

Zoning Administrator Agenda Report Meet

Meeting Date 12/13/2022

File: VAR 21-01

DATE: December 2, 2022

TO: ZONING ADMINISTRATOR

FROM: Kelly Murphy, Senior Planner, kelly.murphy@chicoca.gov, (530) 879-6535

RE: Variance 21-01 (Bechhold) – 279 E. 2nd Avenue; APN 003-102-023.

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Variance 21-01 (Bechhold), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

The applicant is seeking a variance to deviate from off-street parking and setback requirements to allow for the construction of a new single-family residence and accessory dwelling unit (ADU) on a 1,950 square foot residential lot. The project site is located at 279 E. 2nd Avenue (see Location Map, **Attachment A**). The subject parcel is designated Medium High Density Residential on the General Plan Land Use Diagram and zoned R3 (Medium High Density Residential). Surrounding land uses in the vicinity include single and multifamily residential uses.

The subject property is a legal, non-conforming parcel that does not meet the minimum lot size of 4,000 square feet for interior lots in the R3 zoning district nor have frontage on a public street. Access to the site is provided via the alleyway connecting E. 1st Avenue and E. 2nd Avenue. Due to these constraints, the site remains undeveloped.

Chapter 19.26 (Variances) of the Chico Municipal Code (CMC), states that property location, shape, size and surroundings are among the special circumstances which would allow for adjustments from the development standards, if those circumstances deny the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Specifically, pursuant to CMC Section 19.26.020, the Zoning Administrator may grant a variance from the requirements for the following development standards:

- 1. Distance between structures;
- 2. Parcel dimensions (not area);
- 3. Setbacks;
- 4. Structure height;
- 5. On-site parking, loading, lighting, and landscaping; or
- 6. Sign regulations (other than prohibited signs).

ANALYSIS

<u>Legal Lot Determination</u>

CMC Section 19.08.020 defines a nonconforming parcel as "A parcel of record that was legally created prior to the adoption of these Regulations and which does not comply with the access, area, or width requirements of these Regulations for the zoning district in which it is located.

Pursuant to CMC 19.08.050, a nonconforming parcel shall be considered to be a legal building site the applicant can produce sufficient evidence to establish the applicability of one or more of the following criteria:

- A. Approved Subdivision. The parcel was created through a recorded subdivision map or a certificate of compliance;
- B. Individual Parcel Legally Created by Deed. The parcel is under one ownership and of record and was legally created by a recorded deed prior to the effective date of the land use regulation that made the parcel nonconforming;
- C. Variance or Lot Line Adjustment. The parcel was approved through the variance procedure, in compliance with Chapter 19.26 (Variances), or resulted from a lot line adjustment in compliance with Title 18 (Subdivisions) of the Municipal Code;
- D. Partial Government Acquisition. The parcel was created in compliance with the provisions of these Regulations, but was made nonconforming when a portion of the parcel was acquired by a governmental entity so that the parcel size was decreased not more than 20 percent and the yard facing any public right-of-way was decreased not more than 50 percent.

Extensive research was conducted by Planning and Engineering staff to determine at what point in time and by what mechanism the subject lot was created. The applicant provided the chain of title for the property, which accurately describes the parcel with its current dimensions of 50 feet by 39 feet in the grant deed recorded in 1973. Analysis of the legislative history of the California State Map Act (SMA) revealed that requirements for recordation of a plat map/additional documentation for Minor Land Divisions and Boundary Line Modifications were not established until 1976 and 1977, respectively. There is no evidence indicating that the lot was created illegally or out of compliance with the SMA regulations that existed at the time. Therefore, staff has determined that the nonconforming parcel shall be considered a legal building site.

Residential Density Standards

The project proposes to construct a two-story structure with a building footprint of 918 square feet, containing a single-family residence and attached ADU (see **Attachment B**, Site Plan). Single-family residential uses are a principally permitted land use in the R3 zoning district when consistent with the density requirements of the General Plan Designation. Per CMC 19.76.130(C)(9), ADUs shall not count as units when calculating residential density. The residential density proposed for the project is 20 units per acre (1 dwelling unit / 0.05 acre = 20 du/acre), within the allowable density range of 14.1 to 22 units per acre for properties designated Medium-High Density Residential.

Lot Coverage Limitations

The main unit would consist of 594 square feet of living space on the ground level including a great room, kitchen, bathroom and laundry room, and 874 square feet of living space on the second floor including three bedrooms and three bathrooms, for a combined living area of 1,468 square feet (see **Attachment C**, Elevations). The proposed ADU would be located on the ground floor and have an area of 324 square feet. Lot coverage is limited to 65-percent in the R3 zoning district; the proposal would result in a total lot coverage of 47-percent.

Setback Requirements

Main buildings in the R3 zoning district are required to have a minimum front yard setback of 10 feet, side yard setback(s) of 5 feet, and a rear yard setback of 15 feet. Accessory Dwelling Units (ADUs) are subject to reduced setbacks, requiring only four feet of distance from side and rear property lines.

Pursuant to CMC 19.60.090 (Setback regulations and exceptions) "required setbacks shall be measured from the property lines behind the adjoining edge of the public right-of-way or private street easement and related improvements, including adjacent pedestrian facilities." As the subject parcel is located interior to the residential block with no frontage on East 2nd Avenue, the front yard setback shall be measured from the property line behind the adjoining edge of the alley (a public right-of-way).

As proposed, the development would comply with the required front and side yard setbacks, providing a front setback of 10 feet to the main single-family residence and side yard setbacks of five feet. The project proposes a rear yard setback of 5 feet, 6 inches. While this distance complies with the minimum rear yard setback required for the proposed ground floor ADU, relief from this standard is necessary for the main residence's living area proposed above the ADU.

Off-street Parking Requirements

Pursuant to CMC Section 19.70.040, single-family residences are required to have a minimum of two off-street parking spaces. No additional parking is required for ADUs in any of the following instances:

- a. The ADU is located within one-half mile of public transit;
- b. The ADU is located within an architecturally and historically significant historic district;
- c. The ADU is part of the existing main residence or an existing accessory structure;
- d. When on-street parking permits are required but not offered to the occupant of the ADU:
- e. When there is a car share vehicle located within one block of the ADU.

The project would provide one off-street parking space in the front yard setback area. No parking is required for the ADU as there are two bus stop locations within 800 feet of the property at Esplanade and 2nd Avenue.

Parking Reduction Request

The project is seeking relief from one of the two off-street parking spaces required for the main residence due to the property's substandard area and access constraints. Per CMC Section 19.70.050, the minimum number of off-street parking spaces may be reduced as part of an entitlement approval or through subsequent approval of an administrative use permit.

Consistent with CMC Section 19.70.050, a reduction of off-street parking pursuant to this section may be allowed only if both of the following findings can be made:

- 1. The project site meets one of the following:
 - a. The site is zoned RMU or has a -COS overlay zone;

- b. The site is located within an area of mixed-use development;
- c. The project will implement sufficient vehicle trip reduction measures (such as vehicles loan programs and transit passes) to offset the reduction; or
- d. The area is served by public transit, bicycle facilities, or has other features which encourage pedestrian access.
- 2. The proposed parking reduction is not likely to overburden public parking supplies in the project vicinity.

As previously mentioned, the site is in an area served by public transit and characterized by a mix of single family and multi-family residential uses, with office commercial uses present along the Esplanade, approximately 700 feet west of the project site. Approval of the proposed off-street parking reduction for one (1) space would not overburden public parking supplies in the project vicinity.

ENVIRONMENTAL REVIEW

The proposed variance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) and 15303 (New Construction or Conversion of Small Structures). Consistent with Section 15305(a), the proposal involves a minor setback variance not resulting in any new parcels. Consistent with Section 15303(a), the proposal involves construction of one single-family residence and junior accessory dwelling unit.

FINDINGS

Following a public hearing, the Zoning Administrator may approve a Variance application, with or without conditions, only if all of the following findings can be made:

Variance Findings

A. There are exceptional or extraordinary circumstances or conditions applicable to the property, structure, or use referred to in the application, including location, shape, size, surroundings, or topography, which do not apply generally to property, structures, or uses in the same zoning district, so that the strict application of these Regulations denies the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district;

The size and shape of the subject property represent exceptional and extraordinary circumstances which do not apply generally to property in the same zoning district, and strict application of the development regulations would effectively deny the property owner privileges enjoyed by other property owners in the vicinity and within the R3 zoning district since most of those properties have adequate size and shape to accommodate similar residential development as proposed on the subject property.

