



## Planning Commission Staff Report

April 9, 2008  
Item 6.a.

**SUBJECT:** PCUP-205

**APPLICANT/  
PROPERTY OWNER:** Janny Rocha

**PURPOSE:** Application for a conditional use permit to relocate and replace a 5,000-gallon water tank in the rear yard of the existing residence.

**GENERAL PLAN:** Low Density (less than 2 dwelling units per gross acre)

**SPECIFIC PLAN:** North Sycamore Specific Plan

**ZONING:** PUD-A (Planned Unit Development-Agricultural) District

**LOCATION:** 481 Sycamore Road

**ATTACHMENTS:**

1. Location Map
2. Exhibit A: Written Narrative, Aerial View with Tank Location(s), Site Plan, and Photographs dated "Received November 07, 2007"
3. Exhibit B: Draft Conditions of Approval
4. Exhibit C: Staff Correspondence
5. Exhibit D: Preliminary Review Letter
6. Exhibit E: Photographs

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### BACKGROUND

This application is a result of a complaint that Code Enforcement received in June of 2007 regarding the installation of a water tank located in the rear yard of the property located at 481 Sycamore Road. Code Enforcement sent the applicant a courtesy letter on June 20, 2007 informing her that the property was zoned Planned Unit Development-Agricultural (PUD-A). The PUD did not address development standards for the applicant's property, thus, any future changes/alternations/additions to the subject site would require:

- 1) A PUD application to establish site specific development standards for the water tank and future changes/additions/accessory structures; **or**
- 2) An application for a Conditional Use Permit that specifically addressed the relocation of the water tank.

The installation of the water tank is considered an “interim use”. These types of accessory structures can be constructed/installed on a property zoned PUD only if one of the two processes is done as noted above. The letter requested that the applicant apply for one of the two options within 15-days or the water tank would have to be removed from the property. Please see Exhibit C for the correspondence from Code Enforcement to the applicant.

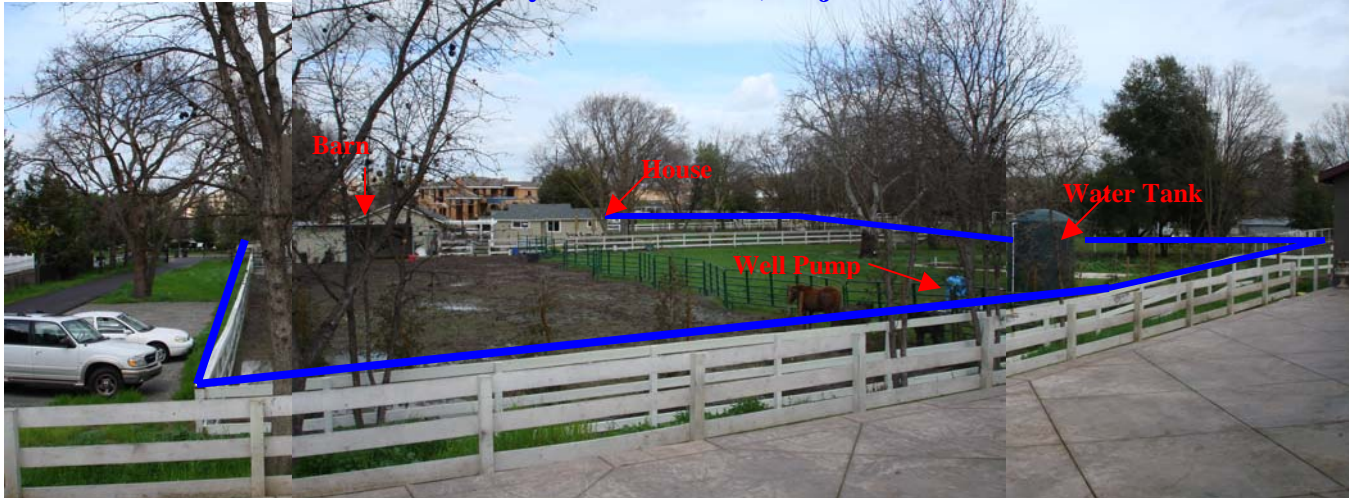
On July 9, 2007, the applicant submitted a preliminary review application to the Planning Department to receive formal comments from the City, which would assist the applicant in determining what would be best for the water tank; a Conditional Use Permit or a Planned Unit Development application. Upon reviewing the preliminary application, the applicant’s narrative stated that there was an existing 5,000-gallon wood water tank on the subject site and that the new poly tank was the same size and dimensions as the old one with the only change being the type of tank and location. The applicant provided pictures of the old wood tank and the new poly tank and an aerial view showing the location of the old tank in relationship to the location of the new tank and the well pump. The pictures are provided in Exhibit A. Staff’s preliminary review outlined the two processes for the applicant to consider. A CUP would address the placement of the water tank, a PUD would address the tank and any other future development the applicant may consider. Please see Exhibit D for staff’s preliminary review letter.

On November 7, 2007 the applicant submitted an application for a conditional use permit to relocate and replace a 5,000-gallon wood tank with a new 5,000-gallon poly tank in the rear yard of the existing residence. Since the applicant opted to apply for a conditional use permit, it is before the Planning Commission for review and consideration. Staff notes that the conditional use permit will not require City Council review and/or action unless appealed.

## **SITE DESCRIPTION**

The subject site is approximately 1.33 acres (57,738 square feet) in size, relatively flat and located on the south side of Sycamore Road, just off of Sycamore Creek Way. With the exception of the rear adjoining lot, all of the surrounding lots are zoned PUD-Agricultural; per the North Sycamore Specific Plan. The site currently has an approximately 900 square-foot single-story house and an existing detached barn as shown in the landscape picture below. The lot once had three additional accessory structures on site that have since been removed (Exhibit E). The applicant plans on continuing improve their home with additional site improvements.

## 481 Sycamore Road (Subject Site)



### PROJECT DESCRIPTION

The applicant is requesting conditional use permit approval for the relocation and replacement of a 5,000-gallon wood water tank with a new 5,000-gallon poly tank of the same shape and dimensions as the previous wood one. The water supply for the property is from an existing well located approximately 30-feet from the rear property line and approximately 70-feet from the side property line. Please see the site plan in Exhibit A for the location of the well. The old wooden water tank was located approximately 35-feet from the wellhead, as shown in the “Partial Aerial View” picture reference later in this report below, and was in need of replacement. The applicant moved and replaced the water tank per the suggestion of a well specialist that installed the new well. Please see the applicant’s written narrative for further detail (Exhibit A). The applicant essentially relocated the new water tank closer to the well for pump efficiency purposes; having the well pump over a long distance creates a stress on the pump over time, thus, relocated the tank closer to the well seemed like the most practical approach when replacing the wood tank. The applicant did not realize this was a Planning entitlement issue since she was replacing an existing tank only changing the location by approximately 35-feet.

### Purpose of Relocating and Replacing Tank

1. The applicant describes that the old wooden storage tank leaked substantially, thus impacting the efficiency of the existing pump.
2. The old well would not have been able to keep up the demand without the replacement of a more efficient water tank for irrigation and domestic use.

3. With the exception of the type, color, and location, everything else is the same (gallon size, dimensions, etc). Furthermore, it states that the well produces 7-gallons of water per minute (approximately 10,000-gallons per day) and it takes 10,000-gallons per day to water one acre of ground; the applicant's property is 1.33 acres.

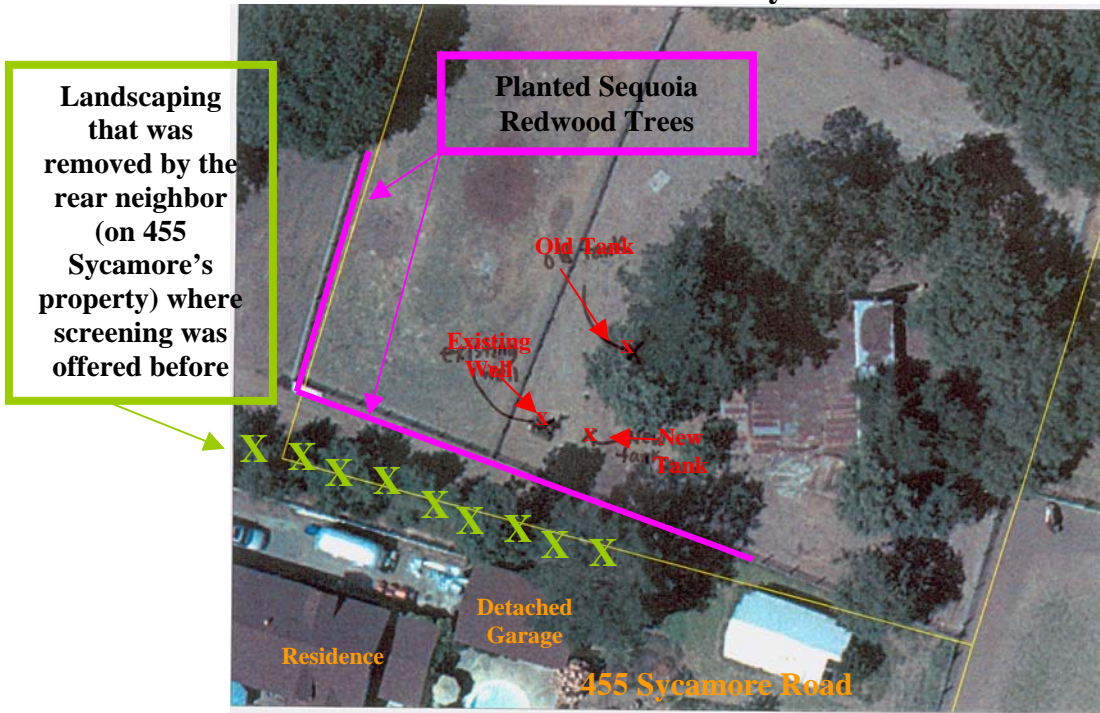
The old wooden tank was located in the middle of the pasture and the location of the new tank was strategically chosen for the following reasons:

- Having the tank located next to and in line with the well, as recommended by the well installer, would allow the booster pump to operate more efficiently and reduce the stress of having to pump the well water over a long distance; which would burn out the pump otherwise;
- The tank was placed on the other side of the well so that the neighbor's views would not be blocked from their residence;
- They wanted to ensure that the horses that are kept on the property are not injured or run into the tank by placing it closer to the rear fence; and
- It is more esthetically pleasing not having the tank in the middle of the pasture.

The applicant stated that they chose a green color tank because they felt that it blended in with the natural surroundings; they are willing to paint it brown to match the old tank color if desired. The applicant has also planted Sequoia Redwood trees along the entire fence line bordering their property to add privacy and screening for the neighbors from their driveway and their front yard, where the tank is most visible to the neighbor. The City's Landscape Architect, Michael Fulford, reviewed the placement and current size of the trees and stated that the trees would likely grow 3-feet per year and would provide adequate screening in the next 1 to 2 years. He also stated that given the planting proximity of the trees next to each other, the trees would offer appropriate screening of the tank and recommended that the foliage on the trees not be cut in order to provide lower screening as the trees grow. Please see the site plan and pictures in Exhibit A for the exact location of the trees. Staff would like to note that the neighbor, 455 Sycamore Road, removed the trees along the front of their property to make it more "open" for them which ultimately exposed the old tank as well as the new tank.

**SEE NEXT PAGE**

**Partial Aerial View of 481 Sycamore Road**



**ANALYSIS**

Since this lot does not have approved site development standards, the analysis below compares the water tank to the Agricultural (A) zoning district standards for accessory structures. Due to the lot size of the subject property, and surrounding properties, staff would consider the development standards of the “A” zoning district to be the most applicable site development standards for this site. As shown in the following table, the water tank would meet and exceed the applicable development standards for the “A” zoning district.

<b>SETBACK REQUIREMENTS (ACCESSORY STRUCTURES)</b>	<b>AGRICULTURAL DISTRICT REQUIREMENTS</b>	<b>*EXISTING WELL</b>	<b>OLD WOOD WATER TANK</b>	<b>NEW POLY WATER TANK</b>
Side Yard Setback	30-foot minimum	≅ 70-feet	≅ 80-feet	≅ 75-feet
Rear Yard Setback	30-foot minimum	≅ 30-feet	≅ 65-feet	≅ 30-feet
Height	30-foot maximum	≅ 10-feet	≅ 10-feet	≅ 10-feet

\* Existing well is for reference only

## **North Sycamore Specific Plan**

Like the PUD, the North Sycamore Specific Plan does not have established development standards for the subject lot. The specific plan makes recommendations and policies for new development and references the Municipal Code in terms of setbacks, lot size, etc in relationship to a new home. Under the Public Facilities Element, Section B-Water Service, 2: Study Area Water Source, the Specific Plan states that;

“With several exceptions, existing residences within the Specific Plan area rely on private wells for water.....”

Staff recognizes that this “policy” is for the well itself; however the well requires having an efficient water tank, which, in staff’s opinion, would be located as close as possible to the well itself in order to maximize efficiency.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within 1,000-feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns other than those raised by the rear neighbor prior to noticing.

## **Neighbor**

Joanna Segundo, of 455 Sycamore Drive, is located directly behind the subject property. Mrs. Segundo’s front yard abuts the applicant’s rear yard; where the water tank is located. She has provided staff with the following comments regarding the relocation and replacement of the tank during a site visit on February 25, 2007:

- The Segundo’s removed their trees in their front yard to allow for more “openness” and therefore is not interested in additional landscaping;
- Would prefer that the tank was not screened with a structure because it would give the appearance of being larger;
- Would not like to have the fence re-done to be solid or higher because, again, that would take away from their “openness”; and
- Would ideally like to see the tank relocated farther to the left so that it is screened by their garage; as shown in the below.



**View from 455 Sycamore Roads  
front door**



**View from neighbor's rear sliding glass door**



**Move to the  
right so that the  
garage screens  
the tank**

Staff would like to note that additional pictures from the subject property and neighbor's property can be found in Exhibit E. The neighbor feels that there are other locations on the property that are more appropriate for the water tank. The tank can be seen from their front driveway, inside their home from the window next to the front door (Exhibit E), and from a portion of their rear yard (as shown from the upper right hand picture).

Applicant

Staff conducted a site visit to the subject property on February 19, 2008 to assess the application. During this visit, the applicant noted that she would be willing to do the following in order to appease the neighbors:

- Paint the tank a different color;
- Add lower shrubs/landscaping between the redwood trees to further screen the tank, so long as it was a shrub/plant that the horses would not eat, thus not having to continuously replace;
- Replace the existing 5-foot rear yard deer fencing with taller solid fencing. Staff notes that this is not encouraged in the North Sycamore Specific Plan, thus, may require a Specific Plan amendment; and/or
- Build a screening wall in front of the tank.

View towards 455 Sycamore Road



View towards 455 Sycamore Road showing redwood trees



The applicant stated that relocating the tank would be a financial hardship, thus, is not an option she is willing to consider at this time since she is a recent widow and caring for her young child. Unfortunately, staff cannot take into consideration financial impacts; such as property values and fee's associated with a City permit or the City's permitting process.

## FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the water tank:

- 1. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

Staff believes that the request to replace and relocate the water tank conforms to the purpose and objectives of the Zoning Ordinance and the North Sycamore Specific Plan. While there are no established site development standards for the lot, staff would consider the Agricultural zoning district standards to be the applicable development standards for this lot. The tank conforms to the Agricultural zoning district standards and applicable Specific Plan, therefore, staff believes that this finding can be made.

- 2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

Staff does not believe that the replaced and relocated water tank would be detrimental to the public, health, safety, and general welfare, or materially injurious to properties or improvements in the vicinity. The project has been reviewed by other City Departments/Divisions and they do not require any additional permits are review, therefore, they do not believe that it will be



detrimental to the public health or safety. Although the neighbor has visual concerns with the location of the tank, staff believes that project's location and generous setbacks from the rear and side property lines would not negatively impact properties in the immediate vicinity of the site. The applicant has stated her willingness to add additional mitigation measures, within reason and without relocated the tank, in order to address the neighbor's visual concerns. Staff believes that this finding can be made.

**3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.**

The replaced water tank would be located in the rear yard of the site and significantly screened by redwood trees. The tank is substantially set back from the side and rear yard property lines. Staff believes that the conditional use will comply with each of the applicable standards of the Code and therefore feels that this finding can be made.

**ENVIRONMENTAL ASSESSMENT**

Existing facilities consisting of the operation, permitting, licensing, or minor alteration of structures involving no expansion of use beyond that existing are categorically exempt (Section 15303, Class 1) from the requirements of the California Environmental Quality Act (CEQA). Staff believes that the project meets the conditions of the Class 1. Furthermore, an Environmental Impact Report for the North Sycamore Specific Plan was approved by the City Council on June 16, 1992. The Environmental Impact Report anticipated the use of wells and in turn water tanks on existing non-developed sites, such as the proposed. Therefore, no environmental documentation accompanies this report.

**CONCLUSION**

Based upon the information presented above, staff believes that the relocated and replaced water tank is consistent with the old wooden water tank. While development standards have not been established for this lot, the water tank complies with the accessory structure development standards of the Agricultural zoning district. The water tank is located in the rear of the property, is a complementary earthtone color, will be screened by redwood trees, and is set back substantially from property lines. The applicant has made significant improvements and has enhanced the appearance of the property, house, and barn as demonstrated in the "before" pictures found in Exhibit E. For the above-mentioned reasons, staff believes that the project merits a favorable action by the Planning Commission.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve PCUP-205 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve PCUP-205 subject to the conditions listed in Exhibit B.

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