



DATE: June 27, 2018

File: UP 18-10

TO: ZONING ADMINISTRATOR

FROM: Kimber Gutierrez, Associate Planner, 530-879-6810, kimber.gutierrez@chicoca.gov

RE: Use Permit 18-10 (Favela ADU), 1284 Hobart Street, APN 003-052-021

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from further environmental review and approve Use Permit 18-10 (Favela ADU), based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to authorize the conversion of an existing accessory structure into an accessory dwelling unit (ADU) on an approximately 8,200 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 Hobart Street between West 4th Avenue and West 2nd 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 West Avenue Neighborhood Area Special Design Considerations overlay). The neighborhood is predominately single-family residential, although accessory dwelling units and multi-family units exist in the vicinity. Citrus Avenue Elementary School is located approximately half a block to the east on Citrus Avenue.

There are two existing structures located on the property; one is the main dwelling unit (992 square feet) and the other is an accessory structure located behind the main dwelling unit (606 square feet). The accessory structure has historically been used as a temporary dwelling unit containing living space and a two-car garage. On September 8, 2003, the Zoning Administrator approved the use of the accessory structure as a temporary dwelling unit for the care of an ill relative (UP 03-40). When the structure was no longer used as a temporary dwelling unit it was reverted into an art studio. The applicant is proposing to enclose the existing porch located on the far east side of the structure to create a closet for the existing bedroom and convert the two-car garage into a second bedroom, laundry room and multi-purpose room (see **Attachment B**, Plat to Accompany Use Permit 18-10). A privacy fence will separate the ADU from the main dwelling unit. No parking is proposed for the ADU. The ADU will be painted to match the color scheme of the main dwelling unit, a dusty blue with white trim and pink door.

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 AND ANALYSIS

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 accessory structure is 606 square feet, which is less than 75 percent of the main dwelling unit (992 square feet) complying with ADU size requirements pursuant to CMC §19.76.130(D)(3). The site plan provides an adequate amount of useable open space, adequate security lighting, room for trash storage, and a permeable pathway to the Hobart Street frontage.

Pursuant to CMC §19.76.130(D)(14), parking shall not be required for an ADU if the ADU is located within one-half mile of public transit. There is a transit stop located on the corner of West 4th Avenue and Warner Street a block to the west (approximately 0.1-mile). Therefore, no parking is required for the proposed ADU.

The proposed ADU is architecturally consistent with the design of the primary unit, which is one-story with dusty blue wood siding with a white trim and a front porch facing Hobart Street.

SD-4 Special Design Considerations Overlay Zone

The project site fronts Hobart Street, a fully improved local street with curb, gutter, parkway strip, and sidewalk. The rear alley from West 4th Avenue to West 2nd Avenue is also improved with asphalt 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 should not compromise the health, safety, and livability of the area or exceed the reasonable carrying capacity of the existing infrastructure. Additionally, the structure is existing and partially set up to accommodate a dwelling unit, making construction minor in nature and less intrusive to 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 conversion of the existing structure will require review and entitlement from the City of Chico Building Division.

ENVIRONMENTAL REVIEW

This project is categorically exempt from further review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines §15303(a) (New Construction or Conversion of Small Structures). Consistent with this exemption, the project is the conversion of an existing small structure from one use to another with only minor modifications made to the exterior of the structure resulting in a second dwelling unit in a residential zone.

FINDINGS

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

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 homes in the neighborhood. The use is subject to CMC §9.38 (*Noise*). Access is provided via Hobart Street and the site is within one-half mile of a transit stop meeting the parking exception. Given the fact that the unit would contain two-bedrooms, impacts on traffic in the area are 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 is existing and situated behind the main dwelling, which is not highly visible from the front of the property along Hobart Street. The unit will not adversely impact the privacy of adjacent properties.

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 persons residing or working in the neighborhood have been identified as the proposed residential use is consistent with the existing surrounding residential uses. The unit is located in the rear portion of a 8,200 square foot lot. As such, 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.

- 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 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.

CONDITIONS OF PROJECT APPROVAL

1. Use Permit 18-10 authorizes 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 18-10 (Favela 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 applicant shall complete the necessary work to satisfy the Development Engineering Division's requirements for ADA and Title 24 accessibility improvements and the Chico Municipal Code.
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 out to all property owners and tenants within 500 feet of the project site.

