Zoning Administrator Agenda Report Meeting Date 04/23/19

DATE: April 12, 2019

File: UP 19-04

TO: ZONING ADMINISTRATOR

FROM: Kelly Murphy, Project Planner, 879-6810

RE: Use Permit 19-04 (Bechhold ADU), 1190 Warner Street, APN 003-053-010

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 19-04 (Bechhold), 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 9,583 square foot site in the SD-4 (West Avenue Neighborhood Area Special Design Considerations) overlay zoning district. The project site is located on the east side of Warner Street between West 1st Avenue and West 2nd Avenue (see **Attachment A**, Location/Notification Map). The site is designated Low Density Residential (LDR) on the City's General Plan diagram and is zoned R1-SD-4 (Low Density Residential with a West Avenue Neighborhood Area Special Design Considerations overlay). The neighborhood is predominately single-family residential and two-family residential/duplex development, although accessory dwelling units and multi-family units exist in the vicinity. Citrus Avenue Elementary School is located approximately 1,000 feet northeast of the project site and Chico High School and Chico State University campuses are located two blocks to the south.

The existing single-family residence has a living area of 1,300 square feet and a concrete driveway providing two vehicle parking spaces. The project proposes to construct a 958 square foot ADU with a 133 square foot patio, as well as a 378 square foot garage attached to the north side of the ADU (see **Attachment B**, Plat to Accompany Use Permit 19-04). A concrete driveway accessed from the alley would provide off-street parking for the new unit.

A 6-foot cedar fence would separate the ADU from the main dwelling unit; however, a gate would allow for a pedestrian path to connect the new unit to the Warner Street frontage. The ADU will be painted with neutral colors to match the color scheme of the main dwelling unit, a light gray (Kelly-Moore #23, Swiss Coffee) with dark gray (Kelly-Moore #4910, Platinum Granite) trim and Silverwood shingled roof.

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 review of 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 958 square feet, which is less than 75 percent of the living area of the main dwelling unit (1300 square feet), complying with ADU size requirements pursuant to CMC §19.76.130(D)(3). The project would provide a setback of more than 20 feet from the alley, as well as comply with the minimum side yard setback of 4 feet. The proposed ADU would have a height of 17 feet, 10 inches, well below the height limit of 25-feet for new detached ADUs in the R-1 zoning district. No tree removal is proposed for the project. New exterior lighting is proposed that consists of four (4) wall-mounted LED lights: one security light would be installed at the entrance of the new unit, two lights on either side of the garage door, and one light on the right-side elevation of the new structure. All lighting 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, room for trash storage, and a pedestrian pathway connecting the new unit to the Warner Street 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 covered porches and lap siding. The proposed colors for the ADU would also match the primary residence, which is a one-story with cream-colored house with white trim and a gray shingled roof.

SD-4 Special Design Considerations Overlay Zone

The project site fronts Warner Street, a fully improved local street with curb, gutter, parkway strip, and sidewalk. The rear alley from West 1st Avenue to West 2nd Avenue is also improved with concrete paving and is in generally good condition. As such, this residential block is better suited for an ADU compared to many of the other blocks within the SD-4 overlay zone and is not expected to compromise the health, safety, and livability in the area or exceed the reasonable carrying capacity of the existing infrastructure. In addition, two off-street parking spaces would be provided for the new unit, more than satisfying the ADU parking requirements. Therefore, the project is not expected to exacerbate traffic or street parking impacts for the surrounding neighborhood.

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 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).

OTHER ENTITLEMENTS

The construction of the proposed ADU and accessory structure (garage) will require review and approval of a building permit 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). Consistent with this exemption, the project involves: the construction of 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 two-family homes/duplexes in the neighborhood. The use is subject to CMC §9.38 (Noise). Pedestrian access to the new unit would be provided off of Warner Street via a pedestrian walkway and vehicular access would be via the alley between West 1st and West 2nd Avenues. An existing concrete driveway would provide off-street parking for the main residence, while a proposed new concrete driveway off the alley would provide a minimum of one parking space for the proposed new ADU. Given the fact that the unit would contain two-bedrooms and sufficient off-street parking is proposed, impacts on traffic 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 two-bedroom 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 structure would be situated

behind the main dwelling and not highly visible from the front of the property along Warner Street. 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 (West Avenues Neighborhood Area Special Design Consideration Overlay Zone). 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 off-street 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 opportunities for affordable housing. Existing regulations require that any public improvements damaged during the course of construction be repaired or reconstructed by the applicant. No 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 provide 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 and adjacent single-family residential uses. Adequate off-street parking will be provided.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 19-04 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 19-04 (Bechhold 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.

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:

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ATTACHMENTS:

A. Location/Notification Map
B. Site Plan to Accompany Use Permit 19-04 (Bechhold)