

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS24-00023,
SHELLY BUTLER, KIER & WRIGHT (APPLICANT) & SVI FORNI, LLC (OWNER)**

A. Growth Management Performance Standards

1. Traffic: In a letter dated June 20, 2024, the Transportation Planning Section stated that the project will not require a Vehicle Miles Traveled (VMT) analysis or Level of Service (LOS) review because the existing building's occupancy limit should not be expanding, and a building this size should generate less than 110 daily vehicle trips. They also stated that in accordance with the Contra Costa Complete Streets Policy, typically bicycle and pedestrian infrastructure are required, but Forni Drive is a collector street and a cul-de-sac with traffic demand that is typical for a light industrial area. Additionally, Forni Drive is not identified in the County General Plan's Planned Bicycle Network, or in a Pedestrian Priority. Therefore, the addition of bike lanes and sidewalk is not recommended. The project is conditioned accordingly to comply with County Code Chapter 82-16 - Off-Street Parking, and the provisions of Chapter 74-4 pertaining to electric vehicle charging.
2. Water: The project site is served by the Contra Costa Water District. In a letter dated December 20, 2024, CCWD stated that the building will require separate water meters for each unit, but not require additional service. Therefore, the project is not anticipated to impact the existing water service to the surrounding area.
3. Sanitary Sewer: The project site is served by the Central Contra Costa Sanitary District. In a letter dated January 14, 2025, the Sanitary District stated that the building will require separate sewer main connections for each unit, but not require additional service. Therefore, the project is not anticipated to impact the existing sanitary sewer service to the surrounding area.
4. Fire Protection: The subject property is not in an area classified as a State Responsibility Area – High Fire Hazard Severity Zone. The project site is served by the Contra Costa County Fire District (CCCFPD). Compliance with the regulations of the Fire District and applicable building codes will not exacerbate any fire protection for this area.
5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office. The project site is already developed, and its current employee capacity is not anticipated to induce major population increases to the area. Therefore, the project is not anticipated to increase the demand for police protection facilities or services.

6. Parks & Recreation: Nonresidential development is not subject to the County Park Dedications Ordinance. The project site is already developed, and its current employee capacity is not anticipated to induce major population increases to the area. Therefore, the project is not anticipated to increase the demand for parks and recreational facilities or services.
7. Flood Control & Drainage: The property lies within the Special Flood Hazard area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map. The County Public Works Department stated that the requirements of the National Flood Insurance Program (Federal) and the County Floodplain Management Ordinance as they pertain to development will apply to future construction of any structures on this property.

B. Tentative Parcel Map Findings

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

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

Project Finding: The project site has a General Plan designation of Light Industrial (LI), which has a 1.5 floor area ratio (FAR). According to the Land Use Element of the County General Plan, the LI designation allows for a range of low- to moderate-intensity industrial uses that when properly designed and operated may be established in proximity to residences and other sensitive receptors without sacrificing human health and safety or resulting in significant environmental impacts. Typically uses include light manufacturing, fabrication/assembly, processing, machinery repair, warehousing and storage, distribution, research and development, laboratories, incubators, workforce training centers, and ancillary or supportive retail and office uses. The building onsite has a gross floor area of 13,403 square-feet on a 25,200 square-foot property, which is less than the maximum allowed FAR. The building's interior is comprised of 6 units, each with approximately 2,200 square-feet of warehouse space and approximately 400 square-feet to office space, with one bathroom. This configuration is conducive to the type of businesses that are permitted in the LI General Plan designation. There are no other General Plan policies that are applicable to this project site, and therefore, the existing conditions and the subdivision are consistent with the LI designation.

2. *The subdivision fulfills construction requirements.*

Project Finding: As required by the conditions of approval, the project must comply with the “collect and convey” requirements and design standards for construction of public roads. The project is also conditioned to obtain permits to meet current codes in order to be compliant with any regulations found to be essential to the health, safety and welfare of the public, the owners and the occupants of the building, to install EV charging stations per the Building Code and Title 7 of the County Code, and restripe the parking stalls and designate a loading space per Chapter 82-16 of the County Code.

C. Variance Findings

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 granting of variances to allow a 9.4-foot front yard setback (where 10-feet is the minimum) and a 5-foot side yard (where 10-feet is the minimum) to recognize the building in its current location, will not constitute a grant of special privilege when compared to the neighboring properties.

