



**DATE:** January 26, 2017

File: UP 16-10

**TO:** ZONING ADMINISTRATOR

**FROM:** Kelly Murphy, Assistant Planner, 879-6535

**RE:** Use Permit for a Second Dwelling Unit at 1098 Rey Circle; APN 045-260-051

### RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 16-10 (Schlecht), based on the findings and subject to the recommended conditions of approval in this report.

### BACKGROUND

This is a request to construct a Second Dwelling Unit (SDU) at 1098 Rey Circle that does not meet the minimum separation requirement of 30 feet from the primary dwelling unit (See **Attachment A**, Location/Notification Map, and **Attachment B**, Plat to Accompany Use Permit 16-10).

The subject lot is 12,197 square feet in size and is developed with a 1,492 square foot single family residential structure that fronts Rey Circle. The property is designated Low Density Residential on the General Plan Land Use Diagram, and is located in the R1 (Low Density Residential) zoning district.

Pursuant to Chico Municipal Code (CMC) Section 19.76.130 – *Second Dwelling Units*, a use permit is required to authorize a separation of less than 30 feet between the primary residence and the second unit. Due to site constraints and the location of existing structures on the property, a 30-foot separation is not feasible. As such, a separation of 10 feet is proposed.

### DISCUSSION

The proposal is to construct a second dwelling unit in the rear yard of a developed residential property. The maximum square footage allowed for a second dwelling unit is 75 percent of the primary structure, pursuant to the development standards set forth in Chico Municipal Code (CMC) Section 19.76.130. The second unit would have an area of 650 square feet, approximately 43 percent of the size of the main house. The project would comply with the setback and height requirements, and the design is compatible with the existing residence and surrounding neighborhood.

Adequate open space is provided for the second unit. No tree removal or additional landscaping is proposed for the project. The location of the trash enclosure is denoted on the site plan, and has been conditioned to be screened from public views. Exterior lighting proposed for the second unit consists of two (2) wall-mounted lights. All lighting will be low-intensity and shielded downward to avoid light spillage onto adjacent properties.

Pedestrian access to the second unit would be provided from Rey Circle via a paved pedestrian path. Vehicular access to the site is available from Rey Circle as well as via a private alleyway off of Filbert Avenue. A total of three (3) off-street parking spaces are required for the property – two (2) for the primary residence and one (1) for the second dwelling unit. The existing garage provides parking for the single-family home, while the existing driveway off of Rey Circle will provide the required parking area for the second unit.

The design of the SDU complements the primary residence in both architectural elements and finish (see Color Photo, **Attachment C**, see SDU Elevations, **Attachment D**). The roof pitch is similar, and both structures feature covered porches and lap siding. The proposed colors for the SDU would also match the primary residence.

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

## **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).*

Chico Municipal Code Section 19.76.130 provides for second dwelling units to have a separation of less than 30 feet from the primary structure if a use permit is secured. This use permit has been processed in accordance with the requirements of 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. Sufficient on-site parking spaces are provided for both residential structures, and the SDU 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 SDU will not be detrimental to its surrounding areas in that it will not create excessive noise, traffic, odors or other detrimental activities, as the project is a

residential structure located in a residential neighborhood. All City services are available. No other 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 proposal is consistent with the Low Density Residential General Plan designation and General Plan goals and policies that encourage reinforcing compact urban form in locations where existing facilities and City services are in place (LU-1, LU-4.2) 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.*

All aspects of the project are compatible with the existing residential uses in the vicinity. The structure is aesthetically compatible with the existing single family residence in design, scale and materials. Adequate off-street parking will be provided.

#### Second Dwelling Unit Findings

Pursuant to Chico Municipal Code section 19.76.130.A.2, *Second Dwelling Units*, additional findings are as follows:

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

The existing garage provides 2 parking spaces for the primary residence, and an existing paved driveway will provide the required parking area for the second unit. The proposed use is consistent with the development standards of the R1 zoning district and compatible with the existing residential uses in the vicinity. As such, occupancy of the second unit would not result in excessive noise or traffic.

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

Occupancy of the second unit will not have an adverse impact on public services or resources as the location of the unit is within an existing area that is currently served by City services.

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

The design of the second unit will be compatible with that of the primary residence. Both structures will have a similar roof pitch, covered patio space, utilize similar building materials, and will be painted to match.

In addition, CMC Section 19.76.130.B requires that one of the structures, either the primary or secondary 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).

### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 16-10 authorizes a second dwelling unit to be constructed with a reduced separation of 10 feet at 1098 Rey Circle, in substantial accord with the "Site Plan to Accompany Use Permit 16-10 (Schlecht)" 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. The applicant shall provide a note on the front page of the building plans stating that the structure shall be constructed in compliance with Use Permit 16-10 (Schlecht).
4. The second dwelling unit shall be subject to administrative architectural review.
5. Pursuant to CMC 19.76.130.B, either the second dwelling unit or the primary dwelling unit shall be occupied by an owner of the property. Prior to the issuance of a certificate of occupancy for the second dwelling unit, the property owner shall sign a covenant, approved as to form by the City Attorney's Office, acknowledging the owner-occupancy requirement and that covenant shall be recorded with the County Recorder's office.
6. The applicant shall ensure that the trash enclosure is fully screened from public views and located on an all-weather surface.

### **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)

Mark Wolfe, Zoning Administrator

Kelly Murphy, Assistant Planner

External (2)

Larry Schlecht, 1098 Rey Circle, Chico, CA 95926

Robert Rossini, 6120 Lincoln Boulevard, Suite C, Chico, CA 95926

### **ATTACHMENTS:**

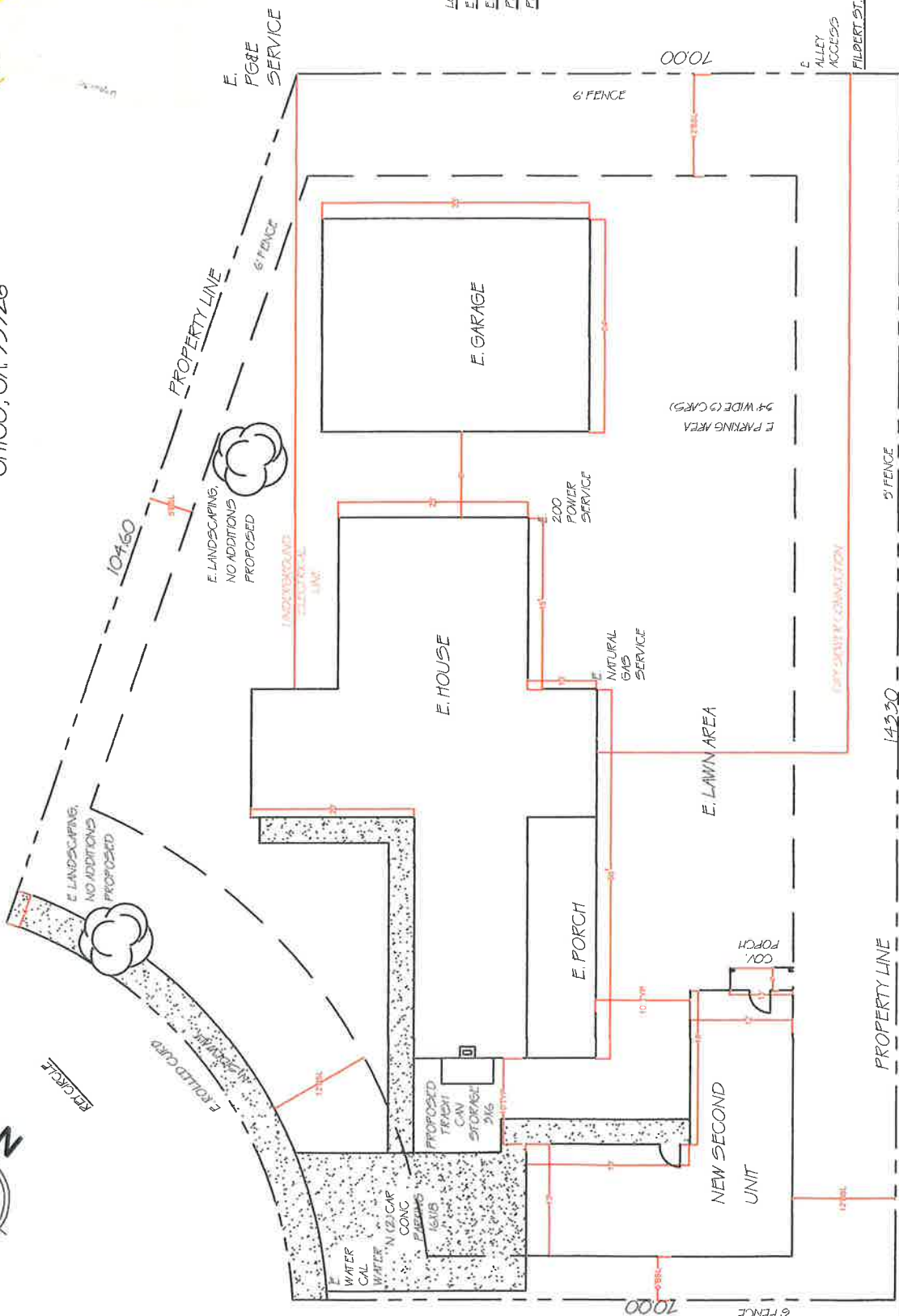
- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 16-10 (Schlecht)
- C. Color Photo – Primary Residence
- D. SDU Elevations/Floor Layout
- E. Project Description

APN: 045-260-051  
 OWNER: LARRY G. SCHLECHT  
 1098 REY CIRCLE  
 CHICO, CA 95926

Project: SCHLECHT  
 Date: 08/31/2016  
 Scale: 1"=60'



SITE MAP



VICINITY MAP



LOT AREA - 12,197 SF  
 E. RES. - 1,492 SF  
 E. GARAGE - 768 SF  
 PROPOSED RES. - 600 SF (LIVING)  
 PROPOSED TRASH STORAGE - 182 SF




Rob Rossini

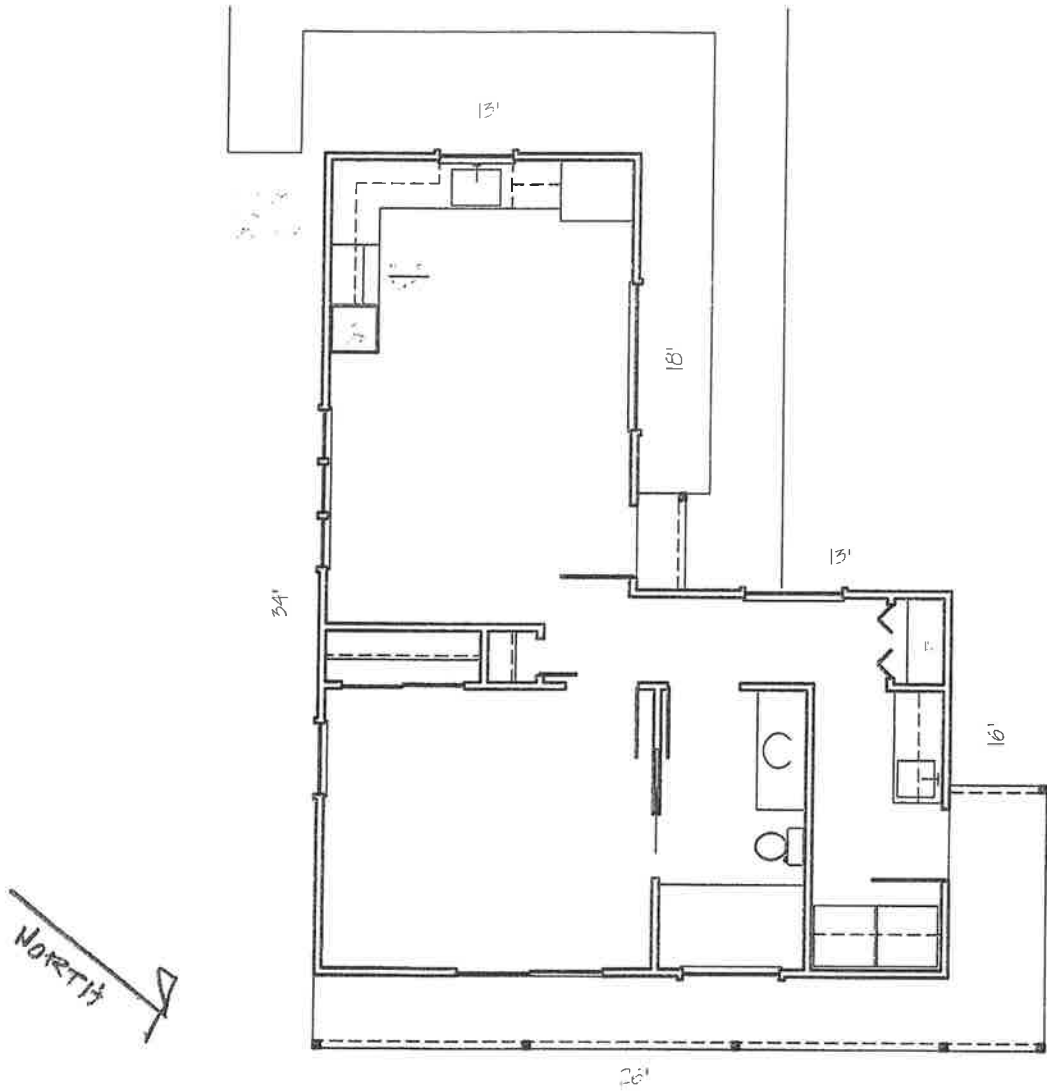
3/2/2016, 4:52 PM

1098 Rey circle

To robrossini@cmconstruction4u.com

*match existing house roof and  
Paint  6-29-16*

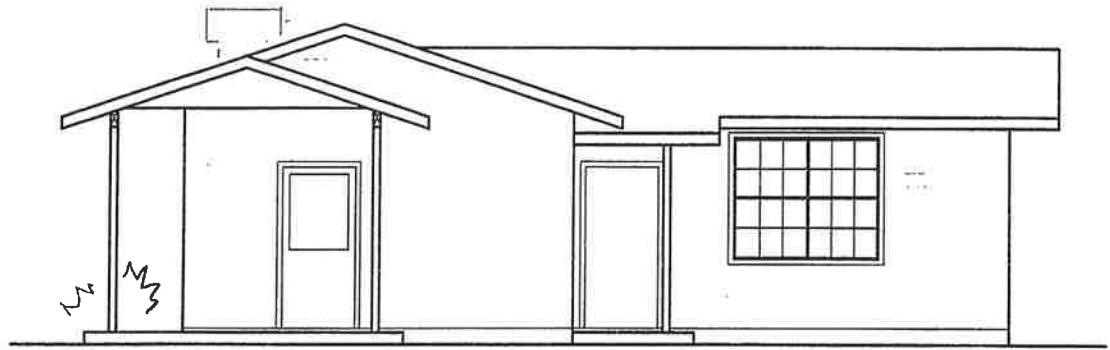




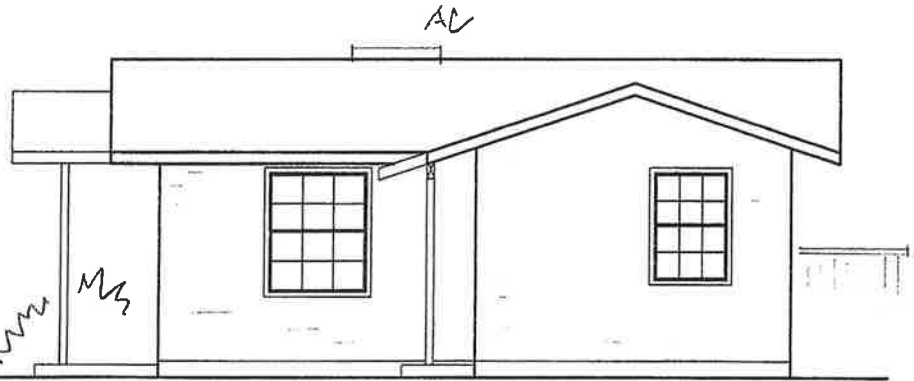
FLOOR PLAN  $1/8" = 12"$



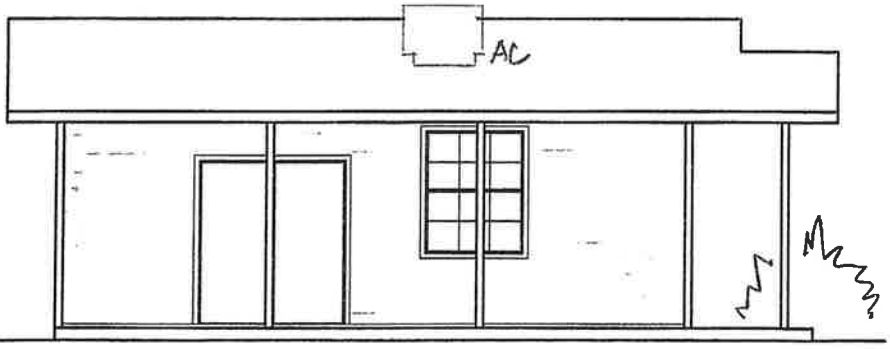
SOUTH



NORTH



WEST (FRONT-STREETVIEW)



EAST (REAR)

ELEVATIONS 1/8"=12"



## **Second Dwelling Unit Permit Application For:**

**Larry Schlecht**  
**1098 Rey Cir.**  
**Chico, Ca. 95926 AP# 045-260-051**

### **Proposal:**

A second dwelling is proposed on an existing R1 property. The use is intended for a care giver. The location is denoted as hatched on the site map.

### **Neighborhood:**

The property is in a neighborhood of Single Family Residential use. Zoning is R1.

The existing road is an approved paved road with concrete curb. There is no sidewalk.

### **Landscaping:**

The existing home is landscaped with lawn areas and shrubs as well as mature shade trees. No removal or addition of trees is intended. The proposed second dwelling is located in an existing lawn area and other than reducing lawn area, no additional landscaping is proposed.

### **Building Heights:**

The existing and proposed structures are 8' plate ht typical with roofs a max height of 13" above finish grade at their peak.

### **Walkways and Parking:**

Existing concrete walkways are indicated on site map and shall remain. The proposed building shall have a 4' wide concrete walkway accessible to the existing use.

Existing off street parking is capable of parking 4 cars and is accessed through a gate at the alley located to the north. Additionally there is a 2 car existing garage. No additional parking is proposed.

### **Fences:**

Existing 5' wood fences are indicated on the site map. There are no additions or proposed new fences except as indicated to screen trash can storage.

**Attachments:** Page 1: Cover sheet  
Page 2: Property Profile  
Page 3: Vicinity Map  
Page 4: Site Map  
Page 5: Floor Plan of proposed building  
Page 6: Elevations of proposed building  
Page 7- 10: Neighbors ( Profiles and use)