



# STAFF REPORT

## PLANNING COMMISSION MEETING

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November 14, 2023

**TO:** Honorable Chair and Commissioners

**FROM:** David Loya, Director of Community Development

**PREPARER:** Joe Mateer, Senior Planner

**DATE:** November 08, 2023

**TITLE:** **Consider an Action to Approve or Deny a Design Review Permit and Minor Use Permit for the Morehouse Carport Structures at 1158, 1168, 1178, and 1188 10th Street; File No. 223-035-DR-MUP.**

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### **RECOMMENDATION:**

Staff recommends the Planning Commission open the public hearing, receive a staff report and public comments, and consider adopting one of the actions below on the Design Review Permit and Minor Use Permit.

Approval Action: Adopt: 1) California Environmental Quality Act §15303, Class 3, New Construction of Small Structures and Class 5, §15305 Minor Alterations in Land Use Limitations (site modification) environmental review categorical exemptions, and then 2) the Action with Findings of Approval, Conditions of Approval, and the approved plans.

or

Denial Action: Adopt: 1) Action with Findings of Denial. No environmental review is required for project denial according to California Environmental Quality Act §153270(a).

### **INTRODUCTION:**

The applicant is proposing to develop five carport structures over eleven existing parking spaces (Attachment A, Exhibit 3). The project is in the Creamery District on a parcel zoned Industrial Limited. The property is developed with four multi-family structures with a total of 16 dwelling units. A site modification is requested as each of the carports have a portion of the structure located within a yard setback (Attachment B). Carport numbers 2, 3, and 4 have portions within the driveway vision clearance area and require a waiver. The Commission will either approve the project with conditions or deny the project.

A Minor Use Permit is required for the carport structures located within the ten-foot yard setbacks. Although listed as a Minor Use Permit, the setback site modification is reviewed through the Design Review process. Exceptions to the height of a structure located in the vision clearance area can be approved by the Zoning Administrator. The Community Development Director has forwarded this item to the Planning Commission as the Design Review Permit review authority for the setback and vision clearance site modifications.

The applicants seek approval for the proposed carports as a benefit to the tenants of the complex. The proposed carports, designed by an architect, consist of a shed style roof with wood posts, rafters, and fascia. Steel beams tie the posts and beams together. All sides of the carports are open. The carports are located in existing parking areas throughout the site. The roof areas range from 250 square feet to 951 sf for a total roof area of 3,346 sf. Referral comments from Pacific Gas and Electric requested the carports do not go over existing gas lines that service the apartments. Staff recommends a Condition of Approval that requires coordination with the utility provider to ensure the project is designed in a manner as to not impact the gas service. Some existing parking areas are in vision clearance areas.

The subject property is an example of in-fill development over time. The centerpiece structure is the "Lord House", built in 1886, a two-story Italianate architectural style structure with seven dwelling units. Over time additional structures, on- and off-site, have developed around the original residence. The two duplexes were developed in 1949 and the 2-story 5-plex in 1951. The current property owners relocated one of the duplexes further east to open the front views of the Lord House in 2013. The 2013 project included many upgrades to the structures and site. Through the review process, the owners opposed references to the Lord House as being historic.

The City included guiding design principles, goals and policies within the General Plan because community appearance and livability are important to our community. Community Development Department staff acknowledge that design is a highly subjective area. Although the City does not have explicit standards for the design of carports, staff do not believe the project conforms to the design principles outlined in our General Plan or the Land Use Code Design Review purpose. Staff are concerned the carports will detract from, and not enhance the current development. Staff indicated the decision makers may find it difficult to see the overall vision without building elevations that illustrate how the carports interact with the site layout and building design.

Code §9.30.040.E provides specific height limits for development on street intersections, driveways and interior property lines to provide for pedestrian, bicycle and motor vehicle safety. Carport numbers 2, 3, and 4 have portions located in the driveway vision clearance areas that require a waiver. The vision clearance area for the carports is shown in Attachment B. No structure, sign, or landscape feature exceeding 36 inches in height, or parking are permitted in the vision clearance area because they impede full view access of street corners and driveways. Although the carports are open on all sides, they are considered a structure. The Planning Commission has the authority to grant a waiver of the standards in consultation with the City Public Works Director (City Engineer) and the Police Chief. However, the City Engineer recommends a Condition of Approval be included to ensure no carport structures are in the vision clearance areas.

Because the nature of the decision is entirely subjective as to the design of the carports, Community Development staff prepared an Action that allows the Commission to revise the findings to approve or deny the carport proposal based on the application material and testimony at hearing. The Findings of Approval allow the Commission to make determinations for the individual findings.

**ENVIRONMENTAL REVIEW: Approval Action:** The project qualifies for California Environmental Quality Act §15303, Class 3, New Construction of Small Structures and Class 5, §15305 Minor Alterations in Land Use Limitations (site modification) environmental review categorical exemptions as outlined in the environmental review findings of the proposed Action. The proposed carports residential development follows the Residential Low Density zoning district development standards such as building height, yard setbacks, floor area ratio and site coverage. The project includes a standard Condition of Approval for inadvertent discovery of cultural and historic resources protocol and outdoor lighting standards. Although Jolly Giant Creek is located nearby, there are no environmentally sensitive habitat areas on or within the immediate vicinity of

the carport project. In addition, based on the project design and findings, there are no qualifying exceptions to the use of this exemption.

Denial Action: Adopt: 1) Action with Findings of Denial. No environmental review is required for project denial according to California Environmental Quality Act §153270(a).

**ATTACHMENTS:**

- A. Action, Findings, Conditions, and Plans (PDF)
- B. Setbacks and Vision Clearance (PDF)