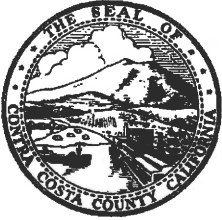


ZONING

ADMINISTRATOR

STAFF REPORT



Department of Conservation and Development

County Zoning Administrator

Monday, May 16, 2016 – 1:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Design Review to Demolish an Existing Single-Family Residence and to Construct a New Single-Family Residence with a Tree Permit to Remove One Multi-Stemmed Pine Tree.
County File:	#DP16-3002
Applicant/Owner:	Frank Sadighpour/Shahin Sharifi (Applicant/Owner)
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:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

This is a request for approval of 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 a 494 square-foot garage, a 139 square-foot front yard covered porch, and a 155 square-foot rear yard covered deck. This application includes a tree permit to remove one multi-stemmed pine tree.

II. RECOMMENDATION

Staff recommends approval of County File #DP16-3002, subject to the attached conditions of approval.

III. 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).

IV. SITE/AREA DESCRIPTION

The subject property is a developed rectangular shaped 0.23-acre parcel that is relatively flat in topography. The property consists of an existing 989 square-foot single-family residence, a 576 square-foot detached garage, and a 126 square-foot shed in the rear of the property. The existing residence was constructed in 1942 and the detached garage was constructed in 1959. There are two cedar trees located in the rear of the property that will not be affected by the project, a multi-stemmed pine tree stump located within the area of development, and one tree located on the adjacent neighbor's property that is by the proposed development.

The surrounding neighborhood is developed with one and two story single-family residences within the Single-Family Residential R-10 zoning district, with an Open Space (OS) and Single-Family Residential-High Density (SH) General Plan Land Use designation. Properties within this area consist of 6,000 – 14,450 square-foot lot sizes and 50 percent of the parcels are substandard in size. Residences within the neighborhood range in size measuring 954 – 2,114 square feet.

V. PROJECT DESCRIPTION

Originally, the Small Lot Design Review notice indicated a proposal 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. However, the Small Lot Design Review Development Plan submitted requests to demolish the existing 989 square-foot single-family residence to construct a new one-story single-family residence. The initial submittal on January 8, 2016, proposed 2,375 square feet of livable space, but on February 16, 2016, the applicant submitted a revised set of plans reflecting a reduction in area to the north and south sides of the residence. The proposal is to construct 2,220 square feet of livable space.

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 by the previous owner due to concerns related to safety to the neighboring property south of the subject property. The 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. AGENCY COMMENTS

- A. Building Inspection Division: In a letter dated February 4, 2016, the Division has reviewed the proposed project and responded with no objections. The comments received indicated that the design of the structure shall meet current codes and a detailed plan check will be done when applying for a building permit.
- B. Contra Costa Environmental Health Division (CCEHD): In a letter dated January 26, 2016, the Division has reviewed the proposed project and responded with no objections. The comments received indicated that a permit from the CCEHD is required for any well or soil boring prior to commencement of drilling, and any abandoned wells and septic tanks must be destroyed under a permit from CCEHD, and comply with the requirements of the division.
- C. Public Works Department, Engineering Services: In a letter dated January 26, 2016, the Department has reviewed the proposed project and responded with no objections. The comments received indicated that the ultimate right of way at High Street is 60 feet (existing 50 feet). Additional right of way will be necessary for future improvements. No permanent structure shall be constructed within the 60-foot right of way.

Staff Response: Staff has included as a condition of approval (COA) #7 to ensure no permanent structures will be constructed within the right-of-way.

- D. Contra Costa Fire Protection District: In a letter dated February 9, 2016, the District has reviewed the proposed project and requires the following:
- Prior to obtaining a building permit, the applicant shall submit two (2) sets of site improvement plans for review.
 - The home as proposed shall be protected with an approved automatic sprinkler system complying with the California Residential Code.
 - If there is an existing water service for this property, the

owner/contractor is responsible for contacting the water department to determine if the existing meter is adequate for a dual service application.

