

**FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE CDLP25-02006, TOM LINN
DRAFTING AND DESIGN (APPLICANT) & VARMA LLC (OWNER)**

FINDINGS

A. Land Use Permit Findings:

1. *The project shall not be detrimental to the health, safety, and general welfare of the County.*

Project Finding: The subject property has been utilized as a childcare facility for over 30 years. The project includes the expansion of the existing facility through the addition of a 960-square-foot modular building. The expansion will allow for the existing facility to provide care for infant-aged children, in addition to the toddlers and pre-school aged children presently served at this location. The availability of childcare services for children of varying ages near residential neighborhoods is not detrimental to the health, safety and general welfare of the County. This land use provides a service that is beneficial to residents of the surrounding neighborhood, and it is expected that by expanding the age groups to which the facility may provide care, the facility will be of increased benefit to residents in the surrounding area.

2. *The project shall not adversely affect the orderly development within the County or the community.*

Project Finding: The project involves a land use that is compatible with the site's residential zoning, and with the surrounding residential neighborhoods surrounding the project site. Additionally, the property is already entitled to operate a childcare facility on site, and the project does not substantially alter the nature or characteristics of the previously-entitled land use. Therefore, there is no expectation that the project would affect orderly development within the County from a land use perspective.

The project includes the addition of a 960-square-foot modular building, retaining wall, and open stairway improvements meeting all applicable development standards for the R-7 district in which the project is located. The project would also include permitting for an existing 1,080 square-foot shade structure and 5' tall retaining wall. All existing and proposed buildings/structures on site comply with applicable setback, side yard, and building height requirements for the R-7 district. The development on site would not adversely affect orderly development within the County or community, as evidenced by the project's compliance with the

aforementioned development standards applicable to the R-7 district.

3. *The project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

Project Finding: The project involves the modification of a land use that has been long-established at the subject property. The project does not substantially change the nature or character of the land use, which has existed harmoniously within this residential neighborhood for over 30 years. Therefore, the project would not expectedly have an adverse affect on the preservation of property values in this area, or within the County in general.

4. *The project as conditioned shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The childcare facility, as modified by this permit, is consistent with permitted land uses within the project site's Residential Low-Medium Density (RLM) General Plan Land Use designation, as well as with policies applicable to the El Sobrante area. Additionally, the General Plan includes the following policy, which encourages permitting for specific land use.

Policy #SC-P8.25: *Encourage more daycares, preschools, and early childhood development centers to make childcare more accessible and affordable for working families.*

The project does not conflict with any goal or policies of the 2045 Contra Costa County General Plan. Therefore, the project will not adversely affect the policies or goals set forth therein.

5. *The project shall not create a nuisance and/or enforcement problem within the neighborhood or community.*

Project Finding: The project involves an expansion to an existing childcare facility that does not substantially alter the nature or character of the established land use. The subject facility has been in operation at this location for decades and has no record of complaints for noise or other nuisances arising from the land use. The project would not create any such nuisance or enforcement problem because the project merely allows the installation of facilities necessary to provide care to infant-aged children at the existing facility, but does not increase the total capacity of the existing facility beyond the 65 children maximum occupancy previously

approved by the County Zoning Administrator. Additionally, the project would also result in the issuance of permits for existing improvements installed on the subject property without the issuance of building permits, including an existing shade structure adjacent to existing buildings, as well as retaining wall and open stairway improvements associated with site preparations for the 960-square-foot modular building. Thus, the project would resolve existing enforcement issues onsite relating to unpermitted structural improvements.

6. *The project as conditioned shall not encourage marginal development within the neighborhood.*

Project Finding: As conditioned, the continued operation of the expanded childcare facility will not encourage marginal development within the neighborhood because this development is controlled by the County's Zoning Code and General Plan. The project is consistent with the development pattern observed in the area and building permits are required for all buildings/structures that are a part of this approval. Since the project is consistent and compatible with zoning and with the surrounding developed landscape, the project will not encourage marginal development within the area.

