

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

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	_____

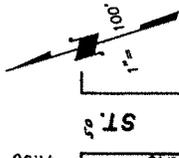
NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary

Tax Area Code
92006
92012

POR. N. 1/2 SEC. 19, T. 3N., R. 3W., M.D.B. & M. (10)

59-12



R.M. 5-29 TR. M. 3-16
R.M. 5-29 TR. M. 3-16
R.M. 5-29 TR. M. 3-16

(STATE HWY.)
92006
92012

ST. STARR
R.M. 5-29 TR. M. 3-16

SPERRY
R.M. 5-29 TR. M. 3-16

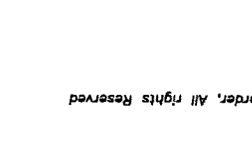
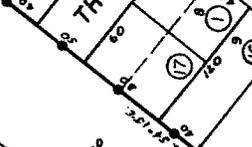
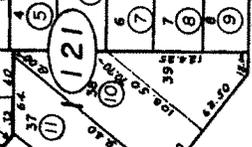
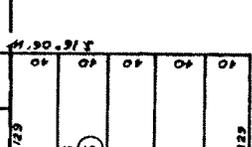
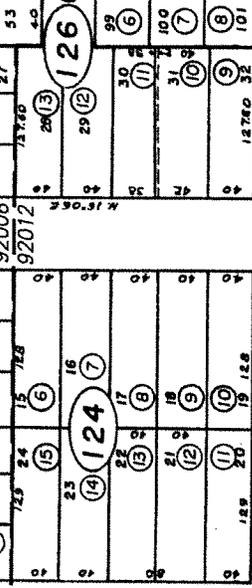
EVANS
R.M. 5-29 TR. M. 3-16

THOMAS
R.M. 5-29 TR. M. 3-16

PHILIP
R.M. 5-29 TR. M. 3-16

BEACH
R.M. 5-29 TR. M. 3-16

CHASE ST.
R.M. 5-29 TR. M. 3-16



NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

MAP MAINT.	12-30-07	DV
BEACH ST.	12-11-85	SB
CITY LIMIT CORR.	11-13-72	WR
123-19 & 20	7-23-70	WR
REVISION	DATE	BY

Cypress Knoll R.M. Bk. 3 Pg. 16
Starr Subdivision R.M. Bk. 5 Pg. 29

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

(16)

(15)

