

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR23-01026;
CARL ADAMS (APPLICANT & OWNER):**

I. Variance Findings

- 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 requested variances for a zero-foot setback for the construction of a driveway platform and a 15-foot setback for the construction of a driveway platform and carport structure provide the necessary driveway access from Dolan Way as well as off-street parking for the new single-family residence and junior accessory dwelling unit. Having basic driveway access to property from a public right-of-way is common on most, if not all, properties throughout the county that have residential development. Therefore, granting of a variance for a zero-foot front yard setback for a driveway platform structure and a 15-foot front yard setback for a driveway platform and carport structure is not a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

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

Project Finding: The subject property slopes steeply downward from the Dolan Way Street frontage towards the rear of the property. This steep slope makes it difficult to construct a standard driveway at natural grade to access the site. Having a variance for a zero-foot front setback for the construction of the driveway platform starting at the property line and extending to the new residence is the least intrusive design to access the property as compared to significant grading and retaining walls that would be needed for a standard driveway. Therefore, strict application of the R-6 standards is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district due to its steep topography.

3. ***Required Finding: 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: Generally speaking, the intent and purpose of the R-6 Single-Family Residential zoning district is to facilitate orderly development and maintenance of high-density single-family residential neighborhoods. The new single-family residence with a junior accessory dwelling unit on the subject property is consistent with the desired development mentioned above. Additionally, there is no element of the project that will inhibit future residential uses or development on the subject property or those in the surrounding neighborhood. Therefore, a variance authorized for the reduced setbacks substantially meets the intent and purpose of the R-6 zoning district in which the subject property is located.

II. Tree Permit Findings

The Zoning Administrator is satisfied that the following factors, as provided by County Code Section 816-6.8010 for granting a tree permit, have been satisfied:

- Project Finding: Reasonable development of the property would require removal and/or work within the dripline of code-protected trees and this development could not be reasonably accommodated on another area of the lot.
- Project Finding: Where the arborist or forester report has been required, the Zoning Administrator is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

III. Housing Sites Inventory Findings

Government Code Section 65863(b)

Section 65863(b)(1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

- (A) The reduction is consistent with the adopted general plan, including the housing element.

Project Finding: The subject property has a General Plan land use designation of Single-Family Residential-High Density (SH), which allows between 5.0 and 7.2 single-family units per net acre. The subject property is half an acre in area, therefore the allowable units range between 1.9 and 2.7 single-family units. The project proposes one single-family residence and one accessory dwelling unit on the half acre property for a total of two units. Thus, there is no reduction in the residential density from the density that is allowed by the existing General Plan land use designation.

- (B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

Project Finding: The 6th Regional Housing Needs Allocation (RHNA) was prepared by ABAG for the period of June 30, 2022, through December 15, 2030. As part of this process, ABAG requires each jurisdiction to plan for a certain number of housing units for this period. This requirement is satisfied by identifying adequate sites that could accommodate housing that is affordable to very low, low, moderate, and above moderate-income households. ABAG has determined that the unincorporated County's share of regional housing needs is a total of 7,610 new housing units, which includes the construction of 3,133 above-moderate units, 1,211 moderate-income units, 1,194 low units, and 2,072 very low units. Based on the 2023 Housing Element Annual Progress Report, the County has constructed a total of 536 units across all income levels with 263 above-moderate units, 171 moderate-income units, 71 low-income units, and 31 very low-income units. The remaining RHNA to be constructed for the County's share of the 6th Cycle of the Housing Element RHNA are 2,870 above-moderate units, 1,040 moderate-income units, 1,123 low-income units, and 2,041 very low-income units.

The development on the subject property proposes two units, one single family residence and one accessory dwelling unit. The site is listed on the Housing Element sites inventory for three above-moderate units. An above-moderate unit are units that are for incomes above 120 percent of the area median income. Market-rate units are counted as an above-moderate income unit.

