



STAFF REPORT

PLANNING COMMISSION MEETING

December 13, 2022

TO: Honorable Chair and Commissioners

FROM: David Loya, Director of Community Development

PREPARER: Joe Mateer, Senior Planner

DATE: December 07, 2022

TITLE: **Consider an action on the proposed Design Review Permit and Hillside Development Permit for Pires Residential Development at 547 Bayside Road; File No. 223-016-DR**

RECOMMENDATION:

Staff recommends the Planning Commission receive a staff report, a presentation by the applicant, any public comment, then consider approval of the Design Review Permit and Hillside Development Permit to develop a primary dwelling unit with a detached accessory structure and either:

1. Adopt a Class 3, CEQA Guidelines Section 15303 New Construction or Conversions of Small Structures Categorical Exemption; and then
2. Approve the Design Review and Hillside Development Permits by adopting the amended Action;

Or

1. Deny the project, adopting the amended Action;

Or

1. Provide additional direction to staff and the applicant how to modify the project to comport with findings the Planning Commission can support.

INTRODUCTION:

The applicants seek Design Review and Hillside Development Permit approval for the development of a primary dwelling unit 1,244 square feet in size and a detached accessory structure 2,500 square feet in size. The accessory structure includes an indoor recreation vehicle parking area, indoor hot tub, bathroom, closet, laundry facilities and a greenhouse. The greenhouse area will have earthen floors with roof and wall glazing. The Commission's will consider whether to approve an accessory structure that is larger than the primary use structure on the property.

BACKGROUND:

Design Review is required since the accessory structure is greater in height than the residential dwelling unit, the primary structure (Land Use Code (Code) §9.42.030.E). Furthermore, Code §9.42.030.A. states an accessory structure shall be incidental in function and scale to the primary

structure on the same site. In this case the accessory structure is greater in height, size and bulk than the primary structure. As authorized by Code §9.72.040.B Design Review Applicability, the Community Development Director forwarded this item to the Planning Commission based on the project's potential significant effects on the aesthetic character of the neighborhood and community.

A Hillside Development Permit is included consistent with Code Chapter 9.52. The parcel is shown as being in an area with slopes greater than 15% on the City's General Plan Hazards Map. The current site topography indicates the property has 14% slope. Nonetheless, the draft Action includes Findings of Approval for a Hillside Development Permit.

While the findings for a Hillside Development Permit are readily made, the Commission should deliberate whether it is appropriate to approve an accessory structure that is larger than and not incidental to the primary. The Planning Commission should deliberate and formulate an appropriate action supported by findings and conditions to support their action. A draft Action is provided to allow the Commission to adopt an environmental determination, and then Findings of Approval / Denial, and Conditions of Approval as they deem appropriate.

DISCUSSION:

While meeting the needs of the property owner, the unique purpose-built accessory structure is at odds with the various Code standards and requirements intended to promote the community's public health, safety and welfare. In part, the proposed project is not consistent with Code standards for residential accessory structures as it is greater in height and twice the square footage of the proposed single family residence.

Code §9.42.030 – Accessory Structures, provides standards that address the relationship with the primary use, timing of installation, development standards, and design review. The relationship between a primary structure (dwelling) and an accessory structure, is captured through the Code statement: *“An accessory structure shall be incidental in function and scale to the primary structures on the site, and shall not alter the character of the primary structures or use.”*

The Community Development Department staff has forwarded this project to the Planning Commission due to difficulty finding the project consistent with the zoning and general plan. Primarily, is the accessory structure's proposed use, height, size, and bulk incidental in function and scale to the proposed dwelling unit?

The Planning Commission approved a similar action (File No. 212-015-DR) on December 14, 2021, for a 384 square foot dwelling unit with an attached 1,440 square foot garage. The previous action was on a smaller, more traditional residential neighborhood parcel. The current project differs as it is located on Bayside Road on a vacant parcel about 32,950 square feet (0.76 acres) in size. The subject parcel is zoned residential very low density. This zoning district generally represents larger half acre lots that preserve the semi-rural character of the transitions areas and hillside development lots.

Community Development Department staff suggested several options to the applicant and agent to address the discrepancy in building scale between the primary dwelling unit and the accessory structure. The indoor storage capacity for the recreational vehicle dictates some of the design elements of the proposed accessory structure. However, the accessory structure includes several distinct uses that could be separated into different structures. Dispersing the recreational vehicle storage and greenhouse uses would break up the buildings size and bulk. The accessory structure includes several characteristics of a dwelling unit (bathroom, closet, hot tub, and other areas). If the accessory structure were designed as an accessory dwelling unit, it is possible state and local standards and policies promoting housing may exempt the development from some development

standards and design review. For instance, an 800 square foot or less accessory dwelling unit would be exempt from the site coverage and floor area ratio development standards.

Based on early project consultation with staff, exterior architectural elements were added to the accessory structure to soften the large wall expanse on the northeast elevation. In addition, an overhead weather protection was added over the person door. Various window sizes and different roofing material assist in breaking up the building elevations.

The project meets or exceeds the Residential Very – Low Density zoning district development standards. The site coverage is at 19%, one percent lower than the allowed 20%. The current design does not show adequate on-site maneuvering area for the recreational vehicle to ensure the vehicle does not back in/out to Bayside Road. Staff has included findings and conditions of approval to require the Building Permit application show on-site recreational vehicle maneuvering area to the satisfaction of the City Engineer and not exceed the 20% allowable site coverage. The amount of site coverage can be reduced by using pervious pavers for the driveway, parking or maneuvering areas.

The following concept question is intended to assist the Planning Commission in formulating an Action:

Does the Planning Commission find the proposed development include an accessory structure that is incidental in function and scale to the primary structure on the site, and not alter the character of the primary structure or use?

Based on the outcome of the concept question posed above, the Planning Commission can further deliberate and formulate an appropriate action supported by findings and conditions to support their action. If the Planning Commission finds the project not in compliance with the findings of approval, staff recommends the Chair query the applicant to determine if they prefer a continuance of this hearing to allow project modifications and reconsideration.

While this project does not fit neatly into the Code, the project meets the applicant's objectives, reasonably meets all other standards apart from the incidental and subordinate requirements, and the Commission has recently made a similar approval of a project that had a larger accessory structure. Staff has provided findings the Commission can make to approve the project.

ENVIRONMENTAL REVIEW: As further discussed in the Findings of Approval (Attachment A, Exhibit 1), the project *does / does not* qualify for a California Environmental Quality Act §15303, Class 3 New Construction or Conversion of Small Structures exemption.

ATTACHMENTS:

Planning Commission Action (PDF)