

**COUNTY PLANNING
COMMISSION STAFF
REPORT**



Department of Conservation and Development

Contra Costa County Planning Commission –

Board of Appeals

Wednesday, January 11, 2017 – 7:00 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Appeal of a Design Review Development Plan application to Construct a New Single-Family Residence and Demolish an Existing Garage
County File:	#DP16-3037
Appellant:	Clarence Lehman (Appellant)
Applicant/Owner:	Tambri Heyden & David Montalbo (Applicants & Owners)
General Plan/Zoning:	Single-Family Residential-High Density (SH)/Single Family Residential (R-6)
Site Address/Location:	A Vacant property located between 1025 and 1049 Sierra Avenue in the Martinez Area/APN: 375-054-014
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 application to demolish an existing garage and construct a new 1,825 square-foot two story single-family residence on a vacant lot (approximately 5,250 square feet). The lot sizes range from 4,300 – 7,800 square feet. Thereby presenting no dominant size or design within the neighborhood

II. RECOMMENDATION

Staff recommends that the County Planning Commission:

- 1) DENY the appeal filed by Mr. Clarence Lehman and;
- 2) UPHOLD the Zoning Administrator's decision to approve County File #DP16-3037, based on the attached findings and subject to the conditions of approval.

III. BACKGROUND

A Small Lot Design Review application was submitted on July 22, 2016 to demolish an existing garage and construct a new two-story residence. The 10-day notification with a comment period ending on July 5, 2016, was mailed to properties within 300 feet of the subject property. Two requests from Ms. Diana Daniels, located at 1049 Sierra Avenue, and Mr. Clarence Lehman, located at 1040 Sierra Avenue, for a public hearing were received by the Department of Conservation and Development.

On August 8, 2016, the applicant submitted a Development Plan application. The application was heard by the Zoning Administrator on December 5, 2016 where the Zoning Administrator received testimony from both the applicants, Mr. David Montalbo and Ms. Tambri Heyden, the neighbors, and the appellant, Mr. Clarence Lehman. The Zoning Administrator closed the hearing and approved the project with modifications and two additional conditions of approval. The Zoning Administrator revised condition of approval no. 3 for flexibility in allowing the applicant to obtain a grading permit before complying with the requirements of Local Agency Formation Commission (LAFCO) as the water service is outside of the County boundaries and annexation to the City of Martinez is necessary. To ease concern of damaging the trees proposed for pruning located on the adjacent parcel, the Zoning Administrator added a condition requiring a licensed arborist to be present on site during this process. To address any drainage concerns, the Zoning Administrator added a condition requiring the applicant to provide a copy of the grading plans to the resident at 1006 Sierra Avenue and any other interested party who requests it. Furthermore, the ZA determined the neighborhood did not show one continuous design but was eclectic in that the homes were both modern and older homes constructed from 1916 to 2001.

An appeal of the Zoning Administrator's decision was filed by Mr. Clarence Lehman on December 15, 2016, within the 10-day appeal period. The appellant does not agree that the bulk and size of the residence is consistent with the neighborhood and wishes to see a reduction in size.

IV. GENERAL INFORMATION

- **General Plan:** The subject property is located within the Single-Family Residential-High Density General Plan Land Use designation.
- **Zoning:** The subject property is located within a Single-Family Residential (R-6) zoning district.
- **CEQA:** The proposed project is categorically exempt pursuant to Government Code Section 15303, Class 3, consisting of new construction or conversion of small structures.
- **Lot Creation:** The subject property was created in February, 1916 as Lot 3 of Martinez Land Tract 6 Subdivision.
- **Previous Applications:**
 1. **SL16-0079:** On June 22, 2016, a Small Design Review application was submitted to construct a new single-family residence. The notices were mailed out and resulted in a public hearing request from Ms. Diana Daniels and Mr. Clarence Lehman. On August 9, 2016, the applicant decided to move forward with the project and submitted the current Development Plan application.

V. SITE/AREA DESCRIPTION

The subject property is a developed rectangular shaped 5,250 square-foot (0.12-acre) parcel that is relatively flat in topography. There are two maple trees located on the adjacent neighbor's property that is in proximity of the proposed development.

The subject property is located within the Mountain View neighborhood of unincorporated Martinez. Directly northwest of the subject property is the City of

Martinez’s jurisdiction. The surrounding neighborhood is developed with one and two story single-family residences zoned Single-Family Residential District, R-6, with a Single-Family Residential-High Density (SH) General Plan Land Use designation. Properties within this area consist of an average 4,300 – 7,800 square foot lot sizes and are substandard in size. Residences within the neighborhood range in size measuring 610 – 2,207 square feet.

VI. PROJECT DESCRIPTION

This is a request for approval of a Small Lot Design Review Development Plan to demolish an existing two-car garage and construct a new, two-story, single-family residence. The new residence will consist of 1,825 square feet of livable space, a 462 square-foot garage and will measure 26 feet 9 inches in height. The construction will be in proximity of the two maple trees on the neighbor’s property that are not code-protected.

