

**FINDINGS FOR COUNTY FILE CDVR25-01012; CHERYL GREEN (APPLICANT & OWNER)**

**FINDINGS FOR DENIAL**

A. Variance Findings

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: Approval of the requested variance would allow a 6-foot front yard setback (where 25 feet is the minimum required) for two entry gate support columns that are 8 feet in height that were constructed without permits. Granting of the variance to allow the columns within the required front setback would be a grant of special privilege as the columns can be reduced to 7 feet in height, and therefore, would not be considered structures that are subject to setback requirements, or could be set back 25 feet from the front property line.

2. *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 the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The subject property is a 14.55-acre lot in the A-40 Exclusive Agricultural District that has been developed with an agricultural building near the northern corner and a single-family residence and legalized second single-family residence along the northeast property line. Access to the buildings is along the northeast property line with existing fencing and entry gate. There are no special circumstances applicable to the subject property's size, shape, topography, location or surroundings, where strict application of the A-40 zoning regulations can be found to deprive the subject property of the rights enjoyed by other properties in the vicinity. The area is relatively flat, and the entry gate is still achievable even if the columns were lowered to 7 feet so the columns could legally be located within the front yard setback without a variance.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

*Project Finding:* The property in the A-40 District is subject to the allowed uses set forth in Section 84-82 of the County Ordinance Code, which includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. A second single-family residence is allowed with an approved land use permit. An entry gate could be consistent with the residential uses allowed in the A-40 District provided it meets the accessory structure regulations in County Code Section 82-4. that either allow for two 7-foot tall support columns that are exempt from setback requirements, or two 8-foot tall support columns that would be deemed accessory structures required to be set back 25 feet from the front property line. Because the support columns comply with neither of these requirements, the previously constructed oversized columns do not meet the intent and purpose of the A-40 district.

B. Small Lot Design Review Findings

County Code Section 82-10.002(c) states that all of the following findings must be made to approve the Small Lot Design Review permit application.

1. *Location:* The entry gate columns taller than 7 feet are considered structures pursuant to County Code Section 82-4.270, and therefore, are subject to setback requirements. As such, they do not meet the minimum required front yard setback of 25 feet from the front property line in the A-40 District. Because the columns do not meet the minimum required front yard setback, the project's location is not compatible with the surrounding neighborhood.
2. *Size:* The columns' footprint is approximately 3'x3', which is within the size range for entry gate columns. Therefore, the size of the columns is compatible with the surrounding neighborhood.
3. *Height:* County Code Section 82-4.270 restricts the height of the columns to a maximum height of 7 feet to not be considered structures. The intent of the height limitations is to maintain a certain scale for accessory structures to be considered as subordinate to the single-family residence. Therefore, the project's height being 8 feet is not compatible with the surrounding neighborhood.

4. Design: The neighborhood consists of a variety of architectural designs. Columns for entry gates are common throughout the area. However, as stated previously, unless the height of the columns is reduced to 7 feet, the location of the columns is at variance. Thus, the design is not compatible with the surrounding neighborhood.

C. Environmental Findings for the Variance and Small Lot Design Review

The Variance and Small Lot Design Review under County File CDVR25-01012 are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(4), Review for Exemption, which provides an exemption for projects that will be rejected or disapproved by a public agency.

**FINDINGS FOR APPROVAL**

A. Tree Permit Findings

1. Required Factors for Granting a Tree Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:

- *Reasonable development of the property will require the alteration or removal of code-protected trees, and this development could not be reasonably accommodated in another area of the lot.*

Installation of the mechanical equipment for the entry gate necessitates work within the drip line of one code-protected Valley Oak tree. Given the construction has occurred, work within the drip line was unavoidable and therefore cannot be reasonably accommodated on another area of the lot.

2. Required Factors for Denying a Tree Permit: The Zoning Administrator is satisfied that none of the factors for denying a tree permit as provided by County Code Section 816-6.8010 apply.

B. Environmental Findings

A Tree Permit under County File CDVR25-01012 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA

Guidelines Section 15301(a), Existing Facilities, which provides a Class 1 exemption for exterior alterations of existing facilities, in this case the existing gate, for running of electrical to the mechanics. 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. None of the exceptions in CEQA Guidelines Section 15300.2 apply.

## **CONDITIONS OF APPROVAL FOR COUNTY FILE CDVR25-01012:**

### Project Approvals

1. A VARIANCE and SMALL LOT DESIGN REVIEW to allow a 6-foot front yard setback (where 25 feet is the minimum required) for two, 8-foot tall columns to support the entry gate is **DENIED**.
2. A Tree Permit to allow work under the dripline of one code-protected Valley Oak for installation of the mechanical equipment for the entry gate tree is **APPROVED**.
3. The denial and approval described above are based on the following documents:
  - Application materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on February 12, 2025.
4. Any deviation from the approved plans stated above shall require review and approval by the CDD and may require the filing of a new application to modify the Tree Permit.

### Application Costs

5. The Variance Permit application is subject to an initial application deposit of \$3,250.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. Any additional fee 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. If you owe additional fees, a bill will be sent to you shortly after permit issuance in the event that additional fees are due.

Building Permit

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

Column Height Verification

7. Plans submitted for a building permit application shall show the height of the columns reduced to no taller than 7 feet or the columns moved to be 25 feet from the front property line.
8. Prior to final inspection, evidence shall be submitted to CDD for review and approval from a licensed surveyor on the field elevations of the heights of the columns as measured from existing grade indicated on building permit site plans for purposes of determining compliance with maximum height limit of 7 feet or set back 25 feet from the front property line.

Construction Restrictions

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

9. 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.
10. 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.
11. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
12. 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.

13. 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 date the State and Federal holidays occur, please visit the following websites:

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

California Holidays: [State Holidays \(ca.gov\)](https://www.ca.gov)

14. 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 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 NINETY (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. This project may be subject to the requirements of the following agencies:

- Contra Costa County Public Works Department
- Department of Conservation and Development, Building Inspection Division
- Contra Costa Health, Environmental Health Division
- San Ramon Valley Fire Protection District

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