The Housing Element has incorporated into the sites inventory a surplus of units at all income categories. The surplus of units for the above-moderate category is 975 units. Calendar year 2023 is the first year of the eight-year Housing Element cycle. Many of the vacant/underutilized parcels listed in the sites inventory have not been developed, that have the capacity for above-moderate units. The undeveloped parcels include two parcels in Walnut Creek and one in Vine Hill that have a capacity of 198, 156, and 144 above-moderate units. Although the project does not propose three above-moderate units as anticipated by the County's 6th Cycle Housing Element sites inventory, there remains capacity in the sites inventory to meet the remaining unmet need for above-moderate units.

Section 65863(b)(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

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CONDITIONS OF APPROVAL FOR COUNTY FILE #CDVR23-01026:

Project Approval

1. **Variance Permit is APPROVED** to allow a zero-foot front yard setback, where 20 feet is the minimum required, to construct a driveway platform structure, and a 15-foot front yard setback, where 20 feet is the minimum required, to construct a driveway platform and carport structure to provide driveway access from Dolan Way and off-street parking for a new 5,104 square-foot two-story single-family residence with a 500 square-foot junior accessory dwelling unit on a vacant lot.
2. **Tree Permit is APPROVED** for the removal of four (4) code-protected trees, which include three (3) coast live oaks measuring 7.5 inches, 12.7 inches, and 27.1 inches in diameter, and one (1) red willow measuring 10 inches in diameter.
3. The Variance and Tree Permit approvals described above are based on and as generally shown on the following documents:
 - a) application materials received by the Department of Conservation and Development, Community Development Division (CDD) on April 24, 2023, and revised plans received on April 24, 2024.
 - b) arborist report received by the CDD on January 12, 2023.

Arborist Expense

4. The expenses associated with all required arborist services shall be borne by the property owner.

Arborist Recommendations

5. The applicant shall implement all recommended measures of the consulting arborist's report, which are intended to mitigate the impacts of construction activities.

Timing of Tree Removal

6. The four (4) code-protected trees approved for removal shall not be removed until a building or grading permit for construction of the residence has been obtained from the County.

Tree Planting to Protect Privacy

7. The applicant shall plant screening (privacy) trees along the western portion of the property bordering the adjacent property directly to the west where there are currently no existing trees. Photographic evidence shall be submitted to the CDD prior to final building inspection.

General Provisions

8. Any deviation from the approved plans shall require review and approval by the CDD and may require the filing of an application for a new Variance and/or Tree Permit.

Payment of Fees

9. The application was subject to an initial deposit of \$3,250.00. The application is 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.

Accessory Dwelling Unit Permit

10. Approval of this permit does not constitute approval for an Accessory Dwelling Unit (ADU). Approval of the ADU is contingent on the review of a separate Accessory Dwelling Unit permit prior to CDD stamp of approval of plans for the issuance of a building permit for an ADU.

Construction Period Restrictions and Requirements

All construction activity shall comply with the following restrictions:

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.

The following conditions shall be included on the construction drawings:

12. 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.

13. 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.

14. Construction equipment and materials shall be stored onsite.

15. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

16. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.

17. 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)
Martin Luther King, Jr. Day (State and Federal)
Washington's Birthday (Federal)
Presidents' 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 \(www.opm.gov\)](http://www.opm.gov)
California Holidays: [State Holidays \(www.sos.ca.gov\)](http://www.sos.ca.gov)

18. Large trucks and heavy equipment shall be 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.
19. Tree Damage - The applicant shall notify the CDD of any unintended damage that occurs to any tree not approved for removal during construction or grading activity. The owner shall repair any damage as determined by an arborist designated by the Director of Conservation and Development.

Any tree not approved for removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the Director of Conservation and Development to be reasonably appropriate for the particular situation.

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 OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- 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
- Contra Costa County Fire Protection District
- Contra Costa County Public Works Department
- Contra Costa Health, Environmental Health Division
- East Bay Municipal Utility District
- West County Wastewater District