and in other locations that have public right-of-ways and safe and reasonable access.

AGENDA REPORT

TO: Honorable Chair and Planning Commission
BY: Stephen Hackney, Associate Planner
DATE: November 6, 1996

REQUEST: Use Permit on APN 005-370-009, 032 for Brad Fleshman - Applicant, File #UP 96-13:
This is a request for a Use Permit to operate a landscape maintenance company located at 1139 Guill Street, on two adjacent parcels approximately 200+ feet north of Guill St./Ohio St. intersection, in the Chico area. This project is located in the Chapmantown-Mulberry Improvement boundary. The two parcels of land total 0.77 acre and are zoned AR (Agricultural Residential), in the Chico area. The site is located in Supervisorial District 2.

FOR: *Supplemental Report for Planning Commission Meeting of November 14, 1996*

SUMMARY: The application for a Use Permit is a request for a commercial operation in an area zoned for residential use. The Planning Commission considered the request in public hearing on October 10, 1996 then continued the hearing in order to obtain additional information. This supplemental staff report responds to the Commission's request and also presents alternative actions.

REVIEW OF NONCONFORMING STATUS AND COMPATIBILITY ISSUES: The proposed commercial use of this site is not consistent with the AR (Agricultural Residential) zoning and the General Plan designation of Low Density Residential. Were it to be proposed today, without a prior history of commercial use on the site, it could not be properly approved because of these inconsistencies. However, the site has a history of commercial use as a storage and office site for an asphalt business, dating back to approximately 1960. This activity was apparently maintained continuously until about 1990 when the current use was established. In response to a zoning violation complaint, the Development Services Department conducted a lengthy inquiry into the history of the prior use, and sought information from the applicant to support his contention that the earlier use constituted a legal non-conforming use. The staff investigation concluded that the information submitted was reasonably sufficient to demonstrate that there was a prior commercial use, which was established and maintained over time and had constituted a legal non-conforming use. The applicant however, initiated the current landscaping business, which is a change from the previous legal non conforming use without first obtaining the required conditional Use Permit. In this regard, the applicant proceeded contrary to the requirements of the zoning ordinance. In order to correct this situation, he was informed by staff to either cease the use, or apply for a conditional Use Permit, to retroactively achieve compliance with the code. The Commission should note that while the County has in the past issued retroactive use permits, there is no legal necessity for doing so.

If the Commission accepts that there was a previous legal nonconforming use, and that a use permit can be retroactively approved to authorize a change in the nonconforming use, then the Commission can approve the use upon finding that it "will not conflict with, impair or be detrimental to the uses both permitted and conditional of the zone in which it is located and/or adjoins", and by making the additional findings pursuant to Section 24-45.15 of the zoning ordinance.

There exists the potential for both real and perceived impairment of permitted uses.. While staff has not identified significant conflicts, residents may perceive these to exist, and this should be considered by the Commission. There has been concern by at least one neighbor about traffic from the operation and the zoning violation complaint referenced above resulted. In addition, testimony at the October 10th hearing further explained that the narrow streets and difficult access further exacerbate traffic impacts, particularly where larger commercial trucks are entering the area. While no noise measurements are available to assist the Commission, it is logical to assume the truck traffic generated by the project does contribute to some extent to increased noise in the immediate vicinity.

Chapmantown-Mulberry Improvement Report. On April 12, 1994, the Board of Supervisors accepted the Chapmantown-Mulberry Improvement Report prepared by consultant Michael Corbett following a series of intensive meetings in the community. The Board directed "the Development Services Department to incorporate the report's proposals into the current update of the County General Plan . . ." On September 14, 1995, the Board of Supervisors approved Minute Order 95-267, approving modifications of a portion of the Chapmantown-Mulberry Improvement Report. The Chapmantown-Mulberry Improvement Report (Report) has not yet been incorporated into the updated General Plan because the plan is still in preparation. Until the report's recommendations are formally adopted as part of the General Plan, they do not have the force of law. The Report does have great value however, as the best available expression of community aspirations and needs, and it clearly should be considered by the Planning Commission with respect to neighborhood compatibility issues as they relate to this use permit request. A copy is attached for your use.

The Report sets forth a series of neighborhood improvement goals and illustrates a number of improvements to public facilities and amenities. Please note that on page 3, that goal #7 addresses relocation of incompatible industrial and commercial uses out of the area, and lists several such uses. The landscaping business which is the subject of this use permit does not appear to be among the incompatible uses specifically listed. Other proposals of the report do call for neighborhood industrial uses to be expanded on Humboldt Road, and a village commercial center between 16th and 20th streets. In both cases these uses are proximate to residential areas. However, in each case the traffic circulation system is more conducive to a harmonious relationship with nearby residential uses than are the narrow streets serving the landscaping business under consideration. It appears the intent of the Report is to preserve residential tranquility and safety by ensuring that commercial uses within the community (which are to some extent sought) are located where traffic conditions are most suitable. Testimony by Supervisor Dolan at the October 10th meeting is especially important as she participated with the community throughout the development of the Report and has special insight into the intent of the Report's recommendations. No one from the Development Services Department was directly involved in that community planning effort. Written correspondence by Mrs. Young provided the Commission at the October 10th meeting further discusses traffic issues.

The Report lists "Proposed Improvements" on page four. Item #4 is applicable to this use permit request and is stated as follows:

4. *Build a bike and pedestrian path from the intersection of East Ninth Street and Highway 99 south across Little Chico Creek to Guill Street. Continue the path from the end of Ohio Street to the park, connecting it with one branch to Whitman Avenue and another branch parallel to Guill Street to Chapman School.*

Item #13 on page five of the Report indicates the need to clean debris, provide for replanting where needed and develop access to Little Chico Creek. Figure 4 of the Report further explains the desired improvements.

Both of the above items are reflected in the suggested conditions of approval should the Commission determine to approve this request.

RECOMMENDATION: The Planning Commission should consider the information in this supplemental report and determine whether to approve or deny the application. Exhibit A presents findings, actions, and conditions for project approval. Please note that the suggested conditions of approval contains a condition that the use permit shall be for a limited duration of 24 months unless extended by the Commission. The Commission may want to retain or delete this condition, and should modify or supplement any of the findings or conditions as deemed appropriate. The list of approval conditions also respond to the improvements proposed in the Chapman-Mulberry Improvement Plan.

Exhibit B presents draft findings and action for denial. The Commission is encouraged to modify these as deemed appropriate if denial action is taken.

Attachments: A: Exhibit A - Findings and Conditions of Approval
 B: Exhibit B - Findings for Denial
 C. Chapmantown-Mulberry Improvement Report

Reviewed and Approved by:



William Farrell
Director of Development Services

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EXHIBIT A

BUTTE COUNTY PLANNING COMMISSION

File # UP 96-13 - Brad Fleshman, APN 005-370-009, 032: A request for a Use Permit to operate a landscape maintenance company located at 1139 Guill Street, on two adjacent parcels approximately 200+ feet north of Guill St./Ohio St. intersection, in the Chico area.

FINDINGS FOR APPROVAL:

Section 1: Environmental Findings.

- A. An Initial Study was completed in compliance with the California Environmental Quality Act; and
- B. The approval of the Use Permit and improvements will not cause environmental damage to fish, wildlife, or their habitat and a de minimus exemption to the collection of Department of Fish and Game Environmental Filing Fees is recommended; and
- C. The Planning Commission has independently reviewed, analyzed and considered the proposed Negative Declaration prior to making its decision on the project, and the Negative Declaration reflects the independent judgement of the County of Butte; and

Section 2: Zoning Ordinance Findings.

