



**DATE:** August 19, 2019

File: UP 19-13

**TO:** ZONING ADMINISTRATOR

**FROM:** Dexter O'Connell, Associate Planner, (530) 879-6810

**RE:** Use Permit 19-13 (Mann ADU), 215 W. 2<sup>nd</sup> Avenue, APN 003-092-019

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## RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 19-13 (Mann), based on the findings and subject to the recommended conditions of approval in this report.

## BACKGROUND

This is a request to construct an accessory dwelling unit (ADU) on a 0.12 acre site in the SD-4 (Special Design Considerations West Avenue Neighborhood Area) overlay zoning district. The project site is located on W. 2<sup>nd</sup> Avenue, one parcel in from the southwest corner of W. 2<sup>nd</sup> Avenue and Magnolia Avenue. (see **Attachment A**, Location Map). The site is designated Low Density Residential (LDR) on the City's General Plan Land Use diagram and is zoned R1-SD-4 (Low Density Residential with a Special Design Considerations West Avenue Neighborhood Area overlay). The immediate neighborhood is comprised of a mixture of multi-family and single-family residential uses.

The subject parcel has been developed with a 972 square foot single-family residence and 352 square foot garage. The project proposes to renovate the existing garage into an efficiency ADU. (see **Attachment B**, Plat to Accompany Use Permit 19-13). The existing driveway off W. 2<sup>nd</sup> Avenue provides four off-street parking spaces in tandem modules adjacent to each other, with suitable maneuvering room such that either module can exit while the other is fully occupied.

A pedestrian connection to W. 2<sup>nd</sup> Avenue is present via the driveway, which connects directly to the proposed ADU. No new fencing is proposed as a part of this project. The existing garage is painted and roofed to match the main building on the property, and the proposed renovation would not change that. The horizontal double-rolled lap siding will be maintained in place, though new paint in the same or a very similar color will be applied.

### SD-4 Special Design Considerations Overlay Zone

The City Council adopted the SD-4 Special Design Considerations Overlay Zone (West Avenues Neighborhood Area) in June 2003. Within the SD-4 overlay, there are numerous pockets of deficient infrastructure (lacking curb, gutter, sidewalk, shoulder paving, storm drainage, street lighting, and paved alleys) and it was determined that a concentration of accessory dwelling units and multi-housing developments have the potential to create or exacerbate traffic impacts, which could compromise the health, safety and livability of this

area and exceed the reasonable carrying capacity of the existing infrastructure. As a result, a use permit is required for any accessory dwelling unit within the SD-4 overlay zone to allow the City and the neighborhood to review accessory dwelling unit applications on a case-by-case basis with site-specific information. An analysis of the project in light of the SD-4 overlay zone is provided below.

## **DISCUSSION**

### Land Use

Pursuant to Chico Municipal Code (CMC) §19.52.070(D)(4) (Special Design considerations (-SD) overlay zone) and §19.76.130(B)(2) (Accessory dwelling units) a use permit is required for an ADU proposed to be located in the SD-4 overlay district. The site plan complies with development standards for the R1 zoning district and the City's updated ADU development standards. The proposed ADU is 352 square feet, which is less than 75 percent of the main dwelling unit (972 square feet) complying with ADU size requirements pursuant to CMC §19.76.130(D)(3). While not required as a renovation of an existing structure without expansion, the project complies with the setback and height requirements for ADUs in the R-1 zoning district.

No tree removal is proposed for the project (see Condition of Approval #7), and no new landscaping or landscape disturbance of any kind is proposed beyond what construction activity may incidentally cause. A single new outdoor light is proposed at the entrance to the new ADU, which would be low-intensity and shielded downward to avoid light spillage onto adjacent properties. The site plan provides an adequate amount of useable open space in the existing rear yard, room for trash storage, and a pedestrian connection to the W. 2<sup>nd</sup> Avenue frontage.

The design of the proposed ADU complements the primary residence in both architectural elements and finish. The roof pitch is similar, and both structures feature wood siding. The proposed colors for the ADU would also match the primary residence.

