



Department of Conservation and Development

County Zoning Administrator

Monday, December 5, 2016 – 1:30 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title: Design Review Development Plan to Construct a New Single-Family Residence

County File: #DP16-3037

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: An unaddressed property located between 1025 and 1049 Sierra Avenue in Martinez/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: 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 garage and construct a new 1,845 square-foot two-story single-family residence on a vacant lot.

II. RECOMMENDATION

Staff recommends approval of the proposal, subject to the attached conditions of approval.

III. 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 two requests for a public hearing. On August 9, 2016, the applicant decided to move forward with the project and submitted the current Development Plan application.

IV. SITE/AREA DESCRIPTION

The subject property is a developed rectangular shaped 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.

V. 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 high. The construction will be in proximity of the two maple trees on the neighbor's property that are not code-protected.

VI. AGENCY COMMENTS

- **Building Inspection Division**: In a letter dated August 23, 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.
- **Contra Costa Environmental Health Division (CCEHD)**: In a letter dated September 13, 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.
- **Contra Costa Fire Protection District**: In a letter dated September 12, 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.
- **Mountain View Sanitary District (MVSD)**: In a letter dated September 6, 2016, the District has reviewed the proposed project and requires the following:

- A new sewer lateral connection and building sewer cleanout and check valve is required to be installed since the property has an existing 8-inch sewer main.
- Complete plans shall be submitted to MVSD for review and applicable fees shall be paid.

- Contra Costa Water District: In a letter dated October 12, 2016, the District responded with no objections to the proposed project. The District advised that this project will be served by the City of Martinez.

- City of Martinez: In a letter dated October 17, 2016, the City responded with no objections to the proposed project. The comments received included:
 - The owner(s) shall comply with the requirements stated in the attached LAFCO's July 18, 2016 letter.

 - Prior to providing the property with water, the owner(s) shall also sign an agreement to extend water service to property located outside the City limits.

 - The owner(s) shall submit an application for water service, and pay for installing the water service lateral and the applicable water connection fees at the time of payment (including the Contra Costa Water District facility reserve charge).

- LAFCO: On July 13, 2016, LAFCO approved the out of agency service request with the following terms and conditions:
 - Water infrastructure and service is limited to one proposed single family dwelling unit

 - The City of Martinez has delivered to LAFCO an executed deferred annexation agreement (DAA).

 - The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

- An application to annex the subject parcel to the City of Martinez is submitted to LAFCO by January 13, 2017.

VII. RESPONSE TO PUBLIC COMMENTS

A Small Lot Design Review notice was sent out on June 22, 2016. Two letters were received within the public notice period requesting a public hearing. The following is a summary of the comments received

- A letter received June 29, 2016 from Diana Daniels of 1049 Sierra Avenue in Martinez: Ms. Daniels requested a public hearing and stated her objection to the proposed project:
 1. The County direct the applicant to revise plans so that there will be no impact to the two heritage trees located on 1049 Sierra Avenue until after the board of supervisors has heard and made a decision.

Staff Response:

1. The new single family residence will be built within the dripline of a maple tree northeast of the subject property and the new driveway will be installed under the dripline of a second maple tree southeast of the subject property. The applicant proposes to prune only portions of the tree extending across the subject property that are dead and in the area of construction. Section 816-6.1002 (3) of the County Ordinance states that "*routine pruning not involving topping or tree removal does not require a tree permit.*" Routine Pruning is defined in Section 816-6.4016 as "*the removal of dead or dying, diseased, weak, or objectionable branches of a tree in a reasonable and scientific manner which does not structurally harm the tree.*" A heritage tree is defined as a tree seventy-two inches or more in circumference measured four and one-half feet above the natural grade and is specifically designated as a heritage tree by the Board of Supervisors. These two trees may fall within the size of a heritage tree by definition, but since they are both not designated by the Board of Supervisors, they are not heritage trees.
- A letter received on July 5, 2016 from Raymond Viglienzone of 1006 Sierra Avenue in Martinez: Mr. Viglienzone requested a public hearing and stated his objections to the proposed project:

1. The lot is substandard in size and width for its current zoning.
2. Parking is limited on Sierra Avenue.
3. Construction of a new residence will disrupt the neighborhood (noise, traffic, heavy equipment).
4. Installation of utilities will impact the existing utilities.
5. The neighborhood's character will negatively change. Investors have been building new homes and selling with no concern for the neighborhood.

Staff Response:

1. The subject parcel is located within the R-6 zoning district. Section 84-4.602 and 84-4.604 states that *"no single-family dwelling or structure permitted in the R-6 district shall be erected or placed on a lot smaller than six thousand feet in area or on a lot less than sixty feet in average width."* The subject parcel measures approximately 5,250 square feet and has a 42-foot average lot width. Pursuant to Section 82-10.002, any lot of less area or width than required by Divisions 82 and 84 may be occupied by a single-family dwelling and its accessory buildings if the Zoning Administrator determines that the proposed dwelling is compatible with the surrounding neighborhood in relation to location, size, height, and design. Therefore, a small lot design review application was submitted on June 20, 2016.
2. The project includes constructing a new single-family residence with a 462 square-foot, two-car garage that will serve as the required off-street parking for the new residence. Section 84-4.1202 (a) of the County Ordinance States, *"In R-6 districts every dwelling unit shall have at least two off-street automobile storage spaces on the same lot."* Therefore, the project meets the off-street parking requirement of the R-6 zoning district.
3. Condition of Approval #4 has been added to limit the hours of construction.
4. The project includes constructing a new single-family residence with a two-car garage. The subject parcel falls within the jurisdiction of the Mountain View Sanitary District (MVSD) and the Contra Costa Water District (CCWD) for water. The CCWD advised that his project will be served by the City of Martinez since the property is located within the City's Sphere of Influence (SOI) and water service area. Staff has received comments back from MVSD with no objections. Construction of a new single-family residence will not

impact the existing utilities. The applicant shall obtain all required permits from the MVSD and comply with all requirements from LAFCO and the City.

5. The neighborhood is zoned R-6, Single-Family Residential. The project proposes building a new, 1,825 square-foot, two-story, single-family residence with a two-car garage meeting the required off-street parking and the front, side, rear, and height dimensional requirements of the R-6 zoning district. Homes in the vicinity range from 610 – 2,207 square feet, therefore, the proposed residence is consistent with the neighborhood. Residences in the neighborhood are diverse architecturally and have been built at various times since the early 1900s. Therefore, the new residence will have minimal impact to the neighborhood's character.

Staff received a letter after the public notice period dated August 4, 2016 from Clarence Lehman of 1040 Sierra Avenue in Martinez, stating his objections to the proposed project:

1. The lot is less than 6,000 square feet, therefore; a single-family residence cannot be built on the property.
2. The existing garage on the property was built and used by the family that built the home at 1020 Sierra Avenue in 1916.
3. The R-6 zoning district requires a 15-foot minimum side yard, therefore; the proposed residence requires a variance.
4. The location of the new residence could harm the heritage tree located on the adjacent property and can result in breaking both civil and criminal laws.
5. The design of the residence is not compatible with the neighborhood.
6. The County requires a site plan to be in compliance with Tree Ordinances of Contra Costa County.

Staff Response:

1. As discussed above, the subject parcel is substandard in size measuring less than 6,000 square feet in size and 60 feet in average width. Pursuant to County Ordinance Code Section 82-10.002, any lot of less area or width than required by Division 82 and 84 may be occupied by a single-family dwelling and its accessory buildings if the Zoning Administrator determines that the proposed dwelling is compatible with the surrounding neighborhood in relation to location, size, height, and design. Therefore, a small lot design review application was submitted on June 20, 2016.

2. Historically the garage on the subject parcel may have been used by the occupants of 1020 Sierra Avenue, but the R-6 zoning district requires that the off-street parking requirement shall be located on the same lot as the residence. Section 84-4.1202 – Off street parking requirements (a) states *"In R-6 districts every dwelling unit shall have at least two off-street automobile storage spaces on the same lot."* The project includes constructing a new single-family residence with a two-car garage, therefore; the application meets the R-6 zoning requirements.
3. The subject property is zoned R-6, single-family residential. The R-6 district requires a 5-foot minimum side yard and a 15-foot aggregate side yard. Section 82-14.004 allows reduced side yards for lots that were created before the effective date of Divisions 82 and 84 (1947). The subject property was created in February 1916 as Lot 3 of Martinez Land Tract 6 Subdivision. With a front lot width of 42 feet, the side yard can be reduced to 5-feet with a 10-foot aggregate. The new residence measures 5 feet away from both side property lines with a 10-foot aggregate, therefore; the location of the residence meets the minimum side yard requirement.
4. As mentioned above, a heritage tree is defined as a tree seventy-two inches or more in circumference measured four and one-half feet above the natural grade and is specifically designated as a heritage tree by the Board of Supervisors. Since the two large trees on the adjacent neighbor's property have not been designated as heritage trees by the Board of Supervisors, they are not heritage trees. The new residence will be set 5 feet away from the northeast side property line. The applicant proposes to only prune portions of the neighbor's tree that is encroaching into the subject property for that are dead and for the purpose of constructing the new residence. Section 816-6.1002 (3) states that *"routine pruning not involving topping or tree removal does not require a tree permit."* Routine Pruning is defined in Section 816-6.4016 as *"the removal of dead or dying, diseased, weak, or objectionable branches of a tree in a reasonable and scientific manner which does not structurally harm the tree."*
5. Homes in the neighborhood have been built during various times ranging from the early 1900s to 2001. The neighborhood is mixed with one and two story residences, diverse with styles found in bungalow, cottage, and minimal traditional architecture. The neighborhood consists of homes

measuring from 610 to 2,207 square feet. The proposed 1,825 square-foot residence is two stories, will measure 26 feet 9 inches tall, and the floorplan includes a living room, a dining room, a kitchen, a two car garage, three bedrooms and 2 ½ bathrooms. The neighborhood is architecturally diverse and the proposed residence is compatible with the surrounding residences.

6. Mr. Lehman attached a copy of a handout related to the requirements of submitting plans for a tree permit. Since the project does not include a tree permit, the requirements listed in the handout is not necessary. The project includes constructing a new single-family residence. The site plan submitted on August 9, 2016 includes labeled property lines with dimensions, distances from property lines to proposed improvements, and location, species, and driplines of all trees near the proposed development. Staff finds that the site plan satisfies the requirements for a development plan application.

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 tall, 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 required in the R-6 zoning district and will be 26 feet 9 inches tall remaining well under that 35-foot maximum height.

IX. CONCLUSION

The proposed single-family residence is consistent and compatible with the development that is permitted within the R-6 Zoning District and the land use permitted within the SH General Plan Land Use designation. Therefore, staff is recommending approval of the project as proposed subject to the attached conditions of approval.

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