B. Granting the variance is necessary for the preservation and enjoyment of substantial property rights;

Granting the variance is necessary for the preservation and enjoyment of substantial property rights in that the property's area and access limitations make it near impossible to develop the property with a residential use that meets all applicable development standards.

- C. Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel;
 - Granting the variance does not allow a use or activity which is not otherwise expressly authorized by the R3 zoning regulations which permit single-family and multi-family residential uses.
- D. Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located;
 - Granting the variance will allow for the construction of a single-family residential use, which is allowed on other properties zoned R3 in the vicinity (consistent with density requirements) and does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.
- E. Granting the variance will not, under the circumstances of the particular case, be materially detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

The subject property has sub-standard area and access constraints that preclude the development of any residential use from meeting typical setback and parking standards. Granting the variance will not, under these circumstances, be materially detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located. Also, development of the site will require building permits to ensure project consistency with City zoning, building and fire codes.

CONDITIONS OF PROJECT APPROVAL

- Variance 21-01 (Bechhold) authorizes deviation from typical off-street parking and setback requirements to allow for the construction of a new single-family residence and junior accessory dwelling unit at 279 E. 2nd Street, in general accord with the "Site Plan to Accompany Variance 21-01 (Bechhold)" and in compliance with all other conditions of approval.
- 2. The property owner shall sign a written affidavit acknowledging the owner-occupancy requirement for the junior accessory dwelling unit.
- 3. 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.
- 4. 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 out to all property owners and tenants within 500 feet of the project site. As of this report's publication, staff has not received any public comments.

DISTRIBUTION:

Internal (2) Mike Sawley, Zoning Administrator Kelly Murphy, Senior Planner

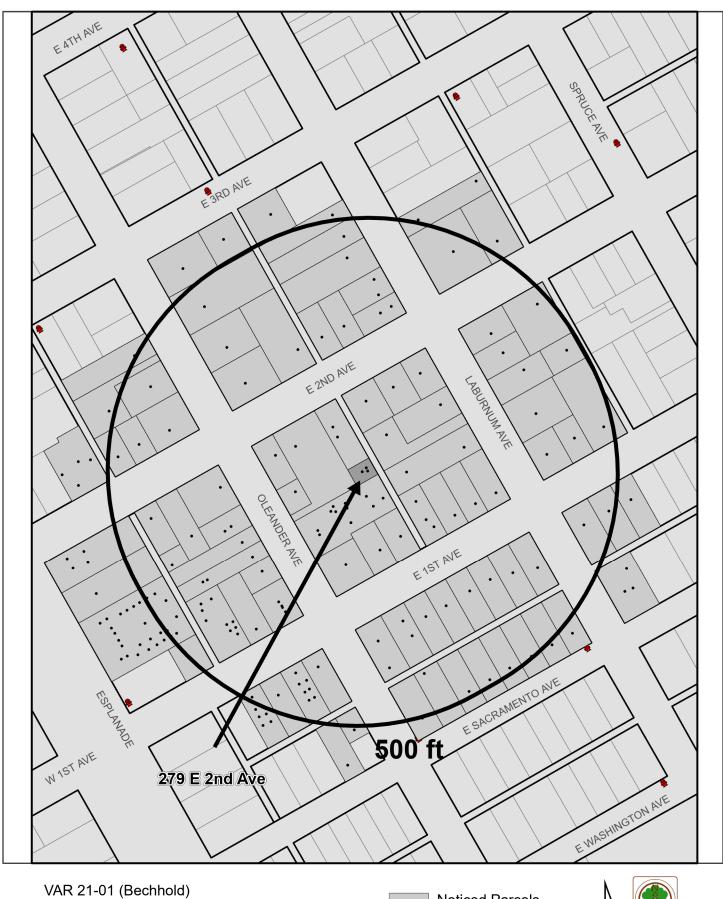
External (2)

Ryan Bechhold, 11128 Midway, Suite A, Chico, CA 95928, email: rbechhold@oakridgecabinets.com

Justin Anderson, 4293 Rustling Pines, Shingle Springs, CA 95682

ATTACHMENTS:

- A. Location Map
- B. Site Plan to Accompany Variance 21-01 (Bechhold)
- C. Elevations



279 E. 2nd Ave APN 003-102-023 Noticed ParcelsNoticed Addresses



DESIGN CRITERIA

ROOF LIVE LOAD = 20 bsf TRUSS TOP CHORD DL = 10bsf

TRUSS BOTTOM CHORD DL = 10 bsf BASIC WIND SPEED =95mbh EXPOSURE = BSEISMIC DESIGN CRITERIA D SDS=0.549a SOIL ALLOWABLE BEARING PRESSURE=1500bsf FLOOR DEAD LOAD-12 PSF FLOOR LIVE LOAD-40 PSF

TYPE OF CONSTRUCTION=VB OCCUPANCY GROUP =R3&U

FIRE SPRINKLER SYSTEM REQUIRED AND SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH SECTIONS R313 OR NFPA 13D. BUILDING HEIGHT 24'-4" ABOVE GRADE, LIVING

SHEET INDEX: PAGE | COVER PAGE PAGE 2 PLOT PLAN PAGE 2.1 EROSION & SEDIMENT CONTROL PLAN & LANDSCAPE PLAN PAGE 3 ELEVATIONS-SECTION PAGE 4 UPPER AND LOWER FLOOR PLAN PAGE 5 FOUNDATION/ 2ND FLOOR JOIST PAGE 6 ROOF PLAN PAGE 7 ELECTRIAL PLAN PAGE 8 GENERAL NOTES PAGE 9-1 ENERGY CALCULATIONS CFIR PAGE 9-2 ENERGY CALCULATIONS CFIR

OTHER DOCUMENTATION TRUSS CALCULATIONS SPRINKLER CALCULATIONS

APN# 003 102 023 CLIMATE ZONE = 11

CURRENT BUILDING CODES:

2019 CRC CMC CPC CEC CBC 2019 CALIF. RESIDENTIAL CODE 2019 CALIF. GREEN BUILDING STANDARDS CODE 2019 CALIF FIRE CODES 2019 TITLE 24 CA ENERGY CODE GROSS SQUARE FOOTAGE:

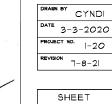
MAIN UNIT LOWER FLOOR 594 SQ FT UPPER FLOOR 874 SQ FT TOTAL SQ FT 1468

STUDIO APARTMENT SQ FT 324

LOT COVERAGE CALCULATION PLAN VIEW AREA 34'x27'+ 918 SQ FT LOT AREA 50'x39'= 1950 SQ FT

MAX. ALLOWED = 65%



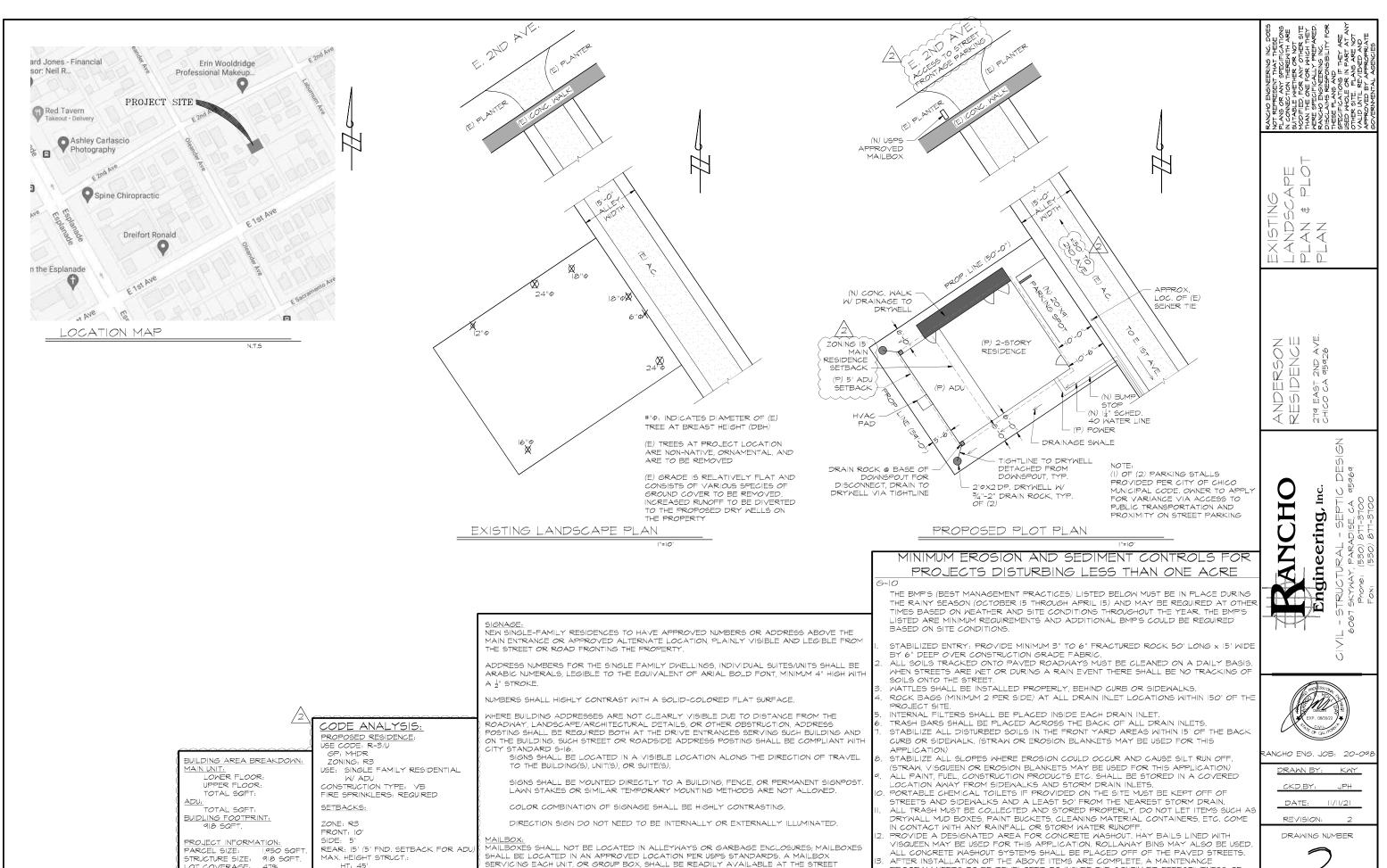


Service

Drafting on House Plans on House Plans of Box 268 ily Flats, CA 95636

Dawson's Droston H
Custon H
P. o.
Grizzly Fu
(530) 2

Attachment B



FRONTAGE AND SHALL BE OF SUFFICIENT STANDARDS TO MEET THE APPROVAL OF THE USP:

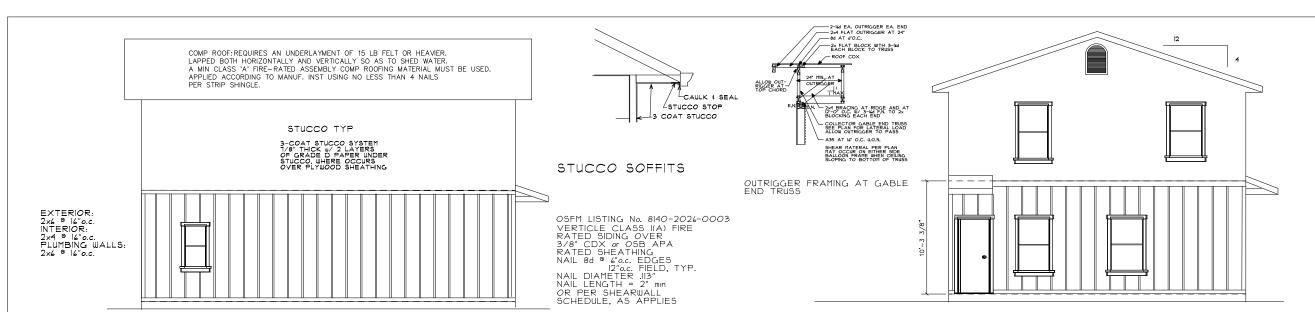
HT: 45'

