



## **CITY OF SALINAS PLANNING COMMISSION STAFF REPORT**

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**DATE:** DECEMBER 16, 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 denying 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 denying Conditional Use Permit 2020-001.

### **EXECUTIVE SUMMARY:**

The Property Owners, Eduardo, Helia, and Nefte Couttolenc, are requesting approval of a Conditional Use Permit 2020-001 for Residential Design Review to convert 965 square feet of an existing 1,099 attic into a second story addition located at 1054 University Avenue. The existing attic was converted into habitable space without permits resulting in code enforcement action.

## DISCUSSION:

### Background:

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. If the Conditional Use Permit is approved, the applicant will be required to undergo a subsequent building permit review process to evaluate the structural and occupant loads of the second story.

The project was initially considered by the Planning Commission at the November 4, 2020 hearing, then continued to November 18, 2020, and continued again to December 16, 2020. The commission should refer to the attached November 4, 2020 and November 18, 2020 staff reports and draft minutes for additional background information. At the November 4, 2020 meeting, the Commission received the staff report and public testimony. A letter from Barbara Chagnon, dated November 4, 2020 (see attached) was received and read into the record at the hearing. In summary, the letter states the following:

1. The height of the house blocks natural daylight to two of the adjacent properties, one of which now receives very little winter sun in the afternoon.
2. Privacy is non-existent for adjacent property owners. There are four (4) dormer windows in the roof/attic/second floor level, all of which overlook and infringe on privacy into the back yards of surrounding homes; one dormer has a direct line of sight into a bedroom of an adjacent home; the window on the back of the house at the second level has a direct line of sight into the living space of an adjacent home.
3. The glazing on the windows is clear.

The Commission was unable to obtain a motion to approve the project. An alternative motion to deny the project received a second, but staff suggested that the Commission continue the item so that a resolution for denial reflecting the Commission's action could be prepared. Commissioner Nohr suggested that staff work with the Applicant to revise the plans to minimize the scale and bulk of the second story addition as described below:

1. Remove the two walled off attic spaces;
2. Identify dormer windows as frosted/louvered/or located at the top third of the wall; and
3. Step back the front wall above the first story where the large window and balcony are located.

Revised plans were received on November 9, 2020 incorporating the three suggestions described above. At the November 18, 2020 meeting, the Commission received the staff report and public testimony. A letter from the Applicant, Dave Elliott, dated November 18, 2020 (see attached) was

received and read into the record at the hearing. In summary, the letter states the following:

1. The existing one-story building addition was approved as a ministerial building permit.
2. Translucent film will be provided over dormer windows.
3. The front elevation was modified to accommodate Planning Commission's request, but the applicant would like to reconsider the design because of the \$80,000 financial implication due to redesign and relocation during construction.

The Commission was unable to obtain a motion to approve the project. Commissioner Nohr motioned that Conditional Use Permit 2020-001 be continued to allow the applicant to further study options for articulation opportunities on the front building elevation. Planning Manager, Courtney Grossman, suggested continuing the item to the Planning Commission meeting scheduled for December 16, 2020. Mr. Elliot, on behalf of the applicant, consented to the continuation of the item. The motion was carried by a 6:0 vote.

On November 30, 2020, the following rendering was received by staff showing a row of trees to be planted in front of the structure. Per Zoning Code Section 37-50.090(d), this approach constitutes a hedge and is not permitted because it exceeds the maximum three foot height allowed in the front yard setback in a Residential District. This submittal was deemed unacceptable and is not a part of the analysis.



Subsequently, revised plans were received on December 1, 2020.

### **Analysis:**

The following analysis applies to the revised plans received on December 1, 2020. Revised plans include the following:

1. Demolishing 134 square feet of extraneous second floor area by removal of interior attic partition walls;
2. Frosting of dormer windows; and
3. Adding planter boxes on the roof with metal lattice and vines on the front façade building wall.

***Analysis:*** Adding greenery appears not to address the Planning Commission's direction to minimize the scale and bulk of the second story addition and/or address articulation opportunities.

Below is the December 1, 2020 rendering with vines applied to the front façade.



Below is Google Street View of the existing dwelling unit and the adjacent dwelling units.



Per Section 37-50.110(a), the purpose of Infill Residential Development is to preserve existing residential patterns and development, and reinforce the character and functional relationships of established neighborhoods; development is compatible in scale and height with the neighboring single-family detached residential dwelling units through the use of similar proportions, level of details, and scale; and development reflects some of the best characteristics of adjacent dwelling units in the choice of materials and colors, windows, height, and roofline. Height and scale design requirements are contained in Zoning Code Section 37-50.110(g)(1)(A-E) as discussed below:

- A) The height and scale of new dwelling units and additions shall follow the context of the neighboring residential block face and not overwhelm existing dwelling units with disproportionate size.

***Analysis:** The height and scale is disproportionate in size and overwhelms the existing neighboring residential block face (see Google Street View).*

- B) New dwelling units and additions shall preserve and reinforce the character of established streetscapes by maintaining similar horizontal and vertical proportions with adjacent facades. First and second floor plate heights shall generally be consistent with those of existing dwelling units in the neighborhood.

***Analysis:** The proposed roofline, mass, and lack of architectural projections along street façade does not maintain similar horizontal and vertical proportions with adjacent facades (see Google Street View).*

- C) The dominant existing scale of an established neighborhood should be maintained. Special attention shall be given to the design of a new two-story dwelling units or an addition constructed in a predominately one-story neighborhood to ensure that it is similar in scale and mass with surrounding structures and contributes to a harmonious transition between the new development and the existing development. In neighborhoods with both one-story and two-story dwelling units, second story additions shall generally reflect the scale, bulk, and height of other two-story dwelling units located in the neighborhood.

***Analysis:** The height and scale is disproportionate in size and dominates the existing scale of the neighborhood. The proposed roofline, mass, and lack of architectural projections*

*along street façade does not reflect a design that has a harmonious transition between new development and existing development (see Google Street View).*

- D) 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 smaller residential dwellings units, broken up into smaller architectural components, or include a substantial single-story element.

***Analysis:** The scale is disproportionate in size and dominates the existing scale of the neighborhood. The proposed roofline, mass, and lack of architectural projections along street façade does not reflect a design that is stepped back from streets, broken up into smaller architectural components, or include a substantial single-story element (see Google Street View).*

- E) New dwelling units and additions should maintain a proportional relationship with buildings on adjacent properties including roof ridge height and eave height.

***Analysis:** The scale is disproportionate in size and dominates the existing scale of the neighborhood. The proposed roofline and mass does not maintain a proportional relationship with buildings on adjacent properties (see Google Street View).*

- F) Accent materials or varied wall planes are encouraged to break up the vertical mass of two-story units and additions.

***Analysis:** Although the December 1, 2020 plans show an accent on the front façade of a vine trellis in planter boxes, the revised project does not achieve compliance with the provision of varied wall planes that break up the vertical mass of the second-story addition (see December 1, 2020 rendering).*

Staff notes that the existing attic one-story project was subject to a 2014 ministerial building permit process and was approved per the R-L-5.5 (Residential Low Density) development regulations contained in Section 37-30.080, which regulate architectural details, human scale structures, façade/roof articulation, and color/materials. The attic project was determined to meet the development regulations for one-story projects at the time of approval. The proposed attic to second-story conversion project is discretionary (subject to a Conditional Use Permit) and is subject to the Infill Development regulations contained in Section 37-50.110, which regulate in more particular the considerations of size, mass, scale, and privacy as discussed above. Going forward, staff notes that the Zoning Code should be amended to address large and or tall one-story additions.

#### Findings:

The Planning Commission may deny 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. In this case, the findings for approval do not appear to be clearly achievable,

especially in light of the direction provided by the Planning Commission at the November 4 and 18, 2020 meetings.

Time Consideration:

The project was deemed complete on September 25, 2020. Final action is required by December 16, 2020 pursuant to Government Code Section 65957 because the Applicant and City have mutually extended the Permit Streamlining Act deadline (see attached letter).

Conclusion:

The Planning Commission may find the project to be inconsistent with the Zoning Code Infill Regulations.

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 Denial Planning Commission Resolution

December 1, 2020 Revised Plans (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

Public Comment Letter from Barbara Chagnon, dated November 4, 2020

Public Comment Letter from Applicant, Dave Elliott, dated November 18, 2020

Permit Streamlining Act Extension Letter dated November 23, 2020

Public Comment Letter from Applicant, Dave Elliott, dated December 1, 2020

November 4, 2020 Planning Commission Staff Report

November 4, 2020 Planning Commission CUP Exhibits

November 4, 2020 Planning Commission Unofficial Minutes

November 18, 2020 Planning Commission Staff Report

November 18, 2020 Planning Commission CUP Exhibits  
November 18, 2020 Planning Commission Unofficial Minutes

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