

## APPEAL OF ZONING ADMINISTRATOR DECISION

**To: Contra Costa County Planning Commission**

|                                 |                                                                          |
|---------------------------------|--------------------------------------------------------------------------|
| <b>Date of Appeal:</b>          | June 2, 2026                                                             |
| <b>Appellant:</b>               | Major Gill                                                               |
| <b>Property Address:</b>        | 5980 Camino Tassajara, Pleasanton, CA 94588                              |
| <b>APN:</b>                     | 206-200-002                                                              |
| <b>County File:</b>             | CDSL25-00044                                                             |
| <b>Decision Being Appealed:</b> | Zoning Administrator Denial of Small Lot Design Review — June 1, 2026    |
| <b>Appeal Deadline:</b>         | June 11, 2026 (10 calendar days from decision)                           |
| <b>Appeal Filed To:</b>         | Contra Costa County Planning Commission 30 Muir Road, Martinez, CA 94553 |
| <b>Appellant Phone:</b>         | _____                                                                    |
| <b>Appellant Email:</b>         | _____                                                                    |

Dear Planning Commission,

Appellant Major Gill hereby appeals the Zoning Administrator's denial, issued June 1, 2026, of the Small Lot Design Review application for a new single-family residence at 5980 Camino Tassajara. The denial was based solely on the Zoning Administrator's stated opinion that the proposed home is 'too big for a substandard lot.' No specific code provision was cited. No maximum square footage, floor-area ratio, or objective size standard was identified. No guidance was offered as to what size would be acceptable.

This appeal is brought on the grounds that the Zoning Administrator's findings are not supported by evidence in the record, that the denial does not comply with the applicable legal standard under County Code Section 82-10.002(c), and that the decision is arbitrary in the absence of any identified code provision or objective standard supporting it.

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### **GROUND I: THE DENIAL IS NOT SUPPORTED BY ANY IDENTIFIED CODE PROVISION**

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The Zoning Administrator denied this application with a single subjective statement: the proposed home is 'too big for a substandard lot.' No code section was cited. No floor-area ratio was referenced. No square footage maximum was identified. This is not a legal finding — it is a personal opinion, and personal opinions cannot form the basis for denial of a land use application.

Under Contra Costa County Ordinance Code Section 82-10.002(c), the Zoning Administrator may approve, conditionally approve, or deny a Small Lot Design Review based on four specific criteria: SIZE, LOCATION, HEIGHT, and DESIGN — all evaluated against compatibility with the neighborhood. The code does not:

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- Establish a maximum square footage for homes on substandard lots;
- Set a floor-area ratio (FAR) limit for Small Lot Design Review applications;
- Require that homes on substandard lots be smaller than homes on conforming lots; or
- Authorize denial based on the Zoning Administrator's subjective expectation of appropriate size.

The sole legal question on the SIZE criterion is whether the proposed home is compatible with the surrounding neighborhood. The Zoning Administrator made no finding of neighborhood incompatibility supported by evidence. The statement that the home is 'too big for a substandard lot' is not such a finding — it is a conclusory opinion untethered to any code standard or evidentiary basis.

A denial that cites no code provision, identifies no objective standard, and offers no guidance as to what size would be acceptable is the definition of an arbitrary administrative decision. The Planning Commission should reverse this denial on that basis alone.

**GROUND II: THE FINDINGS ARE CONTRADICTED BY SUBSTANTIAL EVIDENCE IN THE RECORD**

Even if the Zoning Administrator's size concern were grounded in the compatibility standard — which it is not — the evidence in the record directly contradicts a finding of incompatibility. The following comparable properties were presented to the Zoning Administrator and are part of the hearing record:

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| Property                                               | Size                                            | Significance                                                                                                                                                                                |
|--------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1046 Country Lane Pleasanton, CA 94588 (same zip code) | <b>7,971 sq. ft. Rural Residence Built 1974</b> | Nearly identical in size to the proposed 8,284 sq. ft. home. Same zip code. Same rural Pleasanton community. Has existed for over 50 years. Directly disproves the incompatibility finding. |

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|                                           |                                              |                                                                                                                                                         |
|-------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5959 Camino Tassajara<br>(same road)      | \$12,000,000<br>Multiple large<br>structures | Iron Horse Equestrian Center — commercial equestrian campus on the same road. Owned by lead opponent Chuck Baumann.                                     |
| 5901 Camino Tassajara<br>(same road)      | 4,626 sq. ft. 6 beds,<br>10.81 acres         | Large single family home on same road, built 1960.                                                                                                      |
| 6621 Johnston Road<br>(same intersection) | New SFR Small<br>Lot Review<br>Approved      | County File CDLP23-02056. County itself approved new home on substandard lot on the same road. Cannot be reconciled with a denial here on size grounds. |
| Tassajara Lane (same<br>valley)           | 3,500–5,000+ sq. ft.<br>homes                | High-end development, \$2M–\$5M range. Same Tassajara Valley corridor.                                                                                  |

The existence of a 7,971 sq. ft. rural residence at 1046 Country Lane in the same zip code — built over 50 years ago — means that a home of nearly identical size has been part of this community since 1974. The proposed Major Residence at 8,284 sq. ft. is 313 square feet larger than an already-existing neighborhood home. It cannot be found incompatible with the neighborhood on size grounds when a home of virtually the same size already exists in the same community.

Furthermore, the County's own approval of a new single-family residence on a substandard lot at 6621 Johnston Road (County File CDLP23-02056) — on the same road that intersects Camino Tassajara — establishes that the County approves new residential construction on substandard lots in this very corridor. The Zoning Administrator's denial is inconsistent with the County's own prior actions.

### GROUND III: THE DENIAL WAS IMPROPERLY INFLUENCED BY PREJUDICIAL OPPOSITION TESTIMONY

The opposition to this project was led entirely by three neighbors who each operate commercial businesses from their residential parcels:

- **Brian Oas — 5800 Camino Tassajara:** All-Star Swim School — commercial swimming instruction, open to public Mon–Fri since 1998.
- **Shane Garreny — 5990 Camino Tassajara:** Diablo K9 Academy — commercial pet sitting and boarding service.
- **Chuck Baumann — 5959 Camino Tassajara:** Iron Horse Equestrian Center — \$12,000,000 commercial equestrian facility.

These commercial operators repeatedly and falsely characterized the Tassajara Valley as a community of 'modestly sized homes' — a characterization directly contradicted by the evidence above. Mr.

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Appeal  
Point #4

Baumann further referred to Major Gill as a 'developer' — a deliberate mischaracterization designed to prejudice the proceeding. Major Gill is a private property owner building his family's residence. His name appears on every sheet of the plan set as the owner.

Mr. Baumann also claimed Major Gill refused to meet with neighbors. This claim is false — no formal, written, or documented meeting request was ever received by Major Gill. This unsubstantiated claim should have been disregarded by the Zoning Administrator and should be disregarded by the Planning Commission.

The Planning Commission should carefully evaluate whether the Zoning Administrator's denial was driven by the weight of organized commercial opposition rather than by a legally sound application of Section 82-10.002(c).

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#### **GROUND IV: ALL FOUR REVIEW CRITERIA ARE SATISFIED**

**SIZE:** Compatible with the neighborhood. 1046 Country Lane (same zip code) = 7,971 sq. ft. 5901 Camino Tassajara = 4,626 sq. ft. 5959 Camino Tassajara = \$12M commercial campus. Tassajara Lane homes = 3,500–5,000+ sq. ft. No code provision limits square footage beyond the compatibility standard.

**LOCATION:** Front setback = 83.95 ft (required minimum: 50 ft). Rear setback = 40 ft. All side setbacks comply with A-district requirements. No encroachments into any required setback. The home is not built to minimum setbacks — it is set back generously on all sides.

**HEIGHT:** The neighboring property to the left sits at a higher natural grade than 5980 Camino Tassajara, as documented in the topographic survey (Sheet TP-1). A two-story home on lower ground cannot overlook or impose upon a neighbor at higher elevation. The Contemporary Farmhouse gabled roofline further reduces visual massing.

**DESIGN:** The submitted plans feature a Contemporary Farmhouse exterior with prominent pitched and gabled roof forms on all four elevations (Sheets A4.0, A5.0) and 3D renders (Sheet A6.0). This style is compatible with and expressive of the rural agricultural character of the Tassajara Valley. Section 82-10.002(c) requires compatibility — not uniformity, and not conformity to neighbor preferences.

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#### **RELIEF REQUESTED**

Appellant Major Gill respectfully requests that the Planning Commission REVERSE the Zoning Administrator's denial of County File CDSL25-00044 and APPROVE the Small Lot Design Review for the proposed new single-family residence at 5980 Camino Tassajara as designed and submitted.

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Specifically, Appellant requests that the Planning Commission:

1. Find that the Zoning Administrator's denial is not supported by any identified code provision or objective standard and is therefore arbitrary;
2. Find that the substantial evidence in the record — particularly 1046 Country Lane (7,971 sq. ft., same zip code) and the County's own approval at 6621 Johnston Road — establishes neighborhood compatibility on the SIZE criterion;
3. Find that all four criteria under Section 82-10.002(c) are satisfied; and
4. Approve the Small Lot Design Review and direct staff to process the building permit application.

Appellant is available to provide any additional documentation, attend the Planning Commission hearing, and address any questions the Commission may have. Appellant respectfully requests that this appeal be scheduled at the earliest available Commission date given the time already invested in this application across three public hearings.

Respectfully submitted,

Major Gill

Appellant / Owner — 5980 Camino Tassajara, Pleasanton, CA 94588

APN: 206-200-002 | County File: CDSL25-00044

Date: June 2, 2026

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

*cc: Elevation Design + Consulting (Sabino Urrutia) — Job #23-010 / 22-039*

*[Land Use Attorney, if retained]*

*County File CDSL25-00044*