7. *That special conditions or unique characteristics of the project site and its location or surroundings are established.*

Project Finding: The location of the existing facility and the surrounding residential neighborhood are established. The project would not result in a substantial change to the nature or character of the childcare facility existing on site, which provides a service that is useful and beneficial to occupants of residences in the vicinity. The land is compatible with residential land uses permitted within the RLM General Plan designation, and does not conflict with any applicable general plan policies or zoning ordinances. Thus, the continued operation and expansion of the existing facility are supported by the established facility location and surroundings of the project site.

B. Tree Permit Findings

816-6.8010(2)(G): Reasonable development of the property would require the alteration or removal of the tree, and this development could not be reasonably accommodated on another area of the lot;

C. California Environmental Quality Act (CEQA) Findings

The project is categorically exempt from CEQA review pursuant to CEQA guidelines section 15301(e), which specifies that additions to existing facilities not exceeding 50% of the floor area of the existing facility, or 10,000 square feet (whichever is smaller) are exempt from environmental review. The project would expand the gross floor area of the existing facility by 960 square feet (or 23.6 %). Therefore, the project qualifies for the specified exemption.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP25-02006

Project Approval

Land Use Permit

1. LAND USE PERMIT modification to CDLP91-02036 is GRANTED authorizing the expansion of an existing childcare facility via the installation of a 960-square-foot modular building, and associated site improvements is APPROVED, as generally based on the following:
 - The application and project plans received by the Department of Conservation and Development, Community Development Division (CDD) on February 12, 2025;
 - Revised project plans by Tom Linn Drafting and Design, Received September 9, 2025;
2. TREE PERMIT is granted authorizing dripline encroachment for one code-protected Eucalyptus tree for improvements associated with the facility's expansion.
3. The childcare facility shall not exceed a maximum capacity of 65 children.
4. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Land Use Permit

Building Permits

5. This approval does not constitute a building permit, which is required prior to occupancy of the modular building classroom. **Within 30 days of the approval date**, the applicant shall obtain a building permit(s), as necessary to legalize the as-

built modular building, retaining wall located west of the modular building, and for the 1,080-square-foot shade cover improvements shown on the approved site plan.

Signs

6. All signage for the Child Care facility is subject to review and approval by the CDD for compliance with Chapter 88-6 (Signs) of the County Ordinance Code. No additional signage shall be installed on the premises without receiving prior CDD approval and obtaining the issuance of building permits authorizing such work.
7. **Within 30 days of this approval, or prior to CDD stamp approval of construction plans for the issuance of building permits associated with this approval, whichever occurs first,** the applicant shall provide photographic evidence to CDD staff demonstrating that all signage previously affixed to fencing visible from Appian Way has been removed.

Frontage Landscaping

8. **Within 30 days of the approval date, or prior to CDD stamp approval of construction plans for the issuance of building permits, whichever occurs first,** the applicant shall submit landscaping plans demonstrating compliance with COA #3-e of Land Use Permit #LP91-2036.
9. **Prior to final building inspection,** the applicant shall install the landscaping and irrigation improvements along the property's Appian Way frontage. Photographs of the installed landscaping shall be provided to CDD staff as evidence of compliance with this condition.

Off-Street Parking

10. Prior to CDD stamp approval of construction plans submitted for the purpose of obtaining building permits for the modular classroom or other improvements associated with this permit, the applicant shall revise the parking plan to depict a minimum of 20 off-street parking spaces meeting minimum dimensional requirements.
11. Prior to final building permit inspection, the off-street parking area serving the facility shall be restriped as necessary to provide a minimum of 20 off-street parking stalls having minimum dimension of 8'6" x 18" and a drive aisle width of 25'. Photographs of the restriped parking area shall be provided to CDD staff as

evidence of compliance with this condition.

Payment of Fees

12. This Land Use Permit application is subject to an initial application deposit of \$5,500.00, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the approval 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.

Construction Period Restrictions and Requirements

All construction activity shall comply with the following restrictions, which shall be included in the construction drawings.

13. The applicant and their contractor shall make a good faith effort to park any construction related vehicles on the project driveway and existing asphalt parking area at the front of the parcel.
14. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
15. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
16. Transportation of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.

17. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
18. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
19. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities 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)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov/federal-holidays/)

California Holidays: <https://www.sos.ca.gov/state-holidays>

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 OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- Contra Costa County Department of Public Works
- West County Wastewater District
- East Bay Municipal Utility District
- Contra Costa Fire Protection District