



**PLANNING
COMMISSION
STAFF REPORT
NOVEMBER 19, 2024**

Prepared by: Amy Wolfson, City Planner

DATA SUMMARY

Application Number: 24PLN-40
Subject: Development Review and Variance Request for a 1,000 square foot carriage house/Accessory Dwelling Unit (ADU) to encroach into the Clipper Lane front setback.
Location/APNs: 143 Conaway Avenue/008-520-024
Applicant: Philip Kniesel
Architect Representative: Jeff Hineline with Russell Davidson Architecture
Zoning/General Plan: Neighborhood General 2 (NG-2)/Urban Low Density (ULD)
Entitlement: Development Review Permit, Variance
Environmental Status: Categorical Exemption

RECOMMENDATION:

1. That the Planning Commission approve the Development Review and Variance applications for the carriage house/ADU at 143 Conaway Avenue as presented, or as may be modified at the public hearing, which includes the following actions:
 - a. Determine the project Categorical Exempt pursuant to Section 15305, Class 5, of the California Environmental Quality Act (CEQA) Guidelines, as detailed in the staff report;
 - b. Adopt Findings of Fact for approval of the Development Review Permit as presented in the Staff Report; and,
 - c. Approve the Development Review Permit for the proposed carriage house/ADU at 143 Conaway in accordance with the Conditions of Approval, attached to the Staff Report; and
 - d. Approve the Variance request for encroachment of the carriage house/ADU at 143 Conaway Avenue into the front setback along Clipper Lane as presented.

BACKGROUND:

The existing residence is 1,116 square feet and the detached garage is 672 square feet according to Assessor records. There is not a record of when the residence was constructed, but a residence is depicted at this location on the 1912 Sanborn maps.

PROJECT PROPOSAL:

Project description: Applicant, Philip Kniesel has applied for a Development Review Permit and a Variance application to remove the existing non-conforming detached garage and construct a new three-car garage with a 1,000 square foot Accessory Dwelling Unit above. The lot has double-frontage along Conaway Avenue to the north, and Clipper Lane to the south. Pursuant to Section 17.030.030 (D.1.f) of the municipal code, double frontage lots are considered to have two front lot lines with front yards setbacks required on both. The new structure will comply with side-yard setbacks but will encroach into the Clipper Lane front yard setback. Standard front yard setbacks require a 15-foot setback for the dwelling unit and a 20-foot setback for the garage. The new structure will be situated ten feet from the Clipper Lane front property Line.

Variance: Pursuant to Section 17.72.070, the purpose of a Variance process is to consider requests to waive or modify standards in the development code due to special circumstances applicable to the property. In this case, the subject property has a double frontage and no rear yard. The NG-2 zoning designation includes a site development standard for a five-foot rear yard setback. The applicant is requesting that the development review body consider the double-frontage nature of the lot as the special circumstance that deprives the property of privileges enjoyed by neighboring properties within the same zoning designation. Because there are several neighboring parcels that have existing buildings, including some dwelling units, that encroach into setbacks, staff is not concerned that the granting of the Variance will constitute a special privilege not afforded to neighboring parcels.

DRC Recommendation: The Development Review Committee (DRC) reviewed this application at their regular meeting on October 22, 2024. The DRC discussed the potential precedent of this variance request, expressing concern for the heavy massing so close to the roadway. Fire also expressed concern about driving a fire apparatus down the narrow roadway. DRC agreed to a design change suggested by the applicant to relocate the building an additional five feet, for a total of 10-feet, from the Clipper Lane property line. The additional setback addresses both massing concerns and fire safety concerns expressed by the DRC. The plans have been updated for the planning commission packet and reflect the changes requested by the DRC.

GENERAL PLAN AND ZONING:

General Plan: The Urban Low Density (ULD) General Plan designation includes a density range of 1 to 4 dwelling units per acre. ULD is intended primarily for single family detached houses, although higher density single family patio homes or Town houses could be accommodated, if offset with sufficient open space to maintain the gross density within the indicated range. ULD is most compatible with the following Zoning districts: Single Family Residential (R-1) and Two-Family Residence (R-2) districts.

Zoning: The primary intent of the Neighborhood General (NG-2) zone is to strengthen the character of existing historic neighborhoods within Grass Valley. It seeks to enhance the unique character of existing neighborhoods, particularly in locations where this character may be most susceptible to change.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The subject site is located within a traditional neighborhood on Conaway Avenue. This neighborhood was established in the late 1800s and early 1900s which is verified by the 1898 and 1912 Sanborn Maps. Many, if not most, of the development occurred prior to 1962 building code requirements and land use development standards. Several neighboring structures encroach into setbacks applicable under the current development code. The site is relatively flat but drains northwest toward Wolf Creek.

ENVIRONMENTAL DETERMINATION:

The Variance request qualifies for a Categorical Exemption pursuant to Section 15305, Class 5, of the California Environmental Quality Act (CEQA) and Guidelines. A Class 5 Categorical Exemption consists of minor alterations to land use limitations where the site has an average slope not exceeding 20% and there is no change in land use density “including set back variances not resulting in the creation of any new parcel.”

FINDINGS:

1. The City received a complete application for Development Review Application 24PLN-40.
2. The Grass Valley Development Review Committee reviewed Development Review Application 24PLN-40 at their regular meeting on October 22, 2024.
3. The Development Review Committee reviewed the project in compliance with the California Environmental Quality Act and concluded that the project qualifies for a Class 5, Categorical Exemption in accordance with the California Environmental Quality Act and CEQA Guidelines.
4. The project is consistent with the applicable sections and development standards in the Development Code;
5. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code;
6. The proposed project is consistent with the general plan and any applicable specific plan;
7. The proposed project is allowed within the applicable zone and complies with all other applicable provisions of this development code and the Municipal Code; and
8. The design, location, size, and characteristics of the proposed project are in compliance with any project-specific design standards in effect and any standards and guidelines for development review permits which may be established from time to time by the council.
9. There are special circumstances applicable to the property, including location, shape, size, surroundings, and topography, such as the double-frontage configuration which requires adherence to two front setback standards, so that the strict application of the

development code deprives the property of privileges enjoyed by other properties in the vicinity and within the same zone.

10. The approval of the variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone; and
11. The granting of the application will not authorize an activity or use which is not otherwise expressly authorized by the zone governing the parcel of property for which the application is made.

RECOMMENDED CONDITIONS:

1. The approval date for planning commission review is <TBD> with an effective date of Thursday, <TBD>, pursuant to Section 17.74.020 GVMC. This project is approved for a period of one year and shall expire on <TBD> unless the project has been effectuated or the applicant requests a time extension that is approved by the Development Review Committee pursuant to the Development Code.
2. The final design shall be consistent with the Development Review application and plans provided by the applicant and approved by the planning commission (24PLN-40). The project is approved subject to plans on file with the Community Development Department. The Community Development Director may approve minor changes as determined appropriate.
3. Prior to any work occurring, building permits shall be obtained from the Community Development Department, Building Division.
4. The applicant will be required to replace the damaged sidewalk along the Conaway frontage of the property as a condition of the building permit for the ADU.
5. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

ATTACHMENTS:

1. Project Cover Sheet/Project Description
2. Aerial/Vicinity Map
3. Applications
4. ADU/Carriage House Plans