



CONTRA COSTA COUNTY

AGENDA

Contra Costa County Planning Commission

Wednesday, August 12, 2026

6:30 PM

30 Muir Road, Martinez

Zoom: <https://cccounty-us.zoom.us/j/81302368821> Webinar ID: 813 0236 8821

Call in: (855) 758-1310 or (408) 961-3928

CHAIR: Kevin Van Buskirk

VICE-CHAIR: Bhupen Amin

COMMISSIONERS: Donna Allen, Bob Mankin, Ross Hillesheim, Joseph Calabrigo

The public may attend this meeting in person at the above location. The public may also attend this meeting remotely via Zoom or call-in. Login information and call-in information is provided below. Persons wishing to view the meeting but not participate may view the meeting live online at: <https://www.contracosta.ca.gov/4314/County-Planning-Commission>.

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Any disclosable public records related to an item on a regular meeting agenda and distributed by County staff to a majority of the Planning Commissioners less than 96 hours prior to the meeting are available for inspection at 30 Muir Road, Martinez, CA 94553, during normal business hours.

The Community Development Division of the Department of Conservation and Development will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in County Planning Commission meetings. Please contact County staff at least 48 hours before the meeting at (925) 655-2860.

1. PLEDGE OF ALLEGIANCE

2. PUBLIC HEARING

- 2a. CHRIS PALACIO & RYAN DEGOOYER (Appellants) - RYAN BOSWORTH & TOMMY TRAN (Applicants and Owners), County File #CDVR22-01062. This is an appeal of the Zoning Administrator's decision to approve variances to allow: a 3-foot side yard (where 5 feet is required) and an 8-foot side yard aggregate (where 15 feet is required) for the construction of a new, 2-1/2 story, 3,187-square-foot single-family residence with an attached 427-square-foot garage; a 0-foot side yard (where 3 feet is required) for the construction of a new approximately 400-square-foot deck; and a 9-foot by 16-foot parking space size (where 9 feet by 19 feet is required) for one of two off-street parking spaces in the garage. The project also includes a request for approval of small lot design review for the purpose of determining neighborhood compatibility of the proposed improvements including an 87-square-foot wading pool on a substandard lot. The project is located at 58 Canyon Lake Drive in the unincorporated Port Costa area. (Zoning: R-6, Single-Family Residential); (Assessor's Parcel Number: 368-145-024) SS [26-3298](#)

Attachments: [Attachment 1 Findings and COAs CDVR22-01062.pdf](#)
[Attachment 2 Appeal Letter 5.27.2026.pdf](#)
[Attachment 3 Maps.pdf](#)
[Attachment 4 Agency Comments.pdf](#)
[Attachment 5 Pothole Exhibit 3.26.2021.pdf](#)
[Attachment 6 Culvert Letter 4.29.2021.pdf](#)
[Attachment 7 Project Plans 3-12-26 \(redacted for public hearing\).pdf](#)
[Attachment 8 CPC Presentation Slides.pdf](#)

3. PUBLIC COMMENTS

4. STAFF REPORT

5. COMMISSIONERS' COMMENTS

6. COMMUNICATIONS

THE NEXT MEETING OF THE CONTRA COSTA COUNTY PLANNING COMMISSION WILL BE HELD ON WEDNESDAY, AUGUST 26, 2026.



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 26-3298

Agenda Date: 8/12/2026

Agenda #: 2a.

Project Title:	Variances & Design Review for New Single-Family Residence
County File(s):	CDVR22-01062
Appellants:	<u>Chris Palacio and Ryan DeGooyer</u>
Applicants & Owners	Ryan Bosworth & Tommy Tran
Zoning General Plan:	R-6 Single-Family Residential District (R-6) Single-Family Residential-High Density (SH)
Site Address/Location:	58 Canyon Lake Drive, Port Costa (APN: 368-145-024)
California Environmental Quality Act (CEQA) Status:	Categorically Exempt: CEQA Guidelines, Sections 15303(a) and 15303(e), regarding new construction of small structures including one single-family residence in a residential zone and accessory structures
Project Planner:	Syd Sotoodeh, Senior Planner (925) 655-2877 or syd.sotoodeh@dcd.cccounty.us
Staff Recommendation:	Deny the Appeal (See Section II for Full Recommendation)

I. PROJECT SUMMARY

This is a hearing on an appeal of the Zoning Administrator's May 18, 2026, decision to approve variances to allow: a 3-foot side yard (where 5 feet is required) and an 8-foot side yard aggregate (where 15 feet is required) for the construction of a new, 2-1/2 story, 3,187-square-foot single-family residence with an attached 427-square-foot garage; a 0-foot side yard (where 3 feet is required) for the construction of a new approximately 400-square-foot deck; and a 9-foot by 16-foot parking space size (where 9 feet by 19 feet is required) for one of two off-street parking spaces in the garage. The project also includes a request for approval of small lot design review for the purpose of determining neighborhood compatibility of the proposed improvements including an 87-square-foot wading pool on a substandard lot.

II. RECOMMENDATIONS

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. OPEN the public hearing, RECEIVE testimony, and CLOSE the public hearing.

- B. FIND that the project is categorically exempt from CEQA under Section 15303(a) and Section 15303(e) of the CEQA Guidelines.
- C. DENY the appeal by Chris Palacio and Ryan DeGooyer and UPHOLD the County Zoning Administrator's decision to approve County File #CDVR22-01062.
- D. ADOPT the attached findings and conditions of approval
- E. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.

III. **BACKGROUND**

An application for the approval of variances to allow a 1-foot, 10-inch side yard along the western property boundary (where 5 feet is required) and a 10-foot, 7-inch side yard aggregate (where 15 feet is required) for the construction of a new, two-story, 1,781-square-foot single-family residence with 355 square feet of covered balcony/porch area on the subject property was submitted to the Department of Conservation and Development on November 2, 2022. The matter was initially heard by the County Zoning Administrator on April 17, 2023, during which testimony was accepted from the applicant and members of the public. After accepting testimony and discussing the matter with the interested parties, the Zoning Administrator continued the item as an open public hearing to allow the applicant time to assess the precise measurements of an existing drainage culvert on the subject property, to work with County Public Works to confirm that the drainage easement is properly sized, and to redesign the new home to have a minimum 3-foot side yard and a minimum 8-foot aggregate side yard as would be allowed if the property qualified for "sliding scale" side yards (County Code section 82-14.004), and to have one off-street parking space located outside of the setbacks as required in the R-6 zoning district for the subject property.

The applicant submitted revised drawings on March 12, 2026. The matter was heard by the County Zoning Administrator at a continued public hearing on May 18, 2026, during which testimony was accepted from the applicant and members of the public. Based on the accepted testimony, revised project plans, and revised findings for the variances requested and for small lot design review criteria, the County Zoning Administrator approved the variance permit and small lot design review with a modification to Condition of Approval (COA) #9.A. to replace a reference to "Cesar Chavez Day" with "Farmworker's Day." This modification has been incorporated into the attached conditions of approval as directed by the County Zoning Administrator.

Staff received one letter from Chris Palacio and Ryan Degooyer on May 27, 2026, appealing the Zoning Administrator's decision.

IV. AREA/SITE DESCRIPTION

The subject property is located within the unincorporated Port Costa area of Contra Costa County. The Port Costa Historic District is primarily residential with a small retail-business district surrounded by agricultural and open space uses. Parcels in the area are generally rectangular lots formed as part of Port Costa in 1883, and many are substandard with respect to the 6,000-square-foot minimum lot size and 60-foot minimum average width for the R-6 residential zoning district. The residential neighborhood generally consists of one- and two-story, single-family residences which, based on available information, range from 662 to 2,529 square feet of total livable area with the largest home in the area reaching approximately 6,000 square feet. Architecturally, homes in the area represent a diverse pattern of bungalow, craftsman, stick, Queen Anne, Folk Victorian, and cottage styles.

The subject property is a 3,300-square-foot rectangular lot with a 33-foot average width. The property is located between Canyon Lake Drive on the south and Prospect Avenue on the north and is therefore considered to have two frontages. The front of the residence faces Canyon Lake Drive, and the rear of the residence faces Prospect Avenue. Approximately 75 feet of the subject property extending north from Canyon Lake Drive is relatively flat; however, the subject property then rises steeply towards Prospect Avenue. An approximately 100-year-old, underground drainage culvert constructed as a watercourse for Bull Valley Creek traverses the subject property in a generally southwest to northeast direction. In addition, a new concrete retaining wall approximately 17.5 feet south of the Prospect Drive frontage and approximately 6.25 feet to 7.75 feet north of the culvert has been partially constructed. The lot was formerly developed with a single-family residence constructed in 1939. The former residence and deck were damaged by a fire in June of 2019. Construction of residential improvements to the previously existing home began in January of 2022, during which the home was found to lack any foundation. Thus, the residence was effectively demolished. The property contains one 10-inch dogwood tree which is to remain and will not be encroached upon or altered by the proposed development.

V. PROJECT DESCRIPTION

The applicant requests approval of variances for the construction of a new single-family residence and deck. The project consists of the following elements:

- Variance to allow a 3-foot side yard (where 5 feet is required) along the western property boundary and an 8-foot side yard aggregate (where 15 feet is required) to allow the construction of a new, 2-1/2 story, single-family residence with 2,903 square feet of living area, 284 square feet of covered porch and balcony area, and a 427-square-foot garage at the lower level;

- Variance to allow a 0-foot side yard (where 3 feet is required) to allow the construction of a new approximately 400-square-foot deck;
- Variance to allow one of two proposed off-street parking spaces in the garage to be 9 feet by 16 feet (where 9 feet by 19 feet is required); and

The applicant also requests Small Lot Design Review approval to allow construction of the residential improvements listed above and an approximately 87-square-foot above ground wading pool surrounded by the deck on a substandard parcel.

The proposed residence would have a sloping roof with an overall height of approximately 34'-3 1/8". In addition to windows, three skylights are proposed to provide more interior light to the home. As described to staff by the project architect, the design of the home is "contemporary Folk Victorian" featuring simple intersecting gables, lap siding, balcony spindles and rail, and vertical proportions similar to late 19th-century homes. The architectural design and exterior color palette substantially maintains a design previously approved by County File #CDVR19-01051 and would therefore comply with design guidelines for the Port Costa Historic District.

Prior to the Zoning Administrator's May 18, 2026, approval and as a condition of approval of County File #CDVR19-01051, the applicant hired a surveyor and plotted the approximate location of Bull Valley Creek. The applicant submitted a copy of a letter by Ashley & Vance Engineering, Inc. (dated April 29, 2021, included with this report as Attachment 6). Based on the survey letter, the culvert from the outer edge of exterior wall to exterior wall is 5 feet wide. Revised plans received on March 12, 2026, shifted the footprint of the residence 1'-2" towards the east. Therefore, based on the revised plans, the nearest wall of the proposed residence is approximately 3.5 feet south of the nearest wall of the culvert and outside of a proposed 11-foot-wide easement over the culvert.

VI. APPEAL OF ZONING ADMINISTRATOR'S MAY 18, 2026 DECISION

An appeal letter from Chris Palacio and Ryan DeGooyer, residents of 54 Canyon Lake Drive, Port Costa, was received by CDD staff on May 27, 2026. The appeal letter (included with this report as Attachment 2) cites several appeal points as the basis for this appeal. The appeal points are summarized below followed by a staff response to each.

- A. Summary of Appeal Point #1 - CEQA Categorical Exemption: *The project relies on categorical exemptions under CEQA guidelines Sections 15301 and 15303, however, exceptions exist under CEQA Guidelines Section 15300.2(c) due to a combination of conditions that are not typical of standard single-family residential development including: a narrow 33-foot lot with dual frontage, a subsurface Bull Valley drainage culvert traversing the site, the location of the property in a FEMA-designated Special Flood Hazard Area, Wildland-Urban Interface (WUI) fire risk conditions, and a materially expanded 2.5-story, 3,100-square-*

foot residence with associated variances.

Staff Response: If approved, the project would result in the construction of one new single-family residence and new accessory structures. Given that the project is for a new residence with new accessory structures, CEQA Guidelines Section 15301 *Existing Facilities* does not apply.

After reviewing the project and the site conditions, staff determined that the project which requires discretionary approval for the variances requested is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, specifically paragraph (a) which exempts the construction of one single-family residence in a residential zone, and paragraph (e) which exempts the new construction of small accessory structures including but not limited to decks and pools. CEQA Guidelines Section 15300.2 *Exceptions* requires Lead Agencies to determine if an exemption is invalid if certain conditions exist for a project that would normally qualify for exemption. Section 15300.2 paragraph (c) *Significant Effect* requires Lead Agencies to consider if there is a "reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." None of the conditions cited by the appellants, alone or combined, are unusual circumstances. Residential properties throughout the County with similar conditions (alone or combined) and where discretionary approval has been granted, have been deemed to be exempt from CEQA for construction of new residences. The construction of one new residence on a lot located in a residential zoning district that replaces an existing residence, would be constructed according to current building and fire codes, and would comply with current flood control measures if required, would not have a significant effect on the environment due to unusual circumstances. Likewise, the granting of variances to allow the construction of a new residence or of residential improvements on a substandard lot is not an unusual circumstance in the County. Nor is the presence of drainage improvements or creeks on the property as many properties throughout the County have similar circumstances. The project is designed to meet the drainage easement requirements under County Code Title 9. Thus, staff considers that the exception in CEQA Guidelines section 15300.2(c) does not apply.

- B. Summary of Appeal Point #2 - Potential Historical or Archeological Resource Not Resolved: *The project site contains a subsurface drainage culvert associated with Bull Valley Creek which may date to the late 19th century and there is potential for unrecorded archeological resources in the project area. The record should show that the County made an adequate threshold inquiry into whether the structure has historical, engineering, or archeological significance before relying on a categorical exemption.*

Staff Response: After multiple project and available record reviews for the subject application and for a prior Variance application for an addition to the previous residence (County File CDVR19-1051), staff of the County Public Works Department indicated that an approximately 100-year-old underground cobbled box drainage culvert constructed as a watercourse for

Bull Valley Creek traverses the subject property in a generally southwest to northeast direction. In compliance with the Conditions of Approval of County File CDVR19-01051, the applicant hired an engineer and had a "potholing" study conducted to confirm the location and size of the culvert (included with this report as Attachment 5). Based on that study, the culvert has been shown on the project plans to be 5 feet wide from outside edge to outside edge. Public Works staff indicated that the proposed residential building, deck, and above-ground wading pool would comply with an 11-foot easement setback requirement. In addition, a letter by the project engineer (included with this report as Attachment 6) states that the project as designed is not anticipated to affect the integrity of the culvert. If the appeal is denied, as approved by the Zoning Administrator, the applicant will be required to dedicate a private storm drain easement that is 11 feet in width over the 5-foot-wide culvert prior to final inspection of the residence (COA #16). Also, given that future development of the site would include ground disturbance which has the potential for uncovering previously unknown cultural resources, conditions have been included to ensure that in the event cultural, archeological, or historical resources are discovered, the proper actions are taken including notifying the CDD and/or other authorities of any discoveries (COA #10 through #13). Staff therefore considers that the project would not cause a substantial adverse change in the significance of any historical resource that is or may be on the site and that the exception in CEQA Guidelines section 15300.2(f) *Historical Resources* does not apply.

- C. Summary of Appeal Point #3 - Variance Findings: *The variance findings are not supported by substantial evidence. Variance approval requires findings that the strict application of zoning standards creates a hardship due to unique site conditions and that the requested deviation is the minimum necessary. A variance may not be used to accommodate a preferred project size, floor area, or design. The progressive increase in project scale over time further raises unresolved questions as to whether the requested variances reflect unavoidable hardship or design optimization.*

Staff Response: Whether or not the project scale has been increased over time was not considered by staff given that neither the R-6 zoning district nor the required variance findings specifically limit the expansion of buildings, building footprints, height, or lot coverage. The requested variances are for reduced side yard dimensions not height or scale, and staff believes the findings exist to deny the appeal and uphold the Zoning Administrator's decision to grant the variances as discussed in the Findings attached to this report.

- D. Summary of Appeal Point #4 - Small Lot Design Review: *The record does not clearly demonstrate that site-specific impacts including significantly reduced lateral separation from adjacent properties, increased vertical and horizontal massing relative to lot width, and intensified proximity and enclosure effects at the parcel scale were adequately analyzed in determining compatibility under the Small Lot Design Review standards. Also, compatibility must be evaluated in relation to the parcel's constraints, not only general neighborhood*

character.

Staff Response: The findings for small lot design review include criteria for determining a project's compatibility with and impact on the surrounding neighborhood in terms of location, size, height, and design. Staff acknowledges that the revised design of the residence increases the total amount of interior living area, adds a half-story, and incorporates a two-car garage where one was not previously proposed. The length of the home from front to back has not changed and the width of the home has been increased by approximately 2'-4" for an approximately 133-square-foot larger footprint and approximately 4% more lot coverage. To account for the two-car garage at the lower level, the overall height has increased approximately 3'-5-1/8" more than previously proposed. Thus, the vertical and horizontal massing of the redesigned home has not been significantly increased relative to the previously proposed design or lot width.

The design does not significantly reduce "the lateral separation from adjacent properties" and in fact increases separation from the property to the west. The applicant shifted the residence to conform to a minimum 3-foot side yard and a 5-foot side yard for an 8-foot side yard aggregate as requested by the Zoning Administrator at the public hearing on April 17, 2023. The intent was for the location of the home to have a minimum 3-foot side yard and a minimum 8-foot aggregate side yard as would be allowed if the property qualified for "sliding scale" side yards (County Code section 82-14.004). The property may qualify for sliding scale side yards if it can be determined through a cumbersome chain of title review that it was established in its current configuration before zoning was adopted in the Port Costa area. Staff does not understand what the appellant means by "intensified proximity and enclosure effects at the parcel scale." Neither of these criteria are required by the small lot design review findings. The findings do not require a project to be evaluated in terms of its relation to a parcel's constraints, however, the reduced side yard setback and side yard aggregate was considered in the Location findings as approved by the Zoning Administrator. Staff believes the findings exist to deny the appeal and uphold the Zoning Administrator's decision to grant approval of the small lot design review as discussed in the Findings attached to this report.

- E. Summary of Appeal Point #5 - Project Consistency/Completeness of Record: *The administrative record does not clearly demonstrate that all prior analytical components for a project that has evolved over time, including the prior staff report and underlying evaluation materials, were fully updated or expressly superseded by a single integrated final analysis.*

Staff Response: As described in the Background section of this report, the project was redesigned as recommended by the County Zoning Administrator at a public hearing on April 17, 2023. The applicant incorporated all of the recommendations for minimum side yards and off-street parking in revised plans, and design changes were described in the staff report for the continued hearing held on May 18, 2026. In addition, the project findings for the variances requested and the small lot design review criteria were updated for the

continued hearing based on the project revisions. Prior staff reports are typically attached to staff reports for "continued" hearings as a reference. Staff did not update their analysis of General Plan or Zoning consistency for the continued hearing as the project remains consistent with the intent and purpose of the SH, Single-Family Residential-High Density General Plan land use designation and will remain consistent with the R-6 zoning district upon the granting of variances. Nonetheless, staff analysis of the revised project's consistency with the General Plan and with the R-6 Zoning district standards has been included in this report.

VII. STAFF ANALYSIS

- A. General Plan: *The subject application was deemed "complete" for processing prior to the November 5, 2024, Contra Costa County Envision 2045 General Plan General Plan adoption date. Therefore, the previous County General Plan 2005- 2020 is applicable to the proposed project.*

The project site is located within an SH, Single-Family Residential-High Density General Plan land use designation. The proposed single-family residence and new accessory structures are consistent with the uses allowed within this designation. This designation allows between 5.0 and 7.2 single-family units per net acre, and the proposed residential improvements will not change the density of residential development for this site. The General Plan Specific Geographic Area Policies for the Port Costa Area generally pertain to multiple-family residential and commercial development, establishment of a recreational area, and preservation of the open space surrounding the town, and thus do not apply to improvements such as those proposed as part of this project.

- B. Zoning: The subject property is located within a Single-Family Residential (R-6) Zoning District. The intent of the R-6 Zoning District is to provide for the orderly development of high density, single-family residential uses, accessory structures, and uses normally auxiliary to them. The project involves constructing improvements upon an existing residence, which is consistent with uses allowed in the R-6 district.

The standards of the R-6 zoning district require lots to have a specific area (size), average width, and depth. Buildings are limited to maximum heights, and buildings and accessory structures are required to have certain setbacks/yard distances from property lines. Residential uses are required to provide a certain number of off-street parking spaces. Standards for the R-6 Zoning District are summarized in the table below.

Minimum lot area:	6,000 sq. ft.
Minimum average width of lot:	60 feet
Maximum building height:	2-1/2 stories and 35 feet

Minimum front setback (corner lots or double frontage lots):	20 feet principal / 15 feet for other setback
Minimum side yard / aggregate:	5 feet minimum / 15 feet aggregate
Minimum rear yard:	15 feet / n/a for corner/double frontage lots
Minimum side & rear yards for accessory structures:	3 feet if set back a minimum 50 feet from front property line

The subject property is 3,300 square feet in area with a 33-foot average width. Thus, any development on the property requires a small lot design review to determine compatibility with the surrounding neighborhood. The proposed residence that is 2-1/2 stories and up to 34'-3-1/8" in height would comply with the maximum height allowed in the R-6 zoning district. The subject property lies between two roads and has two frontages. Therefore, the rear yard requirement for the R-6 zoning district does not apply. The locations of the proposed residence and deck are consistent with the front setback requirements for the R-6 zoning district. Also, the proposed above-ground wading pool complies with the minimum setback and side yards allowed in the R-6 zoning district.

The applicant has requested side yard variances to allow for construction of the residence and the deck. A previously approved variance for residential improvements on the subject property (County File #CDVR19-01051) granted similarly substandard minimum and aggregate side yard dimensions (1'-10" side yard and 8'-9" side yard aggregate). The revised plans show the footprint of the proposed home has been shifted to have a 3-foot side yard (where 5 feet is required) along the western property boundary and an 8-foot side yard aggregate (where 15 feet is required). By shifting the home further to the east, the proposed deck would have an approximately 0-foot side yard (where 3 feet is required for an accessory structure) along the eastern property boundary in order to connect to a side door landing and ramp/walkway towards Canyon Lake Drive.

One off-street parking space is required, and the project proposes two to be provided in the proposed garage. The applicant has requested a variance to allow one of the two parking spaces to be 9 feet wide by 16 feet long (where the minimum length is 19 feet).

Staff considers that the findings exist to allow the variances for substandard side yards and side yard aggregate due to the substandard size and width of the subject property, the existence of an approximately 100-year-old culvert spanning a portion of the flat, developable area of the property, and the steep topography in the northern section near Prospect Avenue. Staff also considers that the findings exist to allow the variance for a substandard off-street parking space length as the project would provide at least one off-street parking space that is consistent with the R-6 off-street parking requirements. Therefore, the proposed project and variances substantially meet the intent and purpose of the R-6 zoning district. Further discussion of the variances can be found in the attached

Findings section of this report.

In order to ensure that the maximum vertical height of the residence would not exceed 35 feet as measured from natural (existing) or finished grade, whichever is lower, staff has recommended as a condition of approval a requirement that the applicant provide evidence, prepared by a licensed surveyor, prior to a roof deck nail inspection to ensure that the residence complies with the maximum 35-foot height limit.

VIII. AGENCY COMMENTS

- A. Contra Costa County Public Works Department, Engineering Division: The revised plans received on March 12, 2026, were routed to staff of the Public Works Department, Engineering Division on April 24, 2026. In correspondence received on April 27, 2026 (included with this report as Attachment 4), staff of the County Public Works Department indicated that based on existing records, a 4-foot-wide box culvert runs beneath the property, however, the revised submittal confirms that the culvert is 5 feet wide from outside edge to outside edge. Public Works staff further indicated that the applicant has proposed an 11-foot-wide drainage easement over this culvert and recommended a Condition of Approval (COA #16) requiring a private storm drain easement 11 feet in width to be dedicated over the 5-foot-wide Bull Valley Creek culvert traversing the subject property prior to final inspection. Public Works staff also indicated that the proposed building and above-ground wading pool would comply with the easement setback requirement. Please refer to the attached correspondence for the details of their comments.

IX. CONCLUSION

The proposed development is consistent with the SH, Single-Family Residential High-Density General Plan land use designation and complies with the intent and purpose of the R-6, Single-Family Residential Zoning District pursuant to the findings which exist for the variances requested and for small lot design review criteria. Since the project does not change the residential use of the site and has been determined to be consistent with the historical nature of the site and Port Costa area, it is an appropriate use for the property. Therefore, staff recommends that the County Planning Commission deny the appeal and uphold the Zoning Administrator's decision to approve County File #CDVR22-01062, based on the attached findings and subject to the attached conditions of approval.

Attachments:

1. Findings and Conditions of Approval
2. Letter of Appeal received on May 27, 2026
3. Maps (Parcel Map, General Plan, Zoning, Aerial Photograph)
4. Agency Comments
5. Pothole Exhibit, dated 3/26/2021

6. Culvert Letter, dated 4/29/2021
7. Project Plans, 3/12/2026
8. PowerPoint Presentation

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR22-01062,
RYAN BOSWORTH (APPLICANT) AND RYAN BOSWORTH & TOMMY TRAN
(OWNERS)**

FINDINGS

I. Variance Findings

1. **Required Finding:** *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.*

Project Finding: The subject property fronts Canyon Lake Drive in Port Costa, an area established in the 1880s prior to the adoption of the County zoning ordinance. The project involves variances to allow a 3-foot side yard (where 5 feet is required) and an 8-foot aggregate side yard (where 15 feet is required) for the construction of a new, 2-1/2 story, 3,187-square-foot single-family residence with an attached two-car garage. The project also involves a variance to allow a 0-foot side yard (where 3 feet is required) for the construction of a new deck. Similar to nearby properties, the subject property does not meet the minimum R-6 Single-Family Residential zoning district standards of 6,000 square feet for lot size and 60 feet for minimum average lot width. In addition, many homes in the area were constructed before the County zoning ordinance was adopted resulting in existing side yards that do not meet today's requirements. Thus, it is expected that other property owners will be faced with similar side yard setback challenges as improvements to or replacement of older homes on substandard lots in the area occur. Therefore, the approval of the variance requests for substandard side yards and a substandard side yard aggregate to allow construction of a new single-family residence and deck is not a grant of special privilege and is not inconsistent with the limitations of other properties in the vicinity and the respective land use district.

Although only one off-street parking space is required for the subject property, the project includes a two-car garage. The project involves a variance to allow one of the two parking spaces within the garage to be 9 feet wide by 16 feet long (where 9 feet by 19 feet is required). Given that the project site is located in a Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the first floor living space has been designed at a higher elevation than the unconditioned garage. The shortened parking space will accommodate stairs to the first floor of living space, a water heater, and other mechanical equipment for the home. As the Special Flood Hazard Area spans the length of Canyon Lake Drive, approval of the variance request to allow one off-street parking space that is a substandard length is not a grant of special privilege and is not inconsistent with the limitations of other properties in the same Special Flood Hazard Area as designated by FEMA.

- 2. Required Finding:** *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The special circumstance of the substandard side yards of the property was created when the lot was created. The property's buildable area is constrained by the substandard size of the lot and the substandard, 33-foot average width. Thus, if enforced, the R-6 zoning district standards for a 5-foot side yard and a 15-foot side yard aggregate would leave the lot with a developable width of only 18 feet. The developable area of the property is further reduced by the existence of a 100-plus year-old drainage culvert for Bull Valley Creek spanning the property. As such, many feasible options for rebuilding the residence would likely require a variance. Also, other properties in the vicinity have been granted similar side yard variances for improvements to their residences including expansion of their living space. Likewise, due to the special circumstance of being located within a FEMA-designated special flood zone, the lower-level living space has been designed at a higher elevation than the unconditioned, attached garage with a stair case from the garage to the living space. Thus, due to the special circumstances of the subject property's size, the existence of a drainage culvert for the area, and location within a special flood zone, granting the variance requests to allow a 3-foot side yard and an 8-foot side yard aggregate for a new residence, to allow a 0-foot side yard for a new accessory structure (deck), and to allow a 16-foot-long off-street parking space, is necessary to ensure that the current rights available to the subject property are preserved, similar to how properties in the vicinity and within the R-6 zoning district continue to enjoy similar privileges.

- 3. Required Finding:** *That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: The intent and purpose of the R-6 Single-Family Residential District is to promote the orderly development and maintenance of residential uses and the accessory structures normally auxiliary to a single-family dwelling. This includes allowing residential dwelling improvements compatible with the surrounding neighborhood. The variance will allow the property owners to construct a new residence with a two-car garage and deck that will be compatible with other single-family residences in the vicinity. The use of the subject property will remain residential, with one single-family residence.

II. Small Lot Design Review Findings

Prior to the issuance of a building permit on a substandard lot, the Zoning Administrator must review the proposed structure's compatibility and impact on the surrounding neighborhood in terms of the following:

1. **Location**: The previous residence on the lot was located towards the center of the property, with 25- and 35-foot front setbacks, a 1-foot, 10-inch side yard on the west, and an 8-foot, 9-inch side yard on the east. As designed, with 15- and 34-foot front setbacks and 3-foot and 5-foot side yard setbacks, the residence will maintain a fairly central position on the property with respect to the two frontages while reducing the encroachment of the building into the required side yard area. The deck and wading pool are located on the northern side of the home between the retaining wall and the base of the sloped area of the lot, which are the ideal locations for these improvements to provide a private, outdoor area for the property owners to enjoy. In general, the location of the new residence and improvements are consistent with the development pattern found in the surrounding Port Costa neighborhood.
2. **Size**: The 2-1/2-story single-family residence will have 2,903 square feet of living area, 284 square feet of covered porch and balcony area, and a 427-square-foot attached garage. The total building footprint of the residence is approximately 1,264 square feet, which equates to approximately 38% coverage of the 3,300-square-foot lot. Based on available information, nearby residences generally range in size from approximately 662 square feet to 6,014 square feet. The new deck is approximately 400 square feet with an 87-square-foot wading pool which is compatible with similar yard improvements for the enjoyment of a residential property. Therefore, the residence and project will be compatible with other homes and residential properties in the vicinity regarding size.
3. **Height**: The height of the 2-1/2 story residence will be up to 34 feet, 3-1/8 inches, which is below the maximum 35-foot height allowed in the R-6 zoning district. The height of the home is consistent with other two- to three-story residences in the vicinity. The new deck will be approximately 2 feet in height and is consistent with similar yard improvements for the enjoyment of a residential property.
4. **Design**: The neighborhood mainly consists of homes designed in bungalow, craftsman, stick, Queen Anne, Folk Victorian, and cottage architectural styles. The contemporary Folk Victorian style of the new residence features simple intersecting gables, lap siding, balcony spindles and rail, and the vertical proportions of late-19th-century homes. As such, the design is compatible with the architectural styles within the Port Costa Historic District.

IV. CEQA Findings

The project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, specifically paragraph (a) which exempts the construction of one single-family residence in a residential zone and paragraph (e) which exempts the new construction of small accessory structures including but not limited to decks and pools.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR22-01062

Project Approval

1. **Variance approval** is granted for:
 - A 3-foot side yard (where 5 feet is required) along the western property boundary and an 8-foot side yard aggregate (where 15 feet is required) for a new single-family residence;
 - A 0-foot side yard (where 3 feet is required) along the eastern property boundary for a new deck; and
 - One 9 feet wide by 16 feet long off-street parking space (where a 19-foot length is required) in a two-car garage.
2. **Small Lot Design Review approval** is granted to allow the construction of a new, 2,903-square-foot single-family residence with 284 square feet of covered porch and balcony area, and a 427-square-foot attached garage, an approximately 400 square-foot deck, and 87-square-foot wading pool, as shown on the approved plans.
3. The approvals described above are granted based on and as shown on the following documents:
 - Application and materials received by the Department of Conservation and Development, Community Development Division (CDD) on November 2, 2022.
 - Revised project plans received on March 12, 2026.

Any deviation from the approved plans shall require review and approval by the CDD and may require the filing of an application for a new Variance or Small Lot Design Review Permit.

General Provisions

4. Grading and building permits from the County shall be obtained, as necessary, for any development approved as part of this permit.

5. **Prior to requesting a roof deck nail inspection, but after completion of roof frame**, the applicant shall submit evidence, for review and approval of CDD, from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from natural grade or finished floor, whichever is lowest, indicated on building permit plans for purposes of determining compliance with maximum height limits of 35-feet.

Application Costs

6. This variance permit application was subject to an initial deposit of \$4,250.00. Applications are subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fees due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Historical Resources (Port Costa Historic District)

7. **Prior to CDD stamp-approval of plans for the issuance of building permits**, the applicant shall submit a color palette for the exterior of the residence to staff of the CDD for review and approval.
8. **Prior to final building inspection**, applicant shall submit as-built color photographs to staff of the CDD for review and verification that the approved elevations (including design and shown exterior building materials) were correctly executed on site.

Construction Restrictions

9. The owners and their contractors shall comply with the following restrictions and requirements:
 - A. All construction activities, including delivery of construction materials, shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington's Birthday (Federal)
 Lincoln's Birthday (State)
 President's Day (State and Federal)
 Farmworkers Day (State)
 Memorial Day (State and Federal)
 Juneteenth (Federal)
 Independence Day (State and Federal)
 Labor Day (State and Federal)
 Columbus Day (State and Federal)
 Veterans Day (State and Federal)
 Thanksgiving Day (State and Federal)
 Day after Thanksgiving (State)
 Christmas Day (State and Federal)

For details on the dates the State and Federal holidays occur, please visit the following websites:

Federal: <http://www.federalreserve.gov/aboutthefed/k8.htm>

State: <http://www.sos.ca.gov/state-holidays/>

- B. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 AM and 4:00 PM and prohibited on Federal and State holidays.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows and to minimize project-related disruptions to adjacent properties.
- D. Construction equipment and materials shall be stored onsite.
- E. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of, as necessary.
- F. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
- G. All stationary noise-generating equipment such as air compressors and concrete pumps shall be located as far away from adjacent residences as possible.

Cultural Resources

The following conditions shall be included on all sets of construction drawings:

10. Should archaeological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 50 feet, or a larger distance as determined necessary by a qualified archaeologist, of the materials shall be stopped until a qualified archeologist certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American Tribe that has requested consultation and/or demonstrated interest in the project, has had an opportunity to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).
11. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 10 feet of the find, the CDD shall be notified within 24 hours, and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, or charcoal. Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass ceramics, and other refuse.
12. Appropriate mitigation of any discovered cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring, or mitigation phases shall be properly conserved, catalogued, evaluated, and curated, and a report shall be prepared documenting the methods, results, and recommendations. The report shall be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.
13. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Drainage Culvert

14. **Prior to CDD stamp-approval of plans for issuance of a building permit**, the applicant shall submit for review by the CDD, and the County Public Works Department, Engineering Division, the results of a field survey based on "potholing" or other approved underground location assessment which verifies the culvert's physical location on the subject property.
15. **Prior to CDD stamp-approval of plans for issuance of a building permit**, the applicant shall submit a licensed structural engineer's report which verifies that the construction and location of the foundation of the residence will not compromise the structural integrity of the existing drainage culvert, or the culvert wall, based on the location identified in the County approved field survey.

PUBLIC WORKS

CONDITIONS OF APPROVAL FOR PERMIT CDVR22-01062

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on March 12, 2026.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE STATED.

Miscellaneous Drainage Requirements

16. A private storm drain easement in favor of the immediate upstream property owner, 11 feet in width shall be dedicated over the 5-foot-wide Bull Valley Creek cobbled culvert traversing the site. This dedication shall be recorded **prior to final inspection**.

Floodplain Management

17. The project is located in a Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant shall be aware of and comply with the requirements of the National Flood Insurance Program (Federal) and the County Floodplain Management Ordinance as they pertain to development and future construction of any structures on this property.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90-days of the approval date of this permit.

- B. Additional requirements may be imposed by the following agencies and departments:

- Contra Costa County Building Inspection Division
- Contra Costa Environmental Health Division
- Crockett-Carquinez Fire Protection District
- Crockett Sanitary District
- Contra Costa Water District

The Applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.

- C. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the West Contra Costa (WCC) Transportation and Hercules/Rodeo/Crockett Areas of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- D. The Applicant is advised that a subsequent design review or variance approval may be required if the results of the County approved field survey pursuant to COA #14 and/or the structural engineer's report pursuant to COA #15 indicate that the location or design of the residence will need to be altered.

FORMAL APPEAL

County File #CDVR22-01062

58 Canyon Lake Drive, Port Costa (APN 368-145-024)

CONTRA COSTA COUNTY

2026 MAY 27 P 4: 30

APPLICATION & PERMIT
CENTER

To: Contra Costa County Planning Commission / Department of Conservation and Development

Dear Planning Commissioners,

I am submitting this appeal about the approval of County File #CDVR22-01062. The approval is not supported by substantial evidence in the administrative record with respect to the CEQA categorical exemption determination, the variance findings, and the Small Lot Design Review findings.

This appeal is based not only on disagreement with the County's conclusions, but on the absence of a clearly integrated final analysis showing that the County evaluated the same final project configuration consistently across CEQA, variance, and Small Lot Design Review standards. Where the project evolved materially in scale and configuration, the County was required to base its approvals on a complete and internally consistent final project description supported by substantial evidence.

1. CEQA CATEGORICAL EXEMPTION – UNUSUAL CIRCUMSTANCES NOT ADEQUATELY ADDRESSED

The project relies on categorical exemptions under CEQA Guidelines Sections 15301 and 15303. However, CEQA Guidelines Section 15300.2(c) provides that categorical exemptions do not apply where unusual circumstances create a reasonable possibility of significant environmental effects.

This site presents multiple overlapping conditions that are not typical of standard single-family residential development, including:

- a narrow, substandard 33-foot-wide lot with dual frontage constraints
- a subsurface Bull Valley Creek drainage culvert traversing the site
- location within a FEMA-designated Special Flood Hazard Area
- Wildland-Urban Interface fire risk conditions
- a materially expanded 2.5-story, ~3,100+ square-foot residence with associated variances

Neither the staff report nor the revised findings appears to analyze these site constraints in combination for purposes of the unusual-circumstances exception to the claimed categorical exemptions, nor do they clearly address whether those conditions create a reasonable possibility of environmental effects beyond those normally anticipated under the exemption classes.

These combined conditions create at least a reasonable possibility of environmental effects not typical of exempt residential projects, including drainage or flooding impacts, excavation-related effects on the subsurface culvert, potential impacts to any historical or archaeological resources, emergency access and fire-safety concerns associated with site constraints, and parcel-scale visual or massing effects arising from the scale of development on an unusually narrow lot.

For these reasons, reliance on a categorical exemption is not supported by substantial evidence.

2. SUBSURFACE CULVERT – POTENTIAL HISTORICAL OR ARCHAEOLOGICAL RESOURCE NOT RESOLVED

The project site contains a subsurface drainage culvert associated with Bull Valley Creek. Available information in the record indicates this structure may date to the late 19th century and may be associated with infrastructure development in Port Costa.

Under CEQA Guidelines §15064.5, a resource does not need to be formally listed to qualify as a historical resource. Where the record contains information indicating potential historical or archaeological significance, the County should address that issue before relying on a categorical exemption.

Here, the administrative record does not contain:

- a formal historical resource determination for the culvert
- evaluation of archaeological or engineered heritage significance
- analysis of potential project-related impacts (vibration, excavation, or structural interference)

In addition, cultural resource screening information in the record indicates potential for unrecorded archaeological resources in the project area. Even if the County ultimately concludes the culvert is not a historical resource, the record should show that the County made an adequate threshold inquiry into whether the structure has historical, engineering, or archaeological significance before relying on a categorical exemption.

Absent a threshold determination regarding significance, the record does not clearly demonstrate that reliance on a categorical exemption is supported with respect to potential cultural resource impacts.

3. VARIANCE FINDINGS – MINIMUM NECESSARY STANDARD NOT DEMONSTRATED

Variance approval requires findings that strict application of zoning standards creates a hardship due to unique site conditions, and that the requested deviation is the minimum necessary.

A variance may not be used simply to accommodate a preferred project size, floor area, or design program; the required findings must show that the relief granted is the minimum necessary to address hardship arising from the property itself.

While the parcel is substandard in width, similar conditions are common in Port Costa and do not alone establish entitlement to the full extent of relief granted.

The record does not clearly demonstrate that:

- reduced-impact or code-compliant design alternatives were meaningfully evaluated
- the requested side yard reductions, zero-foot deck setback, and reduced garage dimensions are the minimum necessary deviation

- the variances are driven exclusively by physical constraints rather than discretionary maximization of building envelope

The progressive increase in project scale over time further raises unresolved questions as to whether the requested variances reflect unavoidable hardship or design optimization within regulatory constraints.

Accordingly, the required variance findings are not supported by substantial evidence.

4. SMALL LOT DESIGN REVIEW – MASSING AND COMPATIBILITY

The Small Lot Design Review concludes that the project is compatible with surrounding development.

However, compatibility must be evaluated relative to the subject parcel's constraints, not only general neighborhood character.

On this 33-foot-wide lot, the proposed structure with reduced setbacks and increased height results in:

- significantly reduced lateral separation from adjacent properties
- increased vertical and horizontal massing relative to lot width
- intensified proximity and enclosure effects at the parcel scale

While neighborhood character alone is not determinative, most residential structures in Port Costa are under 2,000 square feet. This context is relevant to evaluating Small Lot Design Review compatibility and whether the proposed 3,000+ square-foot, 2.5-story structure on a 33-foot-wide parcel reflects design necessity driven by site constraints or a discretionary maximization of buildable envelope facilitated through multiple variances.

The record does not clearly demonstrate that these site-specific impacts were adequately analyzed in determining compatibility under Small Lot Design Review standards.

5. PROJECT CONSISTENCY AND COMPLETENESS OF THE RECORD

The administrative record reflects that the project has evolved over time in scale and configuration. The staff report dated 04-17-2023 appears to evaluate an earlier project configuration, while revised findings and updated plans titled Attachment A in the record reflect a materially expanded proposal.

Revised findings and updated plans were submitted; however, the record does not clearly demonstrate that all prior analytical components (including the staff report and underlying evaluation materials) were fully updated or expressly superseded by a single integrated final analysis.

Where project scope and intensity change materially, CEQA and zoning findings must be based on a complete, internally consistent final project description that is consistently evaluated across all discretionary approvals.

That level of clear integration is not evident in the current record.

6. CONCLUSION

For the reasons above, the administrative record does not contain substantial evidence supporting:

- reliance on categorical CEQA exemptions in light of unusual site circumstances
- failure to evaluate potential historical or archaeological significance of the subsurface culvert under CEQA §15064.5
- variance findings demonstrating minimum necessary deviation and true site-driven hardship
- Small Lot Design Review findings adequately addressing massing impacts on a constrained parcel
- a fully consistent and integrated final project evaluation across all approvals

REQUEST FOR ACTION

I respectfully request that the Planning Commission:

1. Grant this appeal
2. Set aside the CEQA categorical exemption determination and project approvals
3. Require reconsideration of the project based on a complete and integrated administrative record reflecting the final project configuration, including reevaluation of whether any categorical CEQA exemption applies
4. Reevaluate variance and design review findings under the substantial evidence standard, including analysis of feasible alternatives, parcel-scale compatibility impacts, and whether the relief granted is truly the minimum necessary

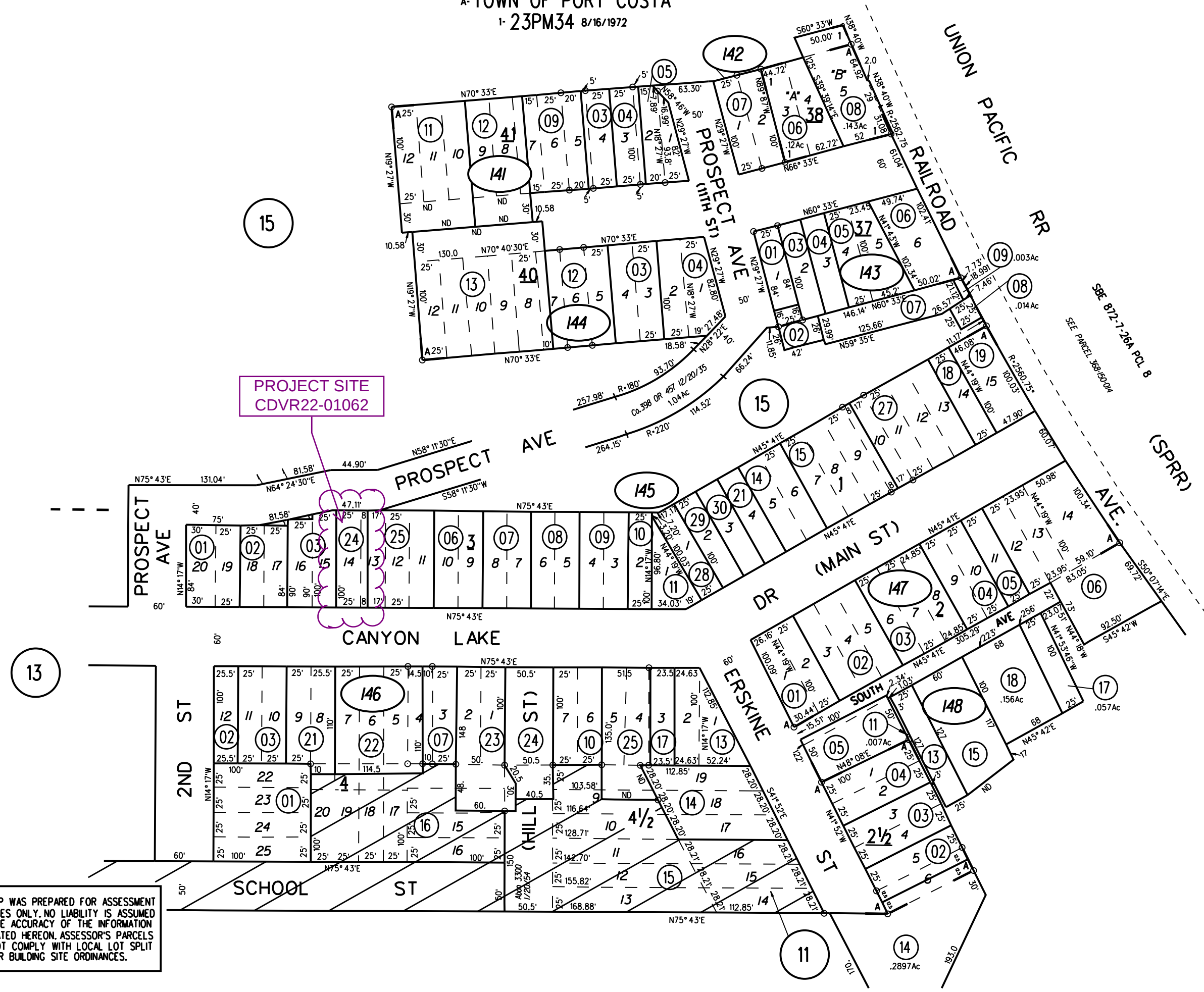
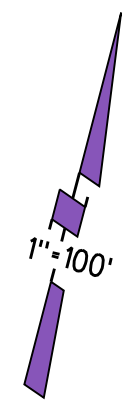
Sincerely,

Chris Palacio and Ryan DeGooyer

54 Canyon Lake Drive, Port Costa, CA, 94569

ryandegooyer@gmail.com

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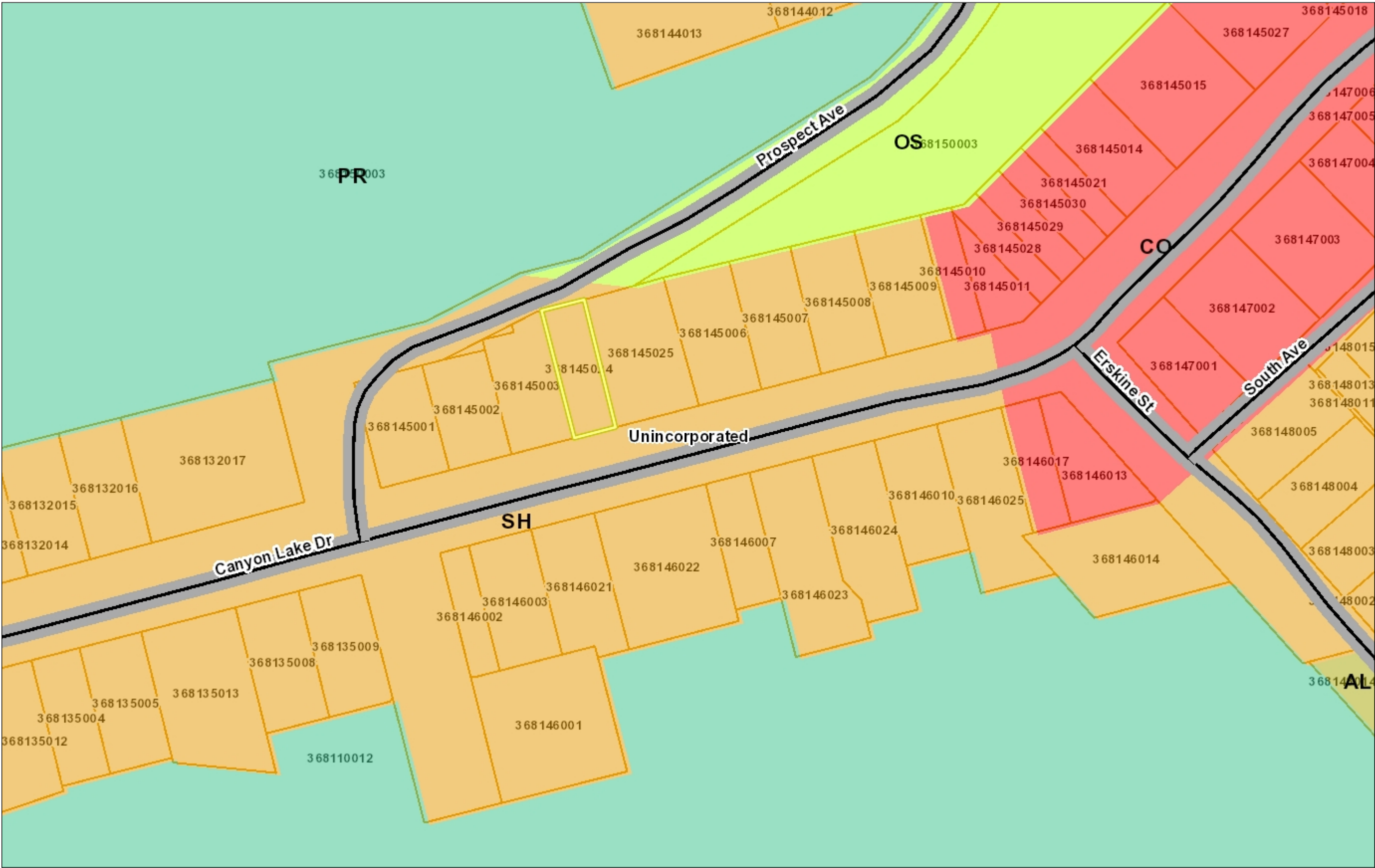


PROJECT SITE
CDVR22-01062

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

141	11,12	1/24/18
142		
143		
144	13	1/24/18
145	30	12/11/03
146		
147		
148		

General Plan: SH, Single-Family Residential - High Density



Legend

- City Limits
- Unincorporated
- Highways
- Highways Bay Area
- Streets
- General Plan
 - SV (Single Family Residential - Ver
 - SL (Single Family Residential - Low
 - SM (Single Family Residential - Me
 - SH (Single Family Residential - Hig
 - ML (Multiple Family Residential - Lc
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 - MV (Multiple Family Residential - V
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 - MO (Mobile Home)
 - M-1 (Parker Avenue Mixed Use)
 - M-2 (Downtown/Waterfront Rodeo I
 - M-3 (Pleasant Hill BART Mixed Use
 - M-4 (Willow Pass Road Mixed Use)
 - M-5 (Willow Pass Road Commercia
 - M-6 (Bay Point Residential Mixed U
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 - M-8 (Dougherty Valley Village Cent
 - M-9 (Montalvin Manor Mixed Use)
 - M-10 (Willow Pass Business Park M
 - M-11 (Appian Way Mixed Use)
 - M-12 (Triangle Area Mixed Use)
 - M-13 (San Pablo Dam Road Mixed
 - M-14 (Heritage Mixed Use)
 - CO (Commercial)
 - OF (Office)
 - BP (Business Park)
 - LI (Light Industry)
 - HI (Heavy Industry)
 - AL, OIBA (Agricultural Lands & Off
 - CR (Commercial Recreation)
 - ACO (Airport Commercial)

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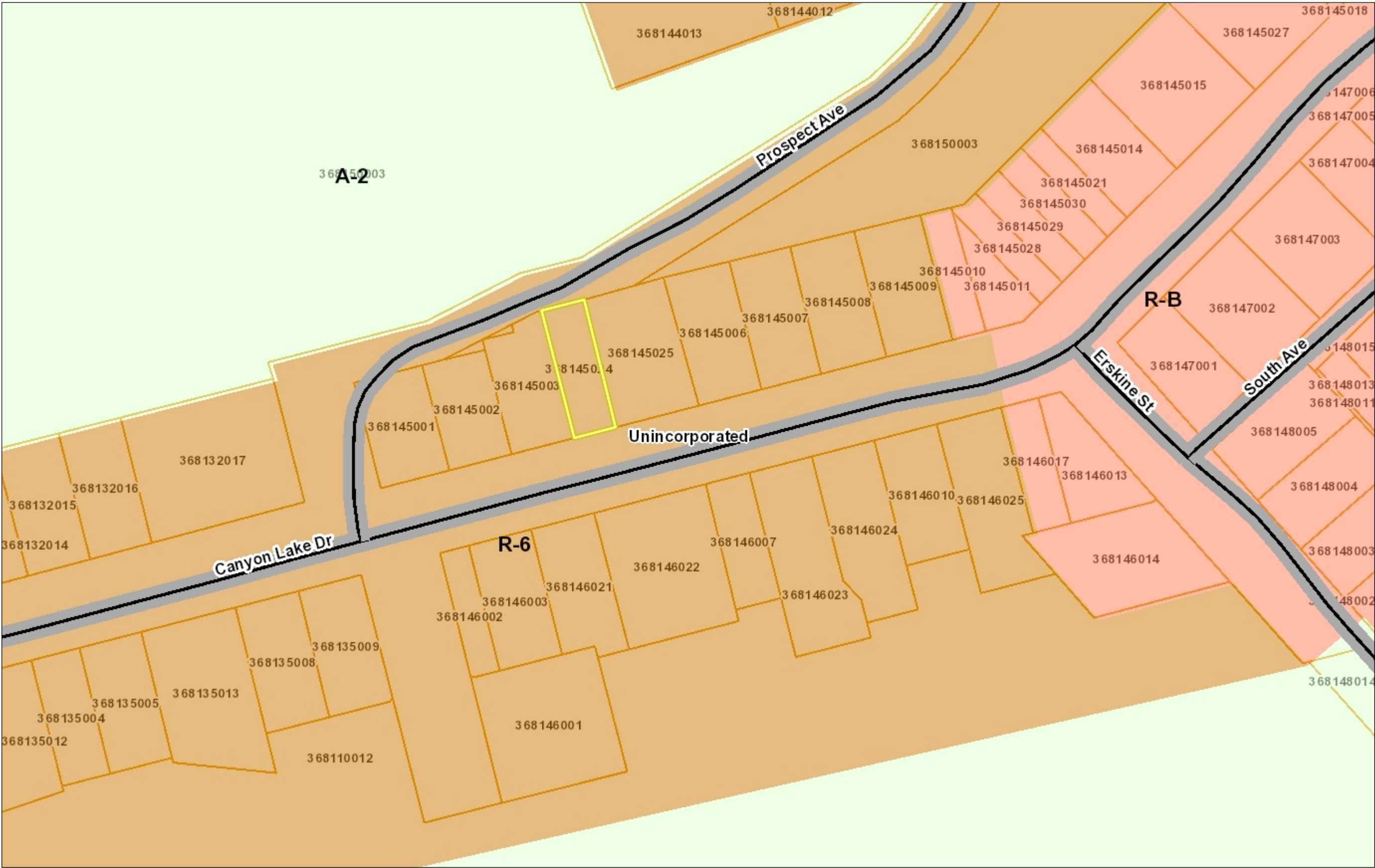


Notes

Contra Costa County -DOIT GIS

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WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- City Limits
- Unincorporated
- Highways
- Highways Bay Area
- Streets
- Zoning
 - R-6 (Single Family Residential)
 - R-6, -FH -UE (Flood Hazard and A
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 - M-12 (Multiple Family Residential)
 - M-12 -FH (Flood Hazard Combining
 - M-17 (Multiple Family Residential)
 - M-29 (Multiple Family Residential)
 - F-R (Forestry Recreational)
 - F-R -FH (Flood Hazard Combining I
 - F-1 (Water Recreational)
 - F-1 -FH (Flood Hazard Combining I
 - A-2 (General Agriculture)
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 - A-2, -BS -SG (Boat Storage and So

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WGS_1984_Web_Mercator_Auxiliary_Sphere

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Notes

Contra Costa County -DOIT GIS



Map Legend

Image

Red: Red

Green: Green

Blue: Blue

Override 1

Assessment
Parcels

Unincorporated

Address Points

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Please direct all data inquiries to the appropriate department.

Spatial Reference
PCS: WGS 1984 Web Mercator Auxiliary Sphere
Datum: WGS 1984



Contra Costa County Public Works Department

Warren Lai, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Sarah Price
Carrie Ricci
Joe Yee

Memo

April 27, 2026

TO: Syd Sotoodeh, Planner, Department of Conservation and Development
FROM: Alex Vazquez, Senior Civil Engineer, Engineering Services Division 
SUBJECT: **VARIANCE VR22-1062**
REVISED STAFF REPORT & RECOMMENDED CONDITIONS OF APPROVAL
(Ryan Bosworth/58 Canyon Lake Dr/Port Costa/APN 368-145-024)
FILE: **VR22-1062**

We have reviewed the revised application for **variance permit VR22-1062** received by your office on **April 24, 2026**, as an update to the original application from **November 3, 2022**. The attached recommended conditions of approval, based on the site plan, include road and drainage requirements. The applicant shall comply with the Ordinance Code requirements as they pertain to this development. The following issues should be carefully considered with this project:

Background

The applicant requests a variance to allow for the construction of a new, two story, single-family residence with variances to allow a 1'-10" side yard (where 5 feet is required) and a 10'-6" aggregate side yard (where 15 feet is required), and variances to allow a 17'-6" front setback (where 20 feet is required) and 0' side yard setback (where 5 feet is required) for a retaining wall, and to allow a 0' side yard, and parking in tandem, for the two required off-street parking spaces.

The property is located at 58 Canyon Lake Drive in Port Costa. Based on existing records, a 4-foot-wide box culvert runs beneath the property. The revised submittal confirms that the culvert width is 5 feet from outside edge to outside edge. Prospect Avenue is to the north of the property, at a high elevation relative to the parcel's concrete slab. The property faces the County maintained road, Canyon Lake Drive, and slopes south towards that road. To the east and west of the property are other residential parcels.

A Variance Permit by the same applicant (VP19-1051) was previously approved on this site.

Traffic and Circulation

The site is north of and gains access from Canyon Lake Drive, a County maintained road. The frontage features a sidewalk separated from the roadway by a drainage ditch. There is no curb present in the vicinity of the project and the driveway is not presently connected to Canyon Lake Drive by a concrete slab, requiring vehicles accessing the driveway to drive through the roadside drainage ditch. There are no proposed frontage improvements shown on project plans.

Canyon Lake Drive is approximately 30 feet wide within an existing 60-foot road right-of-way. The County General Plan shows Canyon Lakes Drive to be a collector, and as such no additional easement width or pavement widening is necessary. There appears to be adequate onsite parking with two proposed parking spaces beside the residence. The proposed project has no direct impact to County roads. Any future changes to the driveway within the public right-of-way will require a separate encroachment permit.

Drainage

The site generally drains southeasterly to an earthen ditch adjacent to Canyon Lake Drive. The proposed improvements will not add or alter the drainage from what previously existing on. Building Inspection will oversee compliance with Building Code requirements relative to the residential improvements.

Updated design drawings provided by the applicant indicate that the box culvert for Bull Valley Creek located beneath the north side of the property is 5 feet wide (measured outside edge to outside edge), rather than the 4-foot width previously identified. The applicant has proposed a 11-foot-wide drainage easement over this culvert. A drainage easement in favor of the adjacent upstream property owner will need to be dedicated prior to final occupancy of the building

The proposed building and wading pool comply with the easement setback requirement. The project engineer has submitted a memo stating that construction proposed as part of this project is not anticipated to affect the integrity of the culvert.

Stormwater Management and Discharge Control

In compliance with the County's Stormwater Management and Discharge Control Ordinance, it has been determined that the applicant is not required to submit a Stormwater Control Plan (SWCP) for this project. New or redeveloped impervious surface area totals are less than 10,000 square feet, which is the threshold requirement for submitting a SWCP for a single-family home project.

Floodplain Management

The property lies within a Special Flood Hazard Area (100-year flood plain) Zone A as designated on the Federal Emergency Management Agency Flood Insurance Rate Map. The applicant should be aware that a floodplain permit from Public Works will be required.

Lighting District Annexation

The subject parcel is already annexed into the L-100 lighting district and will require no further annexation.

Area of Benefit Fee

The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the West Contra Costa (WCC) Transportation and Hercules/Rodeo/Crockett Areas of Benefit, as adopted by the Board of Supervisors. The fees shall be paid prior to issuance of building permits.

Drainage Area Fee

The property is located within unformed Drainage Area 122A. There is currently no fee ordinance adopted by the Board of Supervisors for this area.

Should you have any questions, please contact Alex Vazquez at (925) 313-2117 or alex.vazquez@pw.cccounty.us.

AV:ss

G:\engsvc\Land Dev\VR\VR 22-1062\VR22-1062 Staff Report & COAs REVISED 2026-04-27.docx

cc: J. LaRocque, Engineering Services Division
J. Ma, Engineering Services Division
A. DiSilvestre, Engineering Services Division
K. O'Connor, Engineering Services Division
Ryan Bosworth, *owner, and applicant*
PO Box 100
Port Costa, CA 94569
Ethan Anderson, *architect*
2350 Saratoga St Unit 155
Alameda CA, 94501

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR PERMIT VR22-1062**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on March 12, 2026.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE STATED.

Miscellaneous Drainage Requirements:

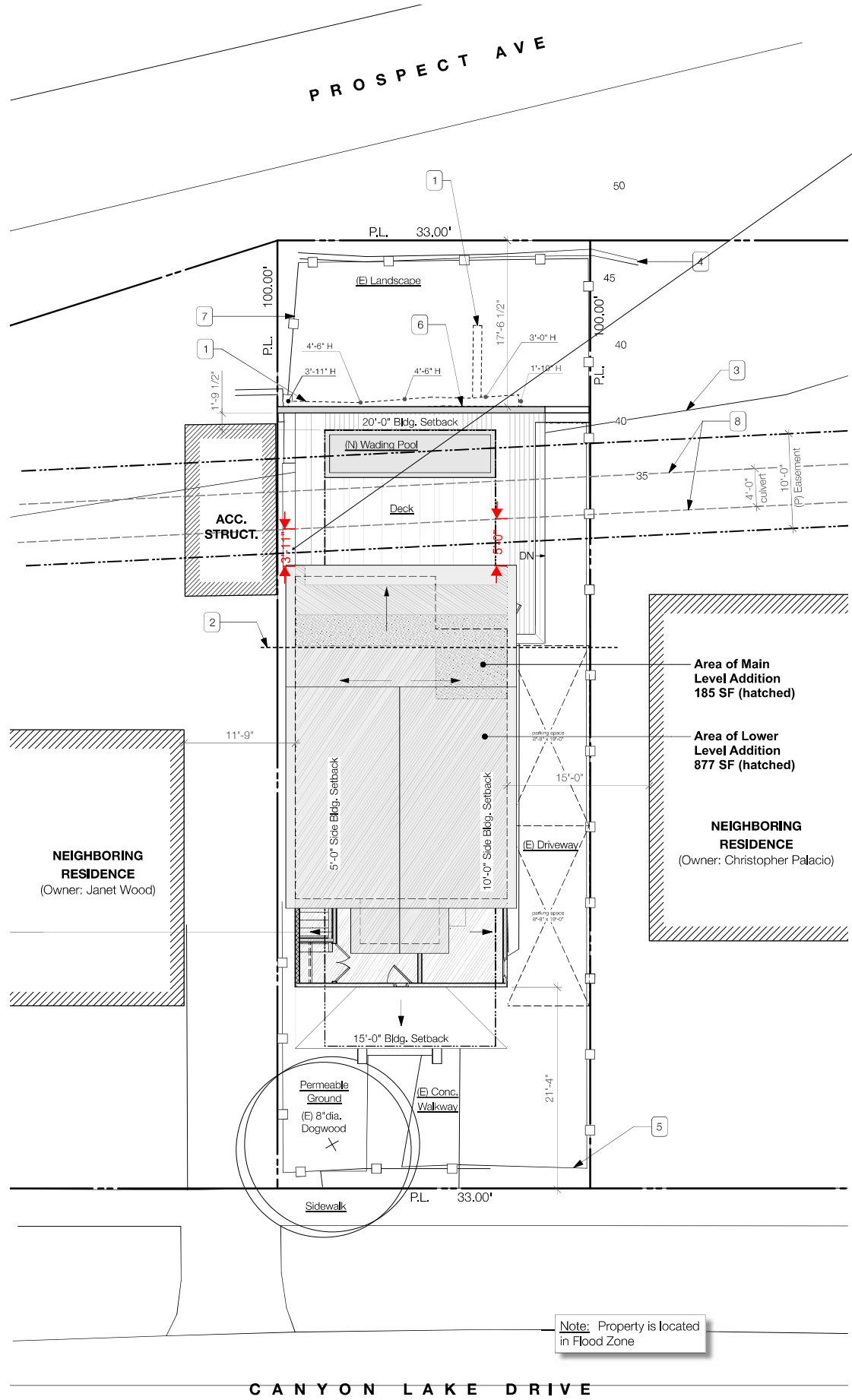
- A private storm drain easement in favor of the immediate upstream property owner, 11 feet in width shall be dedicated over the 5-foot-wide Bull Valley Creek cobbled culvert traversing the site. This dedication shall be recorded prior to final occupancy.

Floodplain Management

- The project is located in a Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant shall be aware of and comply with the requirements of the National Flood Insurance Program (Federal) and the County Floodplain Management Ordinance as they pertain to development and future construction of any structures on this property.

ADVISORY NOTES

- Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the West Contra Costa (WCC) Transportation and Hercules/Rodeo/Crockett Areas of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.



1 Site Map
1/8"=1'-0"



Pot-hole Excavation Area



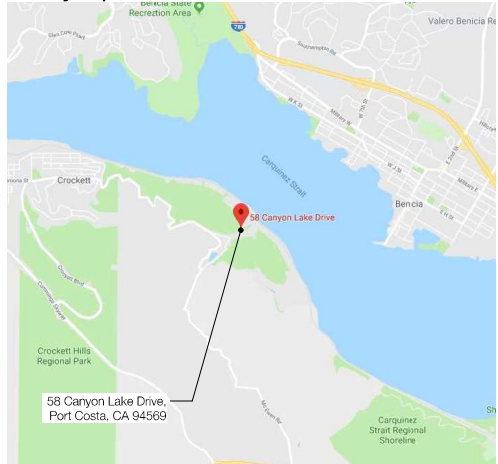
Distance to Exterior wall - 48"



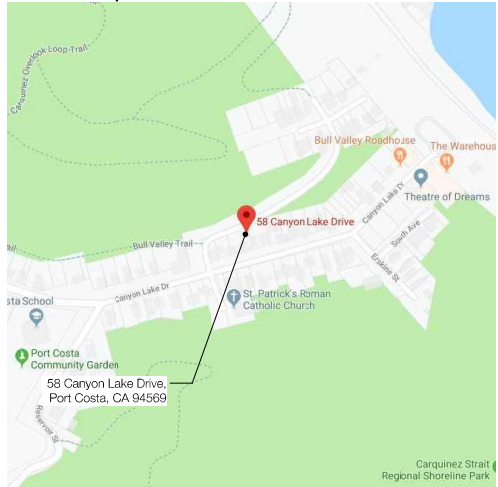
Top of Grade to Top of Culvert - 48"



Vicinity Map



Location Map



58 Canyon Lake Dr.
Port Costa, CA 94569

DRAFTING CAFE
ARCHITECTS

T: 510-251-2511
F: 510-735-9797
E: info@draftingcafe.com
www.draftingcafe.com



REVISIONS	NO.	DESCRIPTION	DATE

Cover Sheet & Site Map

DATE March 26, 2021

PROJECT 19066

SCALE 1/8" = 1'-0"

A0.1

Memorandum

Date: April 29, 2021

To: Ryan Bosworth
Owner – 58 Canyon Lake Drive

Project: 58 Canyon Lake Addition
58 Canyon Lake Drive
Port Costa, California 94569

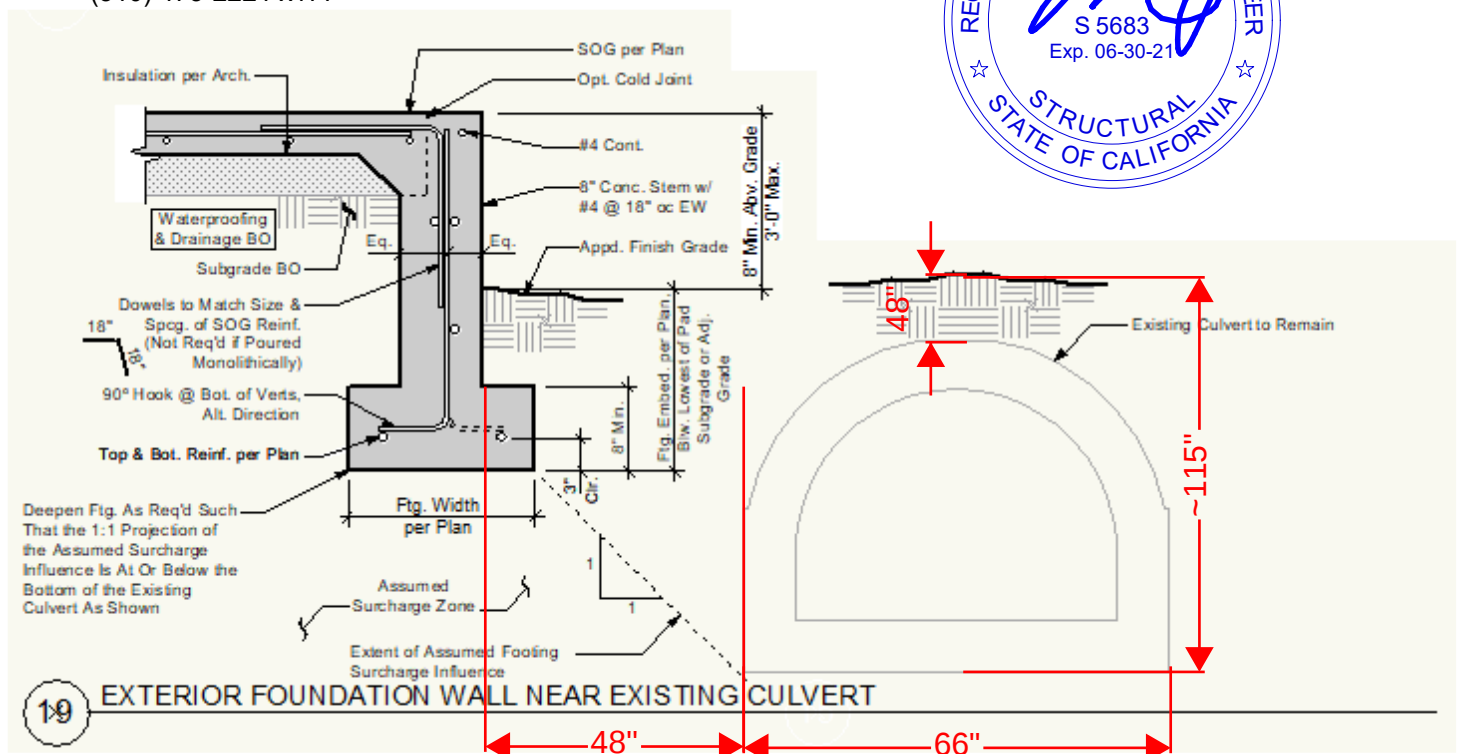
Job #: 191517

Subject: Existing Backyard Culvert Surcharge

Per your request, we have reviewed the updated architectural site plan indicating the presence of an existing cobbled culvert in proximity to the proposed rear building foundation, as well as the approximate culvert size and depth criteria provided to us. Provided the rear wall foundation construction is deepened in accordance with the detail below, such that the footing does not fall within the 1:1 influence line indicated to the bottom of the culvert, it is our opinion that the effect of any surcharge will be minimal and not adversely affect the integrity of the culvert.

Very truly yours,

Matthew Tropp
Principal Engineer
(510) 473-2221 x177

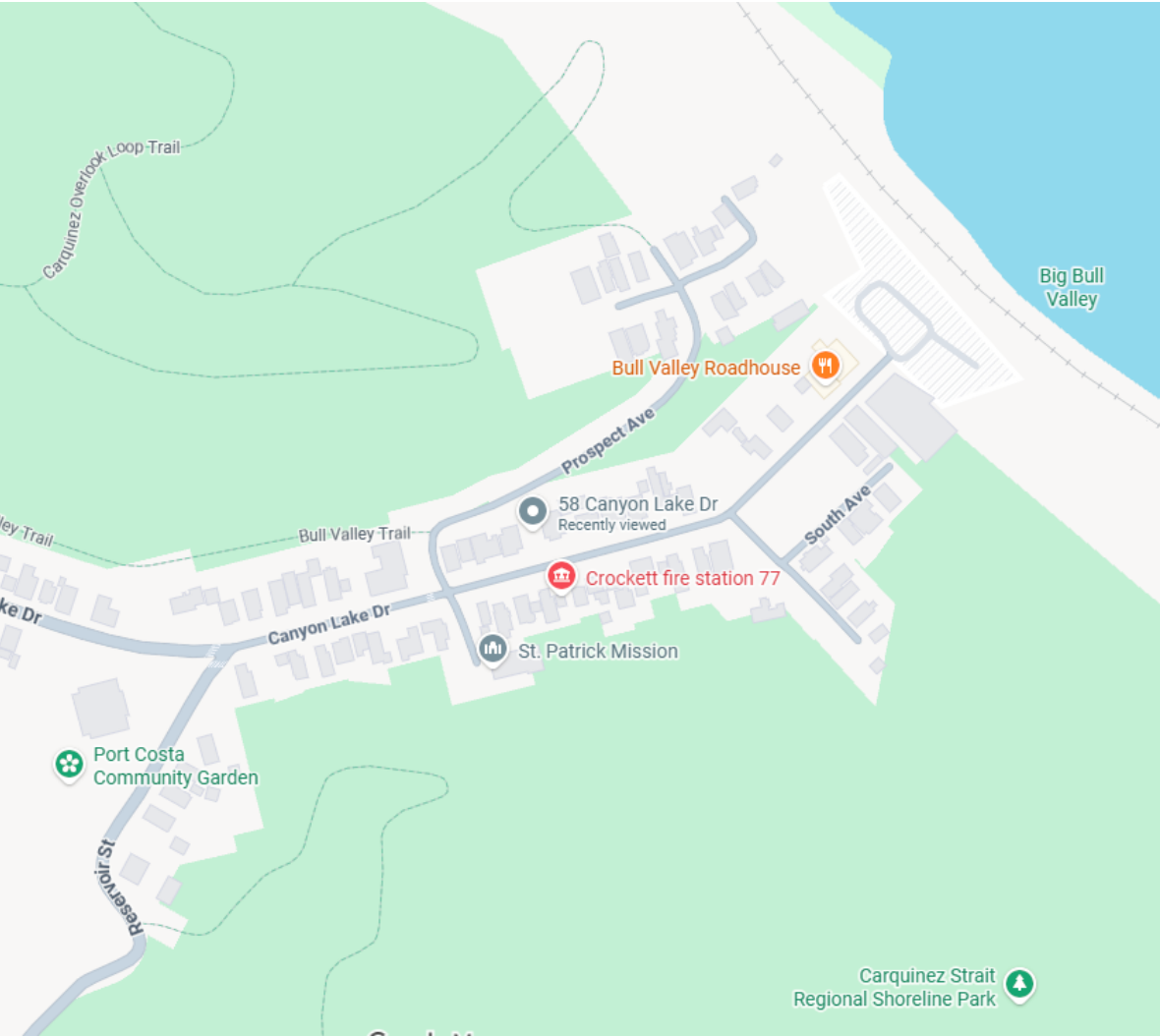
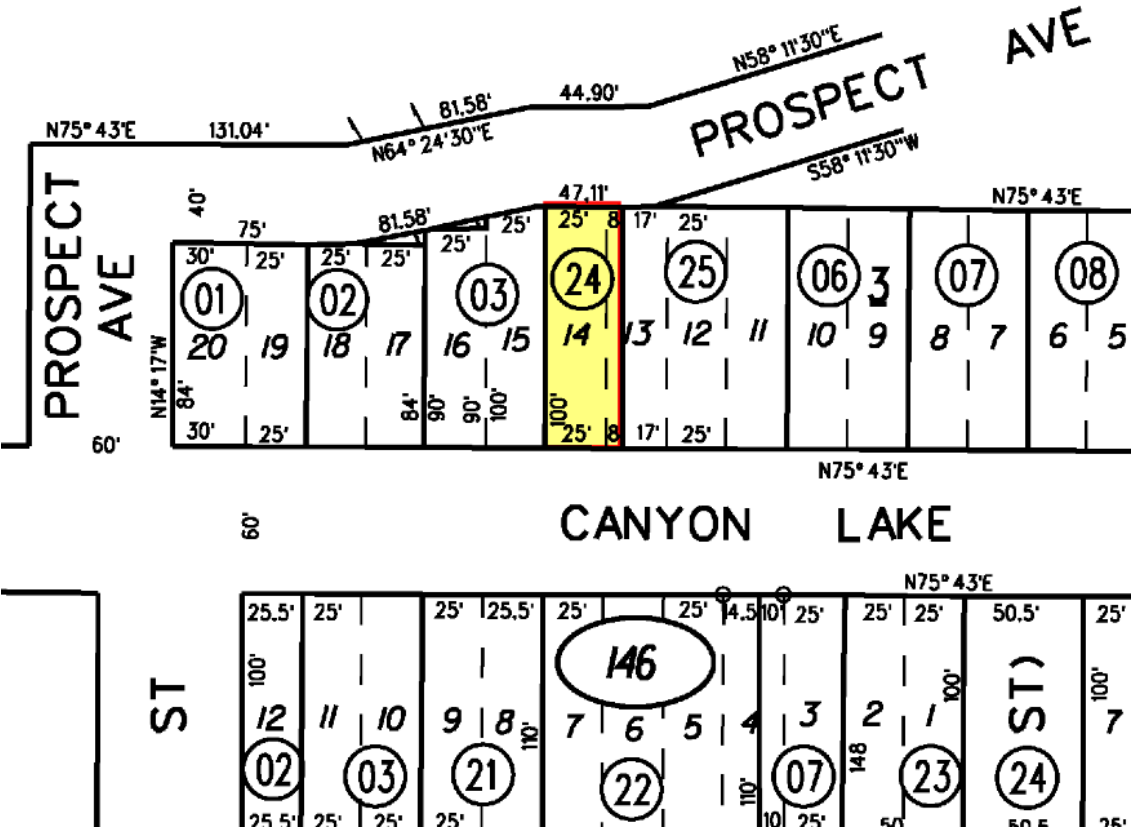


VARIANCE APPLICATION

58 CANYON LAKE

58 Canyon Lake Dr. Port Costa, CA 94569

MAP



PROJECT DESCRIPTION

PROJECT TYPE:
SINGLE-FAMILY RESIDENTIAL

SCOPE OF WORK:
SFR SCRAPE AND REBUILD

PROJECT DATA

APN: 368-145-024
ZONING DISTRICT: R-6
OCCUPANCY: R-3
CONST TYPE: VB
YEAR BUILT: 1
NUM. OF DWELLING UNIT: 2.5
NUM. OF STORY: 5 BEDROOMS, 1 OFFICE, 3.5 BATHS
UNIT BREAKDOWN: YES
FIRE SPRINKLER: FIRE SPRINKLER (NFPA 13D)
DEFERRED PERMIT: PUBLIC WORK DEPT. (N) DRIVEWAY
WATER DISTRICT (N) WATER METER, BACKFLOW VALVE
CLIMATE ZONE: 12
FIRE HAZARD: VERY HIGH FIRE HAZARD SERVERITY ZONE (VHFHS)
FLOOD ZONE: YES, ZONE A, 1% ANNUAL CHANCE FLOOD ELEV. 34.2'

FLOOR AREAS, GROSS

LOT AREA:	3,300 SF
EXISTING:	TOTAL FLOOR: 639 SF
	LOT COVERAGE: 802 SF, 24.3%
	FAR: 0.194
	LANDSCAPED AREA: 502 SF
PROPOSED:	TOTAL FLOOR: 3,614 SF
	LOT COVERAGE: 1,264 SF, 38.3%
	DECK AREA: 481 SF
	POOL: 87 SF
	FAR: 1.095
	LANDSCAPED AREA: 502 SF

LOT AREA: 3,300 SF (EXISTING, NO CHANGE)
WIDTH: 33'
DEPTH: 100'

ZONING: PRINCIPAL FRONTAGE: 20'
FRONT YARD: OTHER FRONTAGE: 15'

SIDE YARD: STANDARD R-6 [CCCC 84-4.1002]
MIN. 5', AGGREGATE 15'

PROPOSED: SLIDING SCALE [CCCC 82-14.004]:
MIN. 3', AGGREGATE 8'

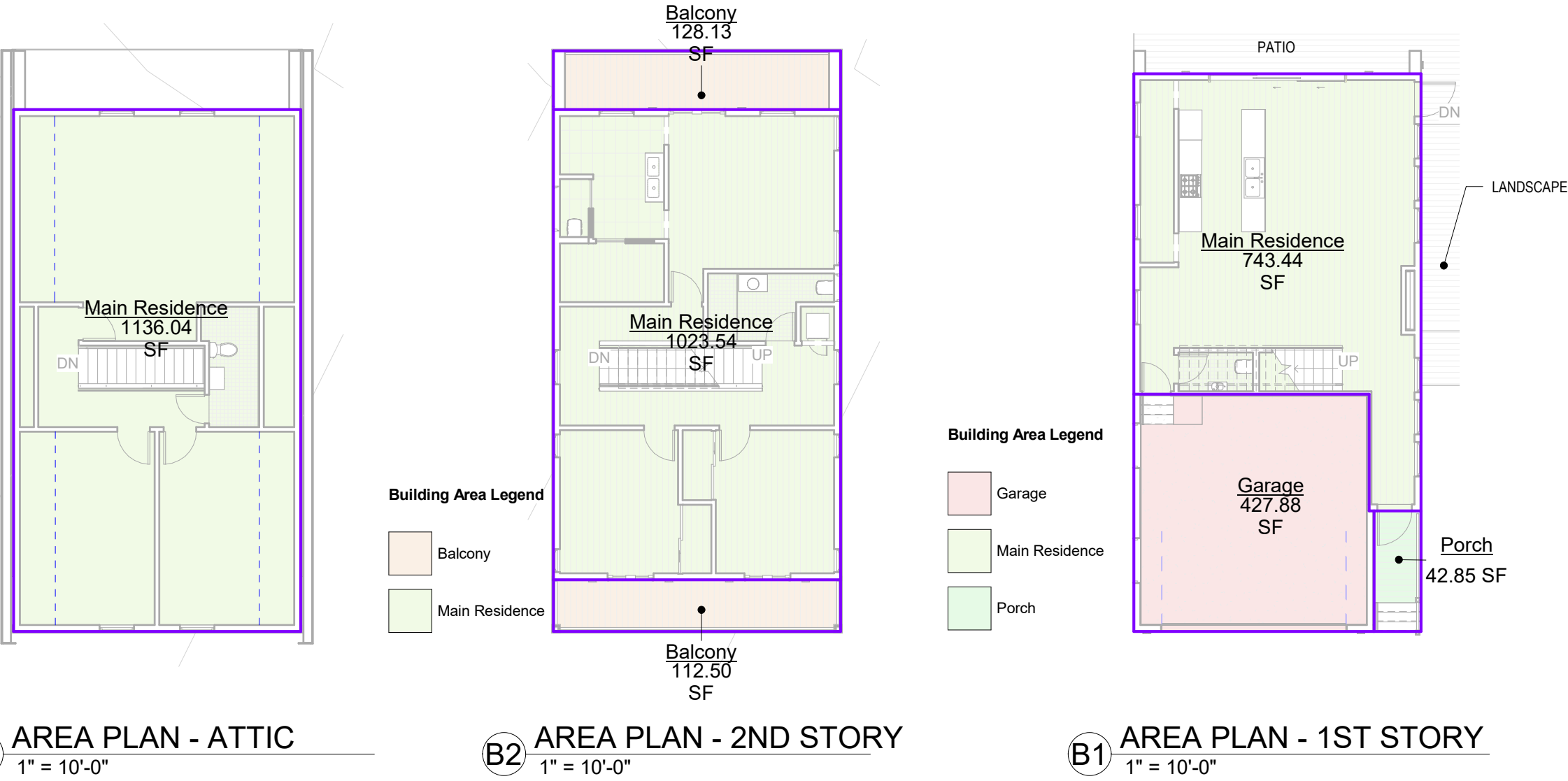
REAR YARD: 15'

BLDG HT: MAX. ALLOWED 35', 2.5 STORIES
PROPOSED 34' - 3", 2.5 STORIES

CAR PARKING: REQUIRED: 2 OFF-STREET, 9'x19'
PROPOSED: 2, ONE STANDARD SIZE, ONE 9' x 16'

AREA PLAN

AREA - PROPOSED		
NAME	LEVEL	AREA
Garage	1ST STORY	427.88 SF
Main Residence	1ST STORY	743.44 SF
Porch	1ST STORY	42.85 SF
Balcony	2ND STORY	124.17 SF
Main Residence	2ND STORY	240.63 SF
Main Residence	2ND STORY	1023.54 SF
Main Residence	ATTIC	1264.17 SF
Main Residence	ATTIC	1136.04 SF
Grand total		3614.38 SF



PROJECT TEAM

OWNER

RYAN BOSWORTH
58 CANYON LAKE DRIVE
PORT COSTA, CA
916.475.5475

ARCHITECT

STUDIO C
CHUNPANG CHEN
650.996.1577
INFO@STUDIOCCCHEN.COM

T-24 ENGINEER

TBD

GENERAL CONTRACTOR

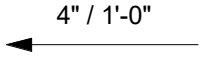
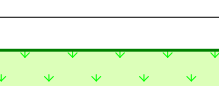
TBD

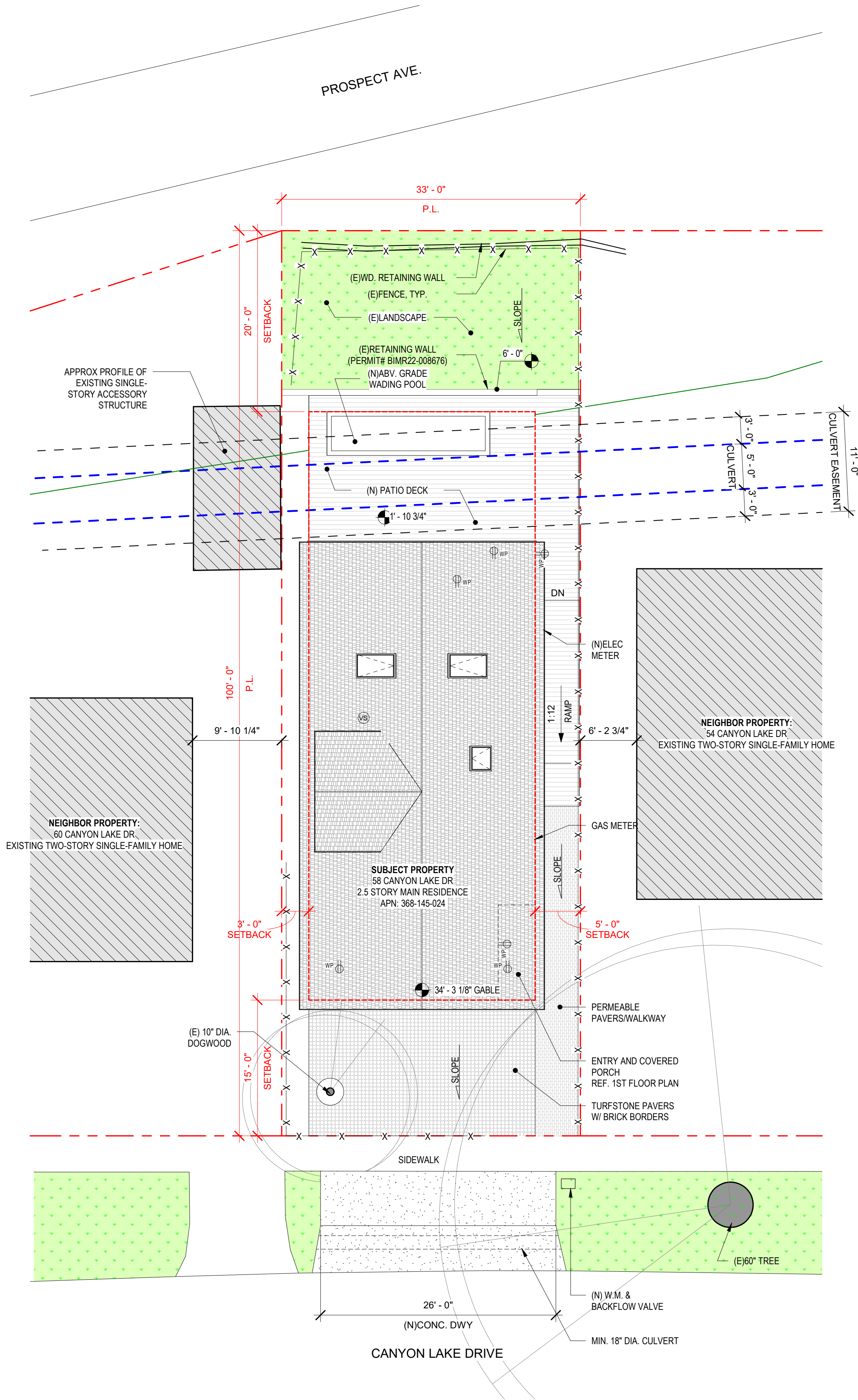
APPLICABLE CODES

ALL CONSTRUCTIONS REGARDLESS OF DTLS. ON PLANS SHALL COMPLY WITH THE FOLLOWING CODES:

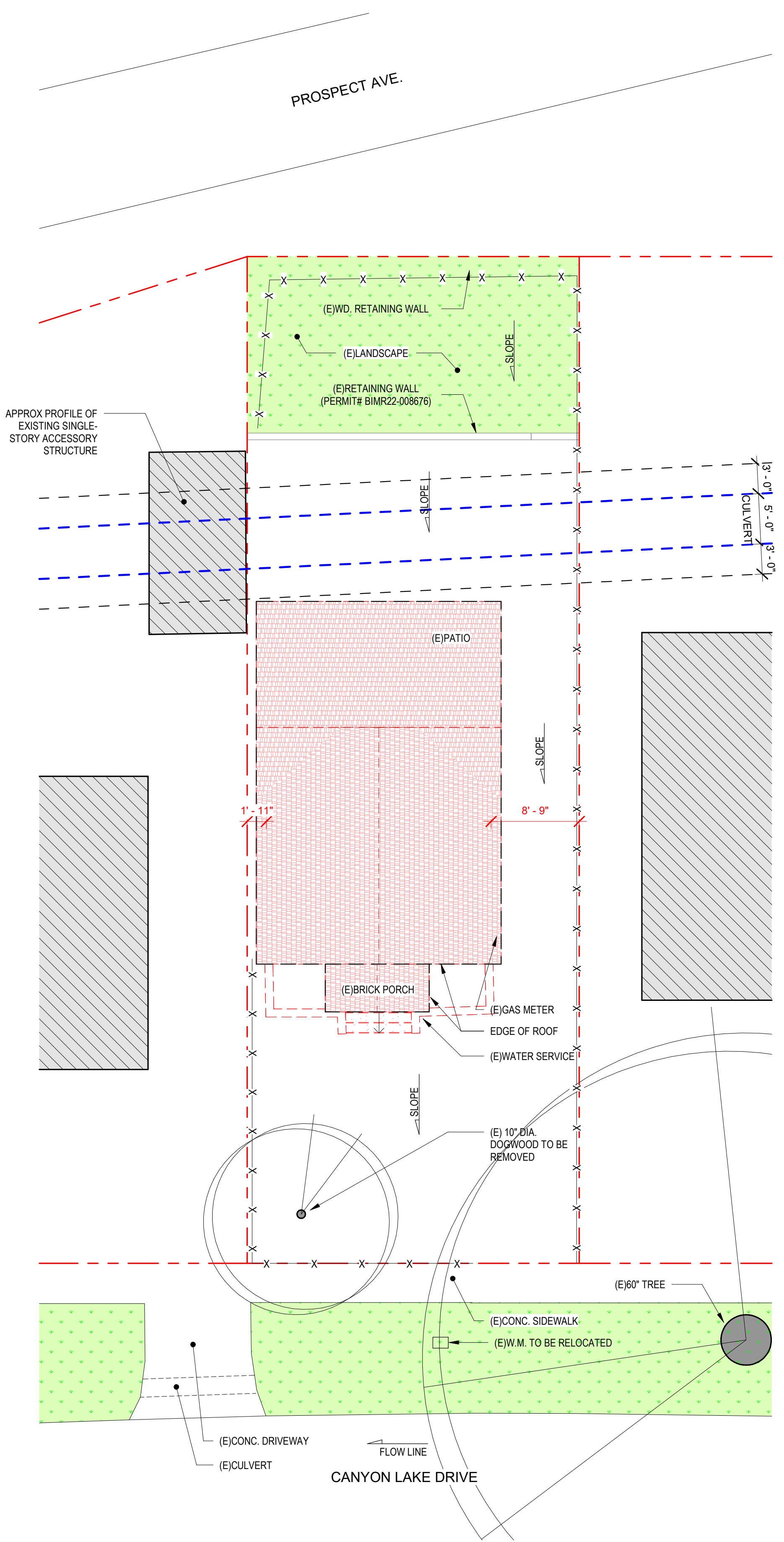
2025 CALIFORNIA BUILDING CODE (CBC)
2025 CALIFORNIA RESIDENTIAL CODE (CRC)
2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE (WUIC)
2025 CALIFORNIA ELECTRICAL CODE (CEC)
2025 CALIFORNIA MECHANICAL CODE (CMC)
2025 CALIFORNIA PLUMBING CODE (CPC)
2025 CALIFORNIA ENERGY CODE (CEC)
2025 CALIFORNIA GREEN BUILDING CODE (CGC)
2025 CALIFORNIA FIRE CODE (CFC)

CONTRA COSTA COUNTY ORDINANCE CODE (CCCC)

SITE PLAN LEGEND	
	INDICATES DIRECTION OF SLOPE
	PROPERTY LINE
	SETBACK
	EASEMENT
	CULVERT
	CONTOUR
	FENCE
	PLANT/LANDSCAPE AREA



A2 SITE PLAN - PROPOSED
1/8" = 1'-0"



A1 SITE PLAN - EXISTING
1/8" = 1'-0"

58 CANYON LAKE

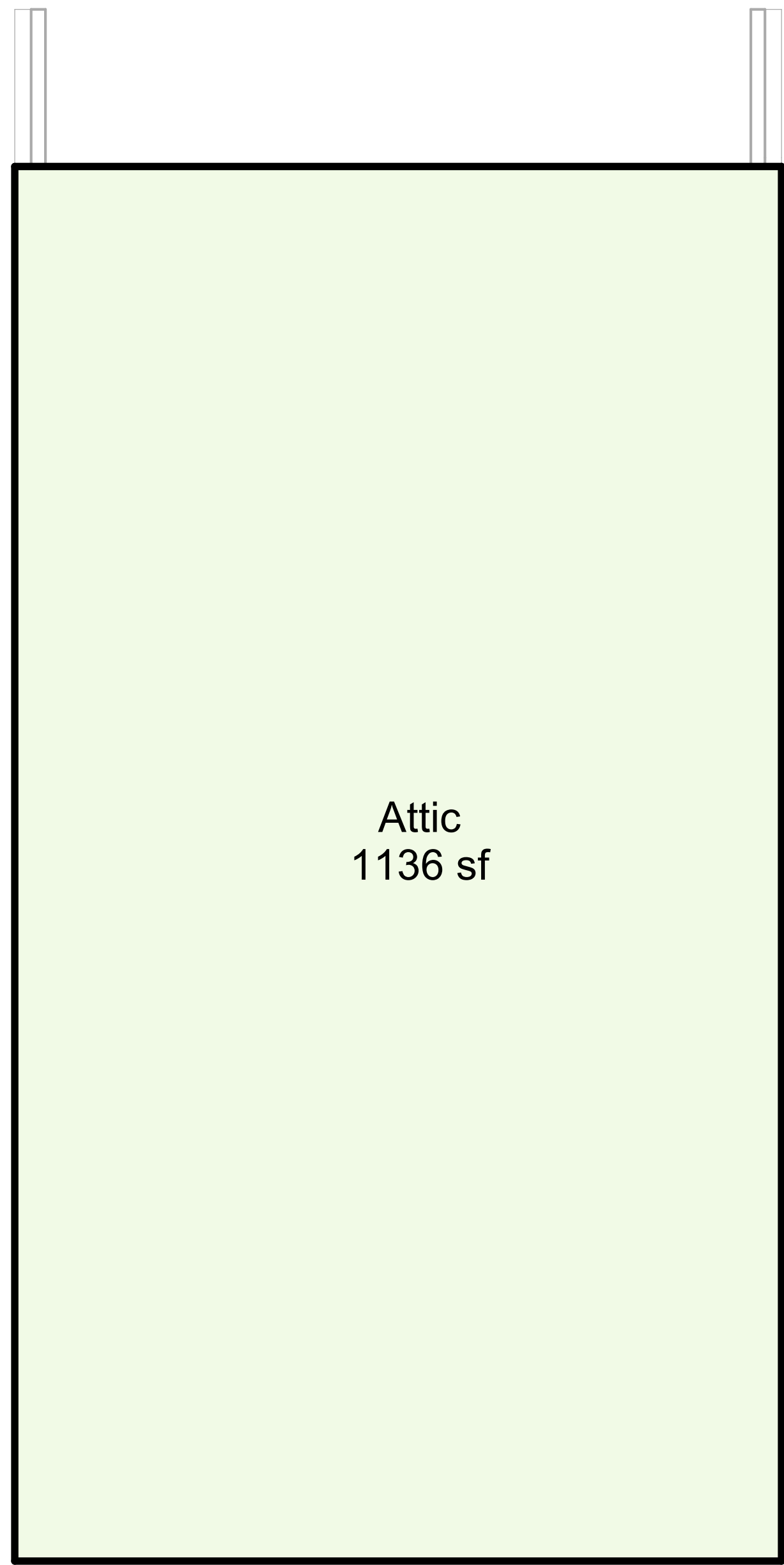
58 Canyon Lake Dr. Port Costa, CA 94569

ISSUED FOR: DATE:

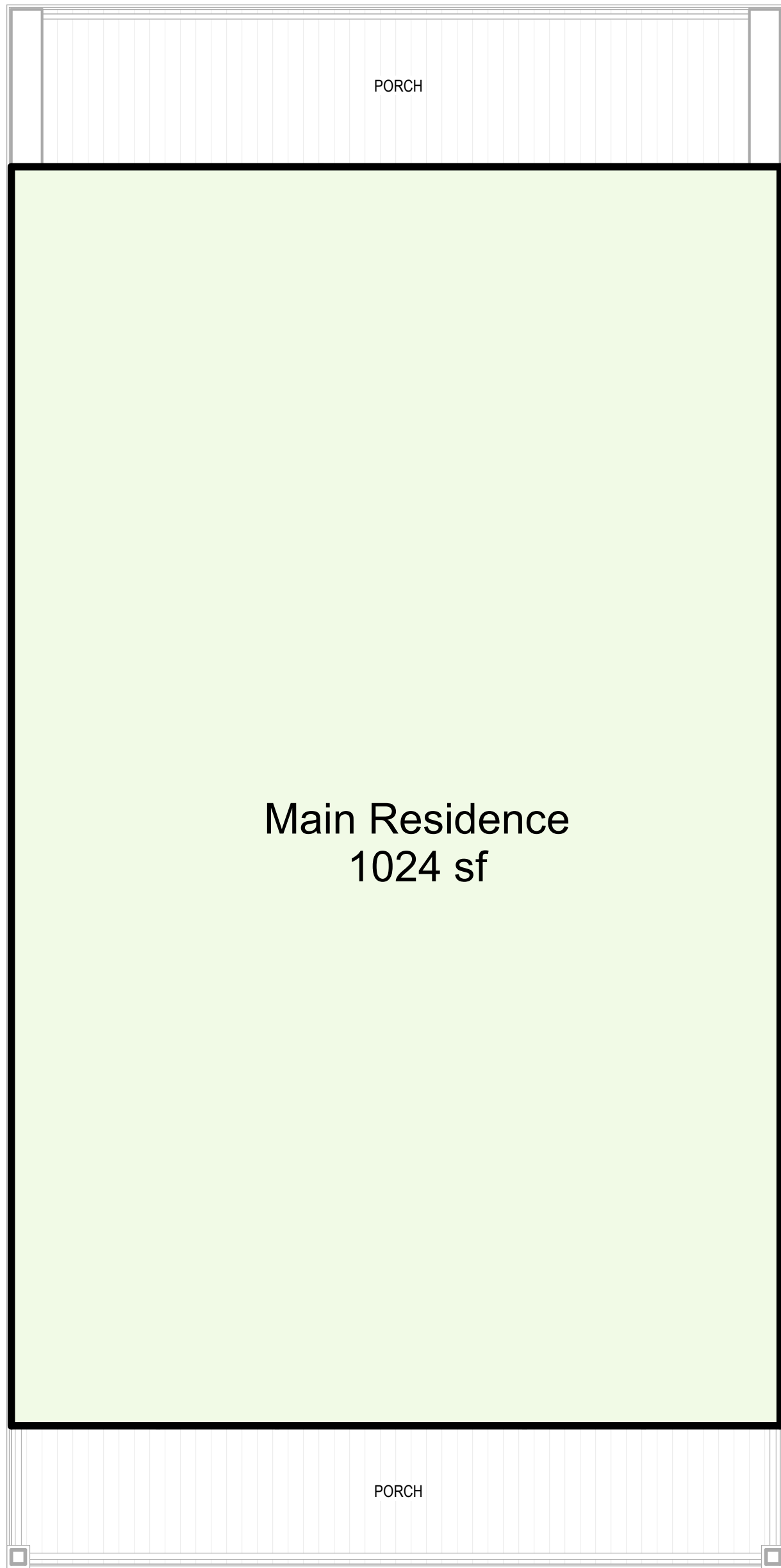


SITE PLAN

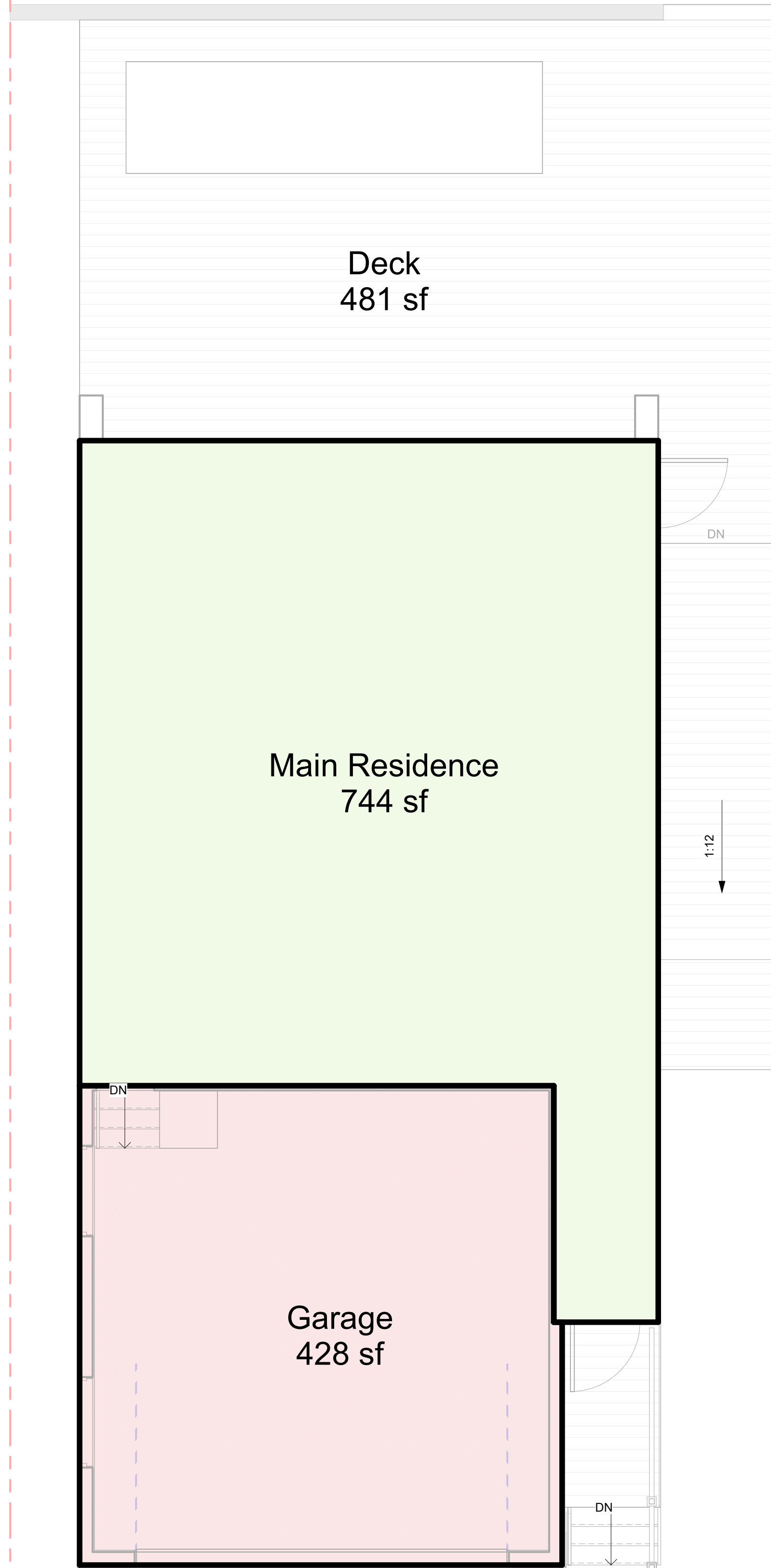
A-100A



A3 PROPOSED ATTIC
1/4" = 1'-0"



A2 PROPOSED SECOND FLOOR
1/4" = 1'-0"



A1 PROPOSED GROUND FLOOR
1/4" = 1'-0"

58 CANYON LAKE

58 Canyon Lake Dr. Port Costa, CA
94569

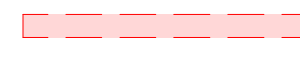
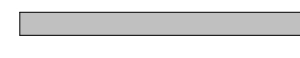
ISSUED FOR: DATE:



FLOOR PLANS -
PROPOSED

A-202A

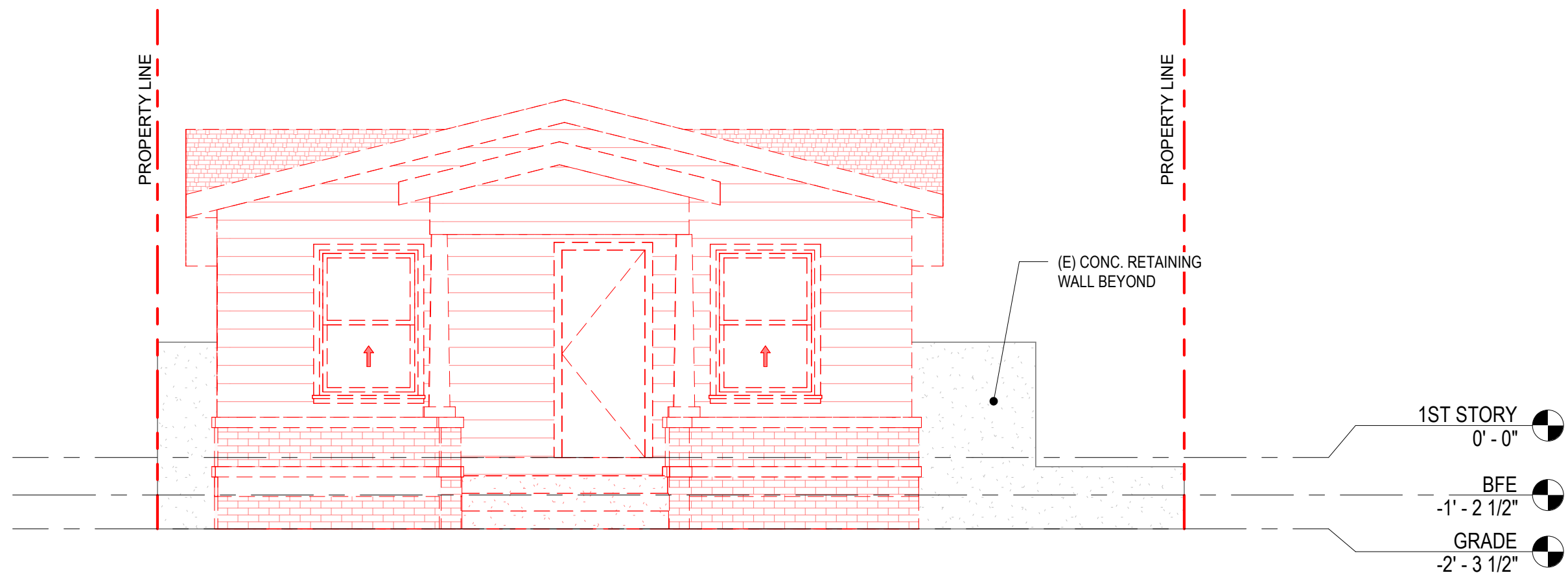
4/28/2026 6:59:50 PM

LEGEND	
	(E) PARTITIONS, FLOORS, CLG, CASEWORKS, FIXTURES, WINDOWS, DOORS, TO BE REMOVED U.O.N. PARTITIONS CONTAINING WINDOWS AND DOORS DESIGNATED AS BEING DEMOLISHED ARE ALSO TO BE REMOVED.
	
	(E) WALLS TO REMAIN.

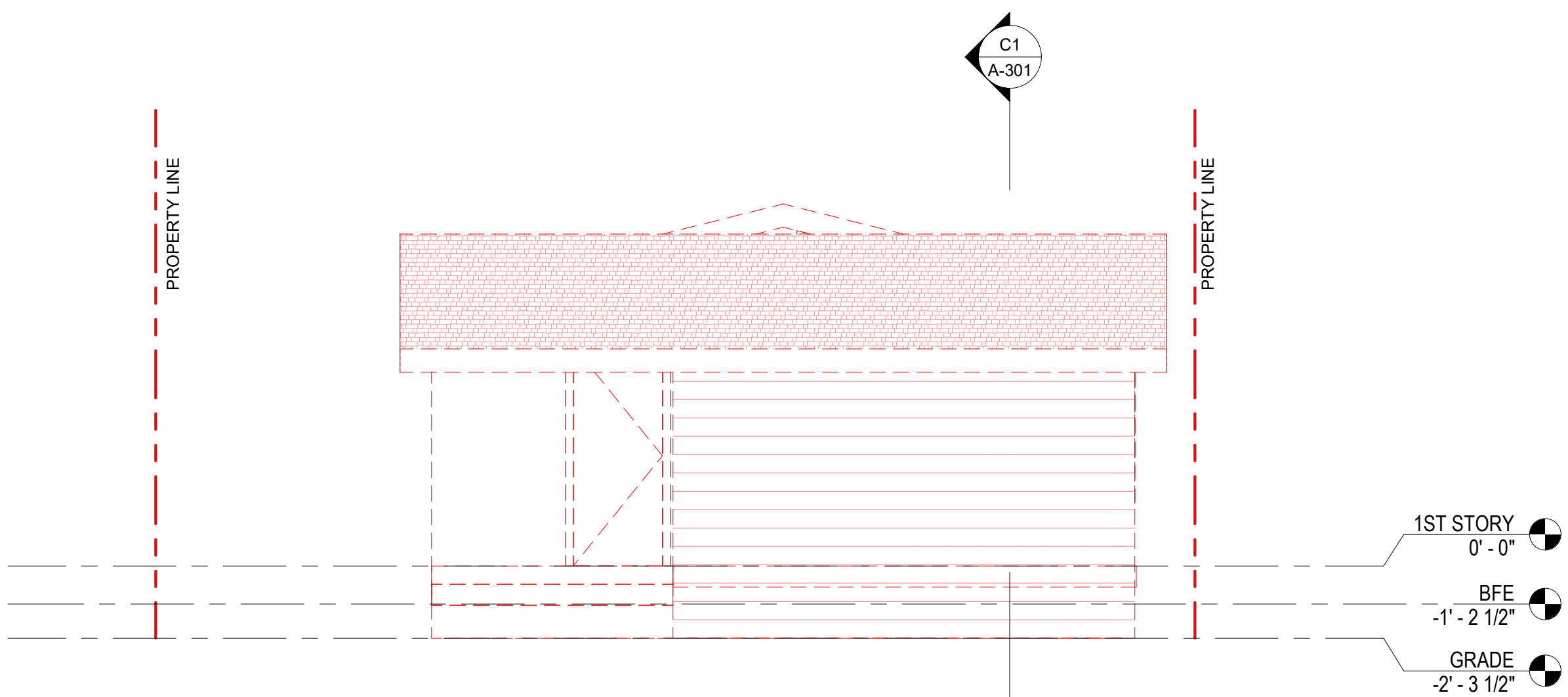
DEMO ELEVATION KEYNOTES	
ID	DESCRIPTION

SHEET NOTES

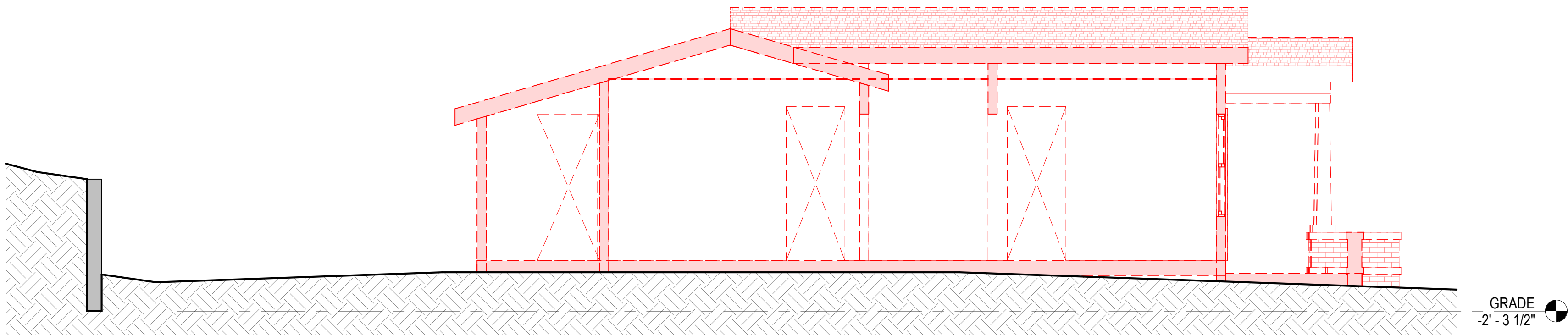
1. THE CONTRACTOR SHALL PERFORM ALL DEMOLITION OF MATERIALS, COMPONENTS, FIXTURES, AND EQUIPMENT NECESSARY TO PERFORM WORK, IN ADDITION TO THAT SPECIFICALLY CALLED OUT ON THE PLANS.
2. ALL TEMPORARY SHORING OF STRUCTURAL MEMBERS WILL ENTIRELY BE THE RESPONSIBILITY OF THE CONTRACTOR.
3. CONTRACTOR SHALL PREVENT MOVEMENT OF ADJACENT CONSTRUCTION, PROVIDE AND PLACE BRACING AND BE RESPONSIBLE FOR SAFETY AND SUPPORT OF ADJACENT CONSTRUCTION. CEASE OPERATIONS AND NOTIFY THE ARCHITECT IF SAFETY OF STRUCTURE APPEARS TO BE IN DANGER.
4. DETERMINE THE LOCATION OF ALL EXISTING SERVICES PRIOR TO COMMENCEMENT OF DEMOLITION.
5. INFORM ARCHITECT OF ANY EXISTING SERVICES TO ADJACENT TENANTS THAT MAY BE IN CONFLICT WITH REQUIRED DEMOLITION OR CONSTRUCTION OF THIS PROJECT. DO NOT DISRUPT SERVICES TO ADJACENT BUILDING AREAS NOT IN PROJECT.
6. DISCONNECT OR REMOVE UTILITY SERVICES AS REQUIRED FOR COMPLETION OF PROJECT.
7. DISCONNECT, STUB OFF, AND CAP UTILITY SERVICE LINES NOT REQUIRED FOR NEW CONSTRUCTION.
8. DO NOT REMOVE UTILITIES DISCOVERED DURING DEMOLITION, BUT NOT INDICATED, WITHOUT FIRST DETERMINING PURPOSE FOR UTILITY.
9. NOTIFY THE ARCHITECT IMMEDIATELY UPON DISCOVERY OF ANY GRADE BEAMS, BEARING WALLS, OR OTHER ELEMENTS NOT SPECIFICALLY CALLED OUT ON PLANS, WHICH MAY BE NOTED "TO BE REMOVED."
10. REMOVE ALL INTERIOR WALLS, AND CEILING FINISHES, UNLESS OTHERWISE NOTED.
11. REMOVE ALL DEBRIS.
12. REMOVE ANY MISCELLANEOUS CONDUIT, PIPE, FIXTURES, ETC.
13. PATCH & REPAIR AS NECESSARY ALL (E) CONDITION TO REMAIN.
14. STRUCTURAL NOTE: STRUCTURAL DEMOLITION PER STRUCTURAL ENGINEER RECOMMENDATION.
15. PLUMBING NOTE: REMOVE EXISTING PLUMBING IN THE PATH OF WORK. RE-ROUTE AS REQUIRED TO CONNECT TO NEW PLUMBING.
16. ELECTRICAL NOTE: REMOVE ELECTRICAL SERVICES IN THE PATH OF WORK. RE-ROUTE AS REQUIRED TO CONNECT TO NEW ELECTRICAL SERVICES.



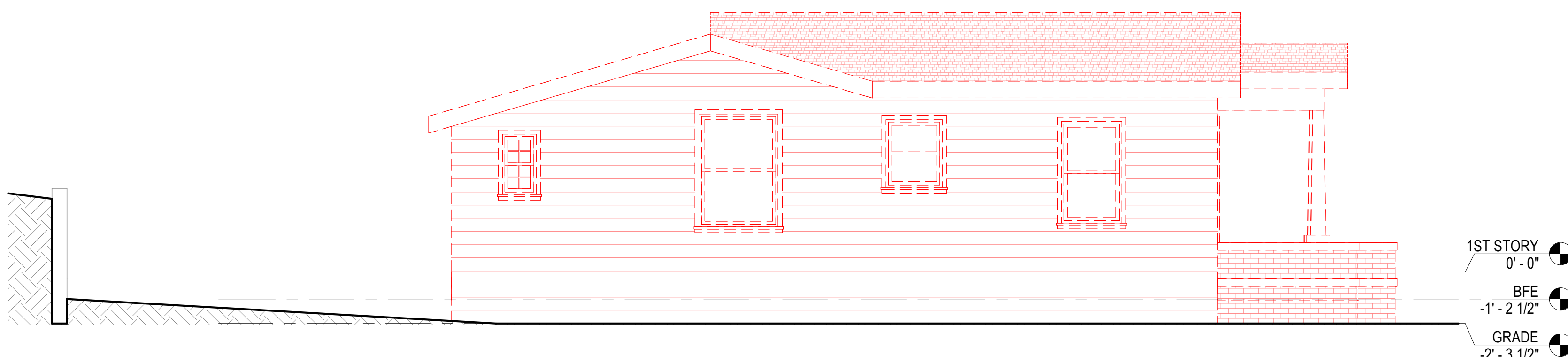
B4) BLDG ELEVATION - EXISTING - SOUTH
1/4" = 1'-0"



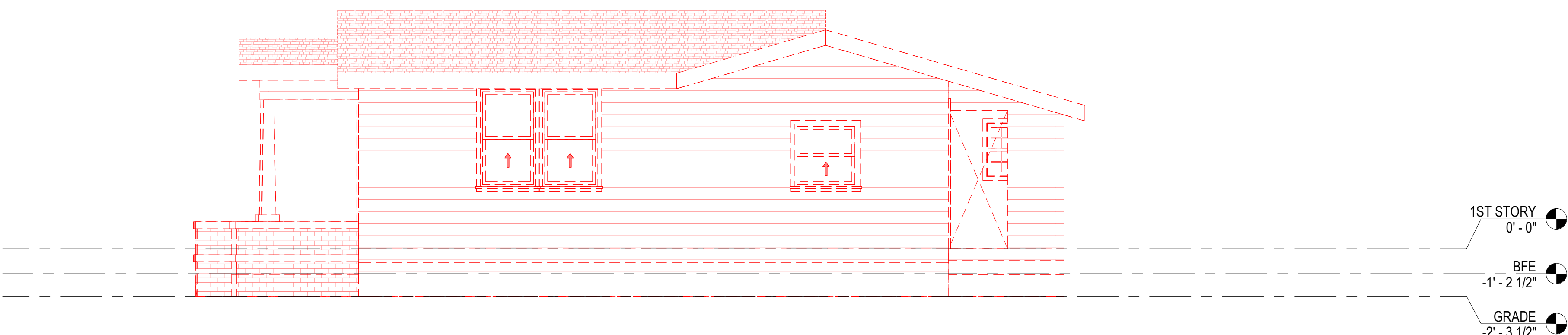
A4) BLDG ELEVATION - EXISTING - NORTH
1/4" = 1'-0"



C1) BLDG SECTION-ELEV. - EXISTING
1/4" = 1'-0"



B1) BLDG ELEVATION - EXISTING - WEST
1/4" = 1'-0"



A1) BLDG ELEVATION - EXISTING - EAST
1/4" = 1'-0"

PROJECT NO. 20250807

studio c
ARCHITECTURE & PREFABRICATION

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58 CANYON LAKE

58 Canyon Lake Dr. Port Costa, CA
94569

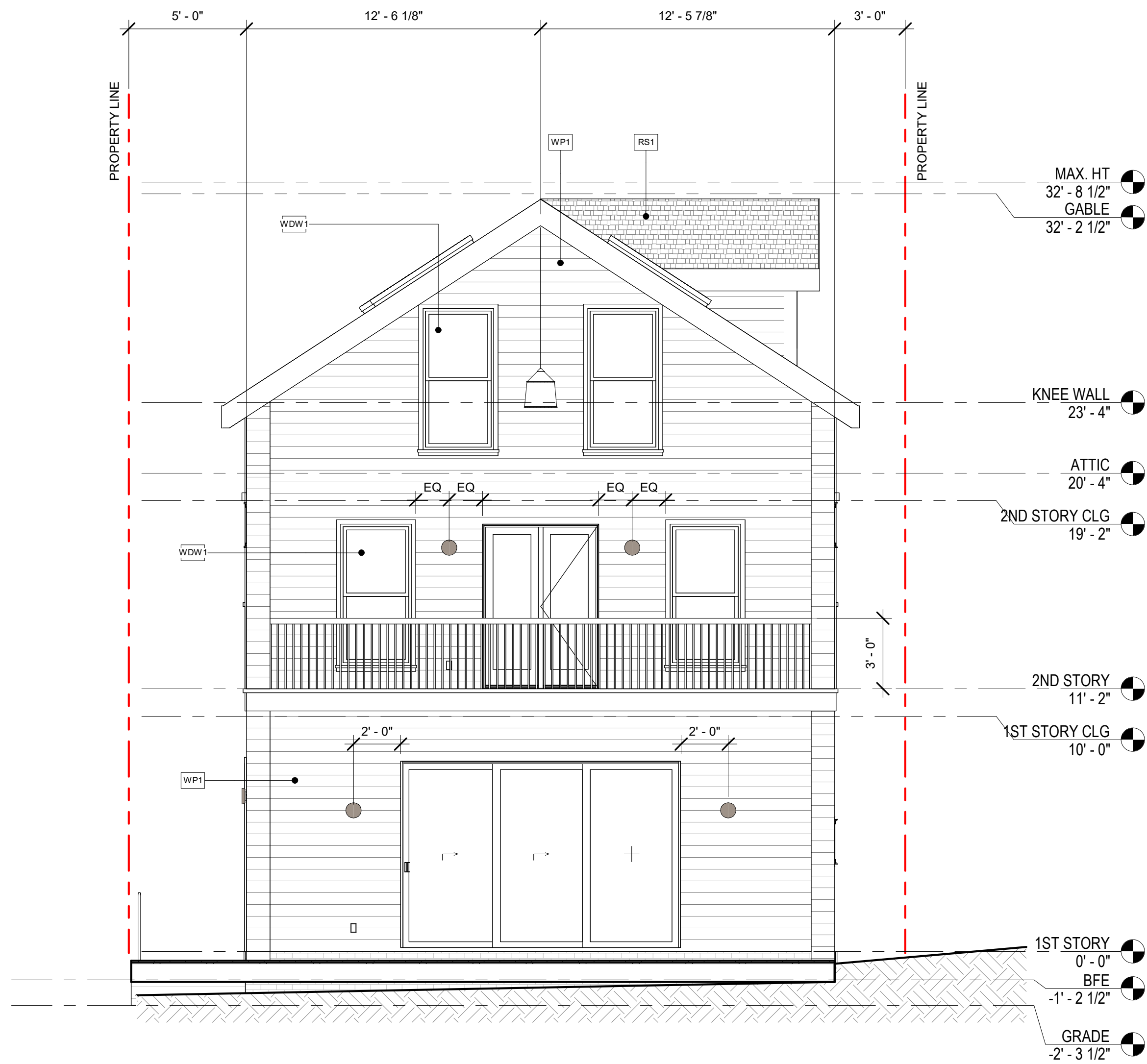
ISSUED FOR: DATE:

EXTERIOR
ELEVATIONS &
SECTIONS - EXISTING /
DEMO

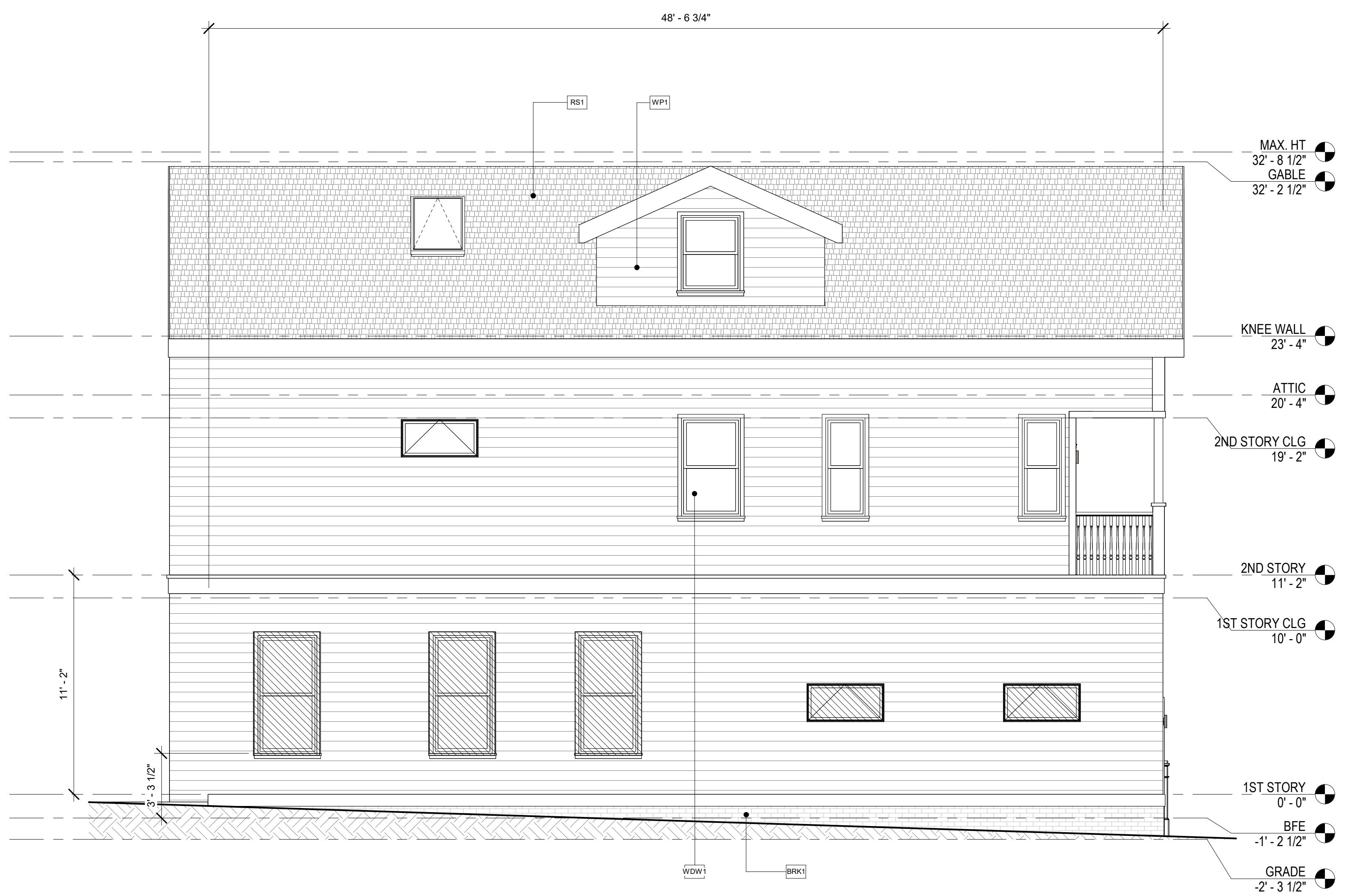
A-301

58 CANYON LAKE
20250807

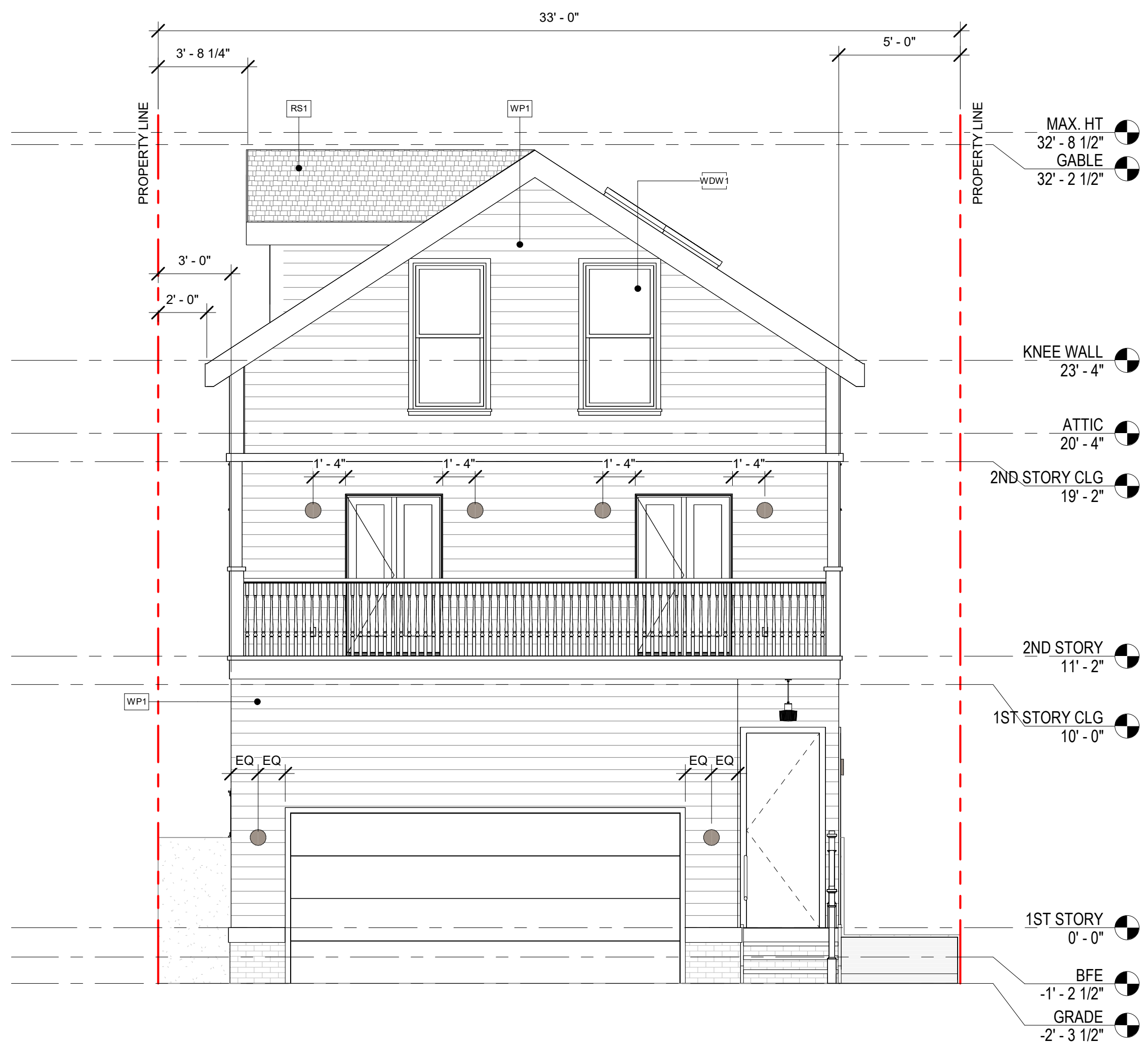
EXT. FINISH SCHEDULE	
TAG	FINISH MATERIAL
BRK1	BRICK SKIRT - RED
RS1	COMPOSITE ROOF - GRAY
WDW1	WINDOW - BLACK FRAMED
WP1	WOOD SIDING - WHITE



B4 BLDG ELEVATION - PROPOSED - NORTH
1/4" = 1'-0"



B1 BLDG ELEVATION - PROPOSED - WEST
1/4" = 1'-0"



A4 BLDG ELEVATION - PROPOSED - SOUTH
1/4" = 1'-0"



A1 BLDG ELEVATION - PROPOSED - EAST
1/4" = 1'-0"

58 CANYON LAKE

58 Canyon Lake Dr. Port Costa, CA
94569

ISSUED FOR:

DATE:

EXTERIOR
ELEVATIONS -
PROPOSED

A-302A

EXTERIOR COLOR COMPOSITION

58 CANYON LAKE DRIVE PORT COSTA, CA 94569

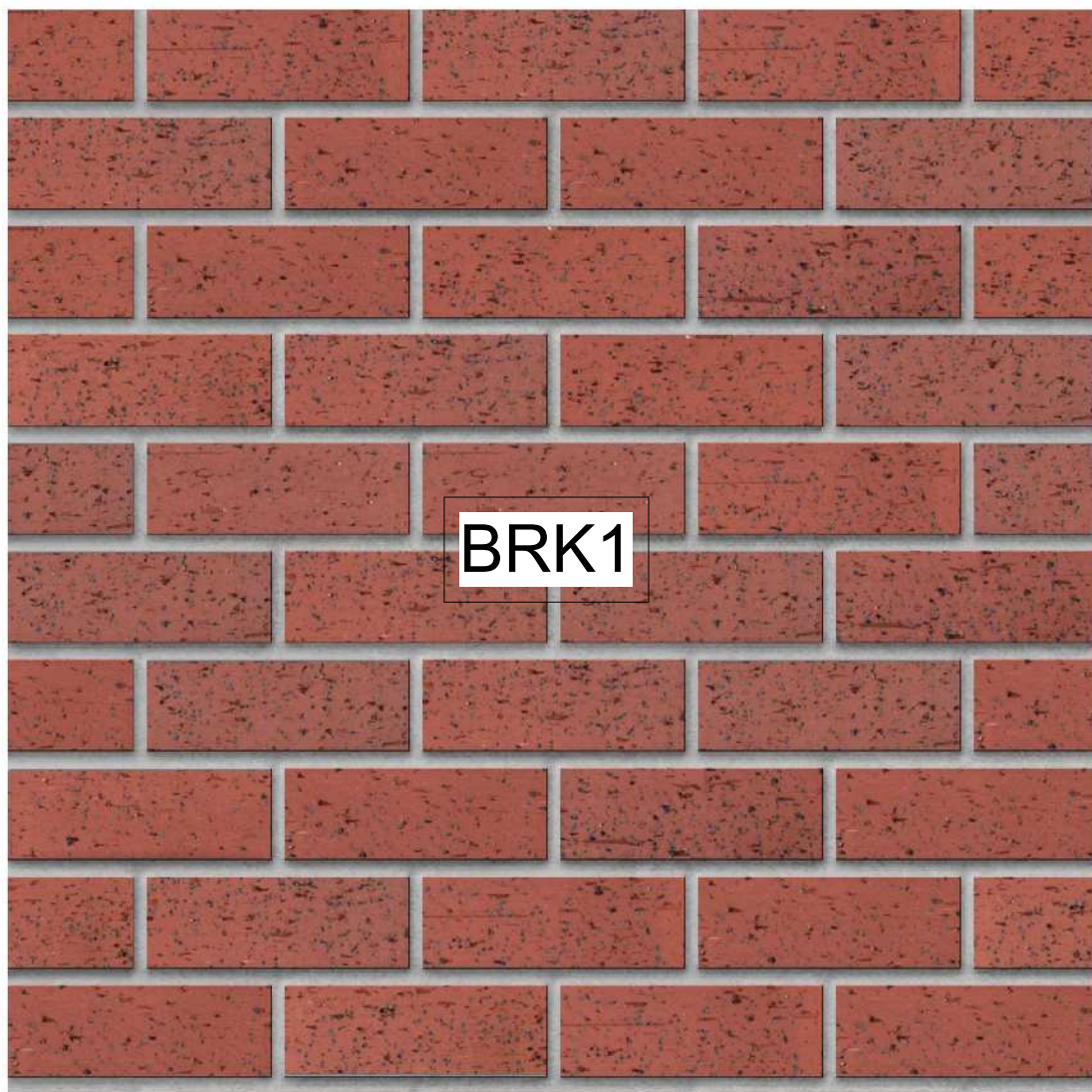
MATERIAL LAYOUT



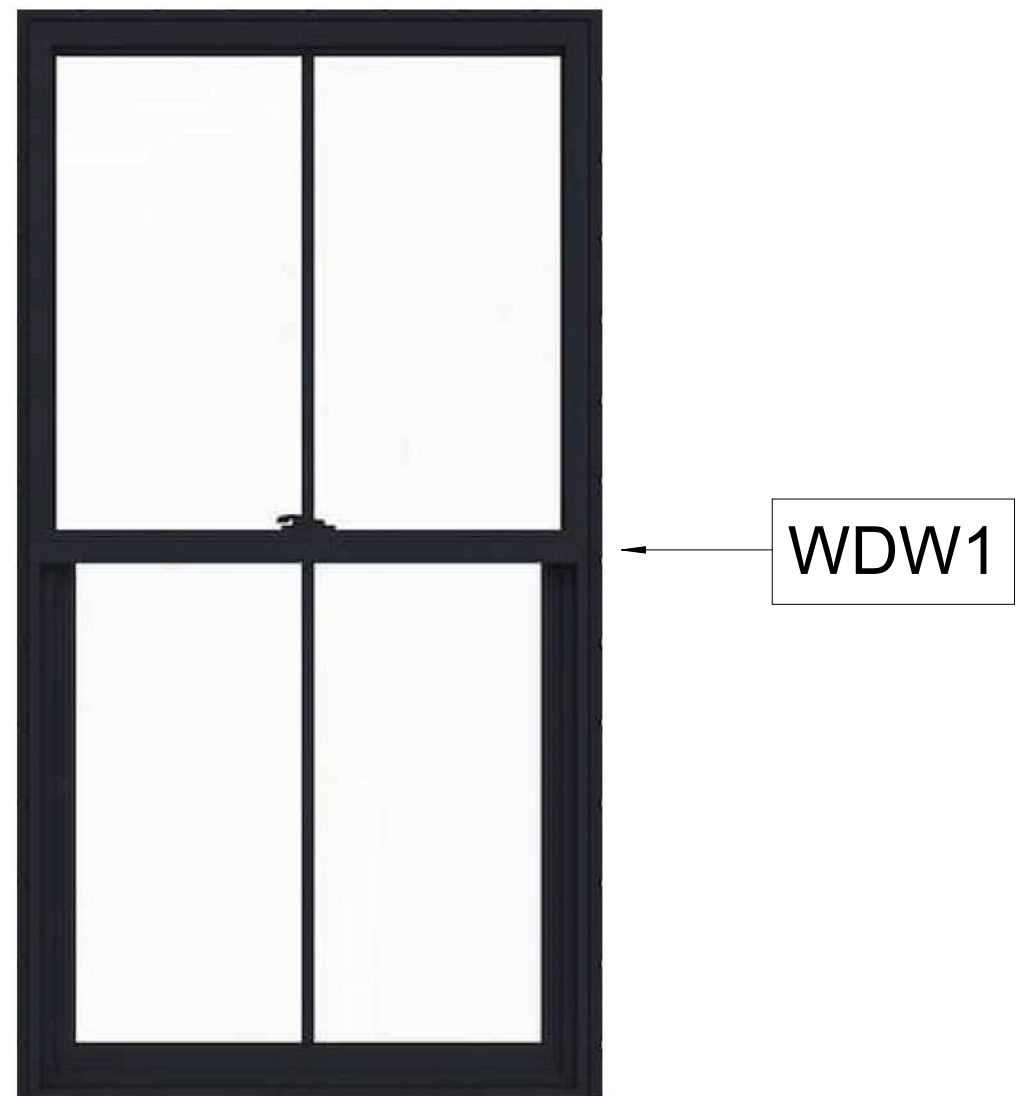
GRAY COMPOSITE ROOF



WHITE WOOD SIDING



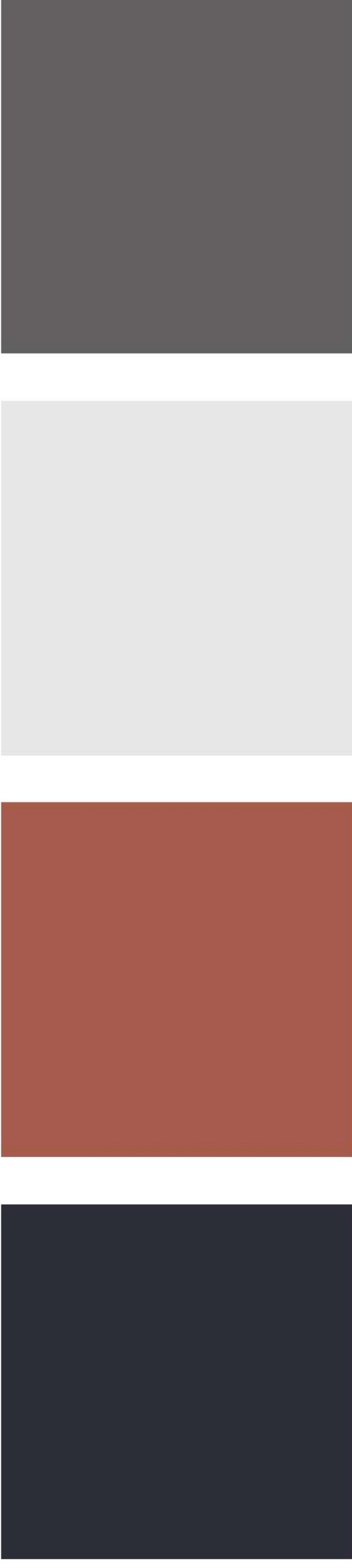
RED BRICK SKIRT



BLACK FRAMED WINDOW

NOTE: REF. A-302 FOR WHERE OCCURS

COLOR PALLETTE



58 CANYON LAKE

58 Canyon Lake Dr. Port Costa, CA
94569

ISSUED FOR: DATE:

MATERIAL & COLOR

G-200

VARIANCES & DESIGN REVIEW FOR
NEW SINGLE-FAMILY RESIDENCE
58 CANYON LAKE DRIVE

COUNTY FILE CDVR22-01062

County Planning Commission
August 12, 2026



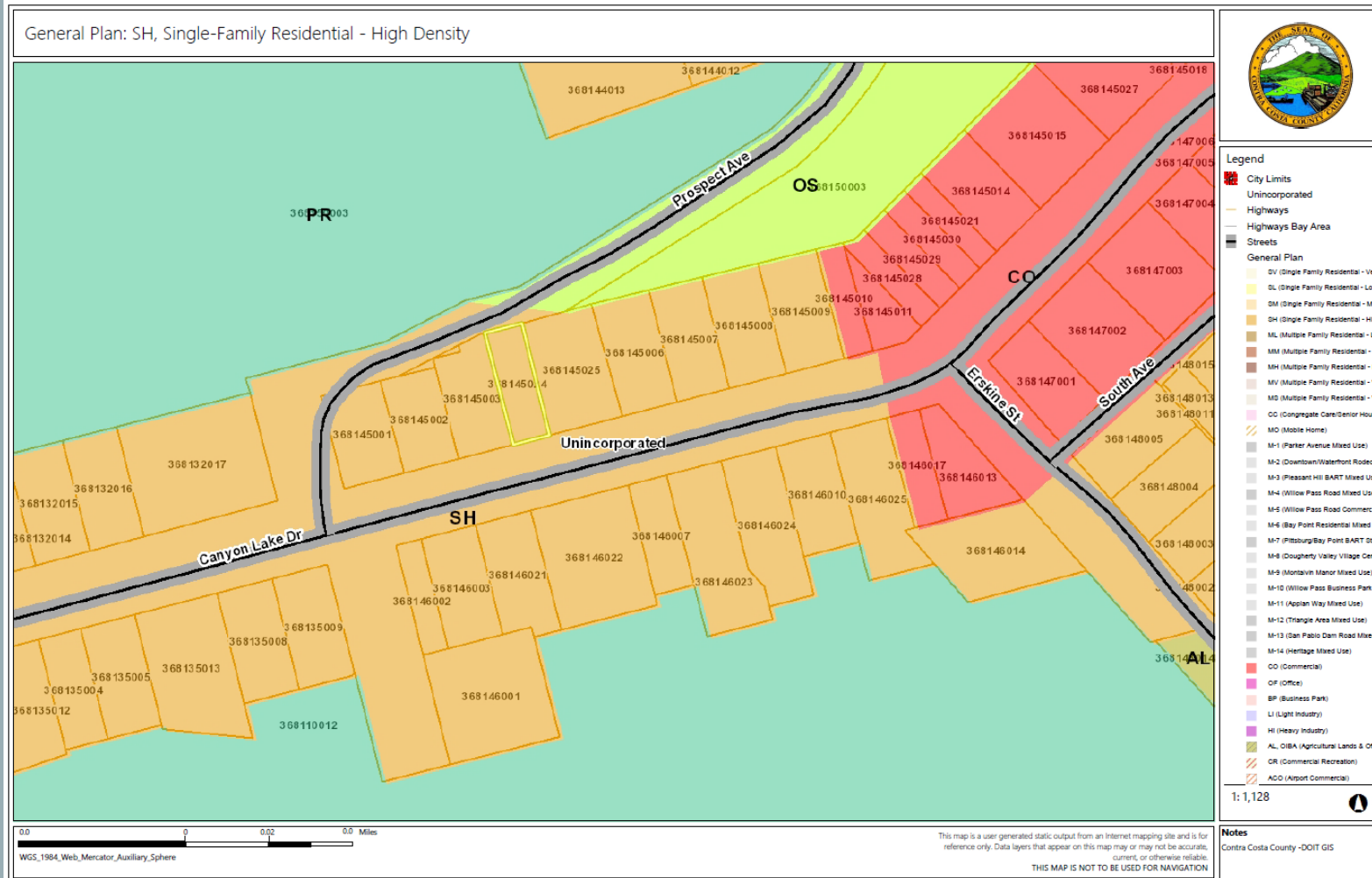
PROJECT DESCRIPTION

- Reduced minimum and aggregate side yards for a new single-family residence in the Port Costa area of unincorporated Contra Costa County
- Reduced minimum side yard for a new deck
- Reduced minimum parking space size for one of two off-street parking spaces
- Small Lot Design Review for the purpose of determining neighborhood compatibility of the proposed improvements on a substandard lot including a 2,903 sq. ft. single-family residence with 284 sq. ft. of covered porch/balcony area, and 427 sq. ft. garage, a 400 sq. ft. deck, and an 87 sq. ft. above-ground wading pool

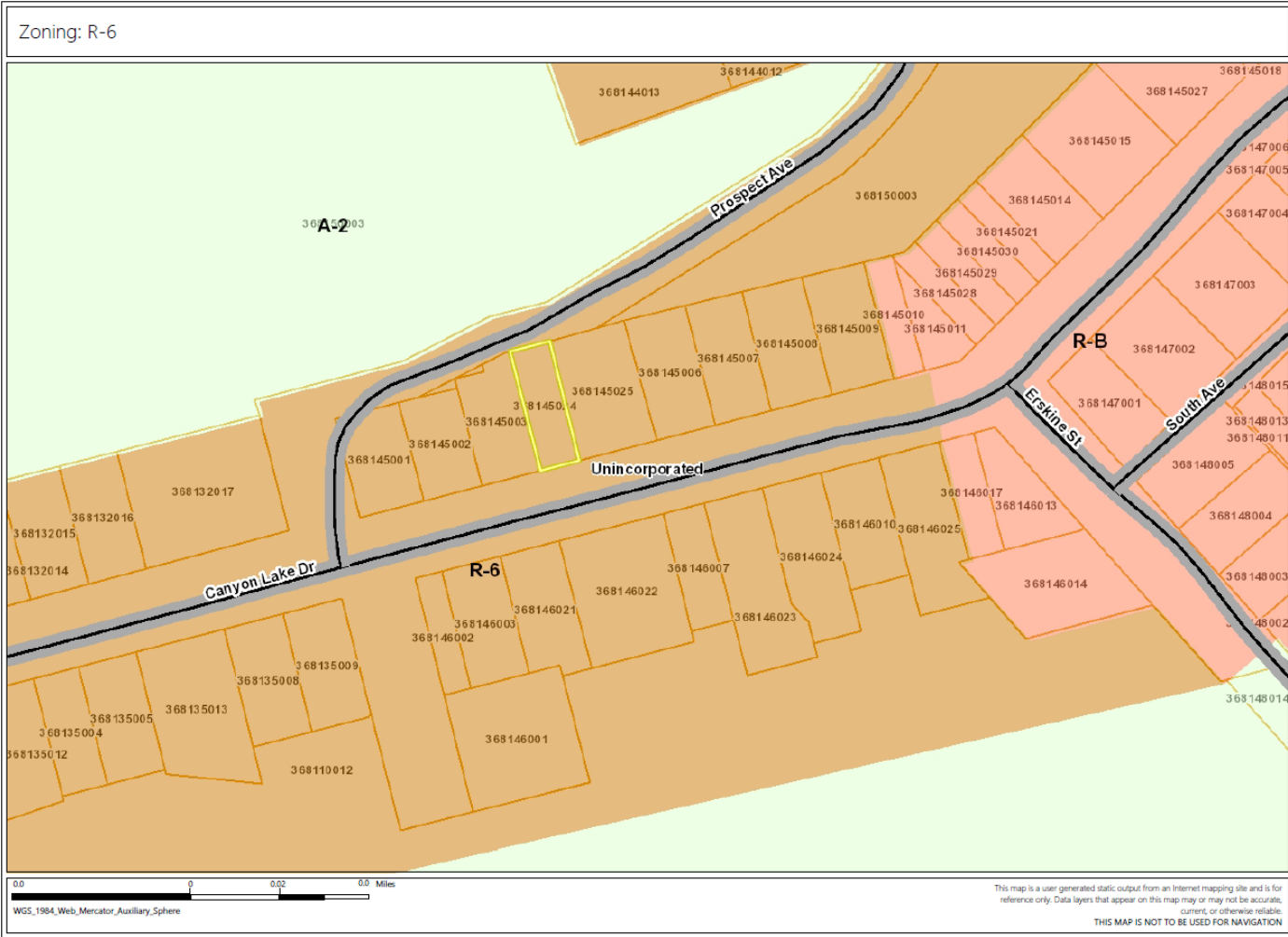
AERIAL VIEW



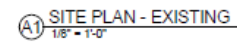
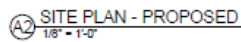
GENERAL PLAN



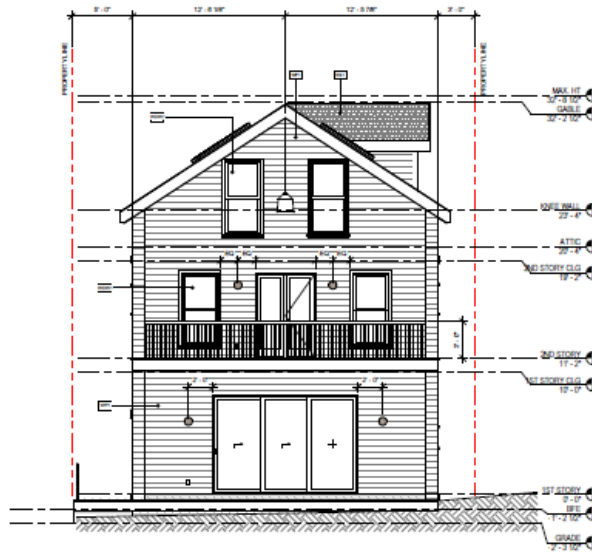
ZONING



SITE PLAN



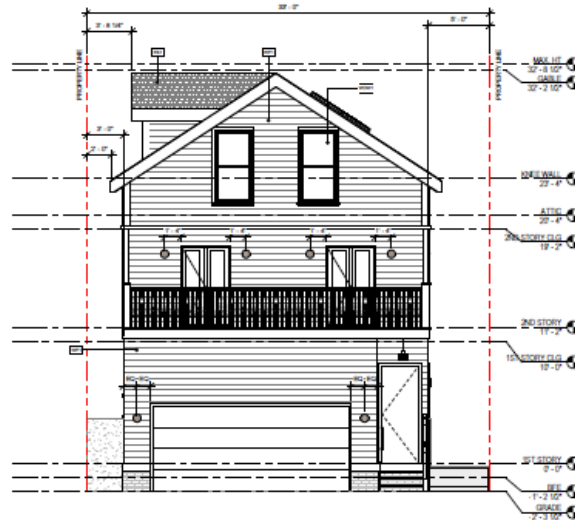
ELEVATIONS



64 BLDG ELEVATION - PROPOSED - NORTH
1/4" = 1'-0"



61 BLDG ELEVATION - PROPOSED - WEST
1/4" = 1'-0"



64 BLDG ELEVATION - PROPOSED - SOUTH
1/4" = 1'-0"



61 BLDG ELEVATION - PROPOSED - EAST
1/4" = 1'-0"

SUMMARY OF APPEAL POINTS

1. CEQA Categorical Exemption: Exceptions exist under CEQA Guidelines Section 15300.2(c) due to unusual circumstances
2. Potential historical or archeological resource not resolved: The project site contains a culvert that may date to the 19th century and may contain other unrecorded archeological resources which was not adequately analyzed for reliance on a CEQA categorical exemption
3. Variance Findings: The variance findings are not supported by substantial evidence, and it has not been shown that the strict application of zoning standards creates a hardship due to unique site conditions, and a variance may not be used to accommodate a preferred size, floor area, or design
4. Small Lot Design Review: The project has evolved over time in scale and massing, and the record does not clearly show that site-specific impacts were adequately analyzed to determine compatibility
5. Project consistency and completeness of the record: The administrative record does not demonstrate that all prior analytical components for the project which has evolved over time have been fully updated or expressly superseded by a single, integrated analysis, including prior staff reports and underlying evaluation materials

STAFF RECOMMENDATION

- FIND that the project is categorically exempt from CEQA under Section 15303(a) and Section 15303(e) of the CEQA Guidelines.
- DENY the appeal by Chris Palacio and Ryan DeGooyer and UPHOLD the County Zoning Administrator's decision to approve County File #CDVR22-01062.
- ADOPT the attached findings and conditions of approval
- DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.

QUESTIONS?