

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDVR25-01045; CLAUDIA FALCONER, CLAUDIA FALCONER ARCHITECT (APPLICANT) – TYLER AND LISA HUBBS (OWNERS).

A. 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 in which the subject property is located.***

Project Finding: The project involves the demolition of an existing 60-square-foot shed to build a new 305-square-foot carport with a 120-square-foot shed behind on the western side of the parcel. Currently, there is a paved driveway slab being used as an off-street parking space next to the garage. The new carport will be constructed on the existing driveway slab as a separate structure from the main residence and garage, providing coverage over an already established use for an off-street parking space. However, given the location of the driveway, the project includes a variance request for a 3-foot side yard (where 10 feet is the minimum required) and a 15-foot aggregate side yard (where 25 feet is the minimum required). Additionally, the carport's height will align with the existing garage's height, which is lower than the primary residence. The carport will be an extension of the garage use, similar to the carports in the surrounding area. The carport will have partial exposure with wooden slats on the sides, ensuring a less intrusive design that matches the ranch-style aesthetics of the neighborhood. Thus, the project is consistent with the development patterns in the surrounding area and does not grant special privilege.

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 subject parcel was legally created in 1956 through the Walnut Heights Estates subdivision. The lot is rectangular, with a width of approximately 112 feet and a depth of approximately 133 feet, resulting in a total area of approximately 15,002 square feet. The existing residence spans approximately 85 feet across the property. Considering the lot's width of approximately 112 feet and the required 25-foot aggregate side yard setback, along with the existing residence taking up 85 feet, the remaining area available for development on the west side of the property is approximately 2 feet. Thus, any development on the side of the property will not be able to meet the 10-foot minimum side yard required and the 25-foot aggregate side yard setback required. Additionally, the subject lot currently has an approximately 295-square-foot pergola permitted under County file #BIMIR13-002376. The pergola is located at the rear of the property and limits the building area where an accessory building can be built. Given that existing accessory

structures are already in the rear yard, it cannot accommodate the construction of the carport and shed structure in the rear of the property. Relocating the carport and shed to meet the minimum 65 feet front accessory structure setbacks per R-15 zoning district would necessitate the partial demolition of the existing pergola. Therefore, the variance request for relief on the side yard will allow for the optimal positioning of the carport next to the garage to extend the use of an already existing uncovered off-street parking space over the driveway slab.

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 project will utilize an existing driveway slab on the western side of the parcel to construct a carport with an attached shed to provide shelter to an existing uncovered off-street parking space. The carport will be an extended use of the existing attached garage. The carport will be approximately 36 feet from the front property line and approximately 53 feet from the rear property line, which complies with the R-15 Single-Family Residential District. The location of the carport ensures easy access and aligns with current use of the off-street parking space over the existing driveway slab. Lastly, the carport and shed buildings are compatible with residential use and comply with the R-15 Single-Family Residential District's intent and purpose.

B. Environmental Findings

The project is exempt from environmental review pursuant to CEQA Guidelines section 15303 (e), which states that accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences may be constructed under this exemption.

The project involves the construction of a carport with a shed; therefore, the project qualifies for a Categorical Exemption under CEQA Guidelines Section 15303 (e). There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR25-01045:

Project Approvals

1. A Variance Permit to allow a 3-foot side yard (where 10 feet is the minimum required) and a 15-foot aggregate side yard setback (where 25 feet is the minimum required) to construct a new approximately 305-square-foot carport with a 120-square foot shed, is APPROVED, as generally shown and based on the following documents:
 - Application materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on September 10, 2025.

- Revised plans submitted on November 20, 2025.

General Provisions

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

Building Permits

3. No construction is approved with this permit. Any construction at the project site will require issuance of building permits from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.

Payment of Fees

4. The application was subject to an initial application deposit of \$3,250.00 that was paid with the application submittal, plus time and material 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 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 application shall be charged interest at a rate of ten percent (10%) from the date of approval. 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.

Construction Period Restrictions and Requirements

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

5. 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.
6. The applicant 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.
7. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

8. 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.
9. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:30 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 date 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: State Holidays \(ca.gov\)](https://www.ca.gov/holidays/)

10. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- 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:

- Department of Conservation and Development, Building Inspection Division
- Contra Costa County Public Works Department
- Contra Costa Health, Environmental Health Division
- Contra Costa Consolidated Fire Protection District
- Central Contra Costa Sanitary District
- East Bay Municipal Utility District

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