

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDRZ25-03279, GRAHAM DEUTSCHER, COLA PACHECO LLC (APPLICANT) & COLA PACHECO LLC, DEUTSCHER PROPERTIES CORP. (OWNERS)**

**FINDINGS**

A. Rezoning Findings

Pursuant to County Code Section 26-2.1806, the following three findings must be made to approve a rezoning application.

1. *The change proposed will substantially comply with the general plan.*

Project Finding: The 4.77-acre subject parcel has a General Plan land use designation of CO Commercial and Office. The CO land use designation allows for a full range of commercial and office uses including personal and business services. CO land use designations are consistent with the C General Commercial District and have a floor area ratio (FAR) threshold of 1.0 for commercial buildings and 2.5 for office buildings. The subject lot has an existing landscaping business that occupies the office building on the property and utilizes portions of the remaining lot for vehicle and equipment storage. The rezone of the parcel from the R-7 Single-Family Residential District to the C General Commercial District will bring the land use of the parcel into compliance with the existing General Plan land use designation. Additionally, the subject property is located in the Vine Hill and Mountain View Community Profile as shown in the Stronger Communities Element of the General Plan. Vine Hill and Mountain View is identified as an Impacted County under Senate Bill 1000 which requires the County to integrate environmental justice into the General Plan. As a result, policies have been established to further the goals and priorities of this community. Policy 3 of the Community Profile encourages economic investment, especially commercial and mixed-use development, along Pacheco Boulevard. As this rezone will bring the existing commercial development on Pacheco Boulevard into zoning compliance, the project satisfies this policy. Thus, the project substantially complies with the General Plan.

2. *The uses authorized or proposed in the land use district are compatible with the district and to uses authorized in adjacent districts.*

Project Finding: The C General Commercial District is consistent with the CO Commercial and Office General Plan land use designation for the subject parcel.

The parcel is contiguous to other parcels along Pacheco Boulevard that have the same CO designation. The parcel is currently developed with an office building that serves a landscaping service business, Brightview Landscape Services, Inc. This use complies with the allowed uses of the CO General Plan designation as well as the proposed C General Commercial District. There is no development proposed with this project and thus a rezone will bring the existing land use into compliance due to the existing business being currently not in compliance with the allowed uses of the R-7 Single-Family Residential District. The rezone would not result in any development standard inconsistencies that would otherwise require the authorization of a variance. The surrounding vicinity includes a variety of zoning districts including industrial (LI), agricultural (A-2) single-family residential (R-6 and R-7), multiple-family residential (D-1, M-12 and M-29), and a planned unit (P-1) district. Thus, the immediate area is not exclusively oriented to a sole land use and supports a variety of different types of uses. Therefore, a commercial use authorized on the subject property is compatible with the C General Commercial District and to uses authorized in adjacent districts.

3. *Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.*

*Project Finding:* The subject parcel is located within the CO Commercial and Office General Plan land use designation along Pacheco Boulevard. The parcel is in use for landscaping service business. Upon the rezone, the landscaping service business will continue, and therefore, the mixed use character of the area will be maintained, in compliance with Policy 3 of the Vine Hill and Mountain View Community Profile.

## B. Environmental Findings

Rezone CDRZ25-03279 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), the Common Sense Exemption, whereby CEQA applies only to activities that have the potential for causing a significant adverse environmental effect. Where it can be seen with certainty that the activity could not have a significant effect on the environment, the activity is not subject to CEQA. The proposed rezone of the subject parcel from the R-7 Single-Family Residential District to the C General Commercial District does not authorize any new development or other actions with the potential for causing a significant effect on the environment. 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 CDRZ25-03279**

### Project Approval

1. Rezone CDRZ25-03279 to rezone the subject 4,77-acre parcel from the R-7 Single-Family Residential District to the C General Commercial District, is APPROVED.
2. The approval described above is granted based on, or as generally shown on, the following information and documents:
  - Project application and materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on October 8, 2025.
  - Additional materials received by CDD on November 6, 2025.
3. No development on the parcel is authorized with this rezone. Any future development on the subject parcel shall require the submittal and approval of a development plan application.

### Building Permits

4. No construction is approved with this permit. Any construction on the parcel shall require issuance of building permits from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.

### Application Costs

5. The Rezone application is subject to an initial application deposit of \$7,000.00, 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.

**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. 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
- Public Works Department
- Contra Costa Health, Environmental Health Division
- Contra Costa County Fire Protection District
- Mt. View Sanitary District
- Contra Costa Water District
- Contra Costa Mosquito and Vector Control District