

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDMS23-00009,
ZAKARIA ISMAIL (APPLICANT/OWNER)**

FINDINGS

A. Tentative Map Findings

The following are required findings for the approval of a tentative parcel map.

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general and specific plans.*

Project Finding: The three-lot minor subdivision is consistent with the RM Residential Medium Density General Plan land use designation for the area, which allows for a density between 7 and 17 residential units per net acre. No development is included in this project and there is an existing single-family residence on each subdivision parcel. Thus the existing and future density is 11 residential units per net acre. Thus, the minor subdivision is consistent with the density allowed in the RM General Plan designation. The project is also consistent with the development patterns described in the General Plan for this designation, which explicitly identifies "single-family units on lots approximately 2,500 to 6,000 square feet" as a typical use. The resulting parcels fall within or are proximate to this intended size range. With no development proposed, the project will not introduce a new land use or intensity; rather, it formalizes the existing residential use in a lot configuration that directly implements the density and character of development envisioned by the RM designation. Therefore, the proposed subdivision is consistent with the applicable goals and policies of the Land Use Element of the General Plan.

The project is consistent with Goal SC-1 of the Stronger Communities Element of the General Plan, which seeks to ensure that Impacted Communities such as Bay Point are not further burdened by environmental pollution or other hazards. As the project is a subdivision of an already developed parcel and proposes no new construction, ground disturbance, or change in land use, it will not introduce any new sources of pollution or other environmental hazards to the community.

The project is also consistent with the goals for Community Health (Goal SC-2) and Healthy Homes (Goal SC-6). By creating legal parcels for each of the three existing homes, the project represents a form of reinvestment that preserves the existing residential character of the neighborhood, which is consistent with Policy SC-P2.2.

Furthermore, because the project does not involve the demolition of any housing units or the displacement of any residents, it supports Policy SC-P6.1, which aims to prevent a net loss of housing and displacement in Impacted Communities.

The Stronger Communities Element includes a specific Community Profile for Bay Point that articulates a vision and establishes policies to address the community's unique needs. The project is consistent with General Plan policies applicable to the Bay Point area. Policy 1 requires ensuring that new development does not create negative impacts such as a net loss of housing or permanent displacement of residents. As this project proposes no demolition or new construction, it maintains the existing housing stock on the property and does not displace any current residents, thereby upholding this protective policy. The project is also consistent with the intent of Policy 7, which encourages the assembly of parcels to allow for denser residential development. While the project is a subdivision rather than an assembly, it achieves the underlying goal of this policy by formalizing a higher-density residential land use pattern that is consistent with the RM designation. The subdivision of a relatively large parcel into three smaller, legally distinct parcels for existing single-family homes supports the densification of residential areas as encouraged by the General Plan.

The Transportation Element of the General Plan sets goals and policies to create a coordinated, safe, sustainable, and multimodal transportation system. The primary goals of the Element are to reduce the need for single-occupant vehicle trips, improve safety for all users, and expand opportunities for active transportation like walking and biking. The proposed minor subdivision is consistent with this Element. As the project is a subdivision of land for three existing, legally established residences and proposes no new dwelling units or change in land use, it will not generate new daily vehicle trips or an increase in Vehicle Miles Traveled (VMT). This is consistent with the core objective of reducing environmental harm from transportation and policies that seek to reduce single-occupant vehicle usage and VMT.

There is no specific plan adopted for this area of the County.

2. *The proposed subdivision fulfills construction requirements.*

Project Finding: The project site is in the Residential Medium Density General Plan land use designation, which accommodates single-family and low-density multiple-family residential development. The minor subdivision will be required to comply with conditions of approval for road dedications, improvements to Roberts

Street, annexation into a streetlight service area, and compliance with drainage fee requirements for Drainage Area 48D. Although no development is proposed with this project, future construction on the subdivision parcels will be required to comply with the California Building Code and all applicable County Ordinances. Therefore, as conditioned, the minor subdivision will fulfill construction requirements for the subdivision parcels.

