



**DATE:** May 7, 2019

File: UP 19-07

**TO:** ZONING ADMINISTRATOR

**FROM:** Kelly Murphy, Project Planner, 879-6810

**RE:** Use Permit 19-07 (Penn ADU), 127 W. 1st Avenue, APN 003-096-003

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## RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 19-07 (Penn), 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 12,196 square foot 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 Magnolia Avenue and Esplanade (see **Attachment A**, Location 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 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 existing single-family residence has an area of 1,240 square feet. The project proposes to construct a 900 square foot ADU with a 278 square foot patio, as well as a 700 square foot garage attached to the north side of the ADU (see **Attachment B**, Plat to Accompany Use Permit 19-07). The proposed garage would provide two off-street parking spaces for the main residence. A 10' x 30' driveway off the alley would provide access to the garage and one off-street parking space for the ADU.

A 6-foot wooden fence would separate the ADU from the main dwelling unit; however, a rolling gate would allow for a pedestrian path to connect the new unit to the W. 1<sup>st</sup> Avenue frontage. The ADU will be painted yellow with white trim, have a shingled roof and a red door to match the color scheme of the main dwelling unit.

### 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 900 square feet, which is less than 75 percent of the main dwelling unit (1240 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. New exterior lighting proposed consists of three (3) wall-mounted LED motion sensor lights: one security light would be installed at the entrance of the new unit, one light above the garage door, and one light on the left-side elevation of the new structure adjacent to the alley. 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 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 colors for the ADU would also match the primary residence, which is a one-story yellow-colored house with white trim, a red door, and a gray 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 alleys off W. 1<sup>st</sup> Avenue and Magnolia Avenue are 15 feet wide and composed of gravel. 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 should not 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 construction of the proposed ADU and accessory structure (garage) 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). Pedestrian access would be provided from W. 1<sup>st</sup> Avenue via a pedestrian walkway and vehicular access would be via the alley between W. 1<sup>st</sup> and W. Sacramento Avenues. A 10' x 30' driveway off the alley would provide access to the two-car garage and one off-street parking space for the ADU. Given the fact that the unit would contain one bedroom 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 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 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 (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 19-07 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 19-07 (Penn 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.
8. The applicant shall provide to the satisfaction of the Director a recorded document stating the intended use of the proposed new garage is not to be a dwelling unit and that any future conversion to a dwelling unit shall be done so in compliance with CMC Section 19.76.130.

## **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)  
Scott and Jodi Penn, 9695 Midway, Durham, CA 95938  
127 W. 1<sup>st</sup> Avenue, Chico, CA 95926

## **ATTACHMENTS:**

- A. Location Map
- B. Site Plan to Accompany Use Permit 19-07 (Penn)



UP 19-07 (Penn)  
 127 W 1st Avenue  
 APN 003-096-010-000



RECEIVED

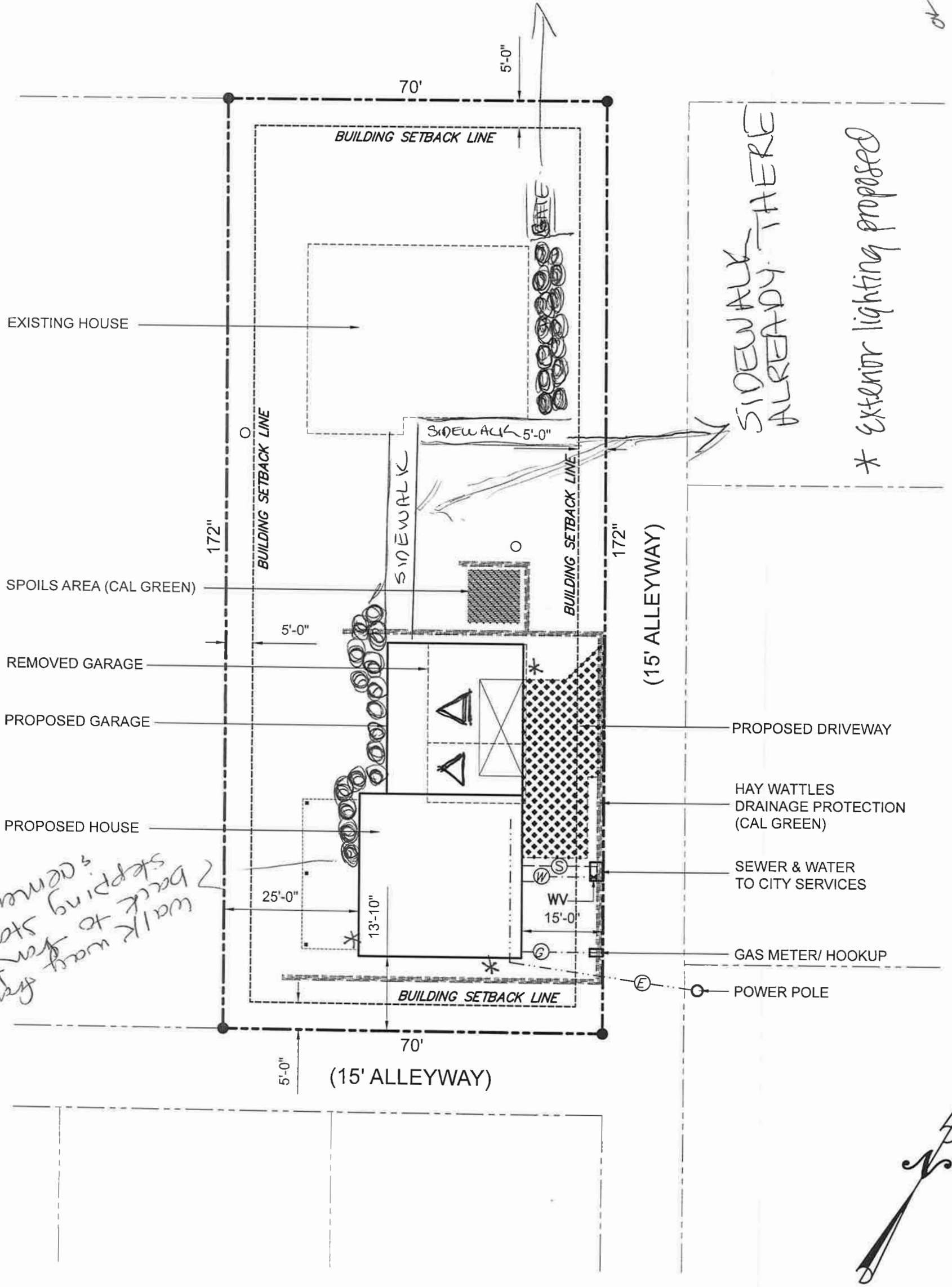
APR 24 2019

CITY OF CHICO  
PLANNING SERVICES

*walk way from front stairs  
back to cement*

*rolling gate  
made of wood,  
(Douglas Fir) 6" to  
to match existing  
fencing.*

*AP  
4/25/19  
ML*

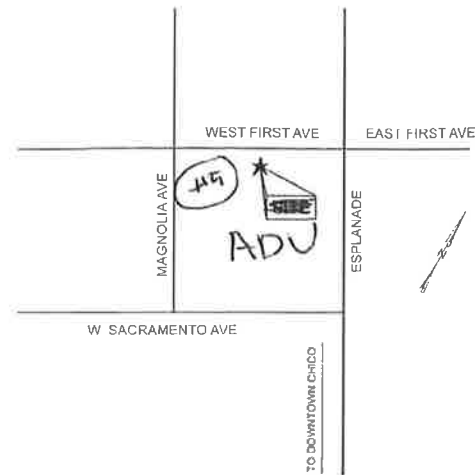


*SIDEWALK  
ALREADY THERE*

*\* exterior lighting proposed*



#8 photos  
 Cement board  
 lap siding  
 windows similar  
 both gable roofs  
 Chico charm!!



VICINITY MAP N.T.S.

PREPARED BY  
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 33 Sartano Dr. (949) 715-3780  
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 PLANS PREPARED BY



PROJECT INFORMATION

**PENN  
 RESIDENCE:**

Current Address:  
 DEBBIE PENN  
 127 WEST 1ST AVENUE  
 CHICO, CA 95928-3801  
 PHONE: 2  
 PHONE-2  
 E-MAIL:

Job Site Address:  
 APN# 009-096-003-000  
 127 WEST 1ST AVENUE  
 CHICO, CA 95928-3801

CITY OF CHICO  
 (530) 879-6700

DRAWING NOTES/REVISIONS

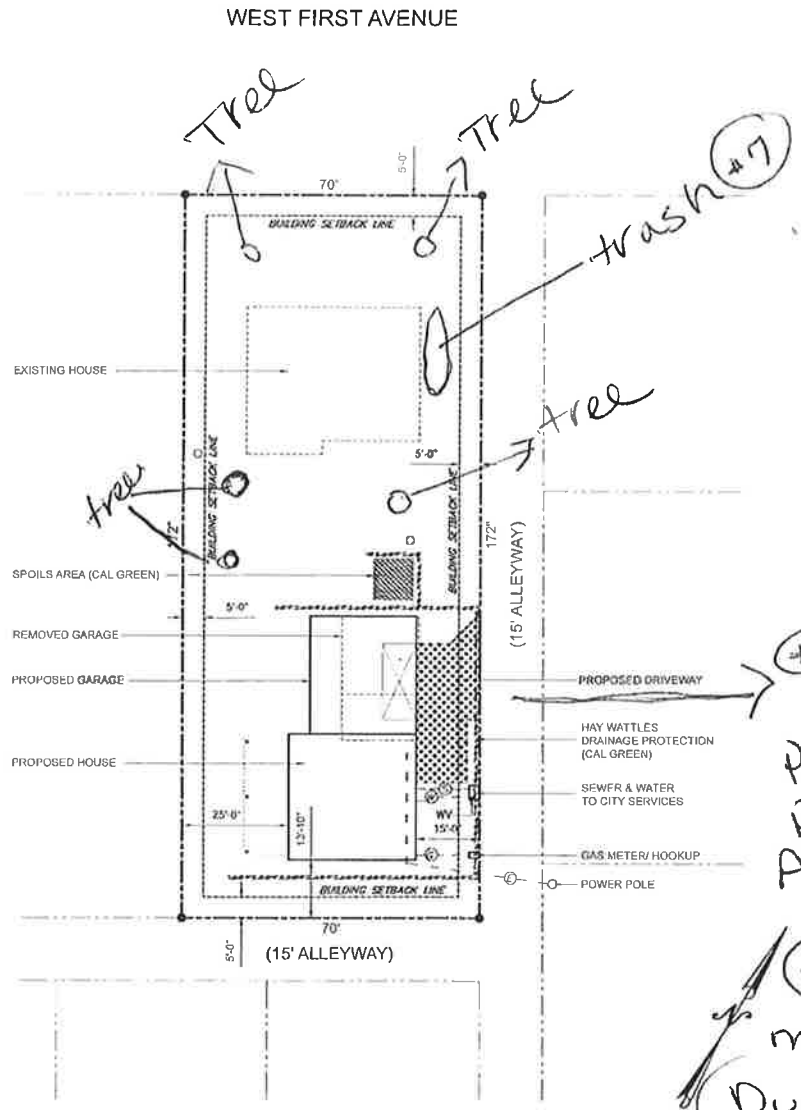
01/23/19 - DESIGN CONCEPT  
 01/23/19 - PRE-ENGINEERING  
 02/12/19 - SUBMITTAL

SCALE  
 01/23/19 1" = 20'-0"  
 SHEET TITLE

COVER SHEET  
 PLOT PLAN

SHEET NUMBER

CS



#12  
 2 car garage  
 plus 10x30  
 parking between  
 Alley and house

#13 Rolling Gate  
 made of wood  
 (Dug Fir) 6' TALL  
 to match existing  
 fencing.  
 #14 Alley to w 1st Ave

**LEGEND**

- PROPERTY LINE
- - - BUILDING SETBACK LINE
- BOUNDARY MARKERS
- ⊕ WATER VALVE BOX
- ⊖ SEWER LINE
- ⊕ UNDERGROUND WATERLINE
- ⊖ OVERHEAD ELECTRICAL LINE
- ⊖ UNDERGROUND GAS LINE

CONTENTS:

- CS1 - COVER SHEET PLOT-EROSION CONTROL PLAN
- A1 - NON-STRUCTURAL NOTES
- A2 - FIRST FLOOR PLAN
- A3 - STORAGE ATTIC FLOOR PLAN
- A4 - ELEVATIONS
- A5 - SECTION
- E1 - FIRST FLOOR ELECTRICAL PLAN
- E2 - ATTIC STORAGE ELECTRICAL PLAN
- S1 - STRUCTURAL NOTES
- S2 - FOUNDATION PLAN
- S3 - SHEAR WALL LAYOUT PLAN
- S4 - STORAGE ATTIC FRAMING PLAN
- S5 - ROOF FRAMING PLAN
- S6 - STRUCTURAL DETAILS
- T-1 - TITLE 24 (CFIR)
- T-2 - TITLE 24 (CFIR)
- T-3 - TITLE 24 (MANDATORY MEASURES)
- CG1 - CAL GREEN RESIDENTIAL MANDATORY MEASURES
- CG2 - CAL GREEN RESIDENTIAL MANDATORY MEASURES
- CG3 - CAL GREEN WASTE MANAGEMENT PLAN
- CG4 - CAL GREEN WASTE MANAGEMENT PLAN

APN# 003-096-003-000  
 OCCUPANCY GROUP(S): R-3/U  
 TYPE OF CONSTRUCTION: V-B  
 SPRINKLERS: YES  
 HOUSE FOOT PRINT: 900 SQ. FT.  
 & PATIO FOOT PRINT: 278 SQ. FT.  
 GARAGE FOOT PRINT: 700 SQ. FT.

SCOPE OF WORK:  
 (1) BED (1) BATH 1 STORY  
 2x8 STUD WALL FRAMING  
 ATTIC STORAGE ABOVE HOUSE  
 AND GARAGE  
 900 SQ. FT. FIRST FLOOR CONDITIONED SPACE  
 385 SQ. FT. STORAGE ATTIC NON CONDITIONED SPACE  
 700 SQ. FT. ATTACHED GARAGE  
 278 SQ. FT. FRONT PATIO

ALL BUILDINGS, FOR WHICH A PERMIT IS ISSUED SHALL HAVE A PERMANENTLY POSTED ADDRESS  
 INSTALLED AT THE BEGINNING OF CONSTRUCTION IN ACCORDANCE WITH THE FOLLOWING:

- A. SHALL BE PHYSICALLY INSTALLED ON THE BUILDING;
- B. AT THE INTERSECTION OF THE ROAD AND DRIVEWAY ENTRANCE SERVING THE BUILDING OR BE VISIBLE FROM THE ROAD;
- C. SHALL BE VISIBLE AND LEGIBLE FOR A MINIMUM OF ONE HUNDRED FEET FROM BOTH DIRECTIONS OF TRAVEL ALONG THE ROAD;
- D. SHALL BE ON A SINGLE POST WHERE MULTIPLE ADDRESSES ARE FOR A SINGLE DRIVEWAY;
- E. SHALL BE POSTED AT INTERSECTIONS OF ROADS AND/OR DRIVEWAYS TO CLEARLY INDICATE THE DIRECTION TO THE STRUCTURE SERVED;
- F. ALL SIGNS REQUIRED BY THIS CHAPTER SHALL:
  1. HAVE A MINIMUM FOUR INCH LETTER/NUMBER HEIGHT, ONE-HALF INCH STROKE;
  2. BE REFLECTORIZED;
  3. HAVE LETTER/NUMBER COLOR CONTRASTING WITH THE BACKGROUND COLOR;
  4. BE OF A FIRE-RETARDANT MATERIAL MOUNTED ON A FIRE-RETARDANT POST;
  5. SIGNS SHALL COMPLY WITH THE CURRENT ADOPTED EDITION OF THE CALIFORNIA FIRE CODE.

NOTE:  
 CLIENT AND CONTRACTOR RESPONSIBLE FOR PLACEMENT, TYPE OF EROSION CONTROL MATERIALS AND HOW THEY ARE SECURED. ADD WATTLES AS NEEDED CLIENT & CONTRACTOR TO COME UP WITH METHOD TO SECURE WATTLES AT THE CONCRETE/ ASPHALT STREET LEVEL THAT CAN NOT BE STAKED OR MAY USE ANOTHER METHOD.

DISCLAIMER:  
 COVER SHEET PLOT PLAN IS DESIGNED FOR GENERAL LOCATION OF PROPERTY & FEATURES ON IT. NOT TO BE USED FOR A GRADING PLAN OR ANY CHANGE TO SITE. THIS DOCUMENT IS A GRAPHIC ILLUSTRATION ON THE GENERAL POSITION OF PROPOSED WORK AND SHOULD NOT BE SCALED OR USED TO BUILD FROM.