

**COUNTY PLANNING
COMMISSION
APPROVED
FINDINGS &
CONDITION OF
APPROVAL'S**



Department of Conservation and Development

Board of Appeals

Tuesday, July 12, 2016 – 7:00 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Appeal of 192 High Street Design Review Development Plan and Tree Permit, Pacheco
County File:	#DP16-3002
Appellant:	Tami Welcome
Applicant/Owner:	Frank Sadighpour/Shahin Sharifi
General Plan/Zoning:	Open Space (OS) & Single-Family Residential-High Density (SH)/Single-Family Residential (R-10)
Site Address/Location:	192 High Street, Pacheco/APN: 125-281-010
California Environmental Quality Act (CEQA) Status:	The project is categorically exempt from CEQA review (Section 15303, Class 3).
Project Planner:	Jaclyn Isip, Project Planner (925) 674-7815
Staff Recommendation:	Deny the Appeal and Uphold the Zoning Administrator's Decision (See Section II for Full Recommendation)

I. PROJECT SUMMARY

An appeal of the Zoning Administrator's decision to approve a Small Lot Design Review Development Plan to demolish an existing 989 square-foot single-family residence and to construct a new 2,220 square-foot, one-story, single-family residence with an attached 494 square-foot garage, a 139 square-foot covered front porch, and a 155 square-foot rear deck with a tree permit to remove one multi-stemmed pine tree.

II. RECOMMENDATION

Staff recommends that the County Planning Commission DENY the appeal and UPHOLD the Zoning Administrator's decision to approve County File #DP16-3002, based on the attached findings and subject to the conditions of approval.

III. BACKGROUND

A Small Lot Design Review application was submitted on December 2, 2015 to demolish approximately 500 square feet of the existing residence to allow for the construction of a single-story addition of approximately 1,885 square feet resulting in 2,402 square feet of livable space. The 10-day notification with a comment period ending on December 14, 2015, was mailed to properties within 300 feet of the subject property. A request for a public hearing was received by the Department of Conservation and Development.

On January 8, 2016, the applicant submitted a Development Plan application. The project was revised and now included demolishing the existing 989 square-foot single-family residence and constructing a new residence consisting of 2,220 square feet of livable space, a 494 square-foot two-car garage, a 139 square-foot front yard covered porch, and a 155 square-foot rear yard covered deck.

The application was heard by the Zoning Administrator on May 16, 2016, where the Zoning Administrator received testimony from both the applicant Mr. Frank Sadighpour and the appellant Ms. Tami Welcome the property owner of 194 High Street. The Zoning Administrator closed the hearing and approved the project as recommended by staff and clarified that Condition of Approval #7 is a Public Works condition. An appeal on the decision was filed on May 25, 2016, within the 10-day appeal period.

IV. GENERAL INFORMATION

- A. General Plan: The subject property is located within the Open Space (OS) and Single-Family Residential-High Density (SH) General Plan Land Use designation. Approximately seventy percent of the project is designated as OS and thirty percent designated as SH. One single-family residence on an existing legal lot is consistent with the OS designation. The SH designation allows for a range of 5.0 to 7.2 single-family units per net acre. Primary land uses which are permitted within the SH designation include detached single-family homes and accessory

structures.

- B. Zoning: The subject property is zoned Single-Family Residential District, R-10. There is a minimum lot size of 10,000 square feet, a lot depth of 90 feet, and an average width of 80 feet that is required. Uses allowed in this district include a detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.
- C. CEQA: The proposed project is categorically exempt pursuant to Government Code Section 15303, Class 3, consisting of new construction or conversion of small structures.
- D. Lot Creation: The subject property is a 0.23-acre parcel addressed 192 High Street in Pacheco and was created in January of 1959 under approval of #58-597, descriptive parcel being a portion of Rancho Las Juntas fronting 60 feet of High Street, approximately 150 feet north of 5th Avenue South.
- E. Previous Applications:
 - 1. #SL15-0151: On December 2, 2015, a Small Lot Design Review application was submitted to demolish approximately 500 square feet of the existing residence to allow for the construction of a single-story addition of approximately 1,885 square feet to a single-family residence. The notices were mailed and resulted in a request for a public hearing. On January 8, 2016, the applicant decided to move forward with the project and submitted the current Development Plan application.
 - 2. #58-579: On February 2, 1959, a variance permit was approved to divide one lot into 2 lots each having less than 60-foot average widths (Parcels 125-281-009 & 125-281-010).

V. PROJECT DESCRIPTION

This is an appeal of the Zoning Administrator's decision to approve a Small Lot Design Review Development Plan to demolish the existing 989 square-foot single-family residence and construct a new, four bedroom, three bath, one-story, single-family residence. The new residence will measure 17 feet tall and will include 2,220 square feet of livable space, a 494 square-foot two-car garage, a 139 square-foot front yard covered porch, and a 155 square-foot rear yard covered deck. There is

an existing 576 square-foot garage and a 126 square-foot shed in the rear of the property that will remain. The existing garage will be used as a workshop and will remain unconditioned. This project also includes the removal of one multi-stemmed pine tree (16", 16" and 24" in diameter) located where the residence is proposed. Approximately eighty percent of the tree has been cut down leaving only the stump. The previous owner cut the tree down to satisfy safety concerns from the neighboring property south of the subject property. The tree stump remains on the property and the applicant proposes to remove the stump. The new residence will be in proximity of an oak tree on the neighbor's property to the north that it is not code-protected.

VI. APPEAL POINTS

An appeal from Ms. Tami Welcome of 194 High Street (property owner located directly south of the subject property) was received on May 25, 2016. Below is a summary of Ms. Welcome's appeal points and staff's response.

A. Appeal Point #1: The subject parcel is primarily open space.

Staff's Response: The subject property has a split General Plan Land Use Designation with approximately seventy percent Open Space (OS) and thirty percent Single-Family Residential-High Density (SH). One single-family residence on an existing legal lot is consistent with the OS designation. The SH designation allows for a range of 5.0 to 7.2 single-family units per net acre. Primary land uses which are permitted within the SH designation included detached single-family homes and accessory structures. Because the subject parcel was created under County File #MD58-597, one single-family residence is consistent with the OS and SH Land Use Designation; therefore, the proposed new single-family residence is consistent with the General Plan.

B. Appeal Point #2: The proposed residence is not proportional to the small lot or to the neighborhood.

Staff's Response: The subject property measures 10,200 square feet and the proposed residence will have 2,220 square feet of living area with a 474 square-foot garage, 139 square-foot front yard covered porch, and a 155 square-foot rear yard covered deck. Staff conducted a study with data from the County Assessor's Records. Once the new residence is constructed, the total livable area of the residence will cover approximately 21.8% of the parcel. After further

analysis within the neighborhood, many other properties have residences with the total livable area of the residence exceeding 20% of lot coverage. The residence will measure 25 feet away from the front property line, 11 feet from both side property lines, and approximately 64 feet away from the rear property line, meeting the required setback, side and rear yard requirements for the R-10 zoning district. Therefore, the new single-family residence will be consistent with the overall development of the surrounding neighborhood.

- C. Appeal Point #3: The new residence will adversely affect the property value of other existing properties on High Street especially directly adjacent.

Staff's Response: Single-family residences are a permitted uses within the R-10 zoning district and are consistent with properties in the area that have made improvements such as construction of new single-family residences and additions. The purpose of a small lot design review is to ensure compatibility and minimize impact with the surrounding neighborhood based on location, size, height, and design, not on individual property values. Furthermore, residential improvements typically increase property values, which positively affect neighborhoods in general.

- D. Appeal Point #4: The 1-foot easement has not been addressed.

Staff's Response: During the Zoning Administrator's meeting on May 16, 2016, Ms. Welcome's testimony included information regarding a 1-foot easement on the southern property line of the subject property. Ms. Welcome stated that a portion of her driveway is located in that 1-foot easement. Staff has not found or received any record verifying that a 1-foot easement exists.

VII. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential R-10 Zoning District and uses permitted within the OS and SH General Plan Land Use designation. Therefore, staff recommends the County Planning Commission deny the appeal and uphold the Zoning Administrator's decision to approve County File #DP16-3002, based on the attached findings and subject to the conditions of approval.