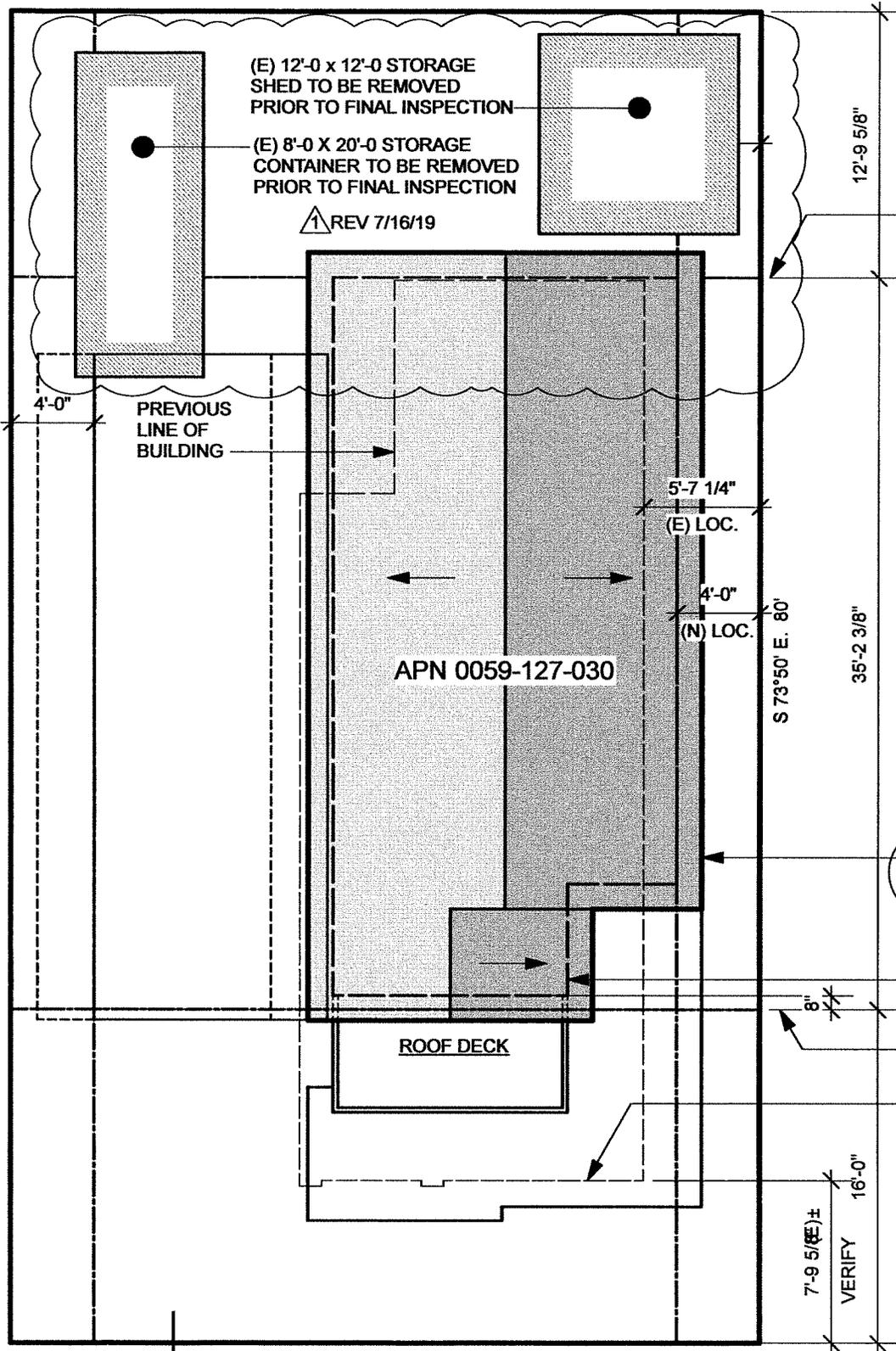
CITY OF BENICIA (16)

Assessor's Map Bk. 59 Pg. 12

County of Solano, Calif.

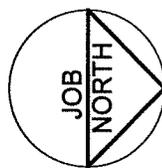
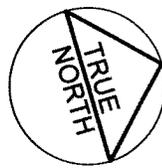
08-09

S 16°08' W



12'-9 5/8"

20% LOT DEPTH SETBACK LINE



LINE OF 1'-6" ROOF OVERHANG
△ REV 7/16/19

LINE OF (N) UPPER FLOOR ADDITION

20' FRONT SETBACK LINE

LINE OF EXISTING NON-CONFORMING ONE STORY STRUCTURE TO REMAIN

S 73°50' E. 80'

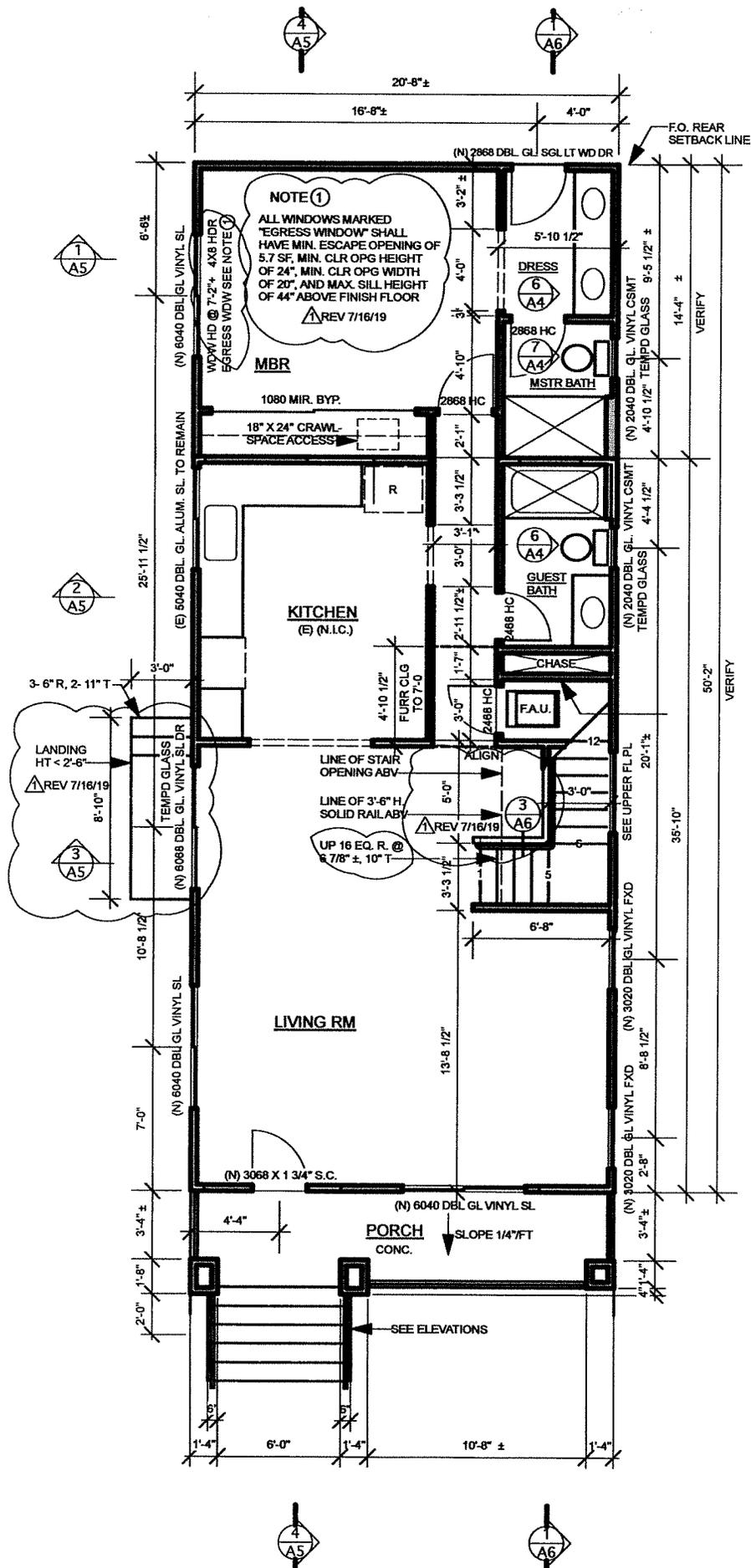
S 73°50' E. 80'

35'-2 3/8"

