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## REGULAR MEETING OF THE CITY OF CONCORD ZONING ADMINISTRATOR

9:00 a.m., Wednesday, August 27, 2014  
CITY COUNCIL CHAMBERS  
1950 Parkside Drive, Concord

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### AGENDA

#### **PUBLIC COMMENT PERIOD**

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

#### **HEARINGS:**

1. [Minor Subdivision @ 3041 Cowell Road \(PL140038 – PM, DR\)](#) – Application for a three-lot Minor Subdivision, Design Review, and Minor Exception for a 0.44-acre site at 3041 Cowell Road. The General Plan designation is Low Density Residential; Zoning classification is RS6 (Single Family Residential, 6,000 sq. ft. minimum lot size); APN 105-186-005. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15315 “Minor Land Divisions,” the project is classified as a Class 15 Categorical Exemption, and therefore, no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128.**

#### **ADJOURNMENT**

**Next Zoning Administrator’s Meeting:** September 10, 2014

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In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3257, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

#### **APPEALS**

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

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**REPORT TO ZONING ADMINISTRATOR**

DATE: August 27, 2014

**SUBJECT:** Cowell Estates Minor Subdivision (PL14038-PM, RT, DR, AP)

**Recommendation:** Adopt Zoning Order No. 14-06ZA approving the Cowell Estates Minor Subdivision (PL14038-PM, RT, DR, AP)

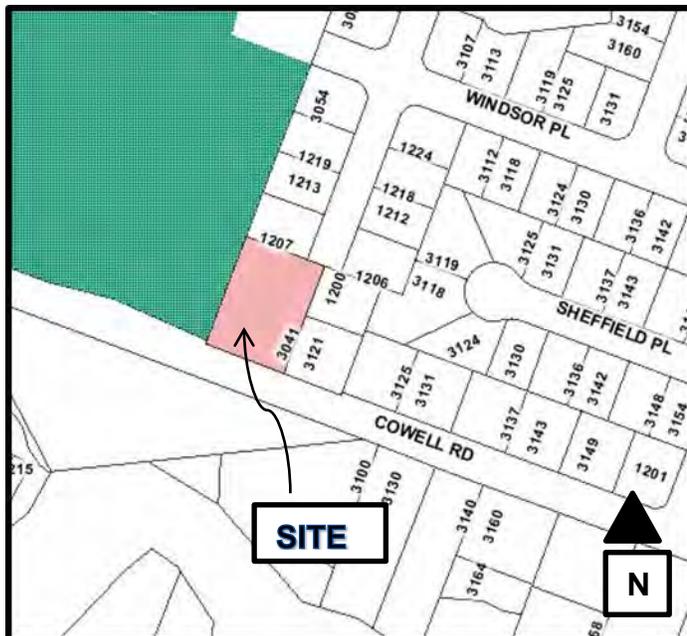
**I. Introduction**

**A. Application Request**

Application for a three-lot Minor Subdivision, Tree Removal, Design and Site Development Review, and Minor Exception for a 0.44-acre site at 3041 Cowell Road.

**B. Location**

3041 Cowell Road; APN 105-186-005



**C. Applicant/Owner**

M & R REO Inc.  
Attn: Damon Rees  
5976 West Las Positas, #222  
Pleasanton CA 94588

## **II. Background**

On February 3, 2014, Damon Reese filed an application on behalf of M & R REO, Inc., (“Applicant”) to subdivide a 0.44-acre site for single-family homes. The application included a Tentative Parcel Map for three lots and a Minor Exception to allow a reduction in the minimum lot area and width required by zoning.

The Development Advisory Committee (DAC) reviewed the application on February 18<sup>th</sup> and commented on information needed to complete the application. The Applicant was also advised of key project requirements, including a right-of-way dedication and construction of frontage improvements along Cowell Road, and the need to process a Design and Site Development Permit concurrent with the Tentative Parcel Map.

The Design Review Board considered the project on May 22<sup>nd</sup>. The Board recommended design revisions to strengthen the project’s contemporary style architecture or the desired look. The Board also recommended varying the exterior details, materials, and colors between the two homes facing Cowell Road to create variety and visual interest. The Board reviewed design revisions at three subsequent meetings and recommended design approval on August 14<sup>th</sup>.

A neighborhood meeting was held for the project on May 28<sup>th</sup>. Five neighbors attended and inquired about the project’s use of Fifth Avenue, construction impacts, and the orientation of proposed homes relative to their properties. No issues were raised that required significant project revisions.

The application was deemed complete on July 11<sup>th</sup>.

## **III. General Information**

### **A. General Plan**

The General Plan designation is Low Density Residential.

### **B. Zoning**

The project is zoned RS-6 (Single-family Residential; minimum 6,000 square foot lot area).

### **C. CEQA Status**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15315 “Minor Land Divisions,” the project is classified as a Class 15 Categorical Exemption, and therefore, no further environmental review is required.

### **D. Site Description**

The project site is a 0.44-acre property with primary access and frontage along Cowell Road. The property is developed with two homes and a detached garage. The larger home and

detached garage are located on the southern portion of the site and accessed from Cowell Road. The second home is located at the northern portion of the site and accessed from Fifth Avenue, which dead-ends at the northeast corner of the property. Both homes are vacant and all structures are to be demolished. A tree inventory prepared for the project identified 15 trees on-site and on abutting properties. Twelve trees qualify for Protected Tree status including Valley and Coast live oaks, Olive, and Japanese privet.

**E. Surrounding Land Use**

**Table 1: Surrounding Land Uses**

	<b>Land Use</b>	<b>General Plan Designation</b>	<b>Zoning</b>
<b>North</b>	Single-family residential	Low Density Residential	RS-6
<b>South</b>	Cowell Road/Open space	Open Space	OS
<b>East</b>	Single-family Residential	Low Density Residential	RS-6
<b>West</b>	School	Public/Quasi-Public	PQP

**IV. Detailed Project Description**

**A. Project Overview**

The project proposes to subdivide a 0.44-acre site into three parcels and develop detached single-family homes. The permits required for this project are summarized below.

- 1) Tentative Parcel Map to subdivide the site into three parcels as follows:

**Table 2: Proposed Parcels**

Parcel	Gross Lot Area	Net Lot Area	Lot Width	Lot Depth
1	6,002 sq. ft.	5,402 sq. ft. <sup>1</sup>	60'	89'-92'
2	6,733 sq. ft.	6,133 sq. ft. <sup>1</sup>	60'	89'-119'
3	6,269 sq. ft.	5,669 sq. ft. <sup>2</sup>	56'-60'	85'-119'

<sup>1</sup>Lot area reduced by right-of-way dedication for Cowell Road

<sup>2</sup>Lot area reduced by access easement

- 2) Tree Removal to remove the following Protected Trees:

**Table 3: Protected Tree Removal**

Tree No.	Species	Size (DBH) <sup>1</sup>
469	Coast live oak	30"
470	Valley oak	15.5"
471	Olive	26.5"
475	Valley oak	16"
476	Valley oak	13"
477	Valley oak	25"
483	Black acacia	28"

<sup>1</sup>Diameter Breast Hight (DBH) provided as total diameter of single or multi-trunk tree.

- 3) Minor Exceptions to allow net lot areas of 5,402 and 5,669 square feet for Parcels 1 and 3, respectively, and a lot width of 60 feet for Parcel 3.
- 4) Design and Site Development Permit for building architecture, landscaping, and site design for three single-family homes.

**B. Development Regulations**

**Table 4: Comparison of Project to Development Standards**

Standards	Required	Provided
Lot Area (minimum)	6,000 sq. ft.	5,402-6,133 sq. ft. <sup>1</sup>
Density (net)	2.5-10 du/ac	7.7 du/ac
Lot Coverage	35%	26%-30%
Lot Width (minimum)	60'	56'-60' <sup>2</sup>
Lot Depth (minimum)	85'	89'-119'
Setbacks (minimum)		
Front yard	20'	20'
Side yard	5' and 10'	5.5'-10.5'
Rear yard	15'	18'
Building Height (max.)	30'	29'
Parking Spaces	2 covered spaces	2 covered spaces

<sup>1</sup>Minor Exception requested for 10% reduction in lot area requirement to allow a lot area of 5,400 sq. ft.

<sup>2</sup>Minor Exception requested for 10% reduction in lot width requirement for a minimum lot width of 54 feet.

**C. Site Planning/Circulation/Parking**

Parcels 1 and 2 front onto Cowell Road and Parcel 3 is located at the rear of the property and will be accessed from Fifth Avenue. An easement is proposed through Parcel 3 allowing Parcel 2 access to Fifth Avenue. Each home will have a two-car garage with driveway aprons that provide two additional uncovered off-street parking spaces. The driveway for Parcels 1 and 2 include a small “turn-out” for cars to maneuver in and out of the garages before entering Cowell Road. The project will construct sidewalk, curb, and gutter improvements along Cowell Road. The curb will be painted red to prohibit street parking, as is presently the case along Cowell Road.

