FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDVR24-010135; GARY BAKER, GLB ARCHITECTS (APPLICANT) AND LUCAS JONES (OWNER)

FINDINGS

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: The subject parcel is located in the A-2 General Agricultural District which specifies that lots must have a minimum size of five acres and a minimum average lot width of 250 feet. The subject property has a lot size of 1.35 acres and an average lot width of 99.88 feet and, along with many other lots in the immediate vicinity west of Piper Road in the unincorporated Bethel Island area, is substandard in size and average lot width. As a result, these lots have development limitations compared to other properties in the A-2 District. Further, on agriculturally zoned parcels including those in the project vicinity, agricultural buildings are constructed for the storage of agricultural equipment and vehicles. Thus, this variance does not grant a special privilege inconsistent with the limitations on other properties in the vicinity or the A-2 District.

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 parcel is developed with a single-family residence and a detached garage located at the front of the parcel. Due to the relatively narrow lot width and the need for onsite vehicular access from Piper Road to the rear of the property for agricultural equipment while maximizing agricultural use of the remainder of the parcel, the two existing agricultural buildings constructed for the agricultural storage are located in back of the residence and garage near the southern property line. Aerial photographs show that other lots in the immediate vicinity have agricultural buildings in rear yards due to the same special circumstances related to narrow lot widths. The proposed replacement agricultural

building will strictly be for agricultural use and is located in the same location as the existing agricultural buildings to preserve the onsite space available for agricultural use. Therefore, strict application of the zoning regulations of the A-2 District will deprive the subject property of rights enjoyed by other properties in the vicinity.

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: Except for the required minimum secondary front yard setback, the construction of a 3,600 square-foot agricultural building that will replace two existing agricultural buildings that are 400 square feet and 1,050 square feet in size complies with the A-2 General Agricultural District development standards. As described in Section A.2 above, the variance allows the proposed agricultural building to be located in a manner that maximizes agricultural use of the remainder of the parcel. The location of the agricultural building will allow for reasonable protection of agricultural equipment and vehicles, while retaining the existing relation of the onsite single-family residence to Piper Road, and thereby will maintain the overall character of agricultural properties along Piper Road. Thus, the variance substantially meets the intent and purpose of the A-2 District in the unincorporated Bethel Island area.

B. Small Lot Design Review Findings

Pursuant to County Code Section 82-10.002(c), Small Lot Occupancy, a proposed development on a lot of substandard size or substandard average lot width must be found to be compatible with the surrounding neighborhood in terms of its location, size, height, and design.

1. *Location*: The proposed agricultural building is to be located on the subject parcel in back of the single-family residence and detached garage and near the southern property line. The location of the new building is consistent with that of agricultural buildings on other lots along Piper Road that are also substandard in size and average lot width. Accordingly, the proposed project is consistent and compatible with the surrounding neighborhood in terms of location.

2. *Size*: The agricultural building is 3,600 square feet in size. Agricultural buildings on other parcels in the vicinity range in size from 200 square feet to over 5,000 square

feet. Therefore, project size is compatible with that of the surrounding neighborhood.

3. *Height*: The subject parcel and vicinity are in the -FH Flood Hazard Combining District which allows residential buildings to be up to 35 feet or 3½ stories in height. The new agricultural building is 20 feet - 2 inches in height, which is visibly equal in height to many other buildings in the Piper Road vicinity. Therefore, the project height is consistent with neighborhood with respect to height.

4. *Design*: The agricultural building is a prefabricated corrugated metal structure on a concrete slab. Corrugated metal is a common building material for agricultural buildings in the vicinity. Thus, the project design is consistent with the surrounding neighborhood.

C. Environmental Findings

Variance CDVR24-01035 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301(l)(4), Existing Facilities, which provides a Class 1 exemption for the demolition of accessory structures, and 15303(e), which provides a Class 3 exemption for construction of accessory structures. 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 CDVR24-01035

Project Approval

1. A Variance Permit to allow a 12-foot secondary front yard setback (where a minimum of 20 feet is required) for the construction of a new 3,600-square-foot metal agricultural storage building that meets the requirements of Section 26-2.2006 of the County Ordinance Code that will replace two existing agricultural buildings that are 400 square feet and 1,050 square feet in size, is **APPROVED**.

2. The Small Lot Design Review for the new agricultural storage building on a lot of substandard size and substandard average lot width is **APPROVED.**

3. Approvals of the Variance Permit and Small Lot Design Review are based on the following documents:

- Application accepted by the Department of Conservation and Development, Community Development Division (CDD) on July 30, 2024.
- Project plans submitted to the CDD on October 22, 2024.

4. Any deviation from the approved plans shall require review and approval by the CDD and may require the filing of a new application to modify this Variance Permit and Small Lot Design Review Permit.

Building Permit

5. The applicant is advised that this approval does not constitute a grading or building permit. Please contact the Contra Costa County Building Department at 925-655-2700 for more information on how to apply.

Semi-Trailer Storage

6. The applicant is advised that semi-trailers are not permitted to be stored on a parcel within the A-2 General Agricultural District. Storage of a semi-trailer is not approved with this variance and small lot design review permit.

Application Costs

7. The Variance Permit and Small Lot Design Review application was 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 the initial deposit. **Any additional costs due must be paid prior to issuance of a building permit, within 60 days of the permit's effective date, or prior to use of the 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 from the date of approval, the application shall be charged interest at a rate of ten percent (10%). 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.

Construction Requirements

8. All construction activity shall comply with the following restrictions, which shall be included on the construction drawings. **These measures shall be included on construction drawings for grading and building permits.**

a. 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.

b. 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.

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

d. 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.

e. 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)

California Holidays: State Holidays (sos.ca.gov)

f. 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 ORDICNANCE 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. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.

C. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.

D. The applicant must submit building plans to the Contra Costa County Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.

E. The applicant is required to submit plans to the Ironhouse Sanitary District for approval. Plans submitted for a building permit must receive prior approval and be stamped by the Sanitary District.

G. The applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and permits.