VII. APPEAL OF THE ZONING ADMINISTRATOR’S DECISION

Appeal Letter from Mr. Clarence Lehman:

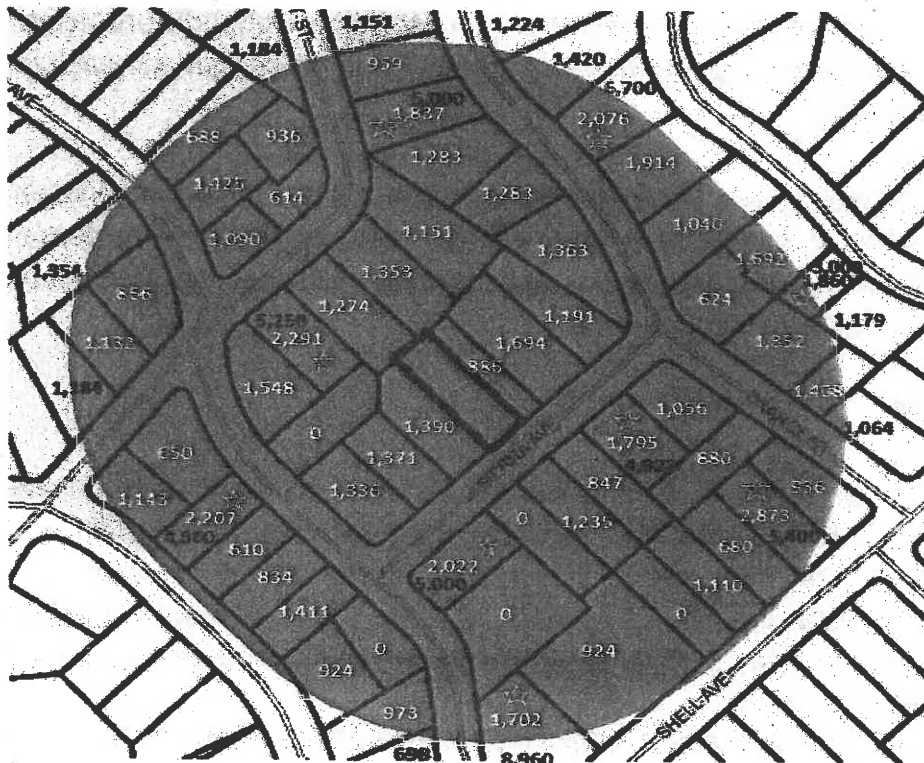
The resident of 1040 Sierra Avenue provided an appeal letter dated December 15, 2016. The following is a summary of his comments.

Comment: The 1,825 square-foot proposed home is incompatible in size to the neighboring homes on Sierra Avenue. There is a 2,200 square-foot residence on the corner of Sierra Avenue and Monterey Avenue that is surrounded by vacant lots and as a result does not look large.

Staff Response to Comment: The total living area for the subject property is consistent with the neighboring residences in regards to size. The County Assessor’s records related to total living area for homes within 300 feet of the property were reviewed. Out of 65 properties within the 300-foot radius, there are 9 residences that have over 1,700 square feet of total living area. The table and map below includes the 9 residences comparing total living area and parcel sizes. There are two residences located on Sierra Avenue with over 1,700 square feet of total living area. The residence located at 1050 Sierra Avenue has 1,795 square feet of total living area on a 4,928 square-foot lot and the residence at 1006 Sierra Avenue has 2,022 square feet of total living area on a 5,000 square-foot lot. The other homes with 1,700 square feet or more of total living area are

located on Shell Avenue, Monterey Avenue, Walnut Avenue and Crest Avenue. The residence located at 1085 Shell Avenue has 2,873 square feet of total living area on a 5,400 square-foot lot. The Residences within the neighborhood range in size from 610 to 2,873 square feet. The subject property proposes 1,825 square feet of total living area on an approximately 5,250 square-foot parcel. The neighborhood is architecturally diverse made up of one and two story residences. The project proposes a two story residence measuring 26 feet 9 inches in height. Therefore, the residence falls within the neighborhood's total living area and height and is consistent and compatible with the neighborhood.

Address	Parcel Size (Sq. Ft.)	Total Living Area (Sq. Ft.)
1050 Sierra Ave.	4,928	1,795
1006 Sierra Ave.	5,000	2,022
1085 Shell Ave.	5,400	2,873
1011 Shell Ave.	8,960	1,702
2022 Monterey Ave.	4,300	2,207
1110 Walnut St.	5,250	2,291
2181 Walnut St.	5,000	1,837
2266 S. Crest Ave.	6,700	2,076
2320 S. Crest Ave.	3,000	1,860



VIII. STAFF ANALYSIS

- General Plan: The subject property has a general plan land use designation of Single-Family Residential-High Density (SH). Under this designation, a single-family residence and accessory structures are permitted. The project involves constructing a single-family residence on an existing legal lot, therefore; the project is consistent with the SH policy
- Zoning: The R-6 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 development requires a small lot design review for compatibility with the surrounding neighborhood. The project is located outside of the required setbacks for the property, measuring 20 feet from the front property line, 5 feet from both side property lines, and 55 feet away from the rear property line. The residence will be two stories and will measure 26 feet 9 inches in height, remaining well under the 35-foot maximum height for a single-family residence. With a two-car garage proposed, the residence will meet the off-street parking requirement for the R-6 zoning district.

The residence will be located within the dripline of two large maple trees on the adjacent neighbor's property to the northeast that is not code-protected. The applicant proposes to prune portions of the maple trees that encroach into the subject property.

- Appropriateness of Use: The project is consistent with the General Plan and Zoning District with regards to land use. The new single-family residence is consistent and appropriate for the site. The new residence will meet all required setbacks in the R-6 zoning district.

IX. CONCLUSION

Staff finds that the proposed development is consistent with the Single-Family Residential R-6 Zoning District and uses permitted with the SH General Plan Land Use Designation. Therefore, staff is recommending 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.