



**DATE:** July 5, 2019

File: UP 19-15

**TO:** ZONING ADMINISTRATOR

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

**RE:** Use Permit 19-15 (Maligie ADU), 217 W. 1<sup>st</sup> Avenue, APN 003-095-005

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## RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 19-15 (Maligie), 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 0.21-acre site in the SD-4 (Special Design Considerations – West Avenue Neighborhood Area) overlay zoning district. The project site is located on the south side of W. 1<sup>st</sup> Avenue between Arcadian and Magnolia Avenues (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 Special Design Considerations – West Avenue Neighborhood Area overlay). The neighborhood is a mix of single-family residential and two-family residential/duplexes, multi-family apartment units, and office residential uses. Chico High School is located one block (approximately 250 feet) south of the project site.

The subject parcel has been developed with a two-story single-family residence having a 1,924 square foot building footprint and 518 square foot accessory structure. The project proposes to convert the existing accessory structure into an ADU (see **Attachment B**, Plat to Accompany Use Permit 19-15). There is an existing paved parking area off the alleyway providing a total of 5 off-street parking spaces.

A pedestrian connection from the new unit to the W. 1<sup>st</sup> Avenue frontage would be provided on the property. The architectural design of the existing accessory building complements the main residence by having a shingled roof and earthy color scheme. The main residence is detailed with stucco and wood siding with brick accents and is painted a pale yellow with green trim. The ADU would also have wood siding and be painted green with white trim.

### 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**

### 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 518 square feet, which is less than 75 percent of the living area of the two-story main dwelling unit (2,819 square feet) complying with ADU size requirements pursuant to CMC §19.76.130(D)(3). The project would comply with the setback and height requirements for ADUs in the R-1 zoning district.

No tree removal is proposed for the project (see Condition of Approval #7). Exterior lighting consists of a motion sensor LED flood light to illuminate the parking area and alley, as well as one wall-mounted light at the entrance of the new unit. All new 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 to the W. 1<sup>st</sup> Avenue 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 wood siding. The proposed color scheme for the ADU would be similar to the primary residence. The ADU would be painted green to match the trim color of the main unit and have a gray composition shingled roof.

### SD-4 Special Design Considerations Overlay Zone

The project site fronts W. 1<sup>st</sup> Avenue, a fully improved local street with curb, gutter, parkway strip, and sidewalk. The rear alley between Magnolia Avenue and Arcadian Avenue is also improved with concrete paving and is in generally decent condition. Sufficient off-street parking would be provided to accommodate both dwelling units. 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 anticipated to compromise the health, safety, and livability of the area or exceed the reasonable carrying capacity of the existing infrastructure.

### 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 the provision of an 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 proposed accessory structure to ADU will require review and entitlement 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). 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). Given the fact that the accessory structure is existing, and the new unit would contain one bedroom and sufficient off-street parking is proposed, impacts on traffic and parking 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 one-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 W. 1<sup>st</sup> Avenue. The unit would be accessed via the alleyway and is not anticipated to 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 (Special Design Considerations – West Avenues Neighborhood Area) zoning overlay. 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 on-site 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 the variety of housing stock. 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. Adequate off-street parking will be provided.

#### **CONDITIONS OF PROJECT APPROVAL**

1. Use Permit 19-15 authorizes the construction of an accessory dwelling unit within the SD-4 (Special Design Considerations – West Avenues Neighborhood Area) overlay zone, in substantial accord with the “Plat to Accompany Use Permit 19-15 (Maligie 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.
6. The ADU shall be provided with an outdoor area for the storage of trash and recycling receptacles. That area shall have an all-weather surface and be screened from view by a fence, wall or permanent landscaping.
7. No tree removal has been approved as part of this project. Should tree removal be necessary, the applicant shall submit a tree removal permit application pursuant to CMC Section 16.66.070 prior to the issuance of building permits.

#### **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)  
Mike Sawley, Zoning Administrator  
Kelly Murphy, Planner

External (2)

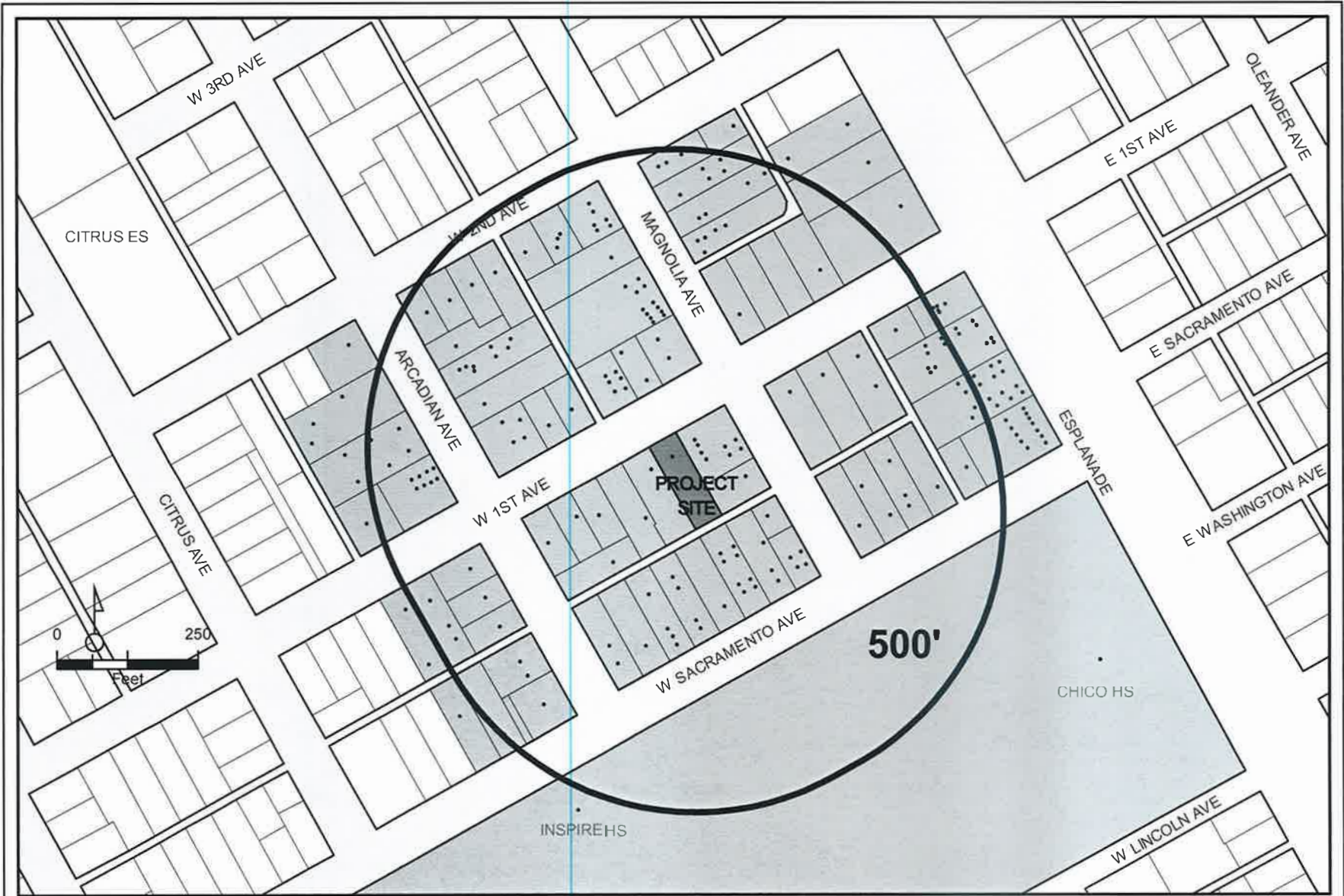
William A. Maligie, 1630 Greenhaven Lane, Chico, CA 95926

John Whitehead, [jockbaw@sbcglobal.net](mailto:jockbaw@sbcglobal.net) (Chico Avenues Neighborhood Association)

ADU Stakeholders Group

**ATTACHMENTS:**

- A. Location Map
- B. Site Plan to Accompany Use Permit 19-15 (Maligie)