### SD-4 Special Design Considerations Overlay Zone

The project site fronts W. 2<sup>nd</sup> Avenue, a partially improved local street. Curb, gutter, and sidewalk exists already in front of the project parcel and continues in both directions along W. 2<sup>nd</sup> Avenue. The project site is a mid-block lot and is not adjacent to an alleyway. Access to the site would be provided from W. 2<sup>nd</sup> Avenue. Sufficient off-street parking would be provided to accommodate both dwelling units. This project should not compromise the health, safety, and livability of the area or exceed the reasonable carrying capacity of the existing infrastructure.

### General Plan Consistency

The project is consistent with several General Plan goals and policies, including those that encourage compatible infill development (LU-1, LU-4, and CD-5) and the provision of an

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).

## **OTHER APPROVALS**

The construction of the proposed ADU and accessory structure (garage) will require review and approval from the City of Chico Building Division.

## **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 garage to an accessory dwelling unit in a residential zone. The project is consistent with the applicable General Plan designation and zoning regulations.

## **FINDINGS**

### Accessory Dwelling Unit

Pursuant to CMC §19.76.130(B)(2) (*Use Permit*), the following findings shall be made for an accessory dwelling unit, in addition to the findings for a use permit:

- A. *The occupancy of the accessory dwelling unit will not result in excessive noise or traffic that would disturb the existing neighborhood.*

The proposed accessory dwelling unit is not anticipated to generate any greater noise or traffic than the other existing single-family and multi-family residences in the neighborhood. The use is subject to CMC §9.38 (Noise). Given the fact that the unit would be an efficiency apartment and sufficient off-street parking is proposed, impacts on traffic and parking in the area are anticipated to be minimal.

- B. *The occupancy of the accessory dwelling unit will not have a significant adverse effect on public services or resources.*

Given the limited size of the efficiency apartment accessory dwelling unit, the unit will not have a significant adverse effect on public services or resources. The property is located within an urban area served by existing public services and utilities.

- C. *The design of the accessory dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of size, exterior treatment, height, landscaping, scale and site coverage.*

The accessory unit includes similar design elements, colors and materials as the main dwelling to achieve consistency, as well as the general design of other residences found throughout the neighborhood. The two structures are already very

compatible in their design, and the renovation would serve to bring them closer together in style. The unit would not adversely impact the privacy of adjacent properties.

In addition, CMC Section 19.76.130.B requires that one of the structures, either the primary or accessory unit, must be occupied by the property owner. The owner occupancy requirement has been added as a condition of the permit approval (see Condition #5, below).

#### Use Permit

- 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).*

An accessory dwelling unit is an allowed use with approval of a use permit in the SD-4 (Special Design Considerations West Avenues Neighborhood Area) zoning overlay. The accessory dwelling unit complies with the development standards set forth in CMC §19.76.130 and has been processed in accordance with the requirements of CMC 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.*

No impacts to the health, safety, or welfare of neighborhood residents have been identified, as the unit is compatible with the existing single-family residential use and surrounding residential uses in design, scale and materials. Adequate open space is provided for both units and adequate setbacks are provided from adjoining single-family lots. No impacts to the health, safety, or welfare of neighborhood residents have been identified. Sufficient on-site parking spaces are provided for both residential structures, and the ADU meets all other Chico Municipal Code development standards.

- 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 is consistent with the residential uses in the area and will comply with all applicable building and development regulations and standards. The project will be beneficial to the general welfare of the City by helping to maintain compact urban form and increasing the variety of housing stock in a desirable neighborhood. Existing regulations require that any public improvements damaged during the course of construction be repaired or reconstructed by the applicant. No negative 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) and 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).

- 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 accessory residential use will be consistent and compatible with existing adjacent single-family residential uses. Adequate off-street parking will be provided.

### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 19-13 authorizes the construction of an accessory dwelling unit within the SD-4 (West Avenue Neighborhood Area Special Design Considerations) overlay zone, in substantial accord with the "Plat to Accompany Use Permit 19-13 (Mann ADU)" 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. All applicable standards of Municipal Code Section 19.76.130 apply to this permit.
4. The accessory dwelling unit shall be subject to administrative architectural review.
5. Prior to the issuance of a certificate of occupancy for the accessory dwelling unit, the owner shall execute a covenant acknowledging that either the primary or accessory dwelling unit on the property must be occupied by an owner of the property, which shall be recorded with the County Recorder's office. The property owner shall pay all recording fees.
6. The ADU shall be provided with an outdoor area for the storage of trash and recycling receptacles. That area shall have an all-weather surface and be screened from view by a fence, wall or permanent landscaping.
7. No tree removal has been approved as part of this project. Should tree removal be necessary, the applicant shall submit a tree removal permit application pursuant to CMC Section 16.66.070 prior to the issuance of building permits.
8. The applicant shall defend, indemnify, and hold harmless the City of Chico, its boards and commissions, officers and employees against and from any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees), which any or all

of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy associated with: (i) this requested entitlement; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits and (v) any amendments to the approvals for this entitlement. The City of Chico shall promptly notify the applicant of any claim, action or proceeding which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9.