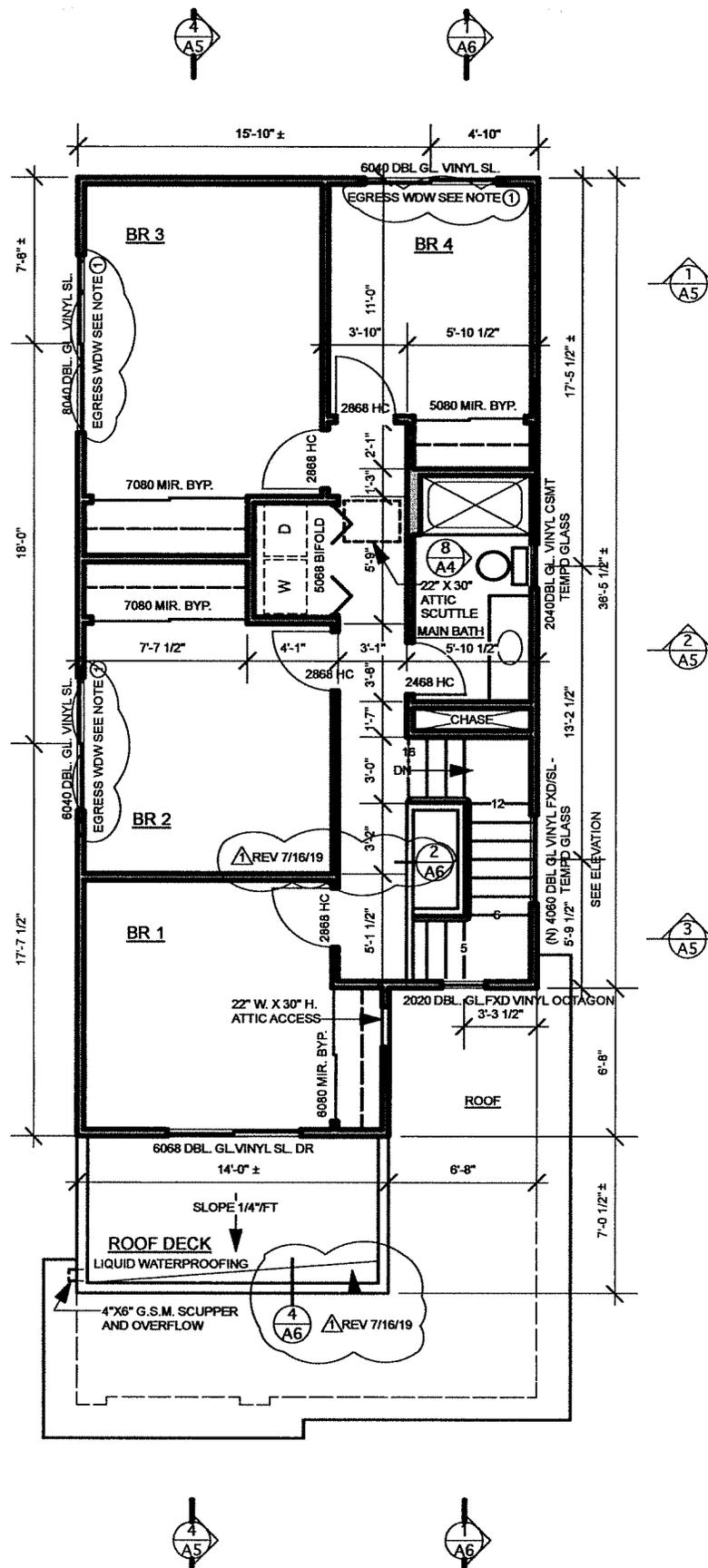
S 16°08' W

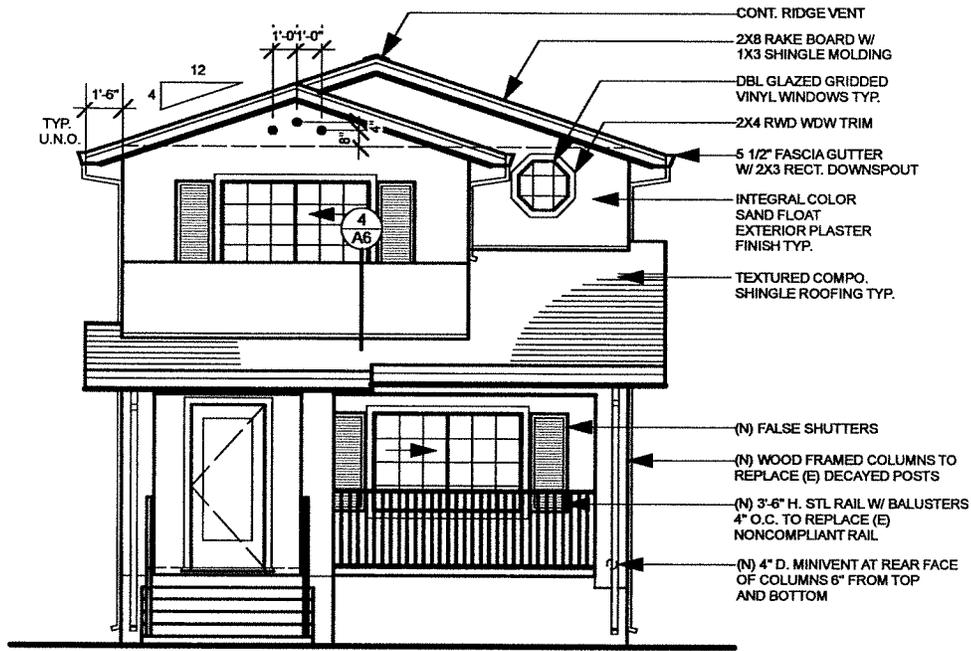
STARR AVENUE

131

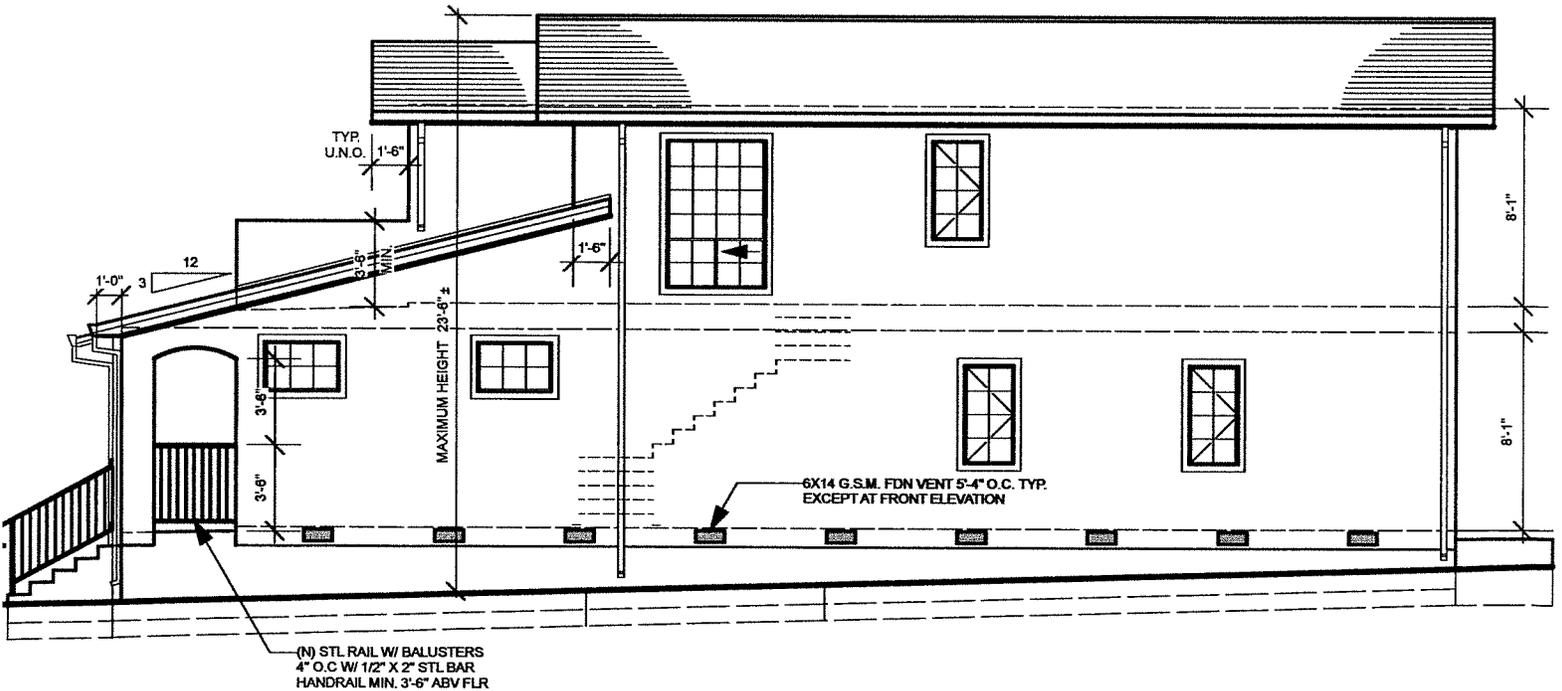


1 LOWER FLOOR PLAN
 A2 1/8" = 1'