MAX. COVERAGE: 65%

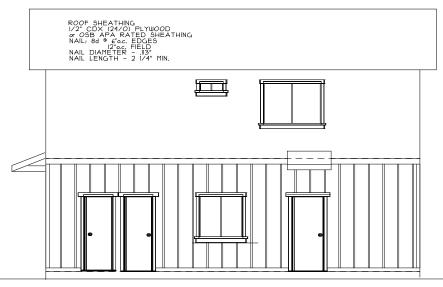
LOT COVERAGE: 47%

ALLOW. COVERAGE: 65%

AFTER INSTALLATION OF THE ABOVE ITEMS ARE COMPLETE, A MAINTENANCE PROGRAM NEEDS TO BE DEVELOPED TO INSURE THE CONTINUED EFFECTIVENESS OF



LEFT ELEVATION 1/4"-1'-0"



RIGHT ELEVATION 1/4"-1'-0'

FRONT ELEVATION 1/4"-1'-0"



REAR ELEVATION 1/4"-1'-0'

SIGNAGE

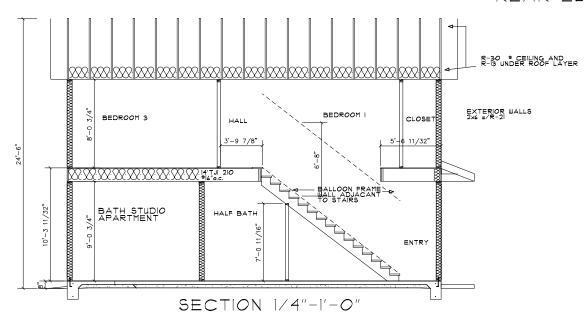
NEW SINGLE-FAMILY RESIDENCE TO HAVE APPROVED NUMBERS OR ADDRESS ABOVE THE MAIN ENTRANCE OR APPROVED ALTERNATE LOCATION, PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. ADDRESS NUMBERS FOR SINGLE FAMILY DWELLINGS, INDIVIDUAL SUITES/UNITS SHALL BE ARABIC NUMERALS, LEGIBLE TO YHE EQUIVALENT OF ARIAL BOLD FONT, MINIMUM 4"HIGH WITH A 1/2" STROKE.

NUMBERS SHALL HIGHLY CONTRAST WITH A SOLID-COLORED FLAT SURFACE. WHERE BUILDING ADDRESSES ARE NOT CLEARLY VISIBLE DUE TO DISTANCE FROM THE ROADWAY LANDSCAPE/ARCHITECTURAL DETAILS, OR OTHER OBSTRUCTION, ADDRESS POSTING SHALL BE REQUIRED BOTH AT THE DRIVE ENTRANCES SERVING SUCH BUILDING AND ON THE BUILDING. SUCH STREET OR ROADSIDE ADDRESS POSTING SHALL BE COMPLIANT WITH CITY STANDARD S-14.

- * SIGNS SHALL BE LOCATED IN A VISIBLE LOCATION ALONG THE DIRECTION OF TRAVEL TO THE BUILDING(S), UNITS(S), OR SUITE(S). \ast Signs shall be mounted directly to a building, fence, or permanent signpost. Lawn stakes or similar temporary mounting methods are not allowed.
- * COLOR COMBINATION OF SIGNAGE SHALL BE HIGHLY CONTRASTING. \star direction signs do not need to be internally or externally illuminated.

MAILBOX

MAILBOXES SHALL NOT BE LOCATED IN ALLEYWAYS OR GARBAGE ENCLOSURES, MAILBOXES SHALL BE LOCATED IN AN APPROVED LOCATION PER USPS STANDARD. A MAILBOX SEVICING EACH UNIT, OR GROUP BOX, SHALL BE READILY AVAILABLE AT THE STREET FRONTAGE AND SHALL BE OF SUFFICIENT STANDARDS TO MEET APPROVAL.





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Anderson 2nd Ave CA. 95926 03 102 023 OU. Custin 279 E. Chico.

 Ω a WSOn's Drafting Custom House Plans P. o. Box 268 Grizzly Flats, CA 95636

JOHN 3-3-2020 PROJECT NO. 1-20 7-15-21

Da.

SHEET

Attachment C