



Department of Conservation and Development
County Zoning Administrator
Monday, April 7, 2025 – 1:30.P.M.

STAFF REPORT

Agenda Item #3a

Project Title:	100 Discovery Bay Boulevard Development Plan
County File:	CDDP24-03056
Applicant/Owner:	Bhavana Shah, Talon Design Group (Applicant) / Edward Allen (Owner)
Zoning/General Plan:	P-1 Planned-Unit District, -UE Urban Farm Animal Exclusion Combining District / RLM Residential Low Medium Density
Site Address/Location:	100 Discovery Bay Boulevard in the Discovery Bay area of unincorporated Contra Costa County (Assessor's Parcel Number: 004-490-027)
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15303(e)
Project Planner:	Allison Seoane, Project Planner (925) 655-2871 Allison.Seoane@dcd.cccounty.us
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Development Plan to modify Final Development Plan CDDP74-3014 to allow a 0-foot rear yard (where 15-feet is the minimum required) for a rear deck that will be attached to a new single-family residence on a vacant lot.

II. RECOMMENDATION

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

- A. FIND that the project is categorically exempt from CEQA under Section 15303(e) of the CEQA Guidelines.
- B. APPROVE Development Plan CDDP24-03056 to modify Final Development Plan CDDP74-3014 to allow a 0-foot rear yard (where 15-feet is the minimum required) for a rear deck that will be attached to a new single-family residence on a vacant lot.
- C. DIRECT staff to file a Notice of Exemption with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: RLM - Residential Low Medium Density.
- B. Zoning: P-1 - Planned-Unit District, -UE - Urban Farm Animal Exclusion Combining District.
- C. California Environmental Quality Act (CEQA): CEQA Guidelines, Section 15303(e), New Construction of Small Structures, which provides a Class 3 exemption for the construction of accessory structures like the subject deck.
- D. Previous Applications:
 - 1. CDRZ73-1786: A Rezone of land in the Discovery Bay area from A-2 General Agriculture District and R-100 Single-Family Residential District to P-1 Planned Unit District was approved by the Board of Supervisors on August 7, 1973. The approval included the approval of the Preliminary Development Plan for the Discovery Bay area.
 - 2. CDDP74-3014: A Final Development Plan for the RZ73-1786 P-1 area was approved by the County Planning Commission on June 3, 1975.
 - 3. CDSD78-5353: A Major Subdivision of the P-1 area was approved by the Board of Supervisors on December 19, 1978. The subject property is Lot 27 of this subdivision, which was recorded as Tract 5353 on December 21, 1978.
 - 4. CDCV24-00040: A Compliance Review for the review and approval of new single-family residence on the subject property was accepted by the CDD on August 13, 2024.

IV. SITE/AREA DESCRIPTION

The subject property is in a 7,200 square-foot vacant parcel on the north side of Discovery Bay Boulevard near its eastern cul-de-sac. The property and vicinity are in a residential area located inside of the urban limit line, bounded by Saint Mary's Bay to the north and surrounded by single-family residences on all other sides, as shown on the photos in Attachment C. The applicant has submitted Compliance Review application CDCV24-00040 for the review and approval of new single-family residence on the parcel. The proposed deck that requires approval of a 0-foot rear yard would be located at the rear of the residence. The rear yard is moderate sloping, with a topography that descends towards the water at the rear of the property.

V. PROJECT DESCRIPTION

The subject property is in the P-1 Planned Unit District regulated by Final Development Plan CDDP74-3014. Pursuant to Final Development Plan CDDP74-3014 Condition of Approval #6, a 15-foot rear yard is the minimum required. Accordingly, the applicant requests approval of a Development Plan to modify Final Development Plan CDDP74-3014 to allow a 0-foot rear yard for a rear deck that will be attached to a new single-family residence on a vacant lot. The new 6,414 square-foot, 2-story single-family residence is currently being reviewed under Compliance Review CDCV24-00040. The deck is accessible from the main floor of the residence and is approximately 1,475 square feet in surface area with an approximate height of 2.5-feet from grade.

VI. AGENCY COMMENTS

An Agency Comment Request packet was sent on December 19, 2024 to a number of public agencies, including Building Inspection Division, Environmental Health Division of the Health Services Department, Contra Costa County Fire Protection District, Town of Discovery Bay Community Services District, Reclamation District #800, Contra Costa Mosquito and Vector Control District, and California Department of Fish and Wildlife Region 3. Agency comments received by staff are included in Attachment E. Following are summaries of the comments received.

- A. Reclamation District #800: The Reclamation District reviewed and approved the project on November 7, 2024, prior to the distribution of the Agency Comment Request packet.

- B. Contra Costa Environmental Health Division (CCEHD): On December 24, 2024, the CCEHD submitted a letter, stating: "Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEH. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements."
- C. Contra Costa County Fire Protection District: The Fire Protection District submitted an Agency Comment Request form on January 9, 2025, stating that District approval is required prior to construction.
- D. Town of Discovery Bay Community Services District (CSD): On March 12, 2025, the CSD submitted an email stating that it had no comments on the project.

VII. REQUEST FOR HEARING

A Notice of Intent to Render an Administrative Decision was mailed on February 7, 2025 that included a February 18, 2025 deadline to request a public hearing. On February 13, 2025, a request for a public hearing was received from Dave and DeAnna Turcotte of 90 Discovery Bay Boulevard, owner of a parcel adjacent to the southeast of the subject property. The hearing request is included in Attachment F. The following is a summary of the request for hearing comments along with staff responses:

Request for Hearing Comment 1: "The property in question at 100 Discovery Bay Blvd is already in the slope control over 8 feet which should not of be approved by rec 800s own by laws. (section 2.01 of the SCA) However, after Rec 800 had a public meeting that we attended and were told they would need to look into it further they stamped the plans the following day without addressing our concern. We still do not agree with this decision and are now seeking legal counsel as to our rights and how to proceed."

Staff Response: Reclamation District #800 is a separate entity from Contra Costa County that has separate review requirements that the project proponent is responsible to satisfy. Plans with the Reclamation District's approval stamps (included in Attachment E) were provided showing that the project received District approval on November 7, 2024.

Request for Hearing Comment 2: "The property owner has over built already and while I understand as a builder that wanting to get the max out of their new home it still should not come at the expense of their soon to be new neighbors."

Staff Response: The property at 100 Discovery Bay Boulevard is currently a vacant lot. (See street view photo in Attachment C.) The submitted plans show that the proposed single-family residence is compliant with all setbacks and height restrictions for its zoning. The proposed deck is an accessory structure to the residence, and the requested modification of Final Development Plan CDDP74-3014 Condition of Approval #6 for a 0-foot rear yard is consistent with similar decks on several neighboring properties along Discovery Bay Boulevard that will allow access to the water, which is in character with the Discovery Bay residential neighborhood.

Request for Hearing Comment 3: “The setbacks are in place and have been for 20 plus years and are there to protect the owners of adjoining properties for just this reason. It ensures that future building does not block your neighbors’ view or intrude into their privacy. If you allow the new building’s deck to intrude into the 15 ft minimum set back, then it does just that. In allowing them no setback at all they decrease the value of our home, blocks our view and intrude on our privacy.”

Staff Response: Final Development Plan CDDP74-3014 Condition of Approval #6 can be modified if the proposed project is compatible with other uses in the vicinity, both inside and outside the P-1 District. The guiding principles for the Discovery Bay P-1 District are to encourage development of its existing vacant lots that remain in kind with its waterfront character. This project will allow a new residence to be developed on one of the last vacant lots in subdivision Tract 5353 and provide access to the water. The project, thereby, follows the existing development pattern for the area. A developed lot will increase property values for the area, and as the deck is proposed to be 2.5-feet above grade it should not impact privacy or views any more than other neighboring properties with comparable rear yards.

VIII. STAFF ANALYSIS

- A. General Plan Consistency: The subject property is located within the RLM Residential Low-Medium General Plan land use designation. The RLM designation allows for a residential density between 3.0 and 7.0 units per net acre and typically includes detached single-family homes on lots approximately 6,000 to 15,000 square-feet. The proposed deck will be ancillary to a proposed single-family residence that will be located on the 7,200 square-foot lot. The proposed development is consistent with the existing residential land use designation. The project is also consistent with the guiding principles within Chapter 3 Stronger Communities Element of the 2045 General Plan, particularly Guiding Principle #1,

in that a rear deck encapsulates Discovery Bay's waterfront character by providing access to water from the new residence, and opportunities for boating and other water recreation activities.

- B. Zoning Compliance: The subject property is located in the P-1 Planned-Unit District established by Rezone CDRZ73-1786. Development standards for this P-1 District were established by Final Development Plan CDDP74-3014, including Condition of Approval #6 that requires development to comply with the yard requirements of the R-6 Single-Family Residential District. The single-family residence will comply with all R-6 yard setback and building height requirements; however, the proposed deck is within the required 15-foot rear yard setback. The applicant requests modification of Final Development Plan CDDP74-3014 to allow the rear yard deck to have a 0-foot rear yard (where 15-feet is the minimum required). The new rear deck is consistent with the P-1 District as its design is consistent with existing rear decks in this neighborhood. The project is also considered compatible with other uses in the neighborhood, as there are at least five neighboring lots with attached, rear-yard decks that abut their respective rear property lines on similarly sloped lots. Therefore, a 0-foot setback for a rear yard deck attached to the residence consistent with the intent and purpose of the P-1 District, and is compatible with other uses in the vicinity, both inside and outside the district.
- C. Sacramento-San Joaquin Delta: The subject property is located within the Secondary Zone of the Delta, and therefore, not subject to the Delta Stewardship Council's (DSC) Delta Plan.

IX. CONCLUSION

The proposed modification of Final Development Plan CDDP74-3014 to allow a 0-foot rear yard for a deck that will be attached to a new single-family residence on a vacant lot is consistent with the RLM Residential Low-Medium General Plan land use designation, the Discovery Bay Guiding Principles, and complies with the intent and purpose of the Discovery Bay P-1 District. Staff recommends that the Zoning Administrator approve Development Plan CDDP24-03056 to modify Final Development Plan CDDP74-3014 to allow the 0-foot rear yard (where 15 feet is the minimum required) for the deck to be attached to a new single-family residence, based on the attached findings and subject to the attached conditions of approval.