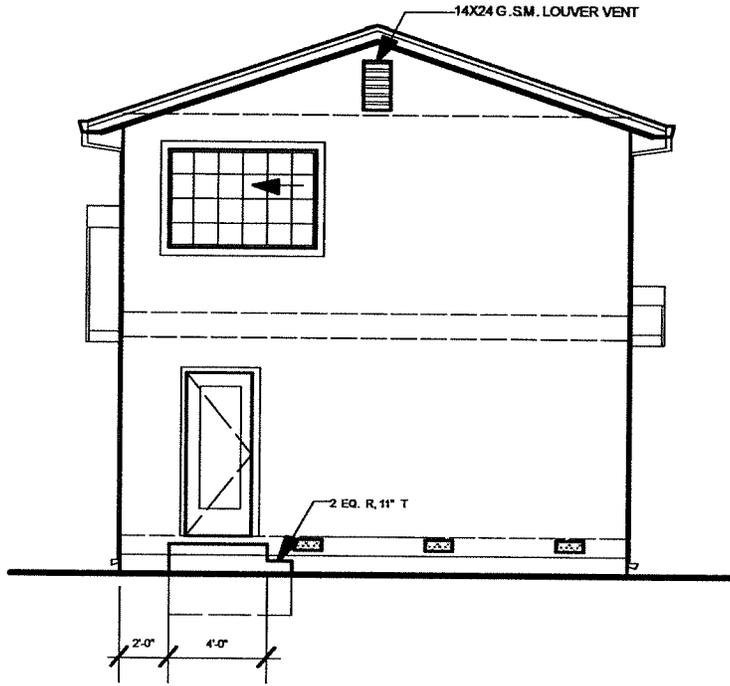




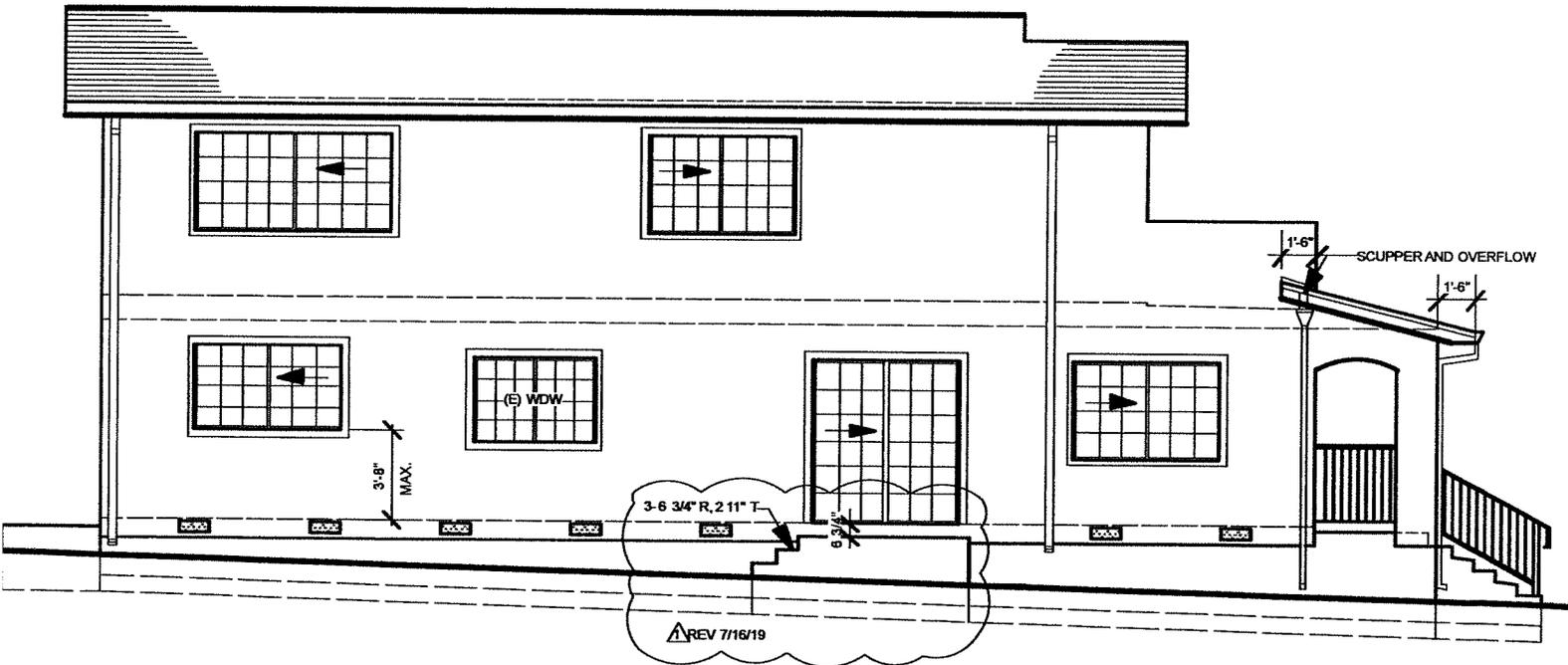
1 FRONT ELEVATION
A4 1/4" = 1'



