



SOLANO COUNTY ZONING ADMINISTRATOR

Department of Resource Management

Planning Services Division

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Birgitta Corsello, Director

Clifford Covey, Asst Director

Application: WA-09-02

Applicant : Hermogenes Pastor

Project Planner: Eric Wilberg, Planning Technician

Meeting of June 25th, 2009

Agenda Item No. 2

Location: 131 Cypress Ave. Vallejo, CA

Assessor Parcel Number: 0059-152-060

General Plan: Traditional Community - Residential

Zoning: Duplex Residence RD

Description: Maintain existing 4'6" side yard setback for primary residence, waive 5' side yard requirement.

Environmental Determination:

Pursuant to Section 15303(a) Class 3, (New Construction or conversion of Small Structures), the proposed project will not have a significant on the environment, and it is exempt from the requirements of CEQA.

Notification of Intent (NOI):

Pursuant to Section 28-14(f) of the Solano County Code, a notification of intent to grant waiver application **WA-09-02** was sent to owners, as shown on the latest equalized assessment roll, of real property contiguous to that of **APN 0059-152-060**, ten (10) days in advance of this hearing.

Waiver of Zoning Regulation Section(s)

- Side and/or rear yard requirements for an accessory building. [28-50(b)(3)(c)]
- Minimum gross floor area requirements for a dwelling unit. [28-58(a)(1)(a)]
- Exterior siding requirements for a dwelling unit. [28-58(b)]
- Roof eave or gable overhang requirements for a dwelling unit. [28-58(c)]
- Roofing material and/or roof pitch requirements for a dwelling unit. [28-58(d)]
- Finished first floor height requirements for a dwelling unit. [28-58(e)]
- Two-car enclosed garage requirements for a dwelling unit. [28-58(f)]
- Yard requirements for parcel(s) with existing legal non-conforming dwelling(s). [28-50(e)]
- Fencing requirements for automobile, mobilehome, recreational vehicle or boat storage lots. [28-58(h)(1)]
- Setback requirements for wind turbine generators. [28-50(b)(4)(b)]

Conditions of Approval

Building and Safety Division

1. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
2. The reduction in the required side yard setback below 5'-0" will require the plans to be revised to reflect the wall line as fire rated to at least one-hour construction. The plans shall reflect a detail of an approved one-hour fire rated assembly for a wall construction type of V-B less than 5'-0" to property line. The detail shall be provided by a licensed Architect.

Findings:

Mandatory Findings

1. That the establishment, maintenance or operation of the use applied for is in conformity to the General Plan of the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator.

The proposed use is consistent with the goals, objectives, and policies of the Solano County General Plan, including, but not limited to the Land Use chapter.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Adequate utilities, access and drainage are being provided to the site.

3. That the applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare or the County; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

The applicant has demonstrated evidence to support making this mandatory finding. The project presents no significant environmental impacts and qualifies for a Categorical Exemption under the requirement of the California Environmental Quality Act.

Suggested Findings

4. The use will not have a significant negative effect on neighboring properties or pose a threat to health or safety.
5. The use will conform to the requirements of the Solano County Zoning Ordinance.
6. The use is compatible with surrounding land uses.
7. The proposed project will not have a significant effect on the environment, and it is exempt from the requirements of CEQA.

Recommendation

Staff recommends that the Zoning Administrator **APPROVE** the waiver application based on the project's consistency with the mandatory and suggested findings.