B. Findings for Deviations from the Bay Point P-1 Development Standards

The three-lot minor subdivision is in the Bay Point P-1 Planned Unit District and is subject to the Bay Point P-1 Development Standards for development and use of property within the district. Based on the footprints of the existing buildings shown on the Vesting Tentative Parcel Map, the proposed minor subdivision requires minor deviations from the required minimum front yard, side yard, and rear yard setbacks on Parcel C. Following are findings for deviations from the Bay Point P-1 Development Standards.

1. *Any deviation 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 buildings on the project site were built in the 1930s, and therefore, were existing at the time of approval of four-lot Minor Subdivision MS41-69, which created the subject property in April 1969. With approval of MS41-69, these buildings were allowed to remain in their current locations. The current three-lot Minor Subdivision CDMS23-00009 will create three parcels, each of which will include an existing single-family residence does not include any new development. Parcel B also includes an existing detached garage and Parcel C also includes an existing detached garage and another accessory building. In recommending approval of the minor subdivision, the Public Works Department is requiring dedication of a 5-foot width of land along the Roberts Street frontage of the project site. With the dedication of land, the existing residence and detached garage on Parcel C will have a front yard setback of 6 feet where 10 feet is the minimum required. The current location of the detached garage has a side yard setback of 3 feet where 5 feet is the minimum required. In addition, in its current location, the other accessory building on Parcel C has a rear yard setback of 9 feet where 20 feet is the minimum required. Given that the buildings are existing and predate the establishment of the Bay Point P-1 Planned Unit District in February 2003, allowing the deviations from the required 10-foot minimum front yard, 5-foot minimum side yard and 20-foot minimum rear yard setbacks of the Bay Point

P-1 Planned Unit District for Parcel C does not constitute a grant of special privilege.

2. *Because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the Bay Point P-1 Development Standards is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The four-lot minor subdivision approved under MS41-69 allowed the existing buildings to remain on subdivision Parcel D. The current three-lot Minor Subdivision CDMS23-00009 includes no development and will allow each existing residence to be on its own lot. The deviations from the Bay Point P-1 Development Standards are necessary in order to legalize the existing development on Parcel C. Strict adherence to the Development Standards will prevent the single-family residence, detached garage, and other accessory building to remain in their current locations and will deprive this parcel from retaining all existing buildings in a manner similar to Parcels A and B and in a manner comparable to the original intent of the subdivision approved under MS41-69.

3. *Any deviation authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: The intent and purpose of the Bay Point P-1 Planned Unit District is to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open space while ensuring substantial compliance with the General Plan and the intent of the County Code. With approval of the requested deviations of the front, side, and rear yard setbacks on Parcel C, the three-lot Minor Subdivision will be compatible with existing development on other parcels in the project vicinity within the RM Residential Medium Density General Plan land use designation. With approval of the requested deviations, the Minor Subdivision project will also be consistent with the intent of the subdivision that was approved under MS41-69 by allowing all existing buildings to remain in their current locations. Thus, the requested deviations substantially meet the intent and purpose of the RM land use designation within the Bay Point P-1 District.

C. Exception Findings

The applicant for the three-lot Minor Subdivision project requests authorization of Exceptions to the requirements and regulations of County Code Section 914-2.004 (Offsite Collect and Convey) to retain the current drainage flows, and of County Code

Chapter 96-10 (Underground Utilities) to allow the existing utilities to remain. Pursuant to Chapter 92-6 of the County Code, the Advisory Agency (Zoning Administrator) may authorize exceptions to the requirements and regulations of County Code Section 914-2.004.

1. *Drainage Exception*: County Code Section 914-2.004 (Offsite Collect and Convey). requires that runoff from any subdivision be conveyed without diversion to an adequate storm drainage facility. No proposed drainage facilities are shown on the Vesting Tentative Parcel Map, and the applicant is requesting an exception from the collect and convey requirements specified in Section 914-2.004. Considering the project site is fully developed and drainage facilities are existing in the area, drainage from the property will not be expected to have an adverse impact on adjacent properties. The Public Works Department states that it is not adverse to granting the applicant an exception for the collect and convey stormwater requirements, and has conditioned the project to require submittal of a drainage report prior to recordation of the Parcel Map, that demonstrates the adequacy of the property to maintain existing drainage patterns. Accordingly, following are the findings for granting the requested exception.

- a. *That there are unusual circumstances or conditions affecting the property.*

Project Finding: The unusual circumstance affecting the subject property is that existing drainage patterns are a pre-existing condition of the developed site, with positive drainage toward Bella Vista Avenue. The existing property and Roberts Street are already developed with single-family homes and front yards built in the 1930s. Since the area is generally built out, the minor subdivision project will generally keep the stormwater runoff pattern as after the subdivision of property.

- b. *That the exception is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Project Finding: The exception is necessary to preserve the applicant's property right to subdivide the land. The existing property is already developed with single-family homes and front yards. Collecting and conveying stormwater runoff to an adequate public storm drain system would be impactful to the property and more so to the offsite areas to reach a storm drain system which is more than a 0.25 mile away.

- c. *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: Granting the exception for the existing drainage will not be detrimental to the public welfare or injurious to other properties. The proposed subdivision already contains three homes that are fully built out and the volume, rate, and pattern of stormwater runoff from the site will remain unchanged from existing conditions. Thus, there is a low likelihood of additional impacts to the neighboring properties or the general public.

2. Utilities Exception: County Code Chapter 96-10 requires all new utility distribution connections serving the minor subdivision to be located underground. Since the minor subdivision project includes no new development, the applicant has requested an exception to this requirement. Retaining the utilities in their current location is not expected to have a negative impact on adjacent properties. The Public Works Department states that it is not adverse to granting the applicant an exception for the undergrounding of the existing overhead utilities, and has conditioned the project to require inclusion of an existing utility exhibit within the improvement plans submitted to the Department for review and approval prior to recordation of the Parcel Map, that documents the mainline overhead lines and each service connection to each home. Accordingly, following are the findings for granting the requested exception.

- a. *That there are unusual circumstances or conditions affecting the property.*

Project Finding: The unusual circumstance affecting the property is that the existing property and Roberts Street are already developed with single-family homes and front yards built in the 1930s. Overhead utilities are already installed and connected to multiple properties along Roberts Street and Bella Vista Avenue. The project is a minor land division to create legal parcels for existing single-family residences and accessory buildings that does not involve any new construction that would necessitate new utility service connections.

- b. *That the exception is necessary for the preservation and enjoyment of substantial property rights of the Applicant.*

Project Finding: The exception is necessary for the applicant to exercise their property right to subdivide the land. The existing property is already developed with single-family homes and front yards. Undergrounding existing utilities

pursuant to the County Code would require two poles outside of the applicant's property to be replaced with underground infrastructure. The entire neighborhood within a 0.25 mile radius is served by overhead utilities. The underground connections to each house would also likely require meter/panel upgrades at each service connection. Requiring the undergrounding of the existing utility lines will impose a significant and undue hardship on the applicant for a project that involves no new construction.

- c. *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: Granting the exception for underground utilities will not be detrimental to the public welfare or injurious to other properties. The existing infrastructure serves the entire neighborhood. Undergrounding these overhead utilities would affect not only the applicant but neighboring properties. Allowing the existing overhead utility connections to remain maintains the existing conditions for the site and the neighborhood's existing infrastructure.

D, Environmental Findings

The Roberts Street Three-lot Minor Subdivision (County File CDMS23-00009) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense" exemption. This exemption applies because the project consists only of the subdivision of a parcel of land with existing structures and does not propose any new development. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDMS23-00009

Project Approval

1. The Roberts Street Three-Lot Minor Subdivision, including the Vesting Tentative Parcel Map, is APPROVED for the subdivision of the 0.37-acre residential lot with three existing single-family residences into three parcels, including a 5,207 square-foot Parcel A, a 4,794 square-foot Parcel B, and a 6,304 square-foot Parcel C.
2. Deviations from the Bay Point P-1 Development Standards to allow a front yard setback of 6 feet (where 10 feet is the minimum required) for the single-family

residence and detached garage on Parcel C, a side yard setback of 3 feet (where 5 feet is the minimum required) for the detached garage on Parcel C, and a rear yard setback of 9 feet (where 20-feet is the minimum required) for the other accessory building on Parcel C, is APPROVED.

3. The project approvals described above are granted based on and as generally shown on the following documents:
 - Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on September 14, 2023;
 - Revised Vesting Tentative Parcel Map, prepared by Debolt Civil Engineering, received on October 24, 2025.
4. A copy of the recorded Parcel Map shall be submitted to the CDD upon recordation.
5. Any modifications to the project approved under this permit that is not required by a Condition of Approval herein shall be subject to the review and approval of the CDD.
6. The Vesting Tentative Parcel Map approval described above is granted for a period of three years. Map time extensions may be granted subject to proper request for extension and review and approval of the CDD.

Application Costs

7. The Minor Subdivision application was subject to an initial deposit of \$7,500 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.

Indemnification

8. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate full in the defense.

Compliance Report

9. At least 45 days prior to filing a Parcel Map, the applicant shall submit an application for COA Compliance Review and provide a report on compliance with the conditions of approval for the review and approval by the CDD. The fee for this application is a deposit of \$1,500.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

Except for those conditions administered by the Public Works Department, the report shall list each conditions followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions of approval may be obtained from the CDD.

Grading and Building Permits

10. This approval does not constitute a grading or building permit. Please contact the Department of Conservation and Development, Building Inspection Division for information on how to apply for a grading or building permit.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT CDMS23-00009

The applicant shall comply with the following Conditions of Approval prior to filing of the final Parcel Map.

General Requirements

11. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any

exceptions therefrom must be specifically listed in this conditional approval statement. The road improvements outlined below require the review and approval of the Public Works Department.

12. The applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The conditions of approval below are subject to the review and approval of the Public Works Department.

Road Dedications

13. The applicant shall convey to the County, by Offer of Dedication, five (5') foot of right of way width along the frontage to meet the planned fifty (50') foot ultimate right of way width for Roberts Street.

Roadway Improvements (Roberts Street)

14. The applicant shall design and construct road improvements for pavement widening where the newly constructed edge of pavement shall be located seven feet inside of the new right of way line per the required road dedication.

Existing Structures

15. The applicant shall complete a property line/topographic survey prepared by a licensed surveyor to verify all existing structures are located within the existing lot boundary prior to preparing a parcel map. The detached garage structure located on #10 Roberts Street may be encroaching into the neighboring lot located at 120 Bella Vista Avenue (APN 095-075-022). If the survey determines there is an encroachment over the property line, the applicant shall either complete a lot line adjustment or remove/modify the structure such that it is contained within the existing property line prior to filing of the Parcel Map.

Street Lights

16. The property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Drainage Exception: (Subject to Advisory Agency findings and approval)

17. The applicant shall be permitted an exception for the collect and convey stormwater requirements. Prior to recordation of the Parcel Map, the applicant shall submit a drainage report to the Public Works Department for review and approval that demonstrates the adequacy of the property to maintain existing drainage patterns.

Drainage Area Fee Ordinance

18. The applicant shall comply with the drainage fee requirements for Drainage Area 48D as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Parcel Map.

Underground Utilities Exception: (Subject to Advisory Agency findings and approval)

19. The applicant shall be permitted an exception for the undergrounding of the existing overhead utilities. Prior to recordation of the Parcel Map, the applicant shall include in an existing utility exhibit within the improvement plans to the Public Works Department for review and approval to document the mainline overhead lines and each service connection to each home.

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 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 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
 - Delta Diablo Sanitation District
 - Golden State Water Company
 - Contra Costa Mosquito and Vector Control District
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Bay Point Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to filing of the Parcel Map.
- D. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).