



79 MONTE VISTA AVENUE

APPEAL #PP2024-8623

APPEAL OF PLANNING COMMISSION DENIAL OF AN APPEAL (#PP2024-8160)
OF ZONING ADMINISTRATOR DENIAL OF ADMINISTRATIVE REVIEW PERMIT
#PP2024-7815 FOR DEMOLITION OF A NONCONFORMING, ONE-STORY,
DETACHED GARAGE AND CONSTRUCTION OF A NEW EXPANDED DETACHED
GARAGE WITH A NEW SECOND-STORY ACCESSORY DWELLING UNIT

MARCH 25, 2025

PRESENTATION TO CITY COUNCIL

PRESENTED BY: INTERIM ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR ORBACH

PROJECT SITE

79 Monte Vista
Avenue

Existing Detached
Garage



STREET VIEW 1

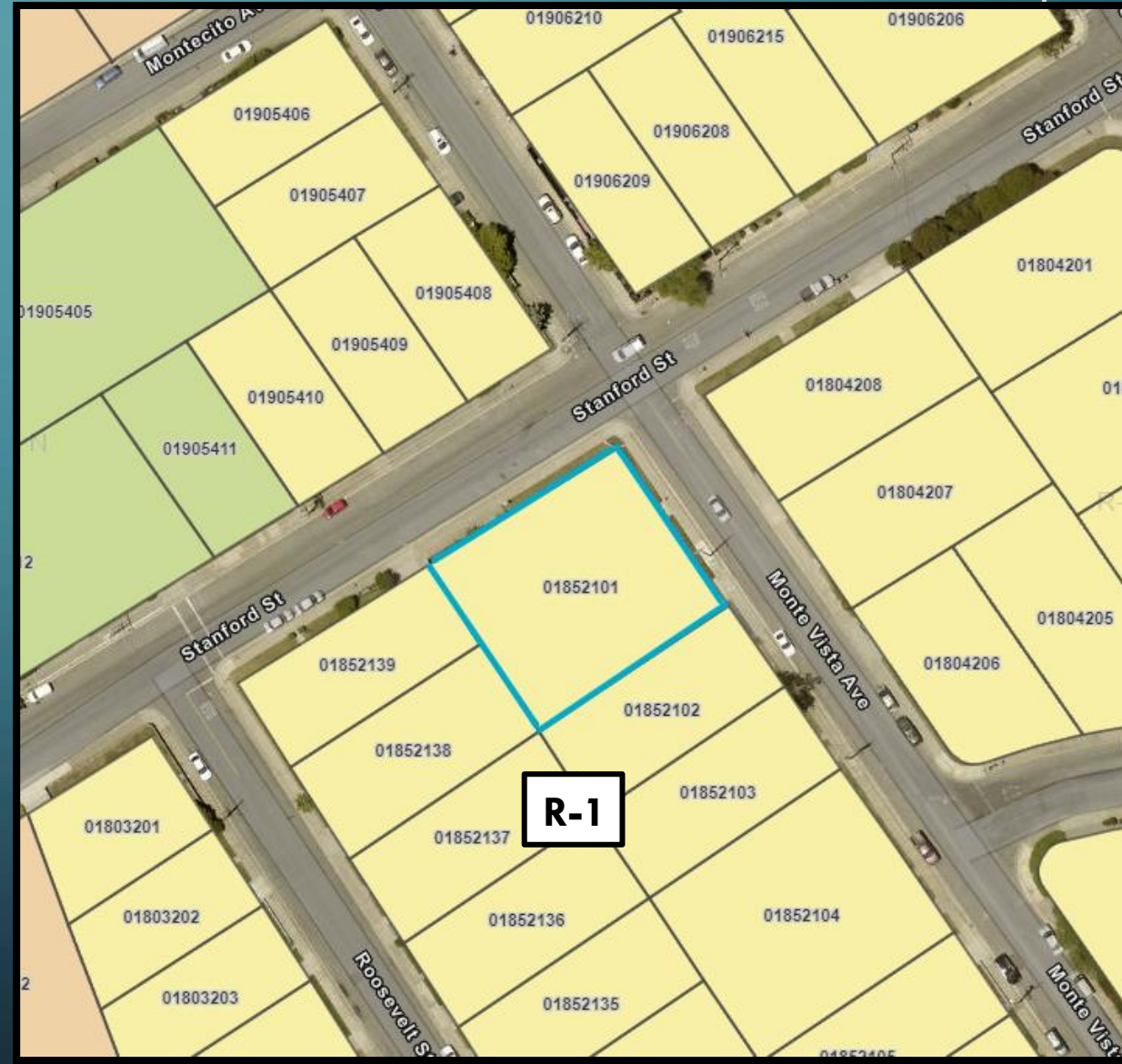


STREET VIEW 2



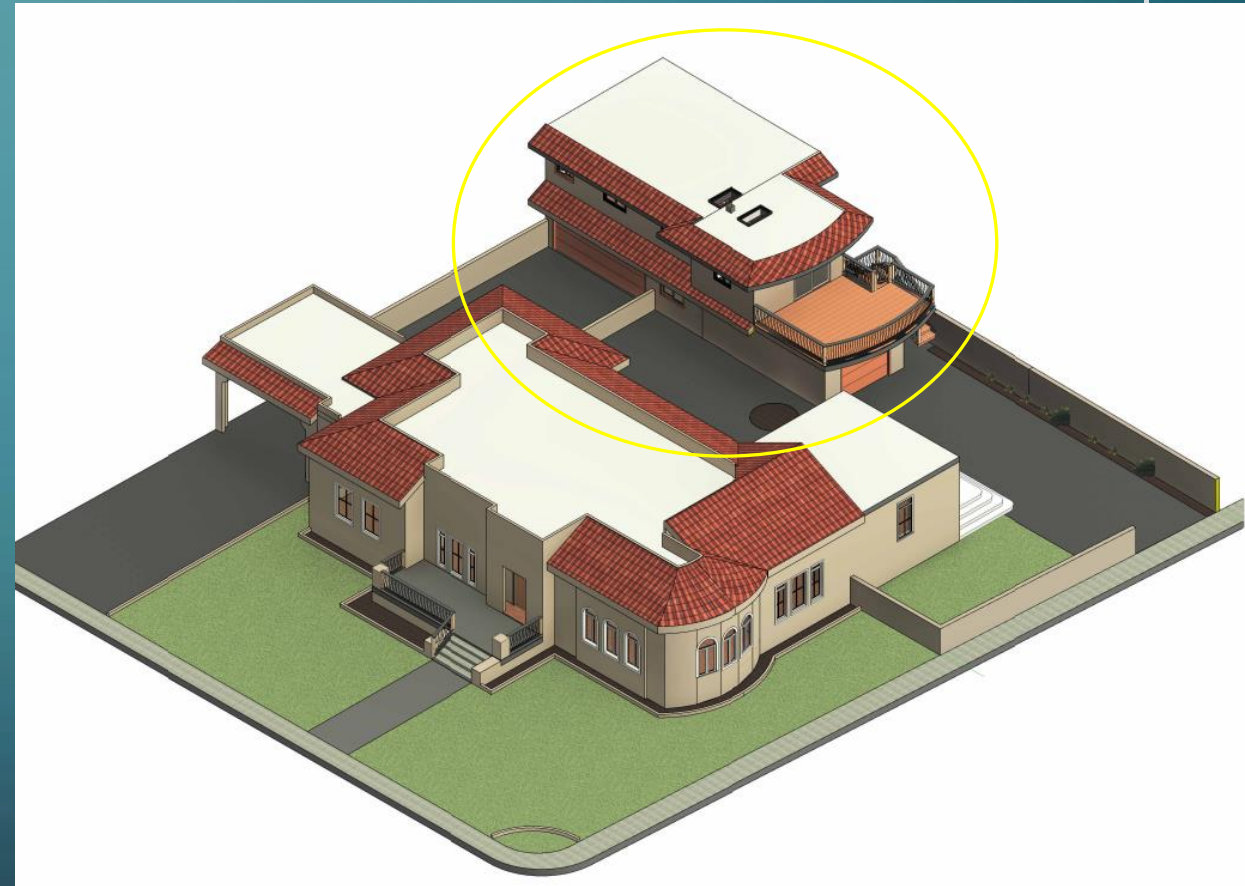
PROJECT LOCATION / ZONING

- General Plan – Residential Low Density
- Zoning District – Single Family Residential – Low Density (R-1)



PROPOSED PROJECT

- Demolition of existing, nonconforming, one-story, 569-square-foot, two car garage
- Construction of a new, detached, 860-square-foot, three-car garage with a new, second-story, 754-square-foot, detached ADU with a 249 square-foot deck over the new garage expansion area.
- The proposed ADU would be located above the rebuilt existing nonconforming garage with no setbacks from the side and rear lot lines.



