



## Agenda Submittal

**Agenda #:** 1 **Status:** PC-Regular  
**Type:** PC-Document **Department:** Planning Commission  
**File #:** PC 20-002 **Contact:** Eric Wilberg 707-846-6765  
**Agenda date:** 1/16/2020 **Final action:**  
**Title:** PUBLIC HEARING to consider Variance 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. (Project Planner: Eric Wilberg)  
**Governing body:** Planning Commission

**District:**

**Attachments:** 1. A - Draft PC Resolution V-19-02.pdf, 2. B Assessor's Parcel Map, 3. C Development Plans

Date	Ver.	Action By	Action	Result
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Published Notice Required? Yes ☒ No ☐  
Public Hearing Required? Yes ☒ No ☐

### **RECOMMENDATION:**

The Planning Commission ADOPT the attached resolution with respect to the mandatory and suggested findings and APPROVE Variance No. V-19-02 and Waiver No. WA-19-04 subject to the recommended conditions of approval.

### **EXECUTIVE SUMMARY:**

A Variance allows the Planning Commission to consider the special circumstances applicable to a subject property, including size, shape, topography, location or surroundings when applying the strict application of development standards in the Zoning Ordinance.

The applicant is requesting a Variance for reduced side yard and front yard setbacks for a Primary Dwelling. The property is developed with a 933 square foot residence, originally constructed in 1910, and has since been substantially altered and expanded. The project proposes an expansion and remodel of the residence which consists of replacing the existing unsound foundation and providing energy efficiency and seismic upgrades to the entire structure. The proposal involves constructing an 839 square foot second story addition. The applicant is also requesting a Waiver of the two car enclosed garage requirement.

Due to the age of the existing structure, the residence is considered legal, nonconforming with respect to current zoning regulations pertaining to the minimum development standards for primary residences. These development standards include minimum setback requirements as well as the need for a two car enclosed garage. The proposed remodel and expansion are prompting the need to come into compliance with current development standards.

### **ENVIRONMENTAL ANALYSIS:**

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 6 percent. The project would allow for the reduction of the front and side yard setback requirements and not result in the creation of any new parcel. The project is consistent with this Class of exemption.

### **BACKGROUND:**

- A. Prior approvals:** N/A
- B. Property Owner:**  
Peter & Domtilla Tupou  
131 Starr Avenue  
Vallejo, CA 94590
- C. General Plan Land Use Designation/Zoning:**  
General Plan: Traditional Community - Residential  
Zoning: Residential Traditional Community 'RTC-D4'
- D. Existing Use:** Residential
- E. Adjacent Zoning and Land Use:**  
North: Residential Traditional Community "RTC-D4"  
South: Residential Traditional Community "RTC-D4"  
East: Residential Traditional Community "RTC-D4"  
West: Residential Traditional Community "RTC-D4"

### **ANALYSIS:**

#### **A. Environmental Setting:**

The subject site is located at 131 Starr Avenue, within the Starr Subdivision, an unincorporated island surrounded by the City of Vallejo. The lot is 3,484 square feet (45' x 80') which is slightly undersized for the applicable 4,000 sq. ft. minimum parcel size specified for the R-TC-D4 zoning district.

The site is developed with a 933 sq. ft. residence and two residential accessory structures located near the rear of the lot. The accessory structures are proposed to be removed as part of this project. The property is served domestic water by the City of Vallejo and sewer service by Vallejo Sanitation and Flood Control. Surrounding properties exhibit characteristics similar to that of the subject site. Lots are generally 4,000 square feet in size and developed with single family residences.

#### **B. Project Description:**

The project involves an expansion and remodel of the existing residence which consists of replacing the unsound foundation and providing energy efficiency and seismic upgrades to the entire structure. The proposal involves constructing a 839 square foot second story addition. The new construction will

preserve the existing 7 foot front yard setback. The existing 5'7" side yard would be reduced to 4 feet from the northern lot line. This placement also preserves driveway and parking area between the structure and the southern, side lot line. The second story addition would meet the 20 foot front yard setback.

### **C. General Plan & Zoning Consistency**

The subject site is designated Traditional Community - Residential by the Solano County General Plan. As indicated on the General Plan Land Use Consistency Table (General Plan Table LU-7) the Residential Traditional Community "R-TC-D4" Zoning District is consistent with this designation. The proposed single family dwelling is allowed by right and consistent with the R-TC-D4 district.

### **D. Variance**

A Variance allows the Planning Commission to consider the special circumstances applicable to a subject property, including size, shape, topography, location or surroundings when applying the strict application of development standards in the Zoning Ordinance. Section 28.107 of the County Zoning Regulations states: *the Planning Commission shall have the power to grant variances from the terms of this Chapter; except that, in no case shall a variance be granted to allow a use of land or buildings not permitted in the district in which the subject property is located.* Variances from the terms of Chapter 28 may only be granted when the Planning Commission can make the findings for two specific conditions. These conditions are detailed in the Findings.

### **E. Waiver**

Pursuant to Section 28.108(A) of the Zoning Regulations, the applicant is requesting approval of a Neighborhood Compatibility Waiver to waive the requirement of a two car enclosed garage for the Primary Dwelling. The applicant intends to remodel and construct an addition to the single family dwelling which triggers the two car enclosed garage requirement as specified in the current minimum development standards for dwelling units (Zoning Regulations Section 28.72.10(B)(1)(b)).

As part of this application twenty homes within the vicinity of the subject site were surveyed to analyze existing parking conditions within the neighborhood. Of the homes surveyed, one was developed with a two car enclosed garage; nine have a one car garage; and ten have no garage. The absence of a two car enclosed garage at the subject site would be consistent with a majority of the neighborhood.

### **ATTACHMENTS:**

- A - Draft Resolution
- B - Assessor's Parcel Map
- C - Development