**D. Building Architecture**

Proposed homes will be two stories totaling 3,329 sq. ft. with four bedrooms, 2.5 baths, and two-car garage. Traditional architecture is proposed featuring high-pitched gable roofs with flat composition shingles, gable end vents, stucco siding, and stone veneer.

**E. Landscaping/Fencing**

Front yard landscaping is proposed for each lot. The planting plan proposes Flowering Pear, Chinese Pistache, and Crape Myrtle trees, one and five gallon shrubs including Purple Needle Grass, English Lavender, and Orchid Rockrose, and Star Jasmine groundcover. All trees (18 total) are sized as 36-inch box replacements for seven Protected Trees that will be removed. Good neighbor fencing designed to meet the City's "Residential Fence" standard will be installed along rear and side property lines.

**F. Biological Resources/Trees**

A tree inventory prepared for the project identified 15 trees located on-site and abutting properties that could be impacted by construction. The project proposes to keep a 26-inch Valley oak and multi-stemmed Olive located along the west property line, and two Japanese privets along the property line between the site and neighboring Cowell Road property to the east. All other on-site trees will be removed due to conflicts with proposed development including seven Protected Trees.

**V. Analysis****A. General Plan**

The site's General Plan designation of Low Density Residential is intended for residential development at densities of up to 10 dwelling units per net acre. Three single family homes are proposed on a 0.39-acre site, resulting in a density of 7.7 dwelling units per net acre. Therefore, the project complies with the intended use and density of the General Plan.

**B. Zoning/Development Regulations**

As indicated in Table 4, the proposed lots and homes substantially conform to RS-6 zoning and general residential development standards. A Minor Exception is requested to allow slight deviations in the minimum lot area and lot width required for RS-6 lots, as discussed further in this report.

**C. Tentative Parcel Map**

Pursuant to Municipal Code Section 17.20.050(c), the Zoning Administrator may approve a tentative parcel map after finding that the "*map, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the Municipal Code.*"

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As explained in this report, the project is consistent with the General Plan, Development Code, and other applicable provisions of the Municipal Code. Additionally, the project satisfies findings for a Minor Exception to allow reductions in the lot area and width requirements for the project.

#### **D. Minor Exception**

The overall size of the site (19,166 sq. ft.) is large enough to subdivide into three 6,000 square foot lots. However, the right-of-way dedication at Cowell Road and access easement for Parcel 3 reduces lot area by approximately 1,800 square feet. The deductions result in a net area of 17,366 square feet, which is slightly less than the 18,000 square feet needed to create three, 6,000 square foot lots.

Pursuant to the Development Code, Article VII, Division 6, an exception can be granted for minor deviations to certain development standards including lot area and lot width for residential lots. The project requests a Minor Exception to reduce minimum lot area and lot width requirements by 10%. A Minor Exception would allow net areas of 5,402 sq. ft. and 5,669 sq. ft. for Parcels 1 and 3, respectively, and a 56 ft. width for Parcel 3. The findings required to approve the Minor Exceptions are listed below in italics followed by staff analysis on how the project meets each finding.

##### *1. No practical alternative exists.*

The alternatives to granting the Minor Exception are to (a) eliminate a parcel and process a subdivision for two parcels that fully comply with RS-6 standards, or (b) process a rezone and planned development use permit for a small lot project.

The project cannot meet the minimum lot area because of reductions to lot size resulting from the Cowell Road dedication and access easement. The dedication also narrows Parcel 3 by as much as 10 feet, resulting in a lot width of 56 feet at its narrowest point. The elimination of a parcel is not practical because it penalizes the Applicant for the dedication and easement. Moreover, the additional home that would result from the current plan is consistent with General Plan policies promoting housing that substantially conforms to zoning and is compatible with the neighborhood.

The cost and timing of processing a rezone for the proposed project is not practical either. The Applicant would likely have to develop a denser project with much smaller lots to offset the costs of a rezone. A small lot project would not be compatible with the neighborhood, and is unnecessary because the Applicant desires a project that is more consistent with the neighborhood.

##### *2. Other provisions of the Development Code will not be compromised.*

The project complies with all other provisions of the Development Code including standards for setbacks, lot coverage, parking, and landscaping for the proposed homes.

- 3. No negative aesthetic impact will result.*

There will be no noticeable difference between the lots requiring a minor exception to properties in the neighborhood, and the new homes will be developed under the same standards that apply to the surrounding neighborhood.

- 4. The project will otherwise comply with all applicable Development Code standards and requirements.*

As noted in Table 4, the project complies with the applicable Development Code standards.

#### **E. Tree Removal**

A tree inventory prepared for the project identified 15 trees located on-site and abutting properties. Eleven trees are proposed for removal including seven Protected Trees. The trees proposed for removal conflict with proposed improvements, including the homes and right-of-way improvements required for the project. The landscape plan proposes to mitigate the loss of Protected Trees with 18 replacement trees, 36-inch box in size. The findings required to approve the Tree Removal permit are listed below in italics followed by staff analysis on how the project meets each finding.

- 1. The tree removal is consistent with the provisions of Article VI, Division 3, Tree Preservation and Protection, and will not be detrimental to the public health, safety or welfare.*

The tree removal will not be detrimental to the public health, safety, or welfare because it will comply with City requirements and procedures for the proper removal of the trees and the protection of trees to remain. The removal will be coordinated through a demolition permit reviewed by the City to ensure the proper procedures are followed. Moreover, the removal of Protected Trees along Cowell Road is necessary to construct new curb, gutter, and sidewalk improvements that will enhance public safety.

- 2. The tree removal is consistent with the appropriate criteria in Section 122-831(a) and (b).*

The project meets this finding because no feasible alternatives exist to preserve the trees, including tree relocation, due to the trees conflicting with proposed improvements.

- 3. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to replace the trees that have been removed.*

The project meets the finding because City standards will be followed for protecting remaining trees during construction. These conditions require, among other things, fencing around the drip line of trees prior to grading and construction activities, City inspection of the fencing and protection zone prior to the start of work, and if necessary,

site inspections by the project arborist to determine if additional protection measures are needed. Moreover, the project preserves three existing Protected Trees and plant 18 replacement trees, 36-inch box in size, to mitigate the loss of seven Protected Trees. Staff finds the project's tree replacement is adequate mitigation given the limited areas where tree replacements can be installed.

**F. Design and Site Development Review**

The Board recommended Design and Site Development review approval of the site plan, building architecture, and landscape plan on August 14, 2014, subject to conditions requiring minor architectural revisions to return to the Board as a staff report item. The Zoning Administrator must make the findings listed below to approve Design and Site Development Review. Staff analysis on how the project meets each finding is provided.

*1. The project is consistent with the General Plan.*

The project is consistent with the General Plan as explained in Section V-A above.

*2. The project meets the following criteria in Section 122-908.*

*(a) The building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.*

The project will orient the homes toward Cowell Road and Fifth Avenue to allow for surveillance of the street within the homes and properties.

*(b) The design is compatible with the historical or visual character of any area recognized by the City as having such character.*

The area is not recognized as a historical, architectural, or scenic area by the City.

*(c) The project design preserves major view and vistas along major streets and open spaces and trails and enhances them by providing project amenities.*

The site and surrounding area is flat and has no topographically significant features, such as valleys, hillsides, and ridgelines that provide scenic views or vistas. The site is not near any open space or trail.

*(d) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare.*

Exterior lighting will be residential in type and character to minimize glare, and existing street lighting provides adequate light for safety and security.

*(e) All mechanical, electrical, and utility equipment is located, screened, or incorporated*

*into the design of the buildings so as not to be visible from off-site, and screening devices are consistent with the exterior colors and materials of the buildings.*

The project conditions require final details of mechanical, electrical, and utility equipment to be shown on building permit plans to ensure they are located behind fencing or screened so as not to be visible from off-site.

- (f) *The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment.*

The project's design includes staggered rooflines and breaks to minimize vertical massing of the two-story homes, siting of homes to minimize view and privacy impacts on adjoining properties, four-sided design, and front yard landscaping.

- (g) *The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.*

The project includes, among other things, the following design features to enhance the functionality of the proposed homes and the attractiveness and comfort of occupants, visitors, and the general community: off-street parking; landscaping that provides screening and shade; pervious driveway surfaces to reduce stormwater runoff; and frontage improvements that will enhance circulation and drainage at Cowell Road.

- (h) *The architectural details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.*

The project meets the criteria because similar building materials and colors will be used between the homes, and a unifying landscape palette will be used for the entire project.

- (i) *The project is compatible with neighboring development in the same Zoning District by avoiding large differences in building scale and character and provides a harmonious transition between the proposed project and surrounding development.*

The project meets the criteria and avoids large differences in building scale and character because it complies with RS-6 development standards for lot coverage, height, and setbacks.

- (j) *The project creates an attractive and visually interesting built environment with a variety of building styles and designs, well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context.*

The project proposes two different architectural styles that provide variety and visual interest for a subdivision of three lots. This was accomplished by reversing floor plans, and varying architectural details, materials, and colors, especially between the two homes facing Cowell Road.

- (k) *The landscaping is compatible with and enhances the architectural character of the buildings and site features, and blends with the surrounding landscape. Landscape elements complement the buildings and rooflines through color, texture, density, and form. Landscaping is in scale with on-site and off-site buildings, and plantings have been selected and located to avoid conflicts with views, lighting, infrastructure, utilities, and signage.*

The Design Review Board has reviewed the landscape plan and determined that it is compatible with the building architecture, enhances the site and its surroundings, and designed to avoid conflicts with views, lighting, infrastructure and utilities.

- (l) *Stormwater treatment areas have been integrated into the landscape design.*

The project includes pervious driveways to reduce stormwater runoff and eliminate the need for stormwater treatment areas.

- (m) *New construction does not need to match existing surrounding development or buildings; however, the design shall complement or enhance existing development.*

The project does not match surrounding homes but meets the criteria because it will improve and enhance a vacant site with updated homes and new improvements including landscaping, fencing, and frontage improvements.

3. *The project is consistent with all applicable Design Guidelines adopted by the City Council that are in effect at the time of approval.*

Concord's Community Design Guidelines were adopted by the City Council in 1987. Most of the recommendations contained in the Guidelines pertain to larger commercial or multi-family developments where the potential for differences in scale and operational compatibility between sites and uses is greater. The Guidelines also contain that following recommendations for single-family developments that the project complies with:

- Exterior building colors and materials consist of earth tone colors, stone, and other materials that are compatible with the neighborhood;
- Homes are sited and designed with a functional relationship to the site and street, and in compliance with setbacks to provide accessible and usable yard areas;

- Front yard setbacks reinforce a spacious suburban character and consistent streetscape;
  - Homes are sited to avoid or minimize second story windows overlooking private yards of adjacent residences;
  - Homes are sited parallel to the street to avoid residual pockets resulting from varying setbacks and building angles relative to the street;
  - Elevations facing exterior side yard areas will be designed with the same quality as the front elevation;
  - The project provides emergency access as required by Contra Costa Consolidated Fire Protection District;
  - Building lighting design is compatible with the architecture and will be operated at levels consistent with lighting in the area;
  - Street lighting will comply with City photometric standards to ensure lighting levels are kept to the minimum necessary for public safety;
  - Perimeter fencing will be constructed per the City's fencing standard;
  - Exterior yards are landscaped to provide a continuity of the landscape palette and concept along Cowell Road; and
  - Required off-street parking is provided for each home.
4. *The interrelationship between the orientation, location, and elevations of buildings and structures and site improvements are mutually compatible and aesthetically harmonious.*

The homes on Cowell Road provide a consistent pattern oriented towards the street and are thus aesthetically harmonious with each other and the streetscape. The home off Fifth Avenue is also consistent with the orientation of homes along that street. As discussed above, the homes will be designed with similar design elements, materials, and colors to create a unifying/harmonious context.

5. *The orientation, location, and elevation of the buildings and structures and site improvements are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.*

The project will be harmonious with the pattern of existing homes oriented towards Cowell Road and Fifth Avenue, and will use architectural styles that the Design Review Board finds to be aesthetically compatible with homes in the neighborhood.

6. *Landscaping, irrigation systems, walls and fences, or features to conceal outdoor activities, utility enclosures, and trash facilities meet current requirements or provide a significant upgrade and improvement to the site and the appearance of the neighborhood.*

New landscaping and fencing designed to meet current requirements will result in a significant improvement to existing site conditions and a visual upgrade to the neighborhood in general.

7. *Parking, pedestrian access, and traffic circulation are adequate or improved for all modes of circulation.*

The project includes a right-of-way dedication at Cowell Road to ensure consistency with the City's Circulation Element. The dedication will provide half of the ultimate right-of-way width required under the General Plan along the project's entire street frontage. Additionally, the project will construct frontage improvements along Cowell Road including curb, gutter, and sidewalk consistent with the ultimate right-of-way improvements envisioned by the General Plan.

**VI. Public Contact**

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

**VII. Summary and Recommendations**

Staff finds the project to be consistent with the General Plan, the Subdivision Ordinance, and the Development Code. The project has also been reviewed by the Design Review Board and found to be consistent with the applicable design criteria. Staff recommends the Zoning Administrator open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff further recommends the Zoning Administrator adopt Zoning Administrator Order No. 14-06ZA approving the Cowell Estates Minor Subdivision.

Prepared by: \_\_\_\_\_

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Exhibits:

- A - Zoning Administrator Order No. 14-06ZA and Draft Conditions (Attachment A)
- B - Project Plans received August 21, 2014