PROPOSED PROJECT SITE PLAN

Primary Residence

Proposed Detached
3-Car Garage with
2nd Story ADU

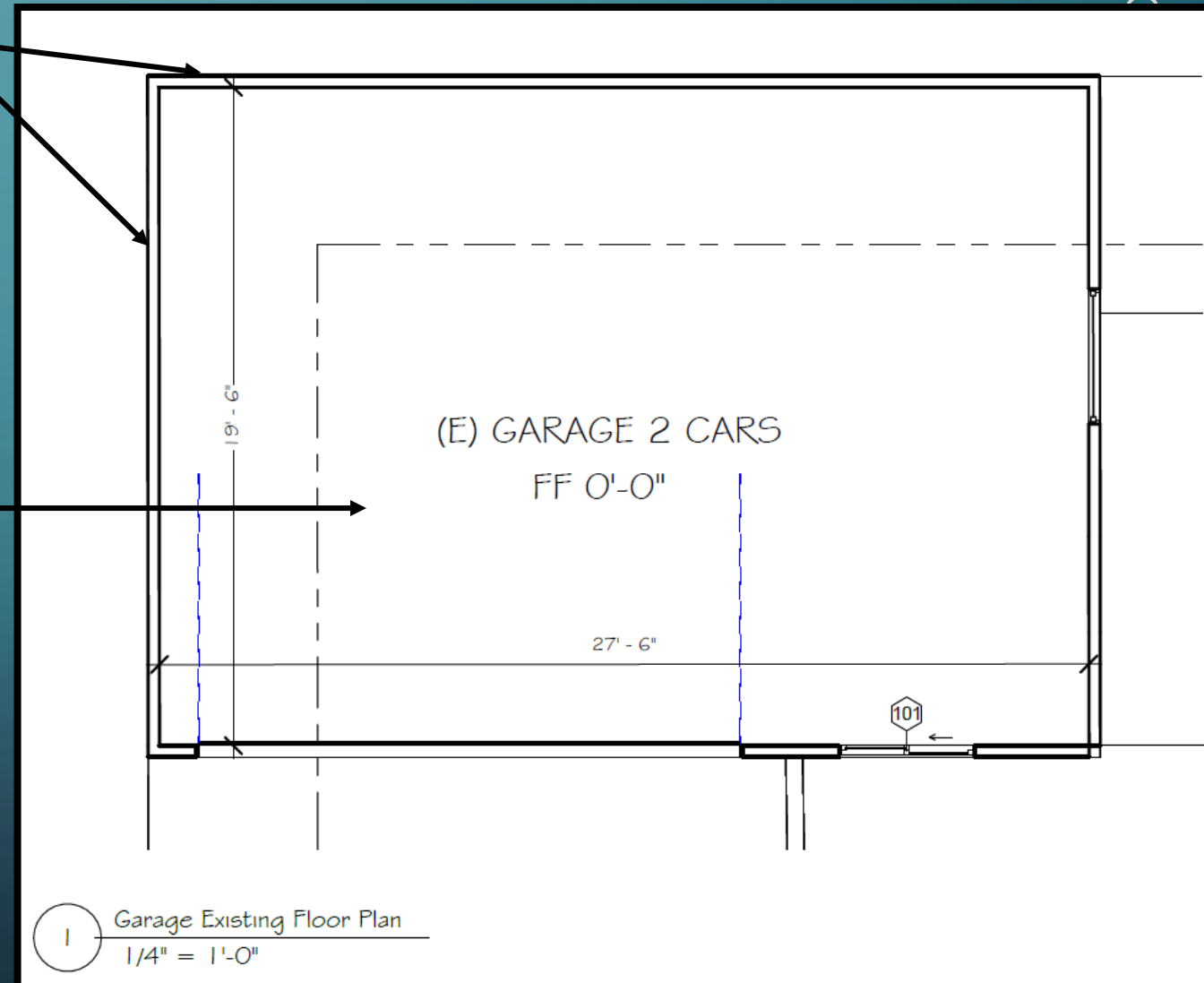
Zero Lot Lines at
Side and Rear



PROPOSED PROJECT EXISTING FLOOR PLAN

Zero Lot Lines at
Side and Rear

Existing 2-Car
Detached Garage



PROPOSED PROJECT

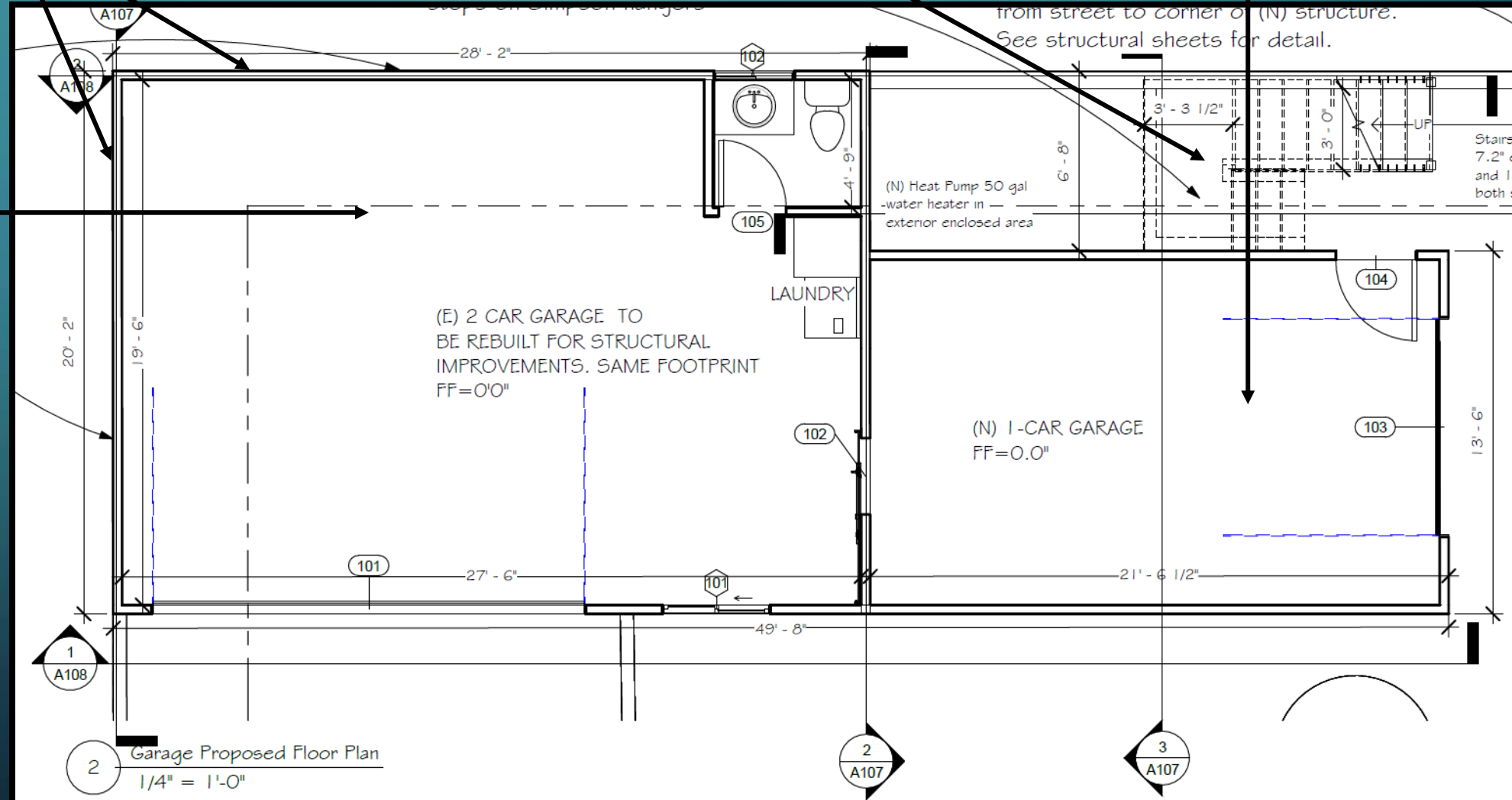
PROPOSED 1ST FLOOR PLAN

Zero Lot Lines at
Side and Rear

2nd Story ADU Stairs

New 1-Car
Detached Garage

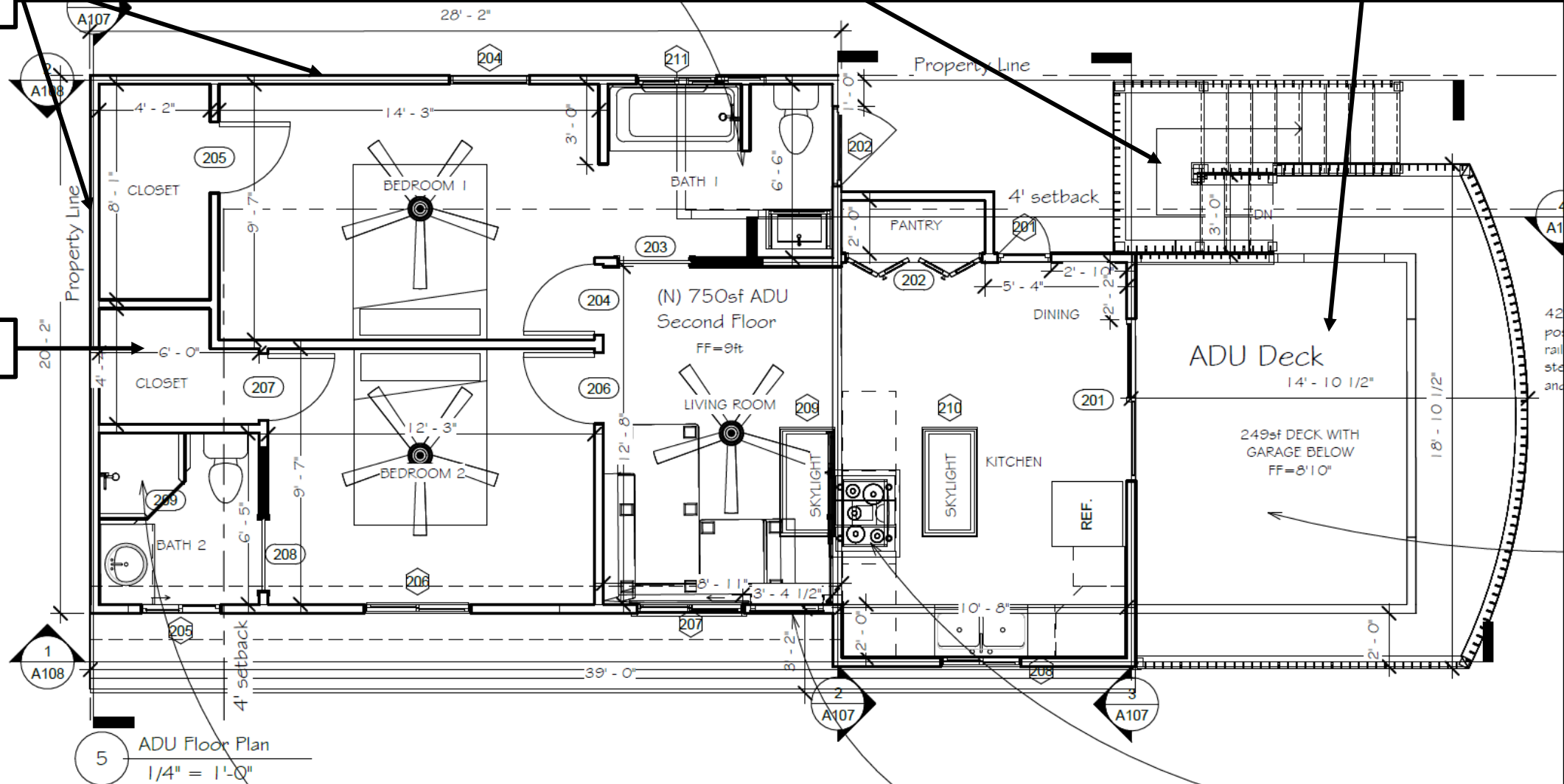
New 2-Car
Detached Garage



Zero Lot Lines at Side and Rear

2nd Story ADU Stairs

New ADU



PROPOSED PROJECT FRONT ELEVATION

Zero Lot Line
at Side

New 1-Car
Garage

New ADU

New 2-
Car
Garage

ADU Top of roof 18' - 0"

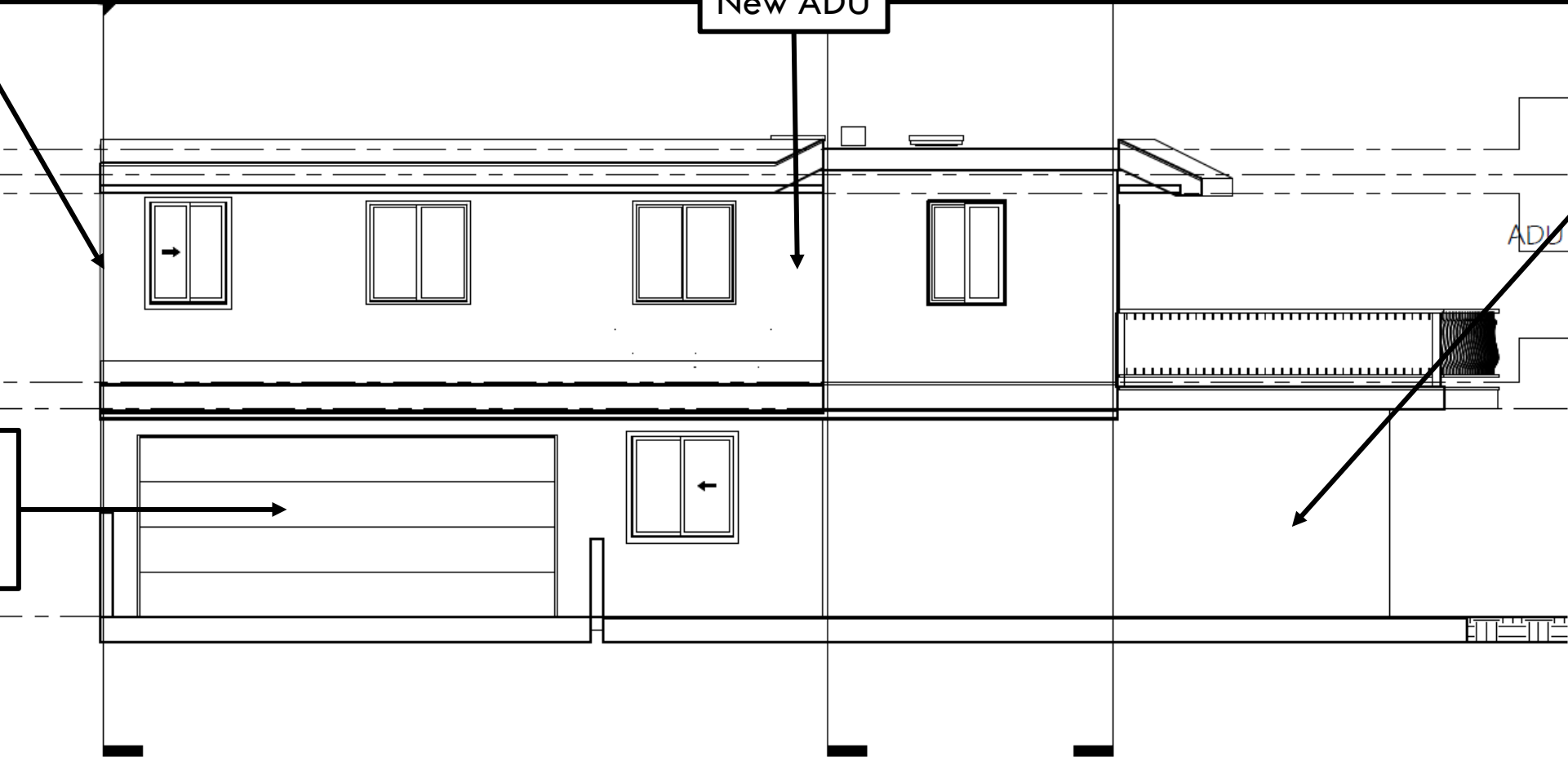
ADU Ceiling 17' - 0"

ADU Bottom of roof brow 16' - 3 1/2"

ADU Floor. 9' - 0"