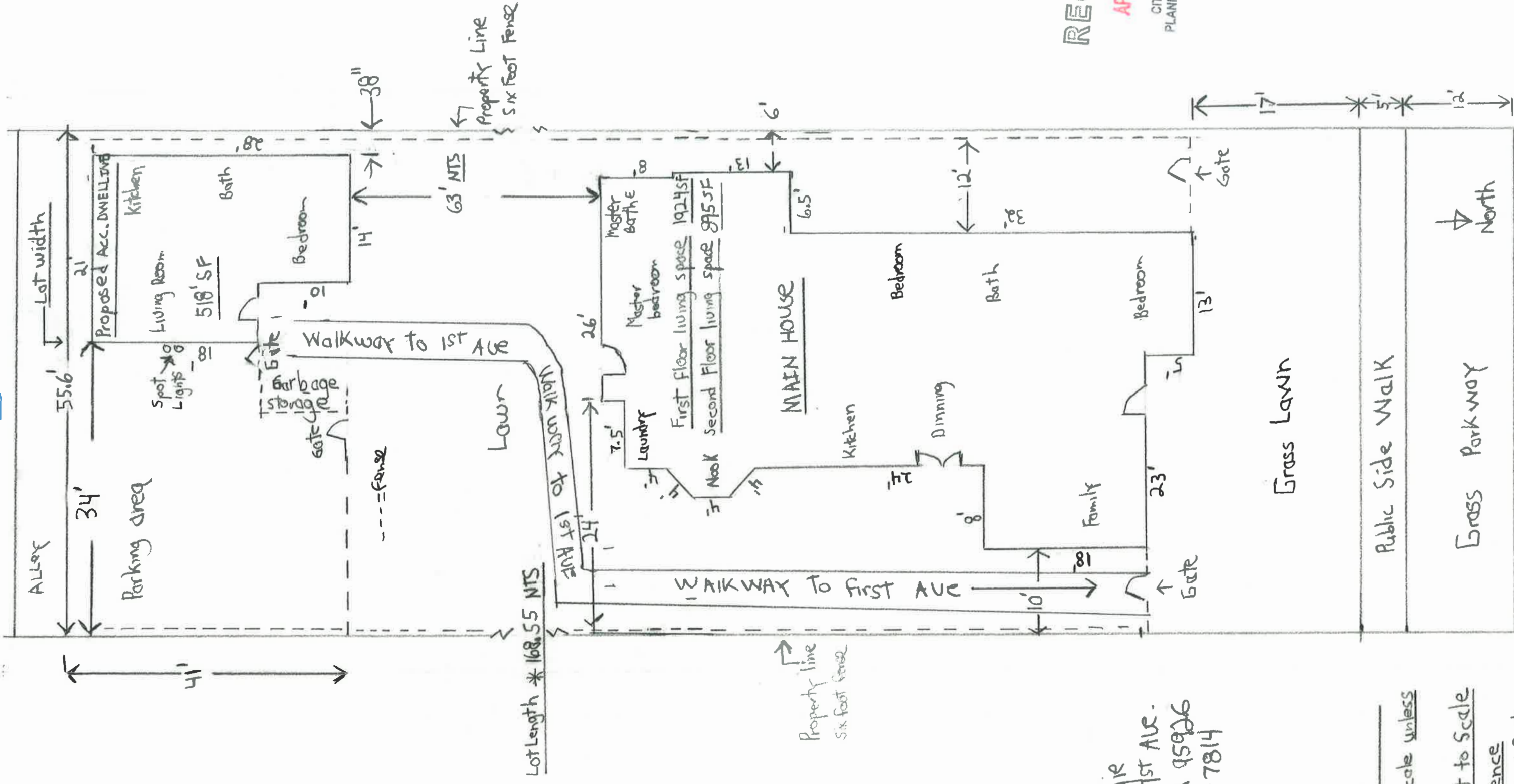


UP 19-15 (Maligie ADU)  
 217 W 1st Avenue  
 APN 003-095-005-000

- Notified Addresses
- ◻ Notified Parcels







**RECEIVED**  
 APR 19 2019  
 CITY OF CHICO  
 PLANNING SERVICES

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 Chico, CA 95926  
 530-519-7814

- NOTES
- \*3/32 scale unless
  - Note
  - \*NTS = Not to Scale
  - = Fence
  - S.F. = Square Feet