DISTRIBUTION

Internal

Brendan Vieg, Zoning Administrator
Kimber Gutierrez, Associate Planner

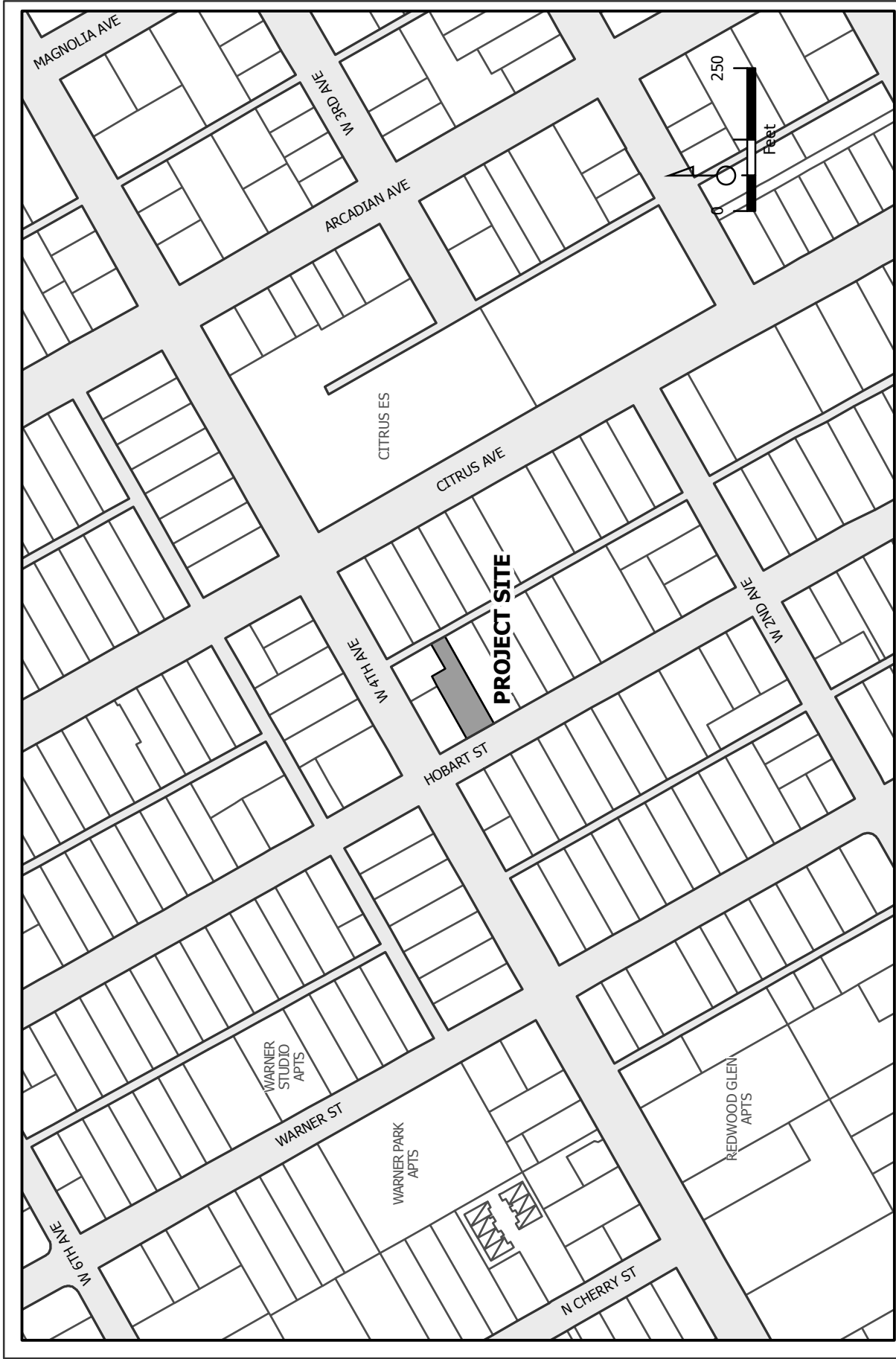
External

Monica Favela, Email: 9mlhase@gmail.com
Teisha Hase, 1241 Arcadian Avenue, Chico, CA 95926

ATTACHMENTS

- A. Location Map
- B. Plat to Accompany Use Permit 18-10 (Favela ADU)

X:\Current Planning\Use Permits\2018\10 Favela\ZA\ZA Report UP 18-10 (Favela ADU).doc



UP 18-10 (Favela)
1284 Hobart Street
APN 003-052-021

N

Alleyway

21' 8"

Neighbor's tree
6' wooden fence

All landscaping to remain unchanged

52' 4"

This project is the conversion of an existing accessory structure that had been converted into a temporary dwelling unit in 2003, and then reverted to an art studio when it no longer met the criteria for a temporary dwelling. The bathroom, bedroom 1, kitchen/dining/living room, as well as the laundry were a part of the temporary dwelling. The closet drawn for bedroom 1 was a porch when the structure was a temporary dwelling. We will enclose the porch to provide a closet for bedroom 1. Bedroom 2 with closet will be added to what is currently a two car garage, and the rest of the garage will be a multipurpose room for the main house. The garage has an elevation of 12' and the studio has an elevation of 13' and we propose no change. The ADU will be painted with the same color scheme as the main house, a dusty blue with white trim, and a pink door. (See paint chips). Both structures must be painted. Entire property is fenced, mostly by a 6' tall wooden fence, but some existing 3' chain link, including a gate across the drive. ADU will have its own meter, which will be next to the main house's meter. There are two meter boxes currently, though only one is functional.

135' 8"

6' wooden fence

Neighbor's tree

Solar security flood light 12' high

Privacy fence with gate will separate ADU from main house yard

Gate

ADU laundry room

Main house back yard area

Tree

Covered patio

Chain link 3' gate

Main House 992 sq. ft.

1284 Hobart Street
Parcel No. 003-052-021

concrete driveway 17' wide

Breaker box

meter boxes

Porch

City sidewalk

Concrete drive 10' wide

3' chain link gate across drive

Tree

Property 52' 10" wide
Hobart Street

existing grass lawn area
existing shrubs

Existing 6' wooden fence between 1284 Hobart and neighbor's house

ADU 606.5 sq. ft total

Multi-purpose room 189.5 sq ft total

Area for garbage and recycling bins with gate

Motion activated security flood light 11' high

3' chain link fence with gate across the driveway

Property is 8276 sq. ft total

Property 188' 0" deep