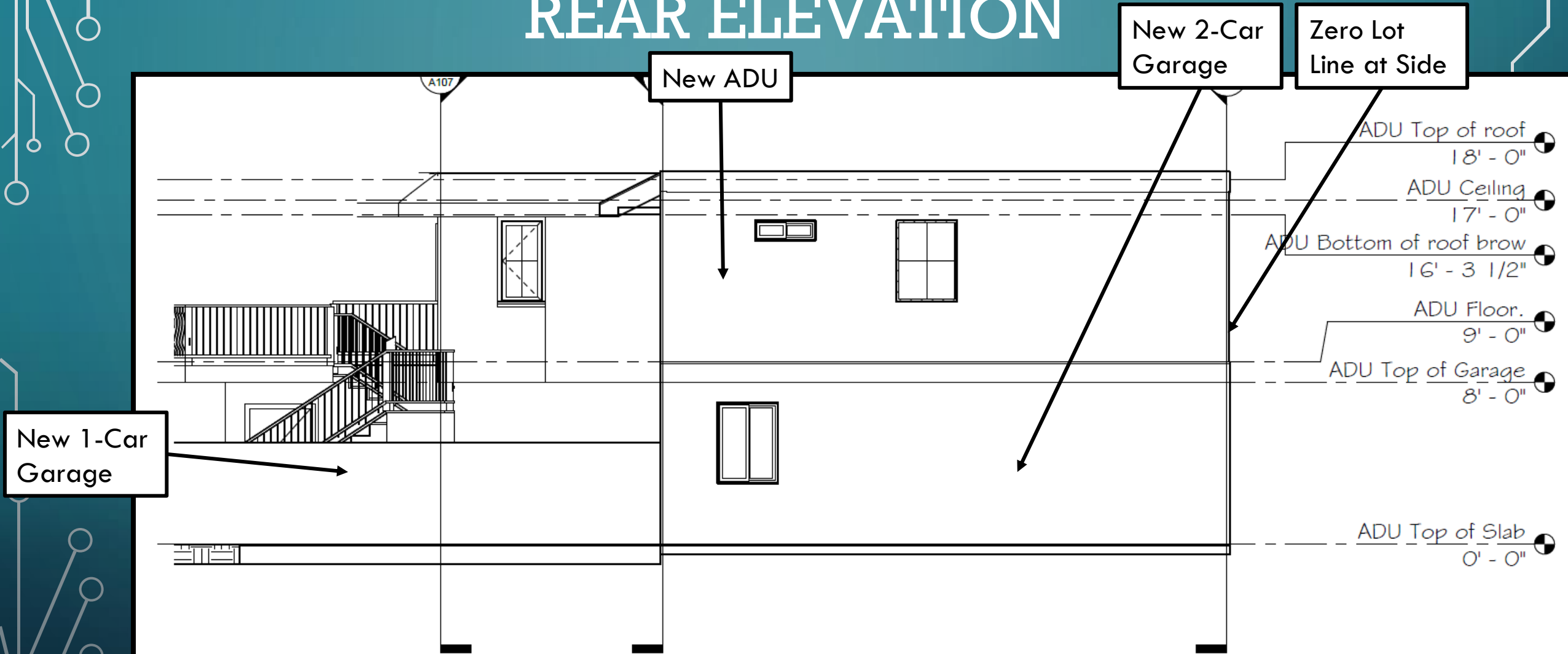
ADU Top of Garage 8' - 0"

ADU Top of Slab 0' - 0"



1 Section through NE Garage/ADU Wall
1/4" = 1'-0"

PROPOSED PROJECT REAR ELEVATION

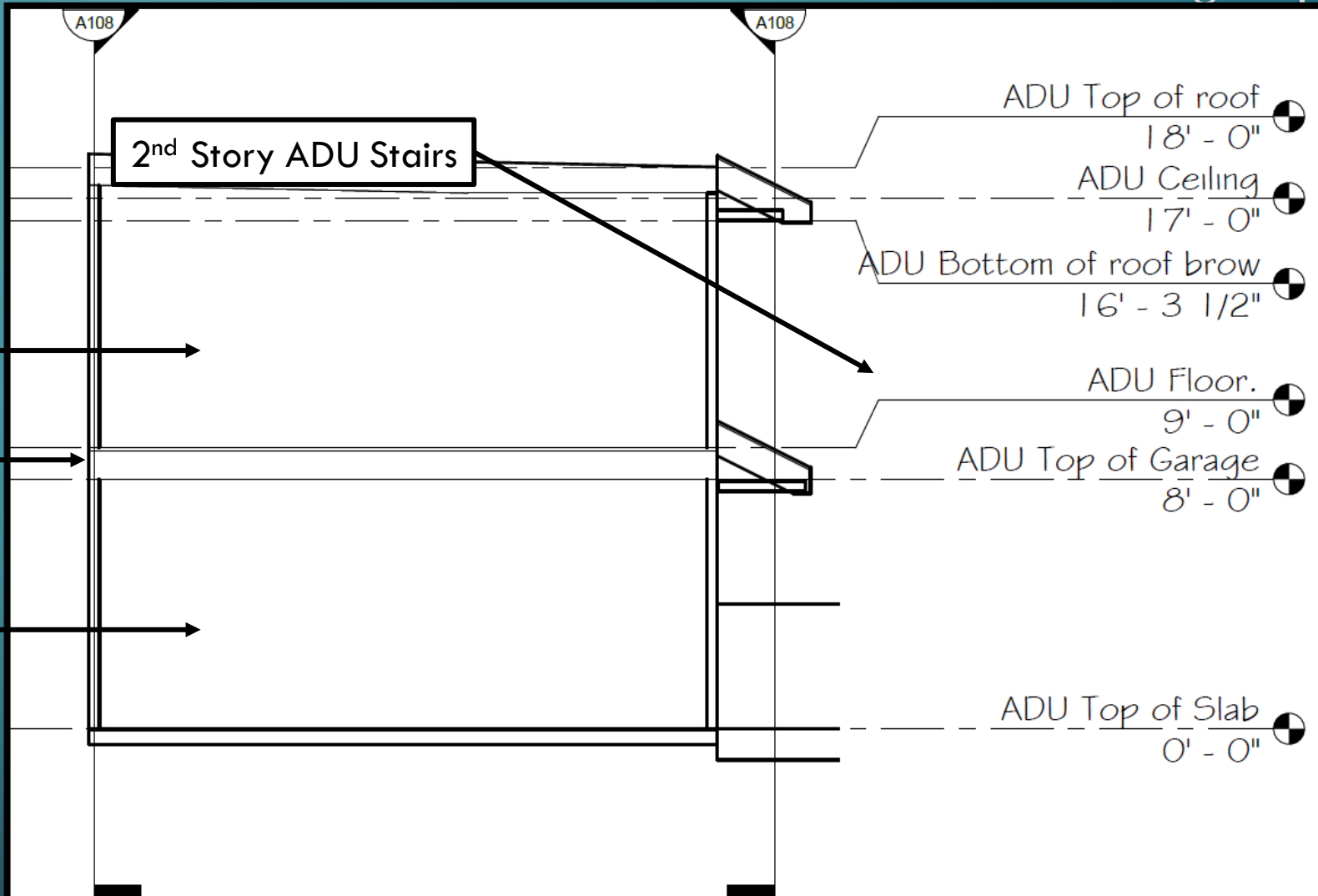
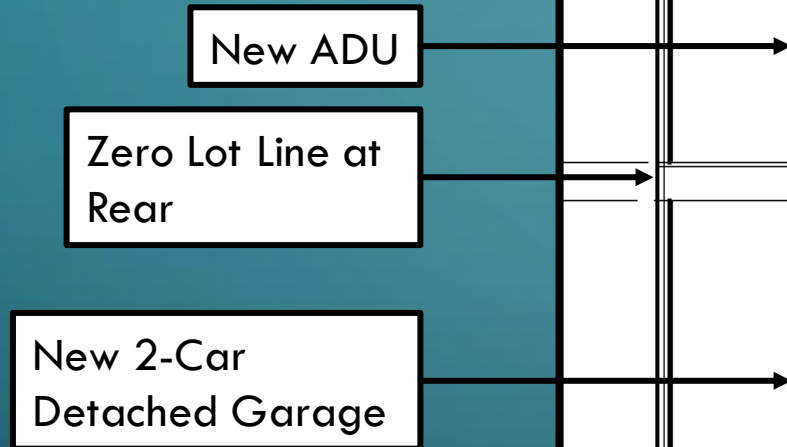


