



**DATE:** March 14, 2018

File: UP 18-02

**TO:** ZONING ADMINISTRATOR

**FROM:** Shannon Costa, Assistant Planner, 879-6807

**RE:** Use Permit 18-02 (Schmidt) – Accessory structures to exceed size limitation  
1177 E. 7<sup>th</sup> Street, APN 004-412-002

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## RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 18-02 (Schmidt), based on the findings and subject to the recommended conditions of approval.

## BACKGROUND

This is a request to authorize a music studio that exceed the allowable size limitation for a residential accessory structure. The 0.13-acre project site is located at 1177 E. 7<sup>th</sup> Street, on the south side of E. 7<sup>th</sup> Street, between Willow Street and Linden Street (see **Attachment A**, Notification Map). The site is designated Low Density Residential on the General Plan Diagram and is zoned R1 (Low Density Residential).

Pursuant to Chico Municipal Code (CMC) section 19.76.020.9.b (*Accessory Uses and Structures*), the floor area of an accessory structure shall not occupy an area larger than 25-percent of the floor area of the main dwelling; however, additional floor area may be approved with a use permit. The proposed music studio would be 508 square feet; 32-percent of the size of the main dwelling, thus requiring a use permit to exceed the 25-percent.

The project site currently contains a single-family residence that fronts E. 7<sup>th</sup> Street and an outbuilding located in the rear yard. The proposal includes demolition of the existing outbuilding, and the reconstruction of a new, slightly larger structure in the same location (See **Attachment B**, Site Plan). The applicant intends to use the structure for storing and practicing with musical instruments.

## DISCUSSION

The proposal and construction is straightforward, with no significant issues to be addressed. Building records indicate that the existing accessory structure was built in 1957 and the applicant's architect has indicated that it is in severe disrepair and unsafe to use. The project involves the demolition of the structure and the construction of a new music studio located in roughly the same footprint; increased in sized by 40 square feet. The resulting building, at 508 square feet, would be 30-percent of the size of the main dwelling.

Proposed setbacks for the music studio are six feet from the side property lines and one foot from the rear property line. All setbacks would comply with setbacks requirements for residential accessory structures set forth in CMC 19.76.020.

The proposed structure would be one-story, featuring wood siding and a lean-to roof style. Sufficient attention has been given to the design of the structure and staff believes the CMC requirement regarding architectural compatibility with the main dwelling has been achieved (see **Attachment C**, Elevations).

## **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 consists of the construction of a new residential accessory structure in an established residential zoning district. There are no known habitat resources on site, or hazardous materials which would be utilized. The site is served by all necessary public services.

## **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 19.76.020.9.b allows accessory structures such as workshops and art studios to exceed the size limitation of 25-percent of the size of the main dwelling, subject to use permit approval. With the Zoning Administrator approval of the use permit, the proposal would comply with all provisions 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.*

The subject property already contains an accessory structure that exceeds 25-percent of the size of the main dwelling and the additional square footage proposed with the new structure is minor (40 square feet). It is not anticipated that the new structure would generate any new or additional impacts to adjacent properties.

- 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 involves the demolition of an existing accessory structure and the construction of a slightly larger accessory structure located in the rear yard of an existing residential site. No impacts to the health, safety or welfare of the neighborhood residents have been identified.

- D. *The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.*

Accessory structures are typically found on property designated for Low Density Residential development, and are generally compatible with residential land uses. The design and placement of the one-story structure is such as to minimize windows facing abutting property owners. The project is also consistent with General Plan Policy LU-4.2, which discuss the support for rehabilitation projects that are compatible with surrounding properties and neighborhoods.

- 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 proposal consists of the construction of a single-story accessory structure located in approximately the same location as the existing accessory structure, but with an enhanced architectural design more compatible with the main residence and land uses in the vicinity.

### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 18-02 authorizes a music studio that exceeds the allowable size limitation for a residential accessory structure. The music studio may be constructed at a size of 508 square feet; 32-percent of the size of the main dwelling, located at 1177 E. 7<sup>th</sup> Street, in substantial accord with the "Site Plan to Accompany Use Permit 18-02 (Schmidt)" 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 18-02 (Schmidt).
3. The music studio shall be subject to administrative architectural review.
4. Prior to final inspection for the construction of the music studio, the applicant shall record a deed restriction stating that the music studio is not to be used as a dwelling unit and that any future conversion of the structure to a dwelling unit shall be done so in accordance with Accessory Dwelling Unit procedures set forth in CMC 19.76.020.

### **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. At the time of the staff report being published, no comments have been received from the public.