- E. Central Contra Costa Sanitary District (CCCSD): In a letter dated January 19, 2016, the District has reviewed the proposed project and responded with no objections. The comments received indicated that the proposed residential demolition and construction of a new residence would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing facilities. The applicant must submit full-size building plans for CCCSD to review and pay all appropriate fees, possibly including for the capping and abandoning or reusing the existing sewer lateral.
- F. Contra Costa Water District: In a letter dated March 2, 2016, the District responded with the following: The District will provide treatable (potable) water services to the subject property and will include the following components:
- Existing water service infrastructure will need to be evaluated and any modifications will need to be designed and constructed at the Developer's/ Owner's expense.
 - Relocation and/ or abandonment of District facilities may be required which will require a quitclaim of the existing easements. Easements for proposed facilities may also be required.
 - Water service will likely require backflow prevention devices, which could reduce water pressure. Proper planning is necessary to ensure backflow prevention devices area located appropriately.
 - The California Residential Code requires installation of an approved automatic fire sprinkler system in all new residential structures that are submitted to Building Inspection after December 31, 2010. Appropriate backflow prevention is required for all services where sprinkler systems are installed.
- G. Pacheco Municipal Advisory Council (MAC): In a letter dated February 11, 2016, the MAC met and reviewed the proposed project and responded with no objections.
- H. City of Pleasant Hill: No comments were received from the City of Pleasant Hill.

VII. RESPONSE TO PUBLIC COMMENTS

A Small Lot Design Review notice was sent out on December 4, 2015. A letter was received on December 11, 2015 by the Community Development Division requesting a public hearing. The following is a summary of the comments received on December 11, 2015.

- A. Tami Welcome of 194 High Street in Pacheco: Ms. Welcome requested a public hearing with no comments.
- B. Staff Providing Response: Staff contacted Ms. Welcome who did not provide reasons for requesting a public hearing. The applicant submitted a revised set of plans on February 16, 2016, reflecting a reduction of livable space along the north and south sides of the residence. The initial proposal was to allow 2,375 square feet of living area and the revision reduced the living area to 2,220 square feet. Staff notified Ms. Welcome on the changes. A letter dated March 6, 2016, was received from Ms. Welcome stating that she understands the overall size of the proposed residence has been reduced and still wishes to move forward with a public hearing.

VIII. STAFF ANALYSIS

- A. General Plan: The subject property has a General Plan Land Use designation of Open Space (OS) and Single-Family Residential-High Density (SH). Under these designations, a single-family residence and accessory structures are permitted. The project involves demolishing an existing residence and constructing a new single-family residence on an existing legal lot, therefore; the project is consistent with the SH and OS policies.
- B. Zoning: The R-10 Zoning District allows for a single-family residential use and ancillary buildings and structures associated with the development. The subject property is substandard in size and any development requires a Small Lot Design Review to determine compatibility with the surrounding neighborhood. The project is located outside of the required setbacks for the property, measuring 25 feet from the front property line, 11 feet from both side property lines, and 64 feet away from the rear property line. The proposed 494 square-foot two-car garage will satisfy the off-street parking requirement for the R-10 zoning district.

- C. Trees: The property has two cedar trees in the rear of the property that will not be located in the vicinity of the construction. There is an existing multi-stemmed pine tree stump (16", 16", and 24" in diameter) that is located within an Open Space General Plan Designation. Section 816-6.6004 states, "*Any tree measuring twenty inches or larger in circumference (approximately six and one-half inches diameter) located within any area designated on the general plan for recreational purposes or open space is a protected tree.*" The applicant proposes to remove the tree stump for reasonable development; therefore, a tree permit is required.
- D. Appropriateness of Use: The project is consistent with the General Plan and Zoning District with regards to land use. The overall project is consistent and appropriate for the site and will have minimal impact on the surrounding neighbors. The new residence will meet all required setbacks required in the R-10 zoning district and will be 17 feet tall remaining well under that 35-foot maximum height. A tree permit will cover the removal of the code-protected multi-stemmed pine tree stump.

IX. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential R-10 Zoning District and land use permitted within the OS and SH General Plan Land Use designation. Therefore, staff recommends the Zoning Administrator approve County File #DP16-3002, subject to the attached conditions of approval.

Attachments:

- Findings and Conditions of Approval
- Maps
- Letters from Neighbor
- Agency Comments
- Reduced Plans
- Photographs

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