



CITY OF SALINAS PLANNING COMMISSION STAFF REPORT

DATE: NOVEMBER 4, 2020

TO: PLANNING COMMISSION

FROM: COURTNEY GROSSMAN, PLANNING MANAGER

BY: BOBBY LATINO, ASSOCIATE PLANNER

TITLE: **CONDITIONAL USE PERMIT 2020-001; REQUEST FOR RESIDENTIAL DESIGN REVIEW TO CONVERT 965 SQUARE FEET OF AN EXISTING 1,099 ATTIC INTO A SECOND STORY ADDITION WITHIN AN EXISTING SINGLE-FAMILY DWELLING UNIT LOCATED AT 1054 UNIVERSITY AVENUE IN THE R-L-5.5 (RESIDENTIAL LOW DENSITY) ZONING DISTRICT**

RECOMMENDED MOTION:

A motion to approve a Resolution finding the project exempt pursuant to Section 15301 of the CEQA Guidelines, affirming the findings, and approving Conditional Use Permit 2020-001.

RECOMMENDATION:

Approve a Resolution finding the project exempt pursuant to Section 15301 of the CEQA Guidelines, affirming the findings, and approving Conditional Use Permit 2020-001.

DISCUSSION:

Background:

Eduardo, Helia, and Nefte Couttolenc are requesting approval of a Conditional Use Permit for Residential Design Review to convert 965 square feet of an existing 1,099 attic into a second story addition within an existing single-family dwelling unit. The existing attic space was constructed with Building Permit B14-0203. The scope of B14-0203 was to construct a 1,944 square foot addition and remodel an existing detached single-family dwelling unit. The proposed floor plan and roof attic plan did not show a second floor nor a formal staircase providing access to the attic. Access to the attic was shown through a ceiling hatch with a retractable ladder. The property

owners converted the attic space into a second story addition without City of Salinas reviews or approvals and were cited under Code Violation CE1901-0101.

Per Section 37-50.110(e), a Conditional Use Permit for a Residential Design Review shall be required for residential infill development, which includes second story additions to existing single family detached dwelling units per Section 37-50.110(c)(2).

On October 9, 2020, a Notice of Intent to Approve Conditional Use Permit 2020-001 was distributed to the neighboring properties within 300 feet of 1054 University Avenue. On October 14, 2020, staff received the attached email correspondence from Mr. Chuck Eads in protest of the project. Therefore, the project was scheduled for Planning Commission consideration because the project cannot be administratively approved per Section 37-60.500(2).

The property is located in the R-L-5.5 Zoning District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North: Single-family dwelling/R-L-5.5 (Residential Low Density)
South: Single-family dwelling/R-L-5.5 (Residential Low Density)
East: Single-family dwelling/R-L-5.5 (Residential Low Density)
West: Single-family dwelling/R-L-5.5 (Residential Low Density)

Analysis:

The attached protest e-mail received on October 14, 2020 states, “I’m not a fan of this idea as our neighborhood is not up for multi tenant housing which is from my perspective what it will be. I do not want this precedent set so others will do the same. My opinion is negative.” The project is a second story addition to an existing single-family dwelling and does not propose additional dwelling units.

The project is in substantial compliance with the the Infill Development Regulations in Section 37-50.110(f) as identified in the table below. The proposed 33-foot front yard setback measured from the front property line to the second story addition substantially meets the average front yard setback in neighboring block face of 20 feet. The proposed 24’-1” height of the second story addition does not exceed the maximum 30-foot height allowed in the R-L-5.5 Zoning District. No more than 4,194 square feet of floor area is permissible per Section 37-50.110(f)(2)(B). Therefore, a total of 134 square feet of attic space shall be permanently walled off to conform with the maximum allowed second story addition area. To address privacy concerns with adjacent dwelling units, the second story windows are staggered and are conditioned to be frosted, louvered, or placed above eye level at the top third of the wall in accordance with Section 37-50.110(f)(4)(B).

Infill Development Regulations – Zoning Code Section 37-50.110(f)	Development Standard	Proposed Development	Remarks
The minimum front and corner side yards shall be determined based on the average of the existing front and corner side yards for single-family detached dwelling units	Average front yard setback in neighboring	Second story addition is setback 33 feet.	Substantially conforms to the development

located within the neighboring block face. For purposes of calculating the average, the smallest yard and the greatest yard shall be disregarded. For an addition to an existing single-family detached dwelling unit, the existing front or corner side yard may be maintained, if less than the average for the neighboring block face.	block face is 20 feet.		regulation and standard.
The rear yard shall be in accordance with the base district regulations.	Minimum 10 feet.	21 feet.	Conforms to the development regulation and standard.
The minimum interior side yard shall be five feet for the first twenty feet in building height with an additional two and one-half feet of yard required for each additional five feet, or a fraction thereof, of building height as measured to the peak of the roof.	Minimum 5 feet.	13 feet.	Conforms to the development regulation and standard.
For additions: Maximum .40 FAR or two thousand five hundred square feet or the square footage of the existing house plus one thousand square feet, whichever is greater.	4,194 square feet (3,194 s.f. per approved Building Permit No. B14-0203 plus 1,000 square feet is the greatest). A portion of the 1,099 square foot attic is proposed to be sealed off from access through reducing the area to 965 square feet.	4,159 square feet.	Conforms to the development regulation and standard with a condition requiring partial reduction in area.
The maximum height to the peak of the roof shall not exceed the height of the highest roof peak on the neighboring block face, or thirty feet, whichever is more.	Maximum 30 feet.	24'- 1".	Conforms to the development regulation and standard.
The perceived scale of new dwelling units and additions should be minimized. To achieve this, two-story buildings should be stepped back from streets and adjacent	Stepped back from streets and adjacent smaller residential	While the existing second floor wall attic to second floor	Substantially conforms to the development

smaller residential dwellings units, broken up into smaller architectural components, or include a substantial single-story element.	dwellings units, broken up into smaller architectural components, or include a substantial single-story element.	conversion is not stepped back entirely, the attic to second floor conversion is stepped back 10 feet on the front elevation and 7 feet on the side elevations from the first story portion of the home minimizing the scale and bulk.	regulation and standard.
For additions, roof forms and pitch shall match the existing dwelling unit.	Match the existing dwelling unit.	Match the existing dwelling unit.	Conforms to the development regulation and standard.
Placement of windows and openings should not create a direct line sight into the living space or the backyard of adjacent properties. Where privacy is a concern, windows should be staggered, frosted, louvered, or placed above eye level at the top third of the wall.	Should not create a direct line sight into the living space or the backyard of adjacent properties.	Windows are staggered and conditioned to be frosted, louvered, or placed above eye level at the top third of the wall.	Conforms to the development regulation and standard with a condition requiring privacy treatment.

Findings:

The Planning Commission may approve an application for a Conditional Use Permit for residential design review if all of the findings set forth in the proposed Planning Commission Resolution are established.

Time Consideration:

The project was deemed complete on September 25, 2020. Final action is required by November 24, 2020 pursuant to Government Code Section 65950(a)(5).

Alternatives Available to the Commission

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, rejecting the protest, finding the Conditional use Permit exempt from the California Environmental Quality Act (CEQA), and approving the Conditional use Permit, with modifications; or
2. Find that the Conditional Use Permit is not appropriate and establish findings at the public hearing stating the reasons for not approving the Conditional use Permit.

Conclusion:

The project is consistent with the Zoning Code and the General Plan. The proposed second-story addition will be compatible with adjacent properties because the front setback of the space created by the attic conversion exceeds the average front yard setback of the Neighboring Block Face as it is stepped back 10 feet on the front elevation and 7 feet on the side elevations from the first story portions of the dwelling unit thereby minimizing the scale and bulk.

CEQA CONSIDERATION:

The project has been determined to be exempt from the California Environmental Quality Act under Section 15301 (Existing Facilities) of the CEQA Guidelines.

ATTACHMENTS:

Proposed Planning Commission Resolution

Draft Conditional Use Permit (CUP 2020-020), including the following exhibits:

- Exhibit "A" Vicinity Map
- Exhibit "B" Project Details (Sheet A0.1)
- Exhibit "C" Existing Site Plan (Sheet A1.0)
- Exhibit "D" Proposed Site Plan (Sheet A1.1)
- Exhibit "E" Existing First Floor Plan (Sheet A2.0)
- Exhibit "F" Proposed First Floor Plan (Sheet A2.1)
- Exhibit "G" Existing Attic Floor Plan (Sheet A2.0A)
- Exhibit "H" Proposed Second Floor Plan (Sheet A2.1A)
- Exhibit "I" Existing Exterior Elevations (Sheet A2.0B and A2.0C)
- Exhibit "J" Proposed Exterior Elevations (Sheet A2.1B and A2.1C)
- Exhibit "K" Proposed Building Sections (Sheet A2.1D)
- Exhibit "L" Color and Materials Board

Google Street View Image of Dwelling Unit, October 2007 (before attic addition)

Google Street View Image of Dwelling Unit, May 2019 (after attic addition)

Protest Email from Mr. Chuck Eads, dated October 14, 2020

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