The subject property is located within an L-I Light Industrial Zoning District, which requires 10-foot side and front yard setbacks. The building was finalized in 1983 under building permit #BITZA93421, thus the setbacks have existed for 42-years. This property is part of a 27-lot industrial park subdivision, and the existing development is consistent with the other industrial buildings in this subdivision. Therefore, the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective L-I land use district in which the subject property is located.

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 requested variances is to recognize the existing nonconforming front yard setback and side yard. The building is existing and permitted. It was approved to have 10-foot side and front yard setbacks, and therefore, the footprint shifted during construction, which would not be out of character for construction during this time period. There is no building

development proposed with this project, so this entitlement is to accept current conditions, and future development will still be subject to current L-I setback standards. Thus, strict application of the L-I zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity and within the identical land use district.

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 intent and purpose of the L-I Light Industrial land use district is for all types of industrial uses. The building's interior is comprised of 6 units, each with approximately 2,200 square-feet of warehouse space and approximately 400 square-feet to office space, with one bathroom. This configuration is conducive to the type of businesses that are permitted in the LI District, and this is not impacted with the building's location not meeting side or front yard setbacks. Therefore, approval of the variances previously stated meets the intent and purpose of the L-I land use district.

D. Parking Variance Findings

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 granting of variances to Code Section 82-16.404 - Design and Layout for parking spaces to be 8'2"x14'9" (where 8.5'x18' is the minimum) and to Code Section 82-16.412 – Bicycle Parking for zero bicycle parking spaces to be required (where 2 short term and 2 long term spaces is minimum) would not constitute a grant of special privilege because the area does not warrant these parking requirements as the neighboring industrial businesses do not have such parking improvements, and the business has functioned sufficiently without these parking area elements.

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 rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The parking area requires approval of the variances stated above because the it is existing and functions sufficiently with parking spaces at these dimensions and without bicycle parking. Increasing the width and depth of the parking spaces would result in losing spaces and negatively impact traffic flow, and there is no sidewalk or bicycle lanes for the area. Requiring these parking elements would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity and within the identical land use district.

3. *That any variance 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 L-I Light Industrial land use district is for all types of industrial/commercial activities. Parking is necessary but should not be required to change the parking stall dimensions or add bicycle parking as the parking area functions properly without these elements. Therefore, approval of the variances previously stated meets the intent and purpose of the L-I land use district.

E. California Environmental Quality Act (CEQA) Findings

The is categorically exempt pursuant to CEQA Guidelines Section 15301(k), regarding "Existing Facilities", which exempts the subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt. The project is a 5-unit condominium conversion, which is a subdivision, of an industrial building, and the physical changes that would otherwise be exempt are minor corrective measures necessary to meet current codes in order to be compliant with any regulations found to be essential to the health, safety and welfare of the public, the owners and the occupants of the building, and also installing separate meters as required by the individual utility companies/agencies, and for the parking lot, installing EV charging stations per the Building Code and Title 7 of the County Code, and restriping the parking stalls and designating a loading space per Chapter 82-16 of the County Code.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS24-00023

Project Approval

1. The Minor Subdivision for a tentative map for a 5-unit commercial condominium conversion for units A, B, C and D, E, F, and shared parking area, is APPROVED.
2. The Variances to allow a 9.4-foot front yard setback (where 10-feet is the minimum) and a 5-foot side yard (where 10-feet is the minimum) to recognize the building in its current location, are APPROVED.
3. The Variances to allow the parking spaces to remain 8'2"x14'9" (where 8.5'x18' is the minimum) and to not require bicycle parking spaces (where 2 short term and 2 long term spaces is minimum), are APPROVED.
4. The project approval described above is 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 26, 2024.
 - Resubmittal of application materials accepted on February 10, 2025.
 - Tentative Map prepared by Kier+Wright dated February 10, 2025.
5. Any change from this approval will require review and approval by CDD and may require the filing of an application to modify this Minor Subdivision.

Application Costs

6. 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.

Compliance Report

7. Prior to recordation of the Parcel Map, a permit compliance report shall be submitted to CDD for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures to be taken to satisfy all relevant conditions. Unless otherwise indicated, the permit compliance report will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Parcel Map or planning approval of a grading or building permit, whichever occurs first.

The permit compliance report will be filed and reviewed through a Condition of Approval Compliance Review application.

Indemnification

8. Prior to recordation of the Parcel Map, 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.

Condominium Conversions

9. Prior to recordation of the Parcel Map, public utilities shall be independently metered to each unit.
10. Prior to recordation of the Parcel Map, a report on the condition of the building listing any regulation violations found to be detrimental to the health, safety and welfare of the public, the owners and the occupants of the building, shall be prepared by a qualified professional, which includes specific recommendations for alterations necessary to rectify any found violations, and these violations shall be remedied.
11. Prior to recordation of the Parcel Map, an acoustical engineer's analysis of current unit to unit noise transmission characteristics compared to current Title 7 requirements, shall be prepared by a certified acoustical engineer, which includes specific recommendations for alterations necessary to meet current Title 7 noise transmission requirements, and these requirements shall be satisfied.

12. Prior to recordation of the Parcel Map, the Covenants, Conditions and Restrictions (CC&R's) for this project shall be submitted to CDD for review and approval.

Business Operations

13. Outdoor storage shall be prohibited.
14. Prior to any new business operations, the permittee shall obtain a Property Use Verification form from CDD prior to applying for a business license from the County Treasurer-Tax Collector.

Parking Requirements

15. The 21-lot parking area in its approved configuration shall be maintained in good condition during the existence of the building or facility that it serves.
16. In the event that any new parking is proposed, a parking plan shall be submitted to CDD for review and approval.
17. No off-street parking area shall be used for automobile sales, storage, repair work, dismantling, or servicing of any kind.

Prior to recordation of the Parcel Map, the following shall be satisfied:

18. The permittee shall comply with the provisions of Chapter 74-4 pertaining to electric vehicle charging.
19. The parking area shall be restriped.
20. A loading space that is at least 10'x35'x15' shall be designated in the parking area and shall be maintained in good condition during the existence of the building or facility that it serves and shall be used only for loading and unloading purposes.

Landscaping

21. The onsite landscaping and irrigation system shall be maintained in good condition during the existence of the building or facility that it serves. All landscaping shall comply with the County's Water Efficient Landscapes Ordinance.

22. In the event that any new landscaping is proposed, a landscaping and irrigation plan shall be submitted to CDD for review and approval.

Signage

23. In the event that any signage is proposed, a signage plan shall be submitted to CDD for review and approval and shall comply with the County's Signs Ordinance.

Lighting

24. In the event that any new outdoor lighting is proposed, a lighting plan shall be submitted to CDD for review and approval. The lighting shall be deflected down so that light shines only onto the project site and not toward adjacent properties.

Construction Restrictions

25. 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.
26. 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.
27. Transportation of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holiday.
28. The site shall be maintained in an orderly fashion. Following the cessation of construction activity; all construction debris shall be removed from the site.
29. 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.
30. 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 day the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov/federal-holidays/)

California Holidays: <http://www.ftb.ca.gov/aboutftb/holidays.shtml>

PUBLIC WORKS

CONDITIONS OF APPROVAL FOR MINOR SUBDIVISION #CDMS24-00023

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE PARCEL MAP.

General Requirements

31. 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 drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the tentative map

received by the Department of Conservation and Development, Community Development Division, on February 10, 2025.

32. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Frontage)

33. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Forni Drive. Concrete shall be saw-cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.

Bicycle – Pedestrian Facilities

34. Pedestrian Access: Curb ramps and driveways should be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
35. Pedestrian Access: Applicant shall design all public and private pedestrian facilities for accessibility in accordance with Title 24 and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Countywide Street Light Financing

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

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. The project is located in a Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant shall be aware of and comply with the requirements of the National Flood Insurance Program (Federal) and the County Floodplain Management Ordinance as they pertain to development and future construction of any structures on this property.

C. Additional requirements may be imposed by the following agencies and departments:

- County Public Works Department
- County Building Inspection Division
- Contra Costa Fire Protection District
- Contra Costa Water District
- Central Contra Costa Sanitary District
- County Treasurer-Tax Collector
- County Health Services Department

The applicant is strongly encouraged to review these agencies' requirements prior to continuing the project.