



DATE: March 08, 2017

File: UP 17-03

TO: ZONING ADMINISTRATOR

FROM: Shannon Costa, Assistant Planner, 879-6506

RE: Use Permit for a Second Dwelling Unit at Wildwood Estates Subdivision, Lot 153

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Use Permit 17-03 (Wildwood Estates Subdivision SDU), 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) on Lot 153 of the Wildwood Estates Subdivision, Phase 5, 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 17-03).

The subject lot is 4,986 square feet in size and a 1,659 square foot single family home is currently under construction on the site. The property is designated Low Density Residential on the General Plan Land Use Diagram, and is located in the R1-SD7 (Low Density Residential with Special Design Considerations-Cactus Avenue) 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 on the property, a 30-foot separation is not feasible. As such, a minimum separation of 10 feet is proposed.

DISCUSSION

The proposal is to construct a second dwelling unit in the rear yard of a residential property that would constitute the second story of the detached garage. Pursuant to the development standards set forth in Chico Municipal Code (CMC) Section 19.76.130, the maximum square footage allowed for a second dwelling unit is 75 percent of the primary structure. The proposed second unit would have an area of 633 square feet, approximately 38 percent of the size of the main house. The second dwelling unit would comply with setback and height requirements, and the design would be compatible with the primary residence and surrounding neighborhood.

Adequate open space is provided for the second unit. No tree removal is proposed for the project. New landscaping would include 2 new trees and various ground cover and shrubbery (see **Attachment C**, landscape plan). The location of the trash enclosure is denoted on the site plan, and would be screened from public views. Exterior lighting proposed for the second

unit and garage consists of four (4) wall-mounted lights. All lighting would be low-intensity and shielded downward to avoid light spillage onto adjacent properties.

Pedestrian access to the second unit would be provided from East Eaton Road via a paved pedestrian path. Vehicular access to the site is available from the alleyway. A total of four (4) off-street parking spaces would be provided – two (2) within the garage and two (2) between the garage and alleyway by a 25 foot wide driveway.

The design of the SDU will complement the primary residence in both architectural elements and finish (see **Attachment D**, elevations). Color schemes for both the house and detached garage/second dwelling unit will be determined by the owner. The roof pitch is similar, and both structures feature stucco siding.

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 proposed 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.*

A total of four (4) off-street parking spaces would be provided – two (2) within the garage and two (2) between the garage and alleyway by a 25 foot wide driveway. The proposed use is consistent with the development standards of the R1 zoning district and compatible with the existing and proposed 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, 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 17-03 authorizes a second dwelling unit to be constructed with a reduced separation of no less than 10 feet at lot 153 of Wildwood Estates Subdivision, in substantial accord with the "Site Plan to Accompany Use Permit 17-03 (Wildwood Estates Subdivision SDU)" 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 17-03 (Wildwood Estates Subdivision SDU).
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.
6. 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.

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)

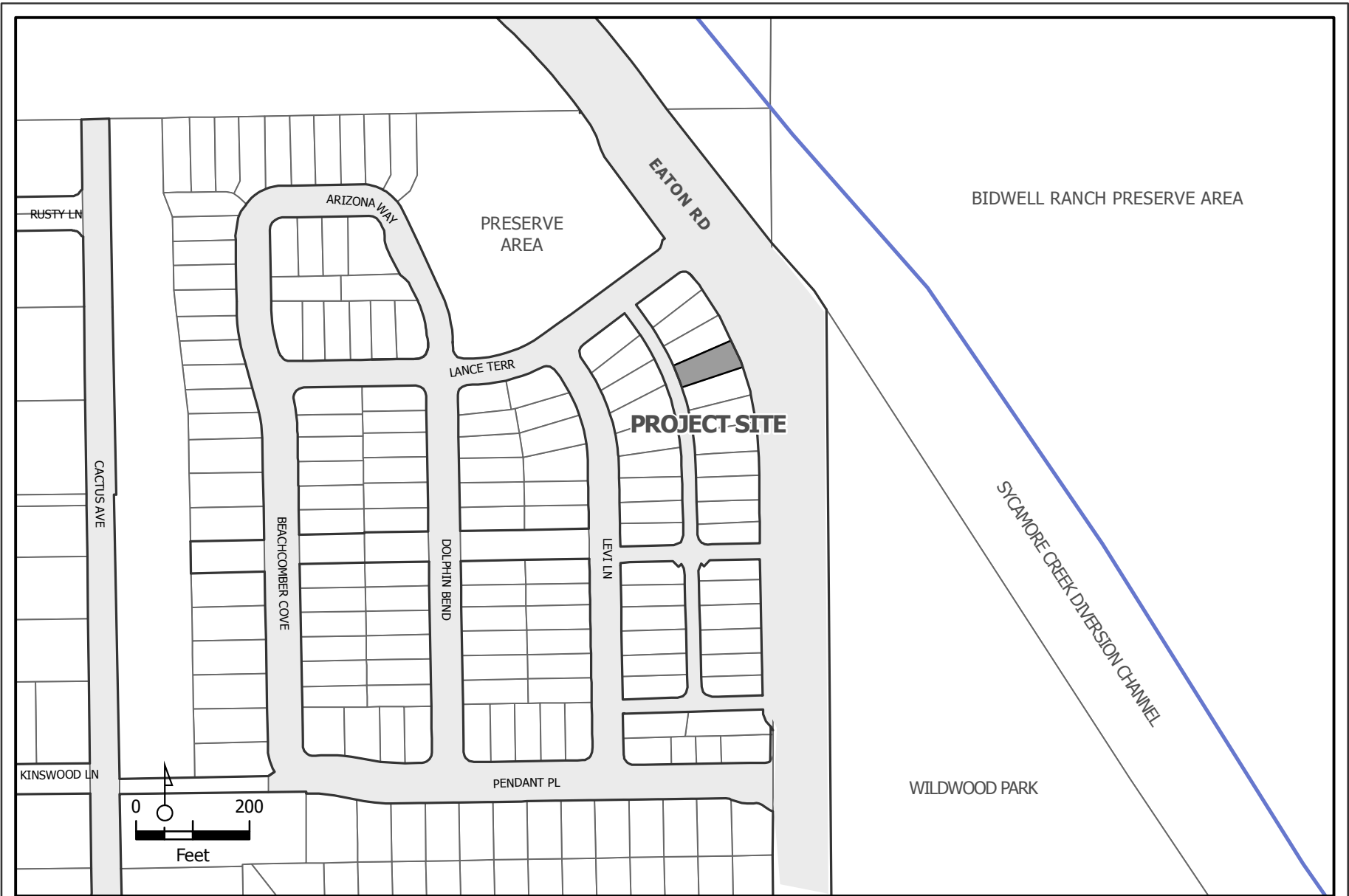
Mark Wolfe, Zoning Administrator
Shannon Costa, Assistant Planner

External (2)

SCA Development, Attn.: Steve Honeycutt, 2550 Lakewest Drive, suite 50, Chico, CA 95928
Lynn Smith, Architect, 199 Sycamore Valley Rd, Chico, CA 95973

ATTACHMENTS:

- A. Location/Notification Map
- B. Site Plan to Accompany Use Permit 17-03 (Wildwood Estates Subdivision SDU)
- C. Landscape Plan
- D. Elevations



UP 17-03 (Wildwood Estates Subdivision)
 Lot 153
 APN 016-160-201-000



