

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR25-01036; DARRIN DERITA (APPLICANT) AND DARRIN DERITA & TINA M. STRAUB DERITA (OWNERS)

FINDINGS

A. Variance Findings

1. *Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.*

Project Finding: The applicant is requesting a variance to allow a 19-foot front setback (where 25 feet is the minimum) for a 106-square-foot addition to an existing garage at the front of the home and improvements to an existing, approximately 200-square-foot living space addition within the garage that was constructed without permits. As the project design includes a substantial addition to the rear of the home, it has been demonstrated that a living space addition can be accommodated elsewhere on the property. Thus, it is feasible that the living space encroachment into the existing two-car garage could be removed and the garage restored to its original purpose. Similar to other nearby lots, the subject property is substandard in average width. Three other properties on the same private road that are also substandard in average width have been granted permits since the year 2004 to construct new garages that are compliant with R-20 zoning regulations. Therefore, granting the requested variance to allow the garage addition within the required front setback would be a grant of special privilege and would be inconsistent with the limitations of other properties in the vicinity.

2. *Required Finding: 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 subject property is a flat, 25,265-square-foot lot in the R-20 Single-Family Residential District that has been developed with a single-family residence with a two-car garage. Expanding the existing garage at the front of the residence unnecessarily encroaches into the required 25-foot front setback. The purpose of the garage addition is to allow improvements to an existing, unpermitted living space expansion into the garage which reduced the length of parking spaces. Although the lot is substandard in average width, as evidenced by the project's proposal to construct an approximately 1,255-square-foot addition at the rear of the home, there are no special circumstances that prevent the construction of an addition elsewhere on the property that would be compliant with the required setbacks. Other nearby properties with similarly substandard average widths have been granted permits for new garages that are compliant with the R-20 zoning district standards. Thus, it is evident that granting the variance would be unrelated to limitations on the property and the strict application of the R-20 zoning regulations would not deprive

the subject property of rights enjoyed by other properties in the vicinity and same land use district.

3. *Required Finding: That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: A garage addition is consistent with the residential use permitted in the R-20 Single-Family Residential District provided it meets the setback standards in County Code Article 84-14.10. The intent of setbacks is to provide orderly development, access to light and air, and open space at the front of the residential property. The construction of the garage addition within the front setback is in conflict with these objectives. Thus, granting of the variance does not meet the intent and purpose of the respective land use district.

B. Small Lot Design Review Findings:

Prior to the issuance of a building permit on a substandard lot for an approximately 1,255 square-foot one-story addition to the eastern (rear) side of the residence, the Zoning Administrator must review the project's compatibility and impact on the surrounding neighborhood in terms of the following:

1. Location: The location of the one-story addition to the eastern side of the existing single-family residence is consistent with the R-20 zoning district's development standards and requirements for front setback and side and rear yards without the need for variances. The placement of the addition is also consistent with the development pattern found in the surrounding Alamo neighborhood.
 2. Size: The 1,255-square-foot addition will increase the living space of the residence to 2,912 square feet with a 400-square-foot attached garage. Based on available information, nearby residences generally range in size from approximately 1,438 square feet to 3,346 square feet. It is not known if the available information on home sizes in the neighborhood includes garage space. Therefore, the residence will remain compatible with other residences in the vicinity in regard to size.
 3. Height: The one-story addition does not increase the height of the one-story residence, which will remain below the maximum 35-foot height allowed in the R-20 zoning district. Homes in the vicinity are typically one- or two-stories in height. Thus, the height of the one-story addition is consistent and compatible with other residences in the vicinity.
 4. Design: The neighborhood mainly consists of homes in ranch and bungalow architectural styles. The design of the addition is compatible with the existing ranch style of the residence which remains compatible with the architectural styles in the area.
- C. California Environmental Quality Act (CEQA) Findings: The project is exempt under CEQA Guidelines, Section 15301, regarding "Existing Facilities." Specifically, paragraph (e) exempts the construction additions to an existing structure, provided that the addition does not increase the floor area or square feet of the structure pursuant to the criteria in paragraphs

(1) or (2). The addition of 1,255 square feet is less than 2,500 square feet and is less than 50 percent of the floor area of the structure and therefore allowed an exemption pursuant to Section 15301(e).

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR25-01036

Project Approval

1. **Small Lot Design Review approval** is granted to allow the construction of an approximately 1,255-square-foot addition to the eastern side of the one-story single-family residence.
2. The approval described above is granted based on and as generally shown on the application and materials received by the Department of Conservation and Development, Community Development Division (CDD) on July 14, 2025.

Any deviation from the approved plans requires review and approval by the CDD and may require the filing of an application for a new Small Lot Design Review Permit.

3. The approval described above does not include any variance allowing a reduced front setback for construction of a garage addition or approval of improvements to an unpermitted addition of living space that encroaches into the garage as shown on the plans received by the CDD on July 14, 2025.

Application Costs

4. The Variance permit application was subject to an initial deposit of \$3,250.00. Applications are subject to time and material costs if the application review expenses exceed 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. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

General Provisions

5. Approval of this permit does not constitute a building permit. Grading and building permits from the County shall be obtained, as necessary, for any development approved as part of this permit.

Construction Period Restrictions and Requirements

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

6. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows and to minimize project-related disruptions to adjacent properties.
7. Transportation of large trucks and heavy equipment is 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.
8. All construction activities shall be limited to the hours of 8:00 am to 5:00 pm, 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 and Federal)
 Cesar Chavez Day (State)
 Memorial Day (State and Federal)
 Juneteenth National Independence Day (Federal)
 Independence Day (State and Federal)
 Labor Day (State and Federal)
 Columbus Day (State and Federal)
 Veterans Day (State and Federal)
 Thanksgiving Day (State and Federal)
 Day after Thanksgiving (State)
 Christmas Day (State and Federal)

For information on the actual days and dates that these holidays occur, please visit the following websites:

Federal: <http://www.federalreserve.gov/aboutthefed/k8.htm>
 State: <http://www.sos.ca.gov/state-holidays/>

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. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

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

- Department of Conservation and Development, Building Inspection Division
- San Ramon Valley Fire Protection District
- Central Contra Costa Sanitary District (Central San)
- East Bay Municipal Utility District
- Contra Costa County Environmental Health Division

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