

**RESOLUTION NO. PC 10-02**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ,  
GRANTING AN APPEAL OF ZONING ADMINISTRATOR DENIAL AND  
APPROVING USE PERMIT #10-01 AND VARIANCE #10-01 REQUESTS TO ALLOW  
RECONSTRUCTION AND RENOVATION OF A VACANT SINGLE-FAMILY  
RESIDENCE AND GARAGE, WITH EXCEPTIONS TO THE NORMALLY PERMITTED  
HEIGHT AND SIZE OF ACCESSORY STRUCTURES, AND EXCEPTIONS TO  
PERMITTED YARD SETBACK REQUIREMENTS AND COVERAGE REQUIREMENTS  
IN THE R-3.5 ZONING DISTRICT, LOCATED AT 208 ARREBA STREET  
(APN: 372-173-001)**

**WHEREAS**, the City of Martinez received a request for Use Permit and Variance approvals to allow reconstruction and renovation of a vacant single-family residence and garage with exceptions to allow an accessory structure (replacing an existing garage) with a height of two stories/24'-3" when a maximum of one story/15 feet is normally allowed and a size of approximately 1,500 square feet where a maximum of 1,000 square feet is normally permitted; also for exceptions to the normally required 10-foot interior side yards, normally required 20-foot street-side side yard, and normally required 25-foot rear yard setback requirements to allow a second story addition to the existing residence; and to exceed maximum site area and minimum rear yard coverage requirements; and

**WHEREAS**, the proposal is consistent with General Plan policies and with the Group 2 Residential land use designation of the Central Martinez Specific Area Plan; and

**WHEREAS**, the zoning applicable to the property is R-3.5 (Family Residential: 3,500 square feet per dwelling unit) which allows for single-family residences and accessory structures; and

**WHEREAS**, the reconstruction and renovation of the single-family residence and garage is generally consistent with development standards of the R-3.5 zoning designation and the requirements for the granting of exceptions to those regulations where applicable; and

**WHEREAS**, the project is categorically exempt from the requirements of CEQA, under Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) - CEQA Guidelines; and

**WHEREAS**, the Zoning Administrator determined the project did not meet all necessary findings for granting the Use Permit and Variance and denied the request at a duly noticed and held public hearing on February 17, 2010; and

**WHEREAS**, on February 25, 2010, the applicant filed a timely appeal of the Zoning Administrator denial of the request with the City of Martinez; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 23, 2010, in regards to the said actions and has considered public testimony and all other substantial evidence in the record; and

**NOW, THEREFORE**, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. In order to grant an appeal of the Zoning Administrator's denial and approve the Use Permit application to allow exceptions to the normally permitted height and size of Accessory Structures, the Planning Commission must make the following findings, which it hereby does:
  - (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed reconstruction and renovation of the existing single-family residence and accessory structure with the proposed height and size, is contextually compatible with the project site and the surrounding eclectic residential community, as per the spirit and intent of regulations governing such structures and ancillary uses in residential zoning districts.
  - (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The relatively flat lot and location of the residence and accessory structure preclude the structures height and size from negatively impacting views, light, air, and privacy of existing residences, and will be similar in height to the existing two-story residences sprinkled throughout the surrounding neighborhood. The proposed project will be consistent with surrounding uses and thus will not be detrimental to public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
  - (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** With the exceptions sought as a part of the proposal, the proposed reconstruction and renovation of the single-family residence and accessory structure project complies with all other applicable provisions of Title 22-Zoning of the Martinez Municipal Code, including the development standards for the R-3.5 zoning district.
3. In order to grant an appeal of the Zoning Administrator's denial and approve the Variance application to allow exception to the normally permitted yard setback requirements and coverage requirements, the Planning Commission must make the following findings, which it hereby does:
  - (a) **Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty;** The enforcement of the typically permitted yard setbacks and coverage requirements would result in

practical difficulty, in that the corner lot's legally non-conforming width, depth, and size would disproportionably limit the possible size of the both the residence and accessory structure.

- (b) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified on the same zoning district;** The lot is legally non-conforming in corner width (of approximately 45' where 50' is normally required), depth (of approximately 74' where 100' is normally required), and size (of approximately 3,700 square feet where 4,000 square feet is the minimum required), constituting exceptional and extraordinary circumstances that are generally not found in other properties in the R-3.5 zoning district.
- (c) Strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties;** The strict enforcement of the yard setbacks and coverage requirements would deprive the applicant of privileges enjoyed by the owners of other properties within the same zoning district, in that the buildable area of the lot would be limited.
- (d) Granting of the variance will not constitute a grant of special privileges inconsistent with the limitations of other properties;** Granting this variance is not a special privilege, in that the proposed exceptions to the typical yard setbacks and coverage limits are needed to compensate for the site's reduced width, depth, and size which are limitations not typically encumbering properties within the R-3.5 zoning district. Furthermore, the granting of this variance would not preclude other property owners in a comparable situation and with similar limitations to apply for a variance that can meet all applicable standards and findings for the granting of such a variance.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to property or improvements in the vicinity;** Both the relatively flat topography of the lot and the location of the proposed structures preclude the structures from negatively impacting views and privacy of existing residences. In addition, the quality and design of the proposed structures will be either at or above that of the surrounding homes in the area. Therefore, the granting of the variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to property or improvements in the vicinity.

**NOW, BE IT FURTHER RESOLVED** that the Planning Commission approves Use Permit #10-01 and Variance #10-01 subject to conditions of approval, incorporated herein by this reference.

\* \* \* \* \*

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 23<sup>rd</sup> day of March, 2010:

AYES: Donna Allen, Harriett Burt, Lynette Busby, Rachel Ford, Jeffrey Keller, Paul Kelly

NOES:

ABSENT: AnaMarie Avila Farias & Michael Marchiano

ABSTAINED:

BY: \_\_\_\_\_  
Lynette Busby  
Planning Commission Chair

\_\_\_\_\_  
Anjana Mepani  
Associate Planner