



## Agenda Report

22-1114

Agenda Date: 11/9/2022

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Action on an Architectural Review, Significant Property Alteration (SPA) Permit, and a Variance request and a Class 3 CEQA Categorical Exemption to convert an existing detached two-story structure into an Accessory Dwelling Unit (ADU) and garage at 1184 Washington Street

#### **REPORT IN BRIEF**

Project: Request for an Architectural Review and Significant Property Alteration (SPA) Permit to add an Accessory Dwelling Unit on a Historical Resource Inventory (HRI) property, and a Variance for a 22'-6" building height for the detached accessory dwelling unit (ADU) where 16 feet is the maximum building height allowed the ADU in the R1-6L, Single-Family Residential zoning district.

Applicant/Owner: Rob Mayer Architect/ Robert and Julie Salinas

General Plan: Very Low Density Residential

Zoning: Single-Family Residential (R1-6L)

Site Area: 10,096 square foot lot located on the west side of Washington Street, approximately 80 feet south of Fremont Street

Existing Site Conditions: Developed with a two-story single-family residence and a two-story detached accessory structure

Surrounding Land Uses: Single-family residences to the north, east, and west across Washington Street, and multi-family residential to the south.

Issues: Consistency with the City's General Plan and Zoning Code

Staff Recommendation: [Adopt a Class 3 Categorical Exemption Under CEQA Guidelines Section 15303](#); [adopt a resolution to](#) approve the Architectural Review; approve a Significant Property Alteration (SPA) permit; and adopt a resolution approving the the variance to allow a 22'-6" building height for a detached accessory dwelling unit (ADU) where 16 feet is the maximum height allowed for the detached ADU's in R1-6L, Single-family Residential Zoning District.

#### **BACKGROUND**

The subject property contains a three-bedroom and two bathroom, two-story house of a blend of Gothic Revival and Greek Revival styles of architecture built circa 1861. The proposal also includes the rehabilitation of the existing 1,804 square-foot two-story structure located to the rear of the property to create a 958 square foot second story ADU, retaining the one-car garage and storage on the first floor. There would be no new square footage added to the structure. The detached structure is located five feet from the rear and three feet from the south side property line. The applicant is seeking a variance for the proposed height of 22 feet and 6 inches for the detached second-story ADU, exceeding the maximum allowed height of 16 feet. A Project Data Sheet prepared by staff is provided as Attachment 2 to provide photos and background information for the subject property and

the site's location. Variance requests require approval by the Planning Commission. The applicant's Variance justification letter is available as Attachment 3 and the proposed development plans are available as Attachment 5 to this report for reference.

The addition of an ADU on an Historical Resource Inventory (HRI) property is considered to be a major alteration pursuant to section 18.106.050(c)(7)(B) of the Zoning Code and requires a Significant Property Alteration (SPA) permit and review by the Historical and Landmarks Commission (HLC). On October 6, 2022, the proposed project was presented to the HLC at a noticed public meeting. There were no public comments received on the project.

The HLC voted unanimously in the recommendation of approval of the proposed project including the rehabilitation of the two-story accessory structure, the Variance, and a Mills Act contract request to the City Council.

## **DISCUSSION**

The proposed project is analyzed below for consistency with the City's General Plan, and Zoning Code.

### *Consistency with General Plan and Zoning Conformance:*

The project site has a General Plan land use designation of Very Low Density Residential and the proposed project conforms to that designation in that ADUs are consistent with single-family development and the General Plan does not include specific height limitations. The General Plan identifies high-level goals for neighborhood preservation and compatibility and equitable housing opportunities but relies primarily on the Zoning Code to implement these goals.

The addition of a detached ADU is a ministerial action when it meets the provisions in Chapter 18.12 (R1-6L "Single Family Zoning District") of the Zoning Code. The applicant is seeking a Variance to allow the ADU to exceed the maximum allowed height by 6'-6" (a height of 22'-6" where 16'0" is the maximum allowed in accordance with state law). Pursuant to the Zoning Code (SCCC Section 18.108.010) the Planning Commission may grant a Variance by making the findings listed in the Zoning Code (SCCC Section 18.108.040).

The applicant has provided a letter of justification to support the Variance request in which they assert that their proposal meets the required findings for granting of a Variance because of the "unusual condition due to the existing permitted structure location and size, and that the site is a listed historical resource located in the historic Old Quad neighborhood." The primary contention is that the variance is required to rehabilitate the existing two-story structure. To maintain the existing footprint and the original use of the structure, the design proposes a two-bedroom, one-bathroom second-story ADU. The first floor will be occupied by a one-car garage, a new half-bathroom, and storage. A variance for the increased height of 23 feet and 6 inches would be necessary to rehabilitate the existing two-story structure as an accessory dwelling unit.

The granting of this Variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, in that it would allow an accessory dwelling unit and garage to the rear of the property while preserving the historical integrity of the HRI property and also the look and feel of the immediate neighborhood. Changes proposed to the existing barn structures are primarily interior modifications and include the addition of windows, skylights, and doors. The barn was constructed

after 1961 and is not a contributing feature to the historic significance of the property. The historic main house and its immediate setting will remain untouched and preserved.

The project would not adversely affect the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the applicant's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the proposal would allow the construction of a two-story accessory dwelling unit over a one-car garage and storage by reusing the existing two-story structure in a manner to be compatible with the main house, and be respectful of the neighbor's privacy.

Granting of the Variance is in keeping with the purpose and intent of the Zoning Code, in that there is an existing historic structure on the property, and strict application of the R1-6L standards would cause unnecessary hardship and prohibit the rehabilitation of the existing historic structure on the site.

### *Conclusion*

Granting the variance does not allow the property owner to by-pass the development standards for future buildings or additions. The Variance would allow architectural consistency for the historical resource within the Old Quad neighborhood. Approval of the variance would alleviate the challenges presented for the preservation of the historical resource and be in keeping with the geographic pattern of the immediate residences.

### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303 - New Construction or Conversion of Small Structures, in that the project is limited to the rehabilitation of the existing detached two story structure to create a second-story ADU, one-car garage and storage.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense for the typically covered by processing fees paid by the applicant.

### **COORDINATION**

This report was coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

On October 27, 2022, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. No public comments have been received at the time of preparation of this report.

### **RECOMMENDATION**

Adopt a Class 3 Categorical Exemption Under CEQA Guidelines Section 15303; adopt a resolution to approve the Architectural Review; approve a Significant Property Alteration (SPA) permit; and adopt a resolution approving the variance to allow a 22'-6" building height for a detached accessory dwelling unit (ADU) where 16 feet is the maximum height allowed for the detached ADU's in R1-6L, Single-family Residential Zoning District for the property located at 1184 Washington Street, subject to Conditions of approval.

Prepared by: Nimisha Agrawal, Associate Planner  
Reviewed by: Alexander Abbe, Assistant City Attorney  
Approved by: Lesley Xavier, Planning Manager

**ATTACHMENTS**

1. Resolution Approving the Variance
2. Resolution Approving the Architectural Review
3. Project Data
4. Applicant's Statement of Justification
5. Conditions of Approval
6. Development Plans