2

Section through SW Garage/ADU Wall

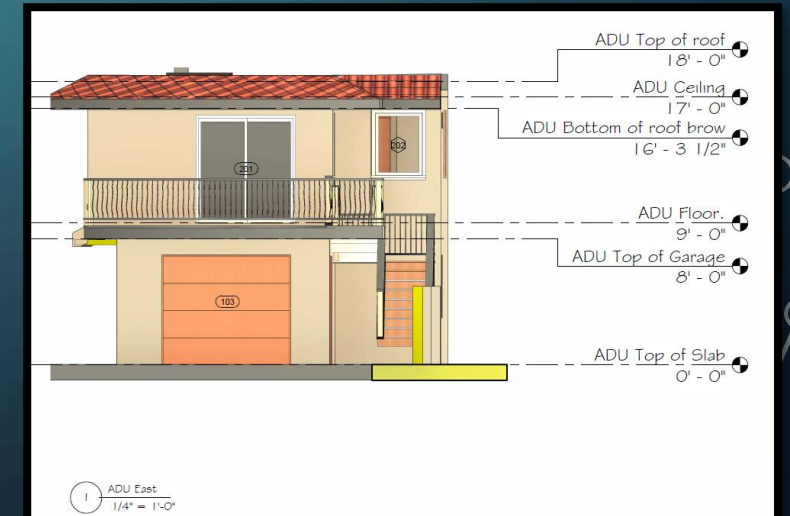
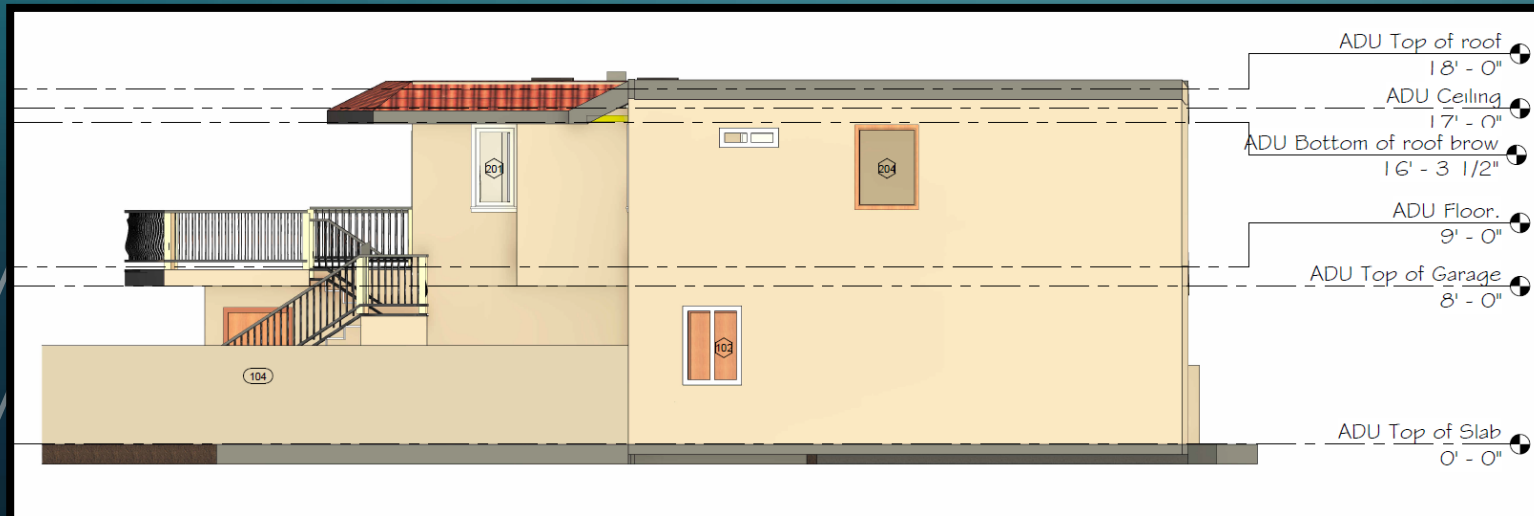
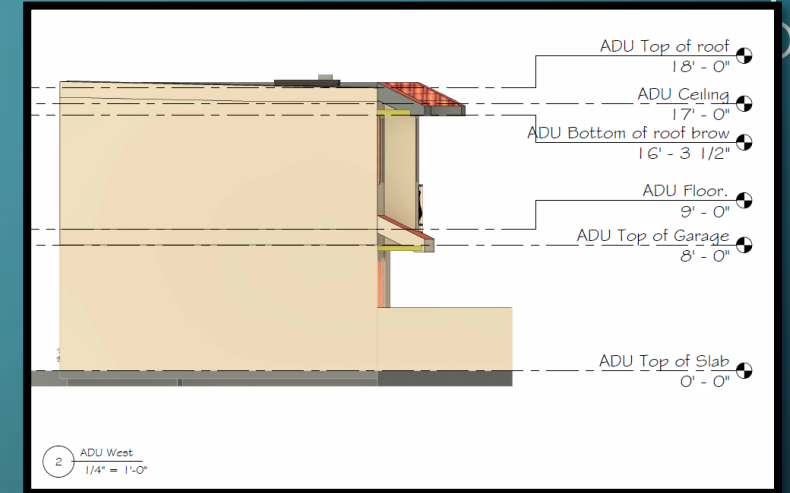
1/4" = 1'-0"

PROPOSED PROJECT SIDE ELEVATION



1 Section through SE Garage/ADU Wall
1/4" = 1'-0"

PROPOSED PROJECT COLOR ELEVATIONS



TIMELINE

- October 1, 2024 - Applicant submitted ARP application #PP2024-7815
- October 21, 2024 - Zoning Administrator denied ARP #PP2024-7815
- October 29, 2024 - Applicant provided City staff with a response letter
- October 30, 2024 - City staff met with property owner to discuss the denial of ARP #PP2024-7815
- October 31, 2024 - City staff emailed property owner with additional information related to Government Code Section 66314(d)(7)
- November 14, 2024 - City staff received an appeal application (#PP2024-8160) for the Zoning Administrator denial of ARP #PP2024-7815
- January 7, 2025 – Planning Commission heard Appeal #PP2024-8160 and adopted Resolution No. 01-25 denying the appeal
- January 21, 2025 – City staff received an appeal application (#PP2025-8623) for the Planning Commission's denial of Appeal #2024-8160

STANDARD OF REVIEW

- WMC Chapter 14-23 Accessory Dwelling Units and Junior Accessory Dwelling Units is out of compliance with state ADU law
- State ADU law codified in Government Code Sections 66314-66332
- Project reviewed for compliance with provisions of Government Code Sections 66314-66332

GOVERNMENT CODE § 66314(D)(7)

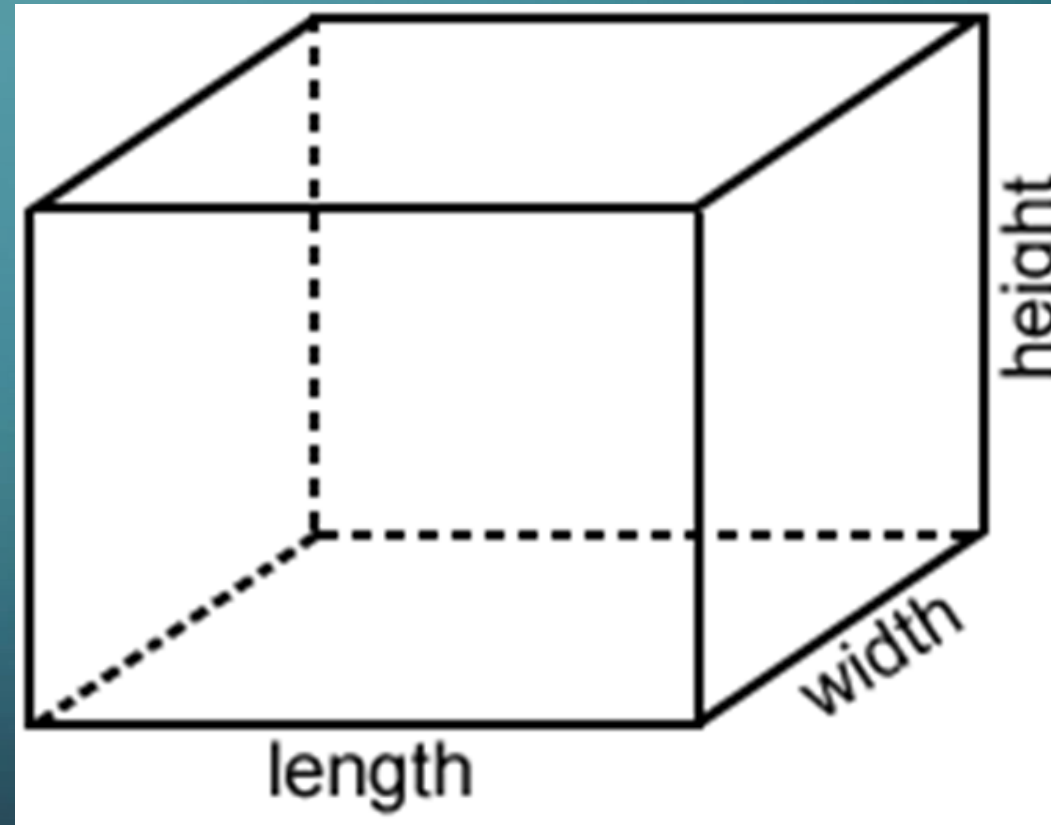
"No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure."