### **DISTRIBUTION:**

Internal (2)

Brendan Vieg, Zoning Administrator

Shannon Costa, Assistant Planner

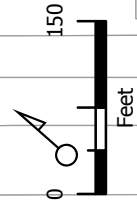
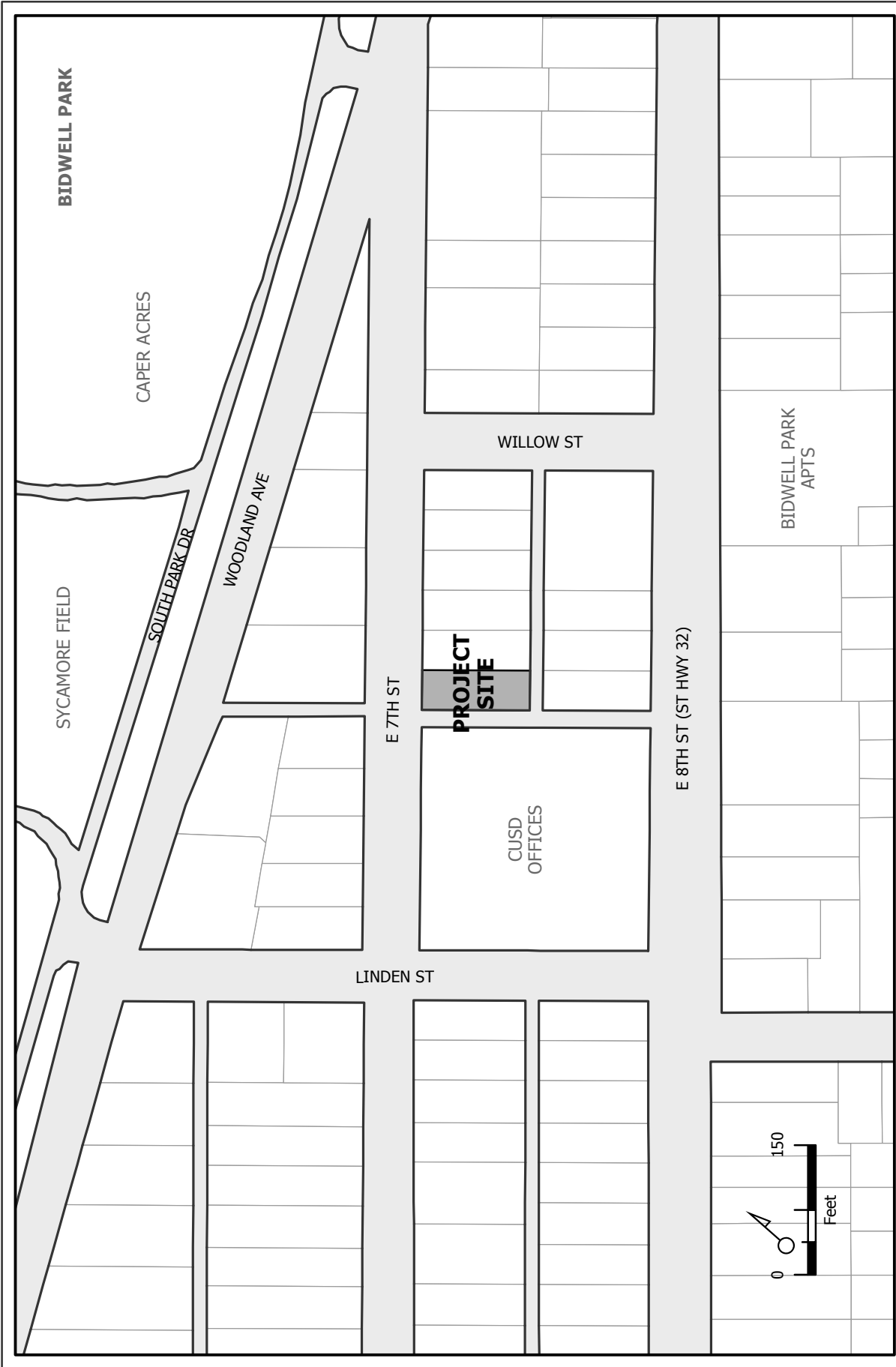
External (1)

Jim and Lynn Schmidt, 1177 E. 7<sup>th</sup> Street, Chico, CA 95928

**ATTACHMENTS:**

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 18-02 (Schmidt)
- C. Elevations

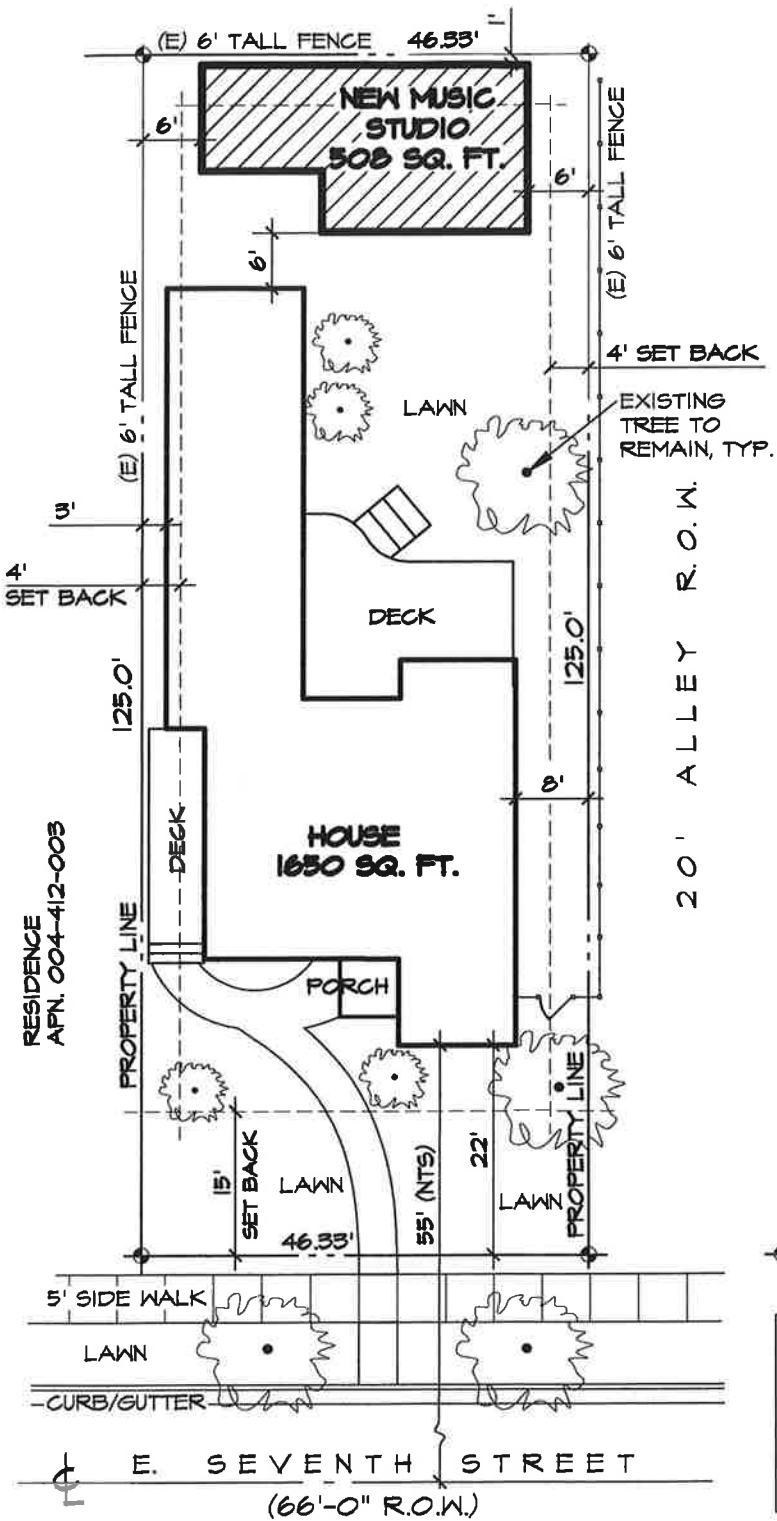
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UP 18-02 (Schmidt)  
 1177 E 7th Street  
 APN 004-412-002-000

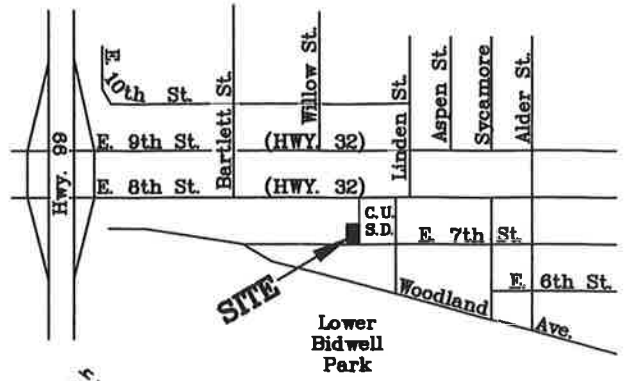
RESIDENCE  
APN. 004-412-010

15' ALLEY R.O.W.