2 RIGHT ELEVATION
A4 1/8" = 1'



1 REAR ELEVATION
A5 1/4" = 1'



2 LEFT ELEVATION
A5 1/8" = 1'

The applicant and the County have mutually agreed to defer action on this application until necessary steps have been completed to bring the application forward to act (see attached agreement). As such, staff is recommending that this agenda item be continued.

ATTACHMENTS:

A - Mutual Agreement

BILL EMLÉN

Director

TERRY SCHMIDTBAUER

Assistant Director

MIKE YANKOVICH

Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO
COUNTY

675 Texas Street, Suite 5500

Fairfield, CA 94533-6342

(707) 784-6765

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Planning Services Division

Re: Use Permit Application U-19-01 (AT&T Mobility)

Dear Mr. Swarner:

We write to you with respect to the above-referenced application for a proposed wireless facility, filed January 7, 2019 (the "Application"). Federal law obligates Solano County to take final action on the Application within specified time periods, unless the time period is extended by mutual consent. The County believes this time period will expire before the County will be able to take a final action on the Application. When countersigned, this letter will confirm an agreement between AT&T Mobility and the County to extend the applicable time period for final County action on the Application under the federal Telecommunications Act to April 6, 2020.

The federal Telecommunications Act requires that local governments act on wireless siting applications "within a reasonable period of time." See 47 USC § 332(c)(7)(B)(ii). Under rules adopted by the FCC in 2018, there is a legal presumption that a local government has violated this "reasonable period of time" requirement if it takes longer than 90 days to act on an application to collocate a wireless facility other than a Small Wireless Facility using an existing structure, or 150 days to act on an application to deploy a wireless facility other than a Small Wireless Facility using a new structure. See 47 CFR § 1.6003. This presumptively reasonable period of time for review of an application may be extended by written agreement between the applicant and the siting authority. 47 CFR § 1.6003(d).

In order to allow the County to act on the Application in an orderly manner, without either party risking the loss of important rights, the parties agree that the time period within which the County may take final action on the Application shall be extended through April 6, 2020, and that no limitations period for any claim of unreasonable delay in processing the Application shall commence to run before said date.

If you agree, this letter agreement may be executed in counterparts, and scanned or facsimile signatures shall be deemed equivalent to original signatures. I will appreciate your returning a countersigned copy to me.

Sincerely,

Handwritten signature of Matt Walsh in black ink.

Matt Walsh, Principal Planner

ACCEPTED AND AGREED TO:

AT&T Mobility

By:

Handwritten signature of Tom Swarner in black ink.

Printed name: Tom SWARNER

Date: 1/8/20

Title: SITE DEVELOPMENT MGR.

DEPARTMENT OF RESOURCE MANAGEMENT

BILL EMLÉN

Director

TERRY SCHMIDTBAUER

Assistant Director



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Planning Services Division

MEMORANDUM:

TO: Planning Commissioners

FROM: Nedzlene Ferrario, Senior Planner

DATE: January 2, 2020

SUBJECT: Recology Hay Road Landfill Expansion – Public Draft Subsequent Environmental Impact Report (SEIR) – Application No.: U-11-09 Amendment No. 2

January 16, 2020 Planning Commission Agenda

The Public Draft SEIR was released for Public Review and Comment on December 10, 2019 for a 45-day public comment period. The purpose of the meeting is to receive public comment on the Draft SEIR. Property owners within half (1/2) mile of the subject site and the general public are invited to comment. The deadline to submit public comment is January 23, 2020.

Upon receipt of public comments, responses will be prepared and a Final SEIR will be circulated, followed by a public hearing to consider use permit approval. The use permit will be scheduled and noticed for a future Planning Commission meeting date.