

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Variance Permit Application No. V-19-02 of **Peter and Domtilla Tupou** to grant a 4 foot side yard setback and memorialize a 7 foot front yard setback for a Primary Dwelling located at 131 Starr Avenue, adjacent to the City of Vallejo, with the Residential Traditional Community “R-TC-D4” Zoning District; APN 0059-127-030. The proposal also includes consideration of Waiver request No. WA-19-04 to waive the two car enclosed garage requirement for the residence.

WHEREAS, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on January 16, 2020, and;

WHEREAS, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

1. **Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.**

The subject property is 3,484 square feet in size within an area zoned for 4,000 sq. ft. residential parcels. The parcel is considered legal, nonconforming and slightly undersized when measured against the minimum lot size requirement within the Residential Traditional Community “R-TC-D4” Zoning District.

The existing residence was constructed prior to the establishment of zoning and setback requirements in this area of unincorporated Vallejo. The historically developed footprint of the property restricts further expansion of the single family residence, while trying to maintain existing driveway and parking onsite, and avoiding further setback encroachment. A majority of the proposed square footage is a second story addition to the existing residence. Front and rear yard setbacks would remain unchanged from their current dimensions and the northern side lot line would be reduced from 5’7” down to 4 ft. The historic setback of 7 feet from the front lot line would remain unchanged.

Most parcels located within this area of Vallejo have dwellings that were built prior to the establishment of setbacks, minimum sizes for primary dwellings and two car enclosed garage requirements. The strict application of the zoning ordinance concerning setbacks dimensions between the Primary Dwelling and property lines would deprive the subject site of privileges enjoyed by other properties in the vicinity.

2. **Variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which subject property is situated.**

Approval of the variance would not constitute a grant of special privilege. Based on review of aerial imagery, a majority of the parcels within the vicinity of the subject have constructed a primary residence and a variety of residential accessory structures. A majority of the parcels have dwellings and residential accessory structures that do not meet the current setback

requirements. Approval of this variance will provide parity to this parcel, allowing the property owner to retrofit the unsound foundation, remodel, and expand the Primary Dwelling.

3. **The project qualifies for an exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15305, Minor Alterations In Land Use Limitations.**

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to set back variances not resulting in the creation of any new parcel. The subject property is relatively flat exhibiting slopes of less than six percent. The lot is developed with a dwelling and accessory structures. The project is consistent with this Class of exemption.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby approve Variance Permit Application No. V-19-02 subject to the following recommended conditions of approval:

1. The proposed use shall be established in accord with the application materials and site plan filed August 26, 2019 for Variance Application No. V-19-02, and as approved by the Solano County Planning Commission and as conditioned herein.

Building & Safety Division

2. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per the 2016 California Building Code, or the most current edition of the code enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
3. If the exterior walls (of the Primary Dwelling) are located less than 5 feet from the property line, either the house shall be equipped with automatic fire sprinkler system or the wall shall be constructed of 1 hour fire wall meeting UL 263 requirements.

Public Works – Engineering Services Division

4. Prior to building permit final of the Primary Dwelling, the applicant shall apply for, secure and abide by the conditions of an encroachment permit issued for any work within the public right-of-way.
5. Prior to building permit final of the Primary Dwelling, the existing asphalt must be removed from the driveway apron, curb and gutter to provide safe access for pedestrians and must not block the flow of stormwater with the gutter. Depending on the condition of the driveway apron upon removal of the asphalt concrete, the driveway apron may require replacement to current standards at the discretion of the Director of Resource Management.
6. Prior to the issuance of the building permit for the Primary Dwelling, a record of survey shall be filed in the Solano County Recorder's Office showing the right of way of Starr Avenue together with the dimensions of the proposed structure.

7. Prior to the issuance of the building permit for the Primary Dwelling, a record of survey shall be filed in the Solano County Recorder's Office showing the northerly line of APN 0059-127-030 together with dimensions to the proposed structure.

Vallejo Fire Department

8. All buildings, facilities, and improvements shall be accessible to fire department apparatus by way of approved access roadways.
9. Prior to Final Inspection, in accordance with the 2016 CFC, approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 4" high (6" for Commercial) with a 1/2" stroke. The size of the building and distance or location of the address numbers from the roadway may necessitate larger numbers.
10. An NFPA 13D automatic fire sprinkler system is required for all new residential structures, please submit 2 sets of plans and calculations to the Fire Marshal's Office and obtain permit prior to installation.
11. All roof material shall be rated class "C" or better.
12. Provide smoke detectors in all sleeping rooms and common hallways. Detectors shall be hardwired, interconnected with battery backup. Electrical circuits supplying detectors shall be separate dedicated lines with no other devices on the circuits.
13. Provide carbon monoxide detectors outside each sleeping area in the immediate vicinity of the bedrooms.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on January 16, 2020 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary