

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP20-03031,  
YOCHAI KIDRON (APPLICANT & OWNER)**

**FINDINGS**

A. Development Plan Findings

In approving a Development Plan in the R-B Retail Business District, findings are required that the proposed project is consistent with the intent and purpose of the R-B District and is compatible with other uses in the vicinity, both inside and outside the district.

*Project Finding:* The intent and purpose of the R-B District is to facilitate the orderly development and maintenance of retail businesses as well as uses allowed on single-family and two-family residential districts. The D-1 Two-Family Residential District allows detached two-family dwellings (duplexes) and uses normally auxiliary thereto. Therefore, the conversion of a commercial building into a duplex is consistent with the R-B District. The duplex will be on the north side of San Pablo Dam Road and adjacent to multiple-family residential buildings in the R-B District to the west and single-family residences in the R-6 Single-Family Residential District to the east. Accordingly, the duplex is compatible with other uses in the vicinity both in the R-B District and the adjacent R-6 District.

B. Variance Findings

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

1. *Required Finding: 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 property is located in the R-B District along San Pablo Dam Road, a developed arterial road with a variety of land uses. The subject property is 1,306 square feet in size and is significantly smaller than surrounding lots. Even with the proposed lot line adjustment the location of the existing building in the property limits the possibility of accommodating required parking on site. Given the constraints of the lot and vicinity, the granting of a variance for zero off-street parking spaces is not a grant of special privilege.

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 lot was originally an Assessor's tax parcel that was legally part of the adjacent parcel APN: 420-031-036. Thus, the subject property previously shared off street parking with the adjacent parcel. With the change in land use as well as the legalization of the lot, the subject property cannot accommodate off-street parking with the existing proposed development due to a lot size that is significantly smaller than surrounding lots in the R-B District. In addition, the existing building on the subject property was established as a commercial office space without a dedicated garage or space for uncovered off-street parking. Given the size limitations of the subject property and the location of the existing building on the property, accommodating the required number of parking spaces is infeasible. Thus, strict application of the off-street parking requirement will deprive the subject property of the rights enjoyed by other properties in the vicinity and within the R-B District in general.

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 variance will allow zero off-street parking spaces for an existing commercial building to be converted into a duplex; however, on street parking is available in the immediate vicinity as well as public transit options. The conversion of the existing commercial building into a duplex does not include any aspect that would otherwise conflict with the R-B District. Thus, the variance will result in a duplex project that substantially meets the intent and purpose of the R-B District.

#### C. Environmental Findings

Development Plan CDDP20-03031 is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(b), New Construction or Conversion of Small Structures, which provides a Class 3 exemption for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure including a duplex. There is no substantial evidence that the conversion of the commercial building into a duplex involves unusual circumstances,

resulting in, or which might reasonably result in, a significant impact on the environment. None of the exceptions in CEQA Guidelines Section 15300.2 apply to the conversion of the commercial building into a duplex.

## **CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP20-03031**

### Project Approval

1. Development Plan CDDP20-03031 to convert an existing two-story 1,040 square-foot commercial building into a duplex with a proposed addition of 246 square feet is APPROVED.
2. A Variance Permit for zero off-street parking spaces (where four spaces are required) is APPROVED.
3. The project approvals described above are granted based on, or as generally shown on the following documents:
  - Application and materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on November 30, 2020.
  - Additional plans received on October 28, 2024.
4. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan and/or Variance.

### Building Permits

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

### Lot Line Adjustment

6. No lot line adjustment is approved with this application. Prior to the submittal of a building permit, an application for a lot line adjustment, as shown on the project plans, shall be approved by the CDD and subsequently recorded.

Application Costs

7. The Development Plan application was subject to an initial application deposit of \$5,000.00 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 Restrictions

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

8. 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.
9. 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.
10. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
11. 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.
12. 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 \(sos.ca.gov\)](https://sos.ca.gov)

13. 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.**

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 may wish 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
  - Health Services Department, Environmental Health Division
  - Contra Costa County Fire Protection District
  - West County Wastewater
  - East Bay Municipal Utility District
  - Contra Costa Mosquito and Vector Control District