GOVERNMENT CODE § 66314(D)(7)

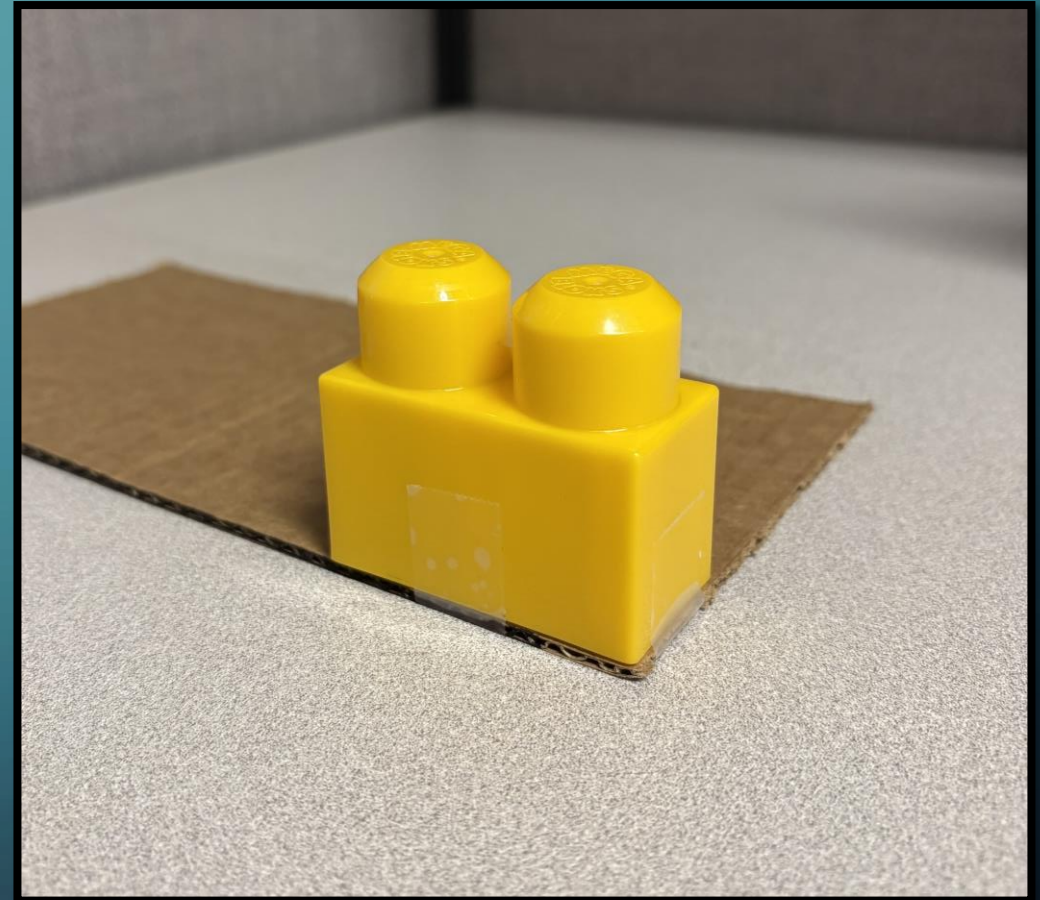
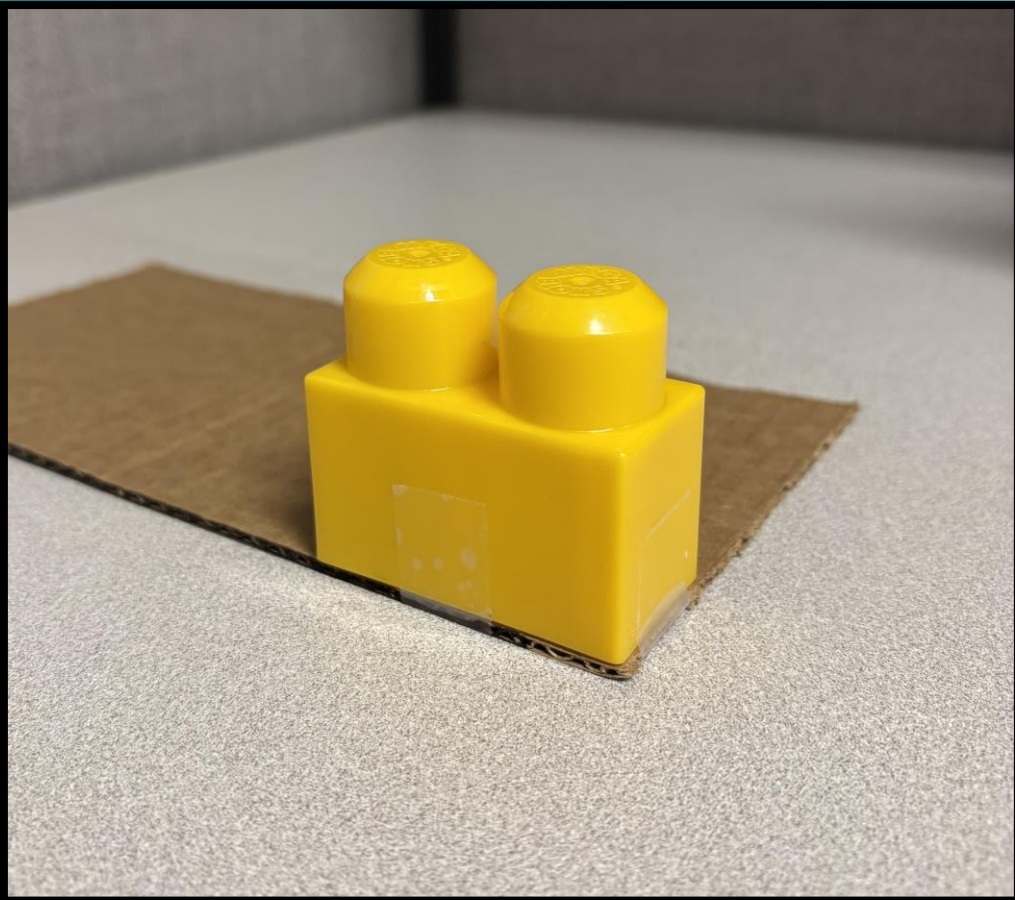
DIMENSIONS OF 3-D OBJECTS

Three-dimensional objects have three dimensions:

- Length
- Width
- Height

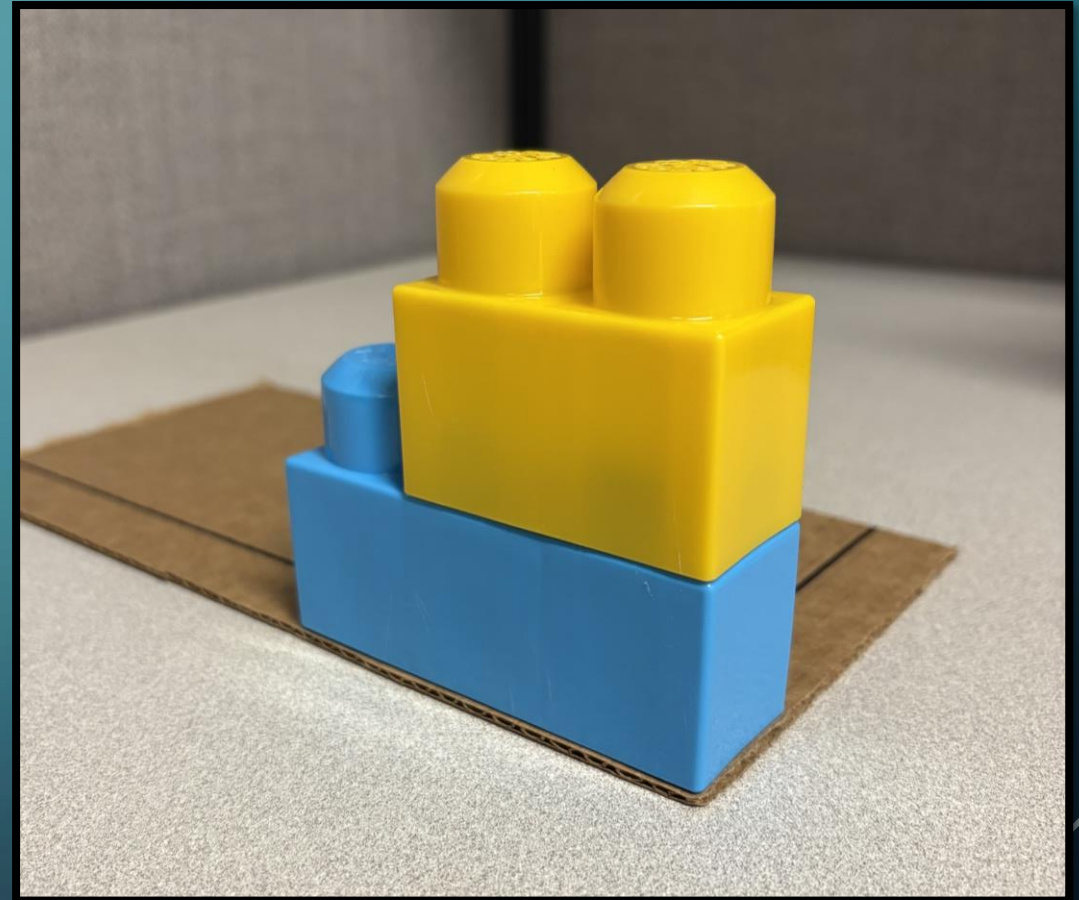
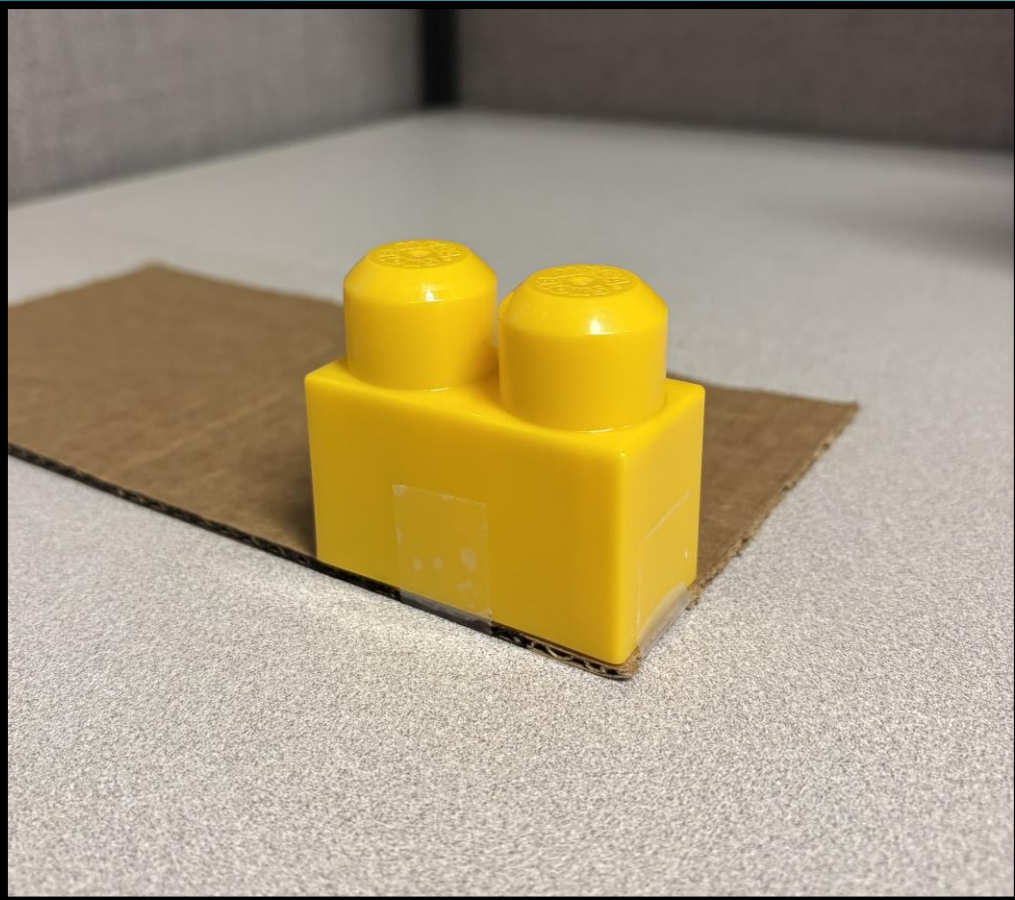


GOVERNMENT CODE § 66314(D)(7) “SAME DIMENSIONS”



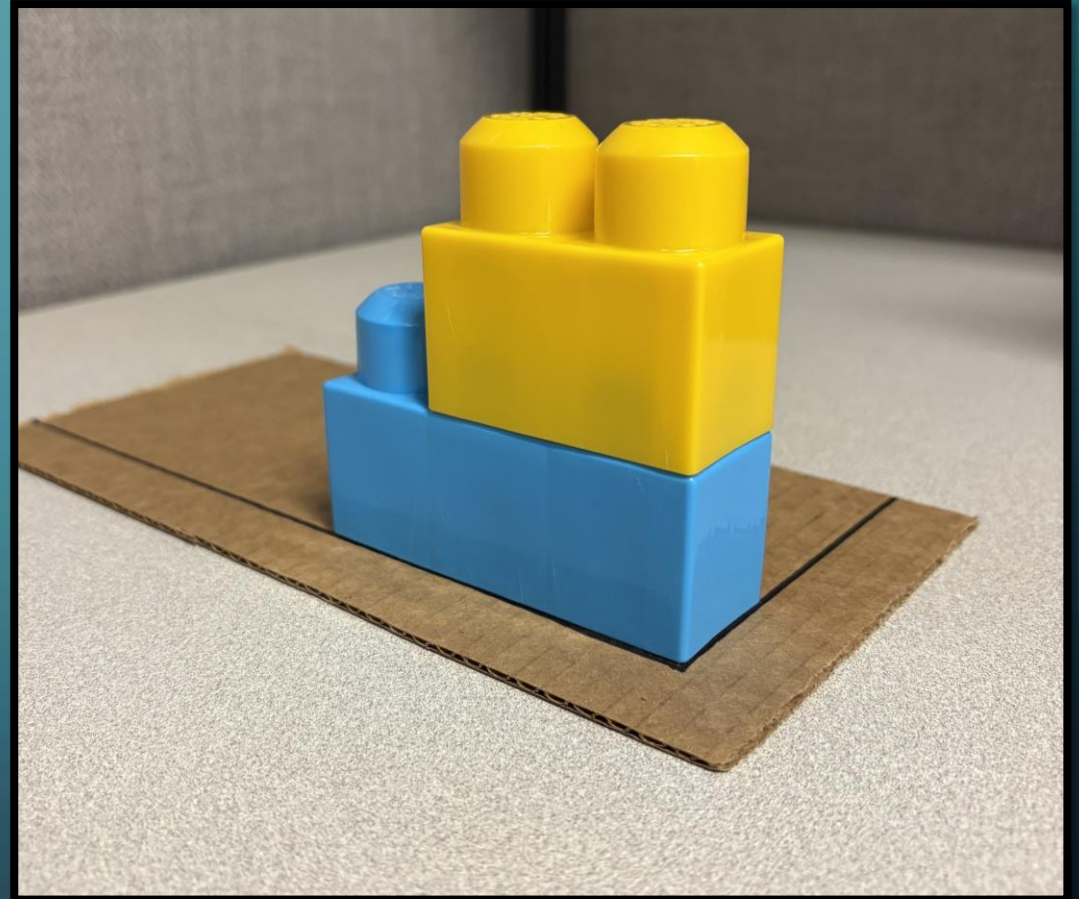
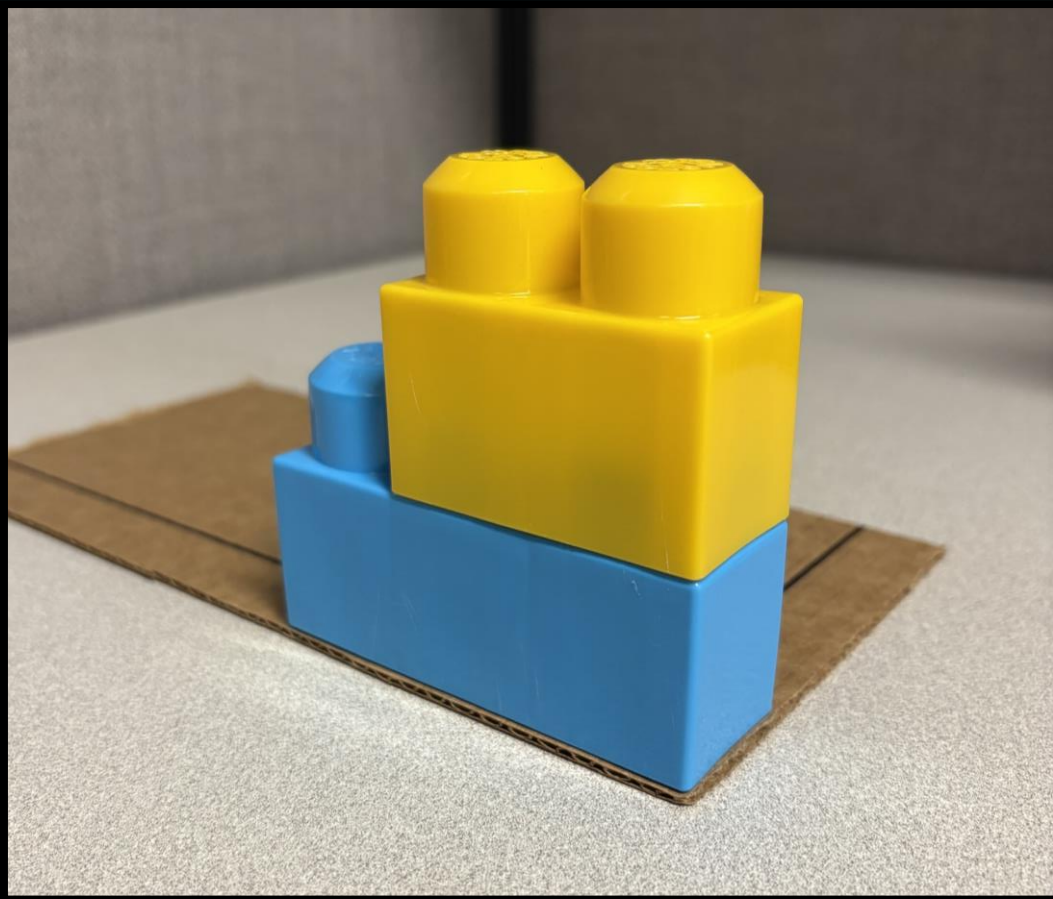
“in the same location and to the same dimensions”

GOVERNMENT CODE § 66314(D)(7) “SAME DIMENSIONS”



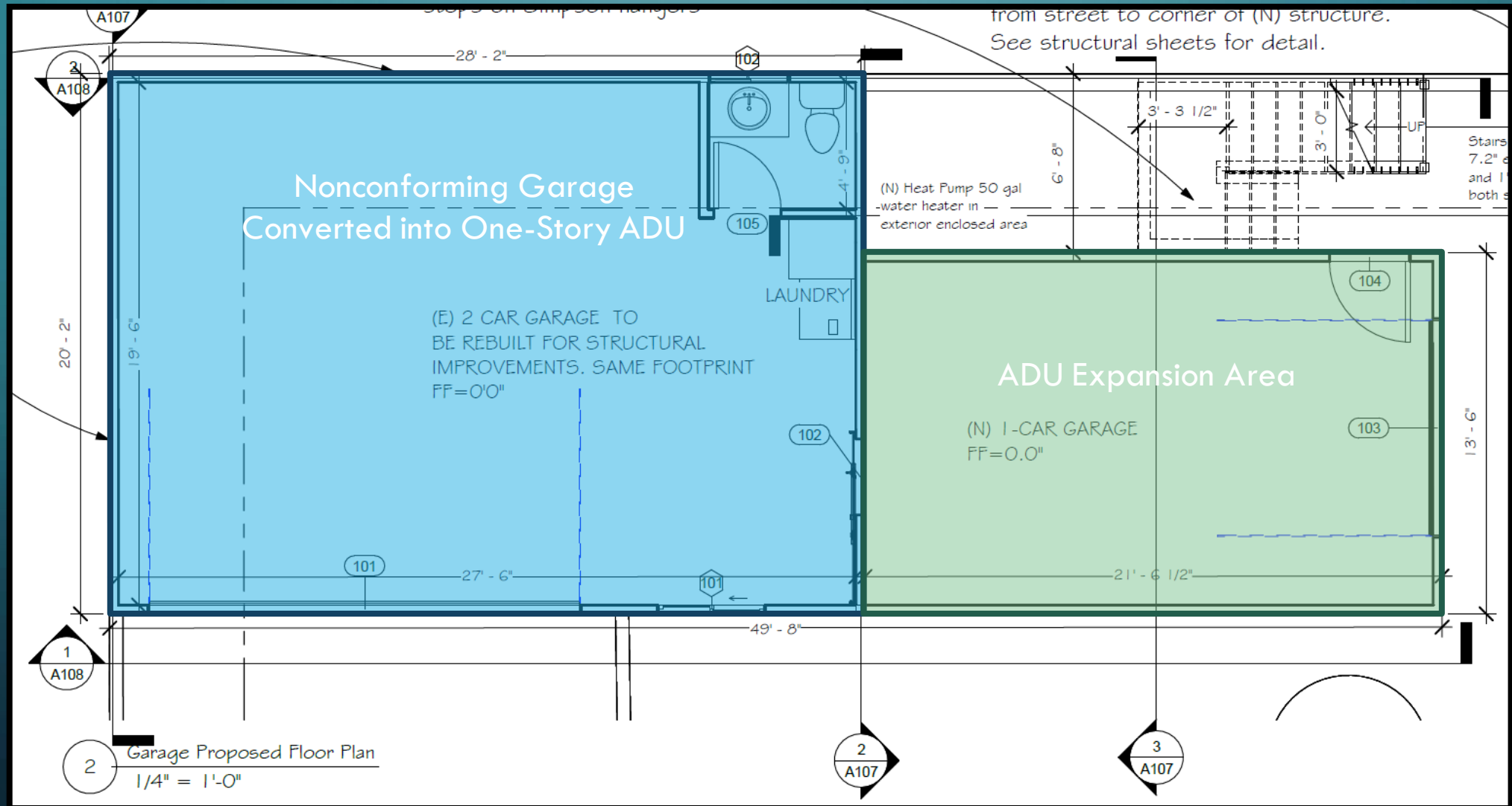
Not “in the same location and to the same dimensions”

GOVERNMENT CODE § 66314(D)(7) “SAME DIMENSIONS”



GOVERNMENT CODE § 66314(D)(7)

“OR A PORTION OF AN ADU”



REASONS FOR DENIAL

1. The existing nonconforming garage is not being converted into an ADU or a portion of an ADU.

Staff Analysis:

The proposed plans indicate that the existing nonconforming two-car garage structure would be replaced with a new three-car garage (a two-car garage attached to a one-car garage) with a new ADU above. The two-car garage structure would continue to provide covered parking for the primary residence.

REASONS FOR DENIAL

2. Even if the existing garage were proposed to be converted into an ADU, the proposed building dimensions differ from the dimensions of the existing garage structure.

Staff Analysis:

To qualify for the setback exemption in Government Code § 66314(d)(7), the project would need to be rebuilt in the same location and to the same dimensions as the existing, nonconforming, 569-square-foot, one-story (~9 feet tall, but no elevation provided), detached garage structure. The proposed structure, with a new ADU above a new garage, exceeds the height and floor area of the existing structure, so it does not qualify for the setback exemption.

ZONING ADMINISTRATOR ANALYSIS

- **Because the project does not qualify for the setback exemption in Government Code § 66314(d)(7), it is subject to the four-foot side and rear yard setback requirements in that same section.**
- **The proposed project does not comply with the four-foot side and rear yard setback requirements, so the application was denied.**

APPEAL TO PLANNING COMMISSION

- On November 14, 2024, City staff received an appeal application (#PP2024-8160) for the Zoning Administrator denial of Administrative Review Permit #PP2024-7815 (Attachment 4) requesting that the Planning Commission overrule and rescind the Zoning Administrator's denial.
- The appellant identified seven reasons for overruling and rescinding the Zoning Administrator's denial.

APPEAL TO PLANNING COMMISSION

Planning Commission adopted Resolution No. 01-25 denying Appeal #PP2024-8160 and upholding the Zoning Administrator's denial of ARP #PP2024-7815.

APPEAL TO CITY COUNCIL

The January 21, 2025, appeal letter included most of the same arguments and contentions from the November 14, 2024, appeal letter, such as which Government Code sections are applicable to the project and whether or not height is considered to be a dimension of a three-dimensional structure.

APPEAL TO CITY COUNCIL

New contentions in the January 21, 2025, appeal letter:

1. Commissioners were not provided with any alternative options to uphold the appeal
2. Commission asked for and was ignored a recess
3. Previously approved ARP application was 'acted upon'

APPEAL TO CITY COUNCIL

1. Commissioners were not provided with any alternative options to uphold the appeal

Page 10 of the Planning Commission staff report includes an "Alternative Action" stating that the Planning Commission could uphold the appeal if they could make findings that the ZA denial of the ARP was "erroneous and inconsistent with the intent of Gov. Code sections 66314-66332.

APPEAL TO CITY COUNCIL

2. Commission asked for and was ignored a recess

Commissioner Rojas asked if she could request a recess. After 5 minutes of additional discussion, Chair Acosta returned to the request to inquire if Commissioner Rojas still wanted to take a break, to which she replied "I can forego the break."

APPEAL TO CITY COUNCIL

3. Previously approved ARP application was 'acted upon'

ARP #2022-3712 expired on January 6, 2023, because a building permit application had not been submitted. Email correspondence does not constitute 'acting upon' an entitlement.

APPEAL TO CITY COUNCIL

None of the additional contentions identified provide a basis for overturning the Planning Commission's denial of Appeal #PP2024-8160.

RECOMMENDATION

Staff recommends City Council deny Appeal #PP2025-8623 of the Planning Commission's denial of Appeal #2024-8160 of the Zoning Administrator's denial of an Administrative Review Permit (#PP2024-7815) for demolition of a nonconforming, one-story, detached garage and construction of a new expanded detached garage with a new second-story accessory dwelling unit located at 79 Monte Vista Avenue (APN: 018-521-01).