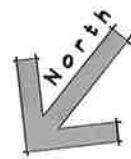
**SITE PLAN**

SCALE: 1" = 20'



**VICINITY MAP**

N.T.S.



C.U.S.D. OFFICE  
APN. 004-412-001

**PARCEL INFORMATION**

ADDRESS:	1177 E. 7th STREET
APN:	004-412-002
OWNER/APPLICANT:	JIM & LYNN SCHMIDT
OWNER PHONE:	(530) 342-7631
LOT SQ. FT.:	5791 SQ. FT.
ALLOWABLE LOT COVERAGE:	50%
ACTUAL LOT COVERAGE:	37%

**Mathew Amaro Designs**

453 N. Murdock Ave., Willows, California 95988 Phone: (530)-592-9912

**MUSIC STUDIO**

for

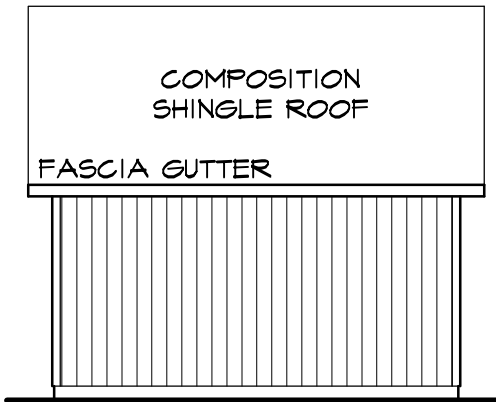
**JIM & LYNN SCHMIDT**

1177 E. 7th Street APN. 004-412-002  
Chico, California

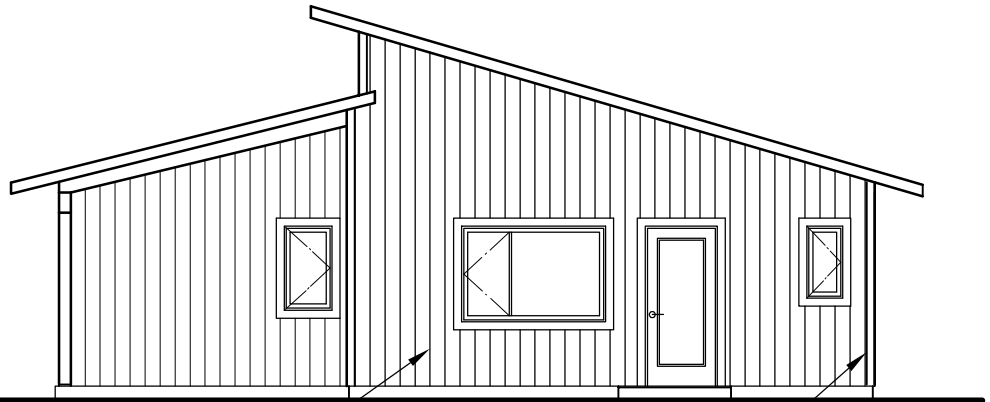
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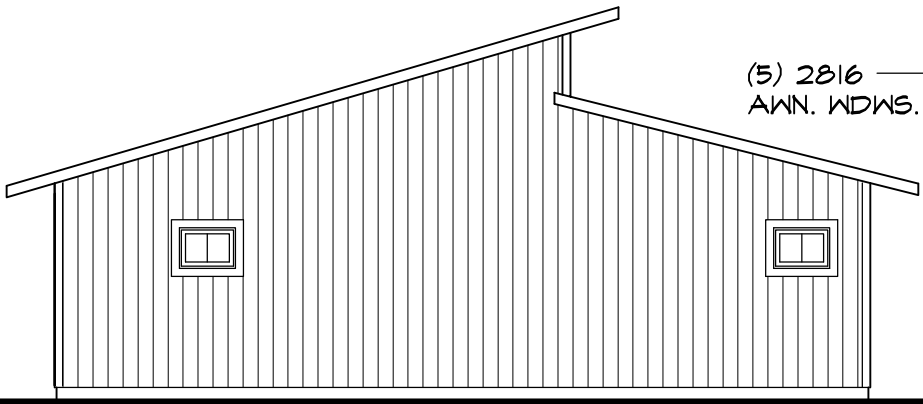
WEST



NORTH

T-III WD. SIDING INSTALL UNDERLAYMENT MEETING SIDING MFR. SPECS. AND SEC. R703.2

2X4 TRIM @ CORNERS, 4" @ DRS. AND WDWS.



SOUTH



EAST

(5) 2816 ANN. WDWS.

EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"

Date: 2-20-18

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Page

2

of 2