### **PUBLIC CONTACT**

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed to all property owners and tenants within 500 feet of the project site. At the time of this report being published, staff has not received any public comments.

### **DISTRIBUTION:**

Internal (2)  
Mike Sawley, Zoning Administrator  
Dexter O'Connell, Associate Planner

External (3)  
Nimrat K. Mann, 3065 Shallow Springs Terr. Chico, CA 95928  
Jaswinder Kaur (jaswinderk@sbcglobal.net)  
Bob Metzger (bobmetzgerods@yahoo.com)

### **ATTACHMENTS:**

- A. Location Map
- B. Site Plan to Accompany Use Permit 19-13 (Mann ADU)
- C. Photos of the Structures



UP 19-13 (Mann ADU)  
 215 W 2nd Avenue  
 APN 003-092-019-000

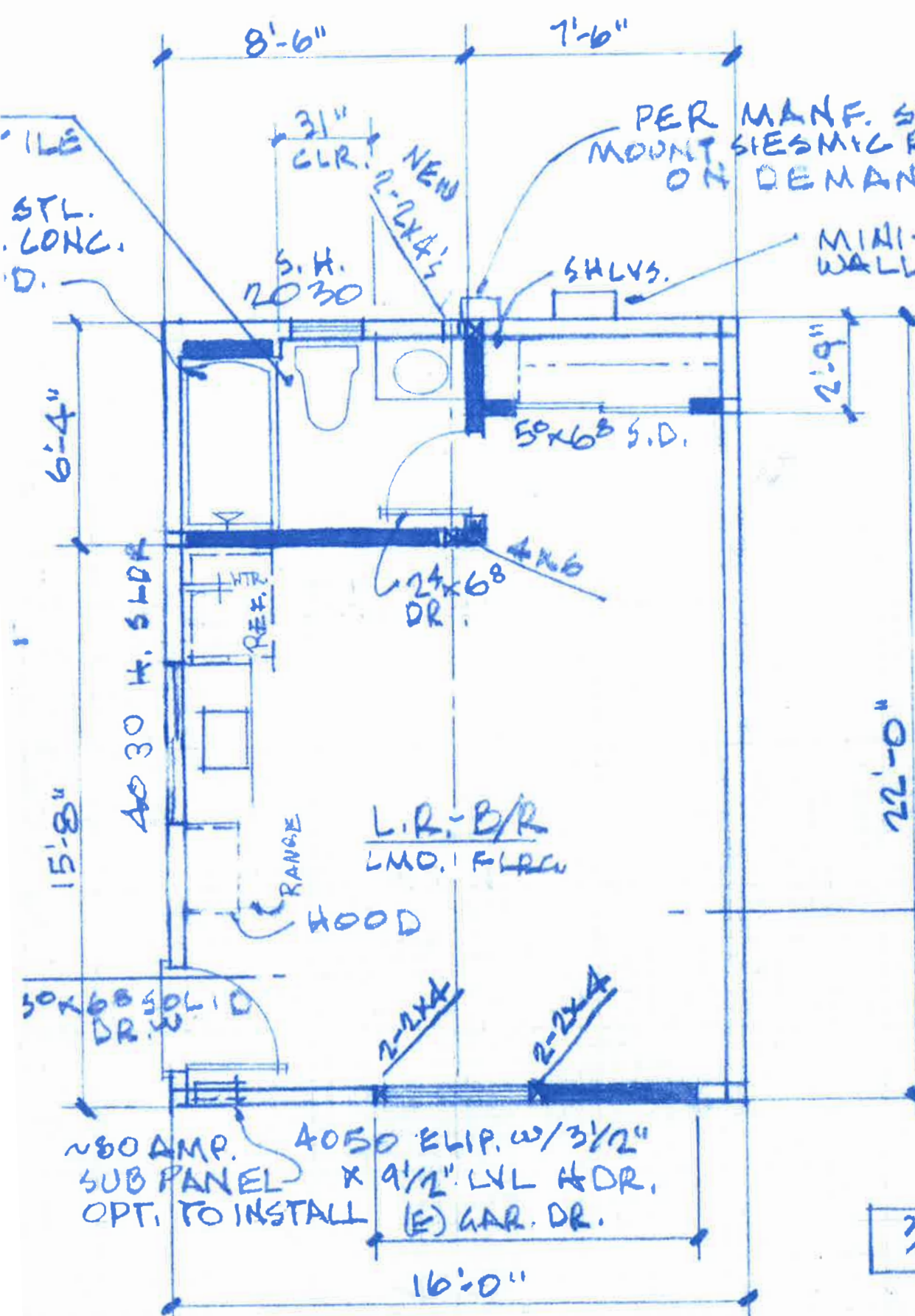




UTILITY RM. 27 S.F.  
 (E) HOUSE 972 S.F.  
 NEW RES 352 S.F.

**LOT COVERAGE**  
 LOT = 5227 S.F.  
 LVA = 1351 S.F.  
 = 25.8 %  
 (E) PARKING = 1317 S.F. = 29%  
 LANDSCAPE = 2279 S.F. = 43%  
 NO-NEW LANDSCAPING

RM. CELE. (F NOT O.H.)  
 NO MEASURABLE  
 DISTURBED SOIL  
 AREA EXCEPT A  
 LINE AND SEWER  
 (E) 6' HG. WOOD F  
 3 SIDES OF PRO



PER MANF. SPEC.  
 MOUNT SEISMIC RESTRAINTS  
 ON DEMAND W/H. (GAS.)

MINI-SPLIT  
 WALL MOUNT UNIT

CONNECT  
 NEW DRAIN  
 LINE TO (E)  
 L.I.O.

WE-1 USE WATER  
 TO PREVENT WIND  
 EROSION AS  
 NEEDED

SE-7 PROVIDE STR.  
 SWEEPING AS NEEDED

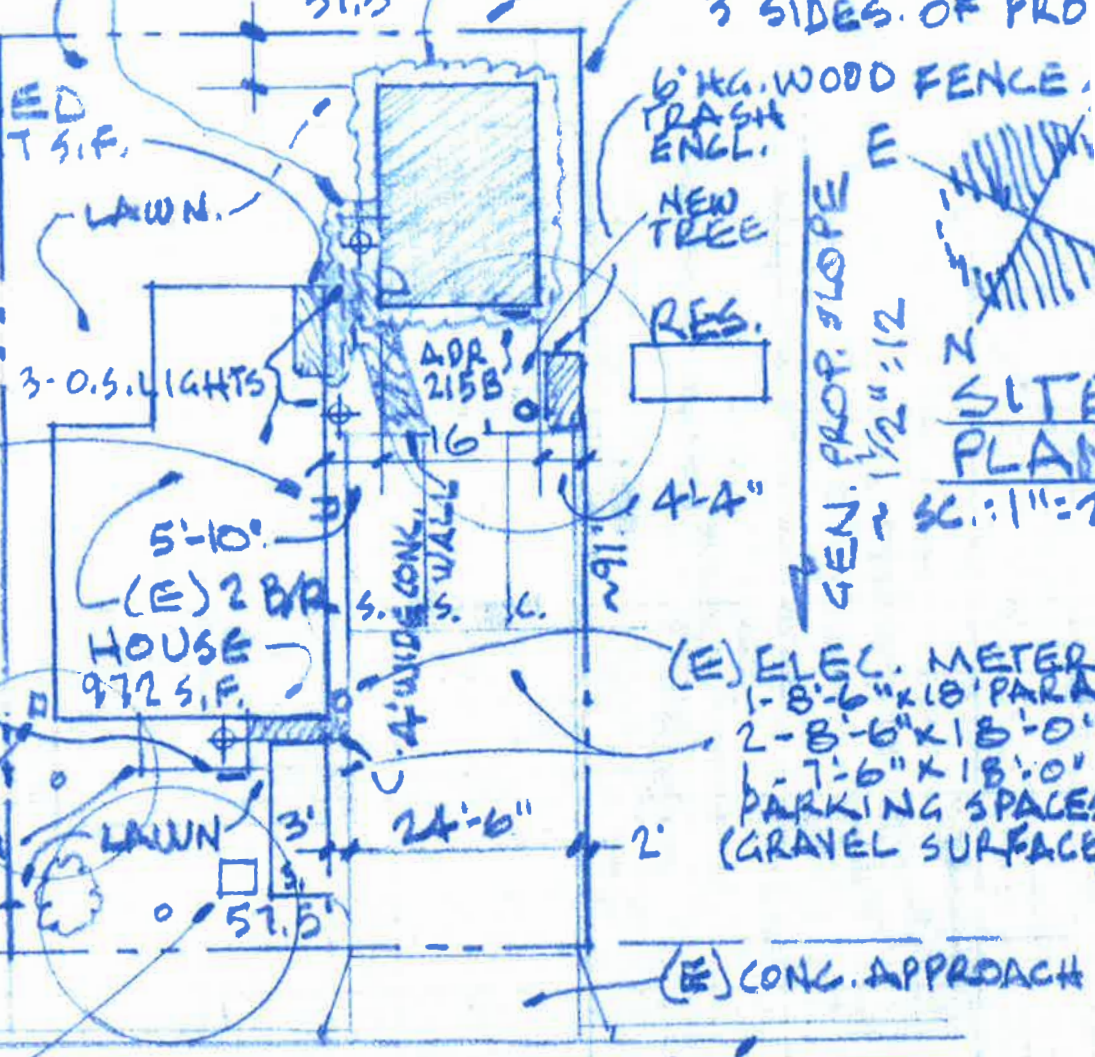
WM-03 MAX. SOIL STOCK  
 FILE-14 DAYS, IF NEEDED.

NS-8, 9, 10 ELEC METER  
 CONSTRUCTION  
 PARKING SPC

WM-04 NO FEULING MAINTENANCE  
 OR VEHICLE CLEANING  
 ON PROP  
 GAS METER

NS-12, 13 CONC. # PAINT  
 WM-08 WASHOUT

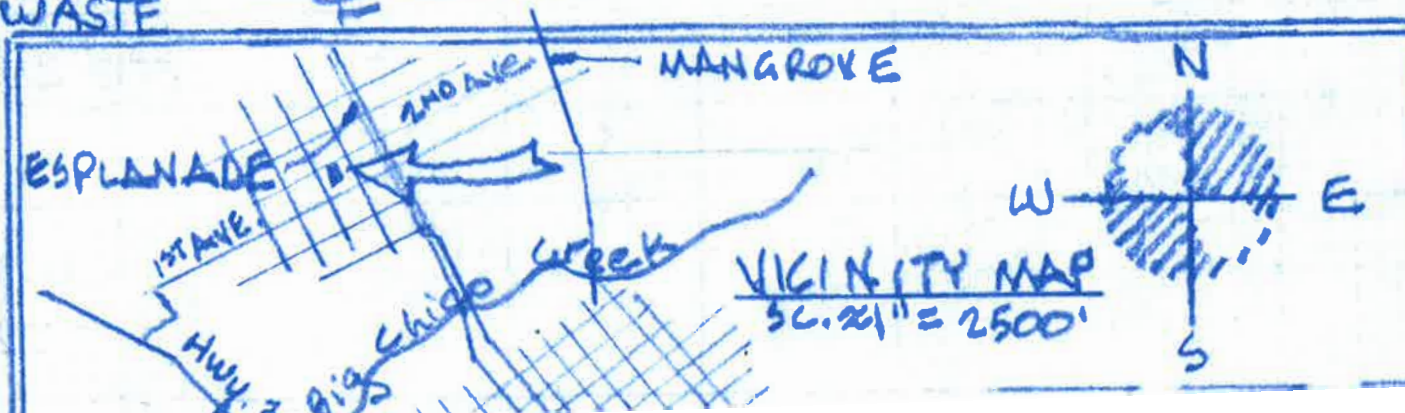
WM-01 NO STOR.  
 OF HAZ. WASTE  
 ON SITE



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(E) F.O.C.  
 & GUTTER  
 GOOD COND.

# 215 W. 2ND AVE. CH 160 95926



A.P.#  
 003-092-019

352 S.F.