- A. The proposed use permit request for a change in a nonconforming use is provided for in the Zoning Ordinance, Section 24-35.20 CHANGE OR EXPANSION OF NONCONFORMING USE; and
- B. The proposed use of the property will not impair the integrity and character of the zoning district in which the land lies because a commercial use of the property has existed at this site for approximately 28 years, and this change of use for approximately five (5) years with no identifiable adverse impairment to the zone; and
- C. The proposed use of the property will not be, nor has been, injurious to surrounding property; and
- D. The proposed use of the property will not be, nor has been, detrimental to the health, safety and general welfare of persons residing or working in the neighborhood.
- E. The proposed use of the property will not be, nor has been, detrimental to the general health, welfare and safety of the County.

Section 3: Action.

- A. A Negative Declaration with mitigation measures is hereby adopted and the Use Permit approved for Brad Fleshman on APN 005-370-009, 032 to operate a landscape maintenance company located at 1139 Guill Street, Chico as shown on the Exhibit B (Site Plan, attached hereto and made a part hereof, and subject to the findings indicated in Sections 1 and 2 of this Permit and the following conditions.

Section 4: Conditions

Development Services Department:

1. Prior to issuance of the Use Permit the applicant shall submit a landscape plan for approval by the Development Services Director or his designee that provides for a minimum of 5% of gross lot area of the two parcels devoted to landscaping.
2. Prior to issuance of the Use Permit, deed to the County of Butte a 15' wide easement for a bicycle and pedestrian pathway from Guill Street to the north property line at Little Chico Creek. The location to be approved by the Director of Public Works and Director of Development Services.
3. Subject to review of the Department of Fish and Game and Department of Development Services, clear the bank of Little Chico Creek adjoining the property of debris and replant selected native species where needed to create natural state conditions and good aesthetics. Maintain a stream bank setback of 50 ' clear of any new additional structures.
4. This Conditional Use Permit is granted for a period of 24 months at the end of which time it shall expire (unless the approving authority has held a hearing thereon and granted an extension). In connection with such an extension the approving authority may add, change, or delete condition.
5. Approval of this request shall not waive compliance with all sections of the Zoning Ordinance and all other applicable State and County laws and regulations in effect at the time of building permit application.

Public Works Department:

No conditions.

Environmental Health Division:

4. Prior to issuance of Use Permit provide verification of potable water (bacteria sample will be required).

Butte County Fire Department:

5. In lieu of hydrant installation, payment maybe made into the Cal-Water hydrant fund at a cost of \$1.72 per lineal foot of street frontage. The estimated fee amount is \$103.20.
6. Provide an all weather access to all structures, which is designed to carry a 40,000 pound fire apparatus at least 10 feet wide with a 15 foot vertical clearance.

EXHIBIT B

BUTTE COUNTY PLANNING COMMISSION

File # UP 96-13 - Brad Fleshman, APN 005-370-009, 032: A request for a Use Permit to operate a landscape maintenance company located at 1139 Guill Street, on two adjacent parcels approximately 200+ feet north of Guill St./Ohio St. intersection, in the Chico area.

FINDINGS FOR DENIAL:

Section 1: Environmental Findings.

- A. An Initial Study was completed in compliance with the California Environmental Quality Act; and
- B. The Planning Commission has independently reviewed, analyzed and considered the proposed Negative Declaration prior to making its decision on the project, and the Negative Declaration reflects the independent judgement of the County of Butte; and

Section 2: Zoning Ordinance Findings.

- A. The proposed Use Permit request is inconsistent with the AR (Agricultural Residential) zoning; and
- B. The proposed use of the property will impair the integrity and character of the zoning district in which the land lies because a commercial use of the property is inconsistent with the residential character of the neighborhood.
- C. The proposed use of the property will be incompatible with, or injurious to, surrounding property.
- D. The proposed use of the property will be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood.
- E. The proposed use of the property will be detrimental to the general health, welfare and safety of the County.

Section 3: Action.

- A. The Planning Commission deny the application subject to the findings of fact in Sections 1 and 2 of this report.

CHAPMANTOWN-MULBERRY IMPROVEMENT AREA

