

AGENCY COMMENTS

From: [Randolf Sanders](#)
To: [Syd Sotoodeh](#)
Cc: [Joshua Laranang](#); [Ronald Lai](#)
Subject: VR19-1051
Date: Tuesday, December 31, 2019 11:12:54 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Syd,

Apologies for not responding to the Variance for VR19-1051 sooner. This property lies within a Special Flood Hazard Area Zone A and therefore must determine the base flood elevation (BFE). There was an attempt for a nearby neighbor to be removed but it appears FEMA's response was non-removal. No second driveway is proposed based on the submittal. Public Works is in agreement and strongly urges one driveway per parcel/lot. If you have any questions please let me know and I will get back to you as soon as possible.

Sincerely,



Contra Costa County
Public Works
Department

Randolf Sanders, PE | Associate Civil Engineer

Contra Costa County Public Works Department: Engineering Services Division
255 Glacier Drive, Martinez, CA 94553

p: 925.313.2111 | f: 925.313.2333 | e: Randolf.Sanders@pw.cccounty.us |

<http://www.co.contra-costa.ca.us>

"Accredited by the American Public Works Association"

From: [Bradley Olazo](#)
To: [Syd Sotoodeh](#); [DCD PlanningHearing](#)
Cc: [Teri Rie](#); [Michelle Cordis](#)
Subject: Comments - Notice of Public Hearing for Variance VR #19 1051
Date: Monday, July 6, 2020 8:27:42 AM
Attachments: [image002.png](#)
[image003.png](#)

Hello Syd,

We received the Notice of Public Hearing to consider an application for a variance at 58 Canyon Lake Drive in Port Costa (APN 368-145-024), County file #VR19 1051. We received the Notice on June 24, 2020, and are providing the following comments:

1. The property is located in unformed Drainage Area 122A, therefore, no drainage fees are due at this time.
2. Our records show a portion of Bull Valley Creek runs through the northern section of this property. Any work that's on or near man-made drainage facilities or natural watercourses would require a 1010 County drainage permit from the County.

We appreciate the opportunity to review developments within the County. If you have questions, please let me know.

Thanks,



Bradley Olazo | Engineering Technician

Contra Costa County Public Works: Flood Control & Water Conservation District

255 Glacier Drive, Martinez, CA 94553

p: 925.313.2308 | e: Bradley.Olazo@pw.cccounty.us | cccpublicworks.org



Memo

January 28, 2021

TO: Syd Sotoodeh, Project Planner, Department of Conservation and Development
FROM: Randolph Sanders, Associate Civil Engineer, Engineering Services Division
SUBJECT: **VARIANCE PERMIT VR19-1051**
STAFF REPORT & RECOMMENDED CONDITIONS OF APPROVAL
(Bosworth/Canyon Lake Drive/Port Costa/APN 368-145-024)
FILE: VR19-1051

During the July 6, 2020 County Zoning Administrator (ZA) hearing, a local resident expressed concerns with the proposed project, variance permit VR19-1051, and informed County staff that the buried portion of Bull Valley Creek traversed the applicant's property. The ZA conditioned the applicant to provide information relative to the closed conduit to verify that its location will not be in conflict with the proposed improvements.

The applicant hired a surveyor and plotted the approximate location of Bull Valley Creek on the site plan dated October 21, 2020. In addition, the site plan included a 10-foot drainage easement over the conduit, the minimum width required per Section 914-14.004 of the County Ordinance Code. The site plan indicates the northwestern portion of the proposed residence will slightly encroach into the easement.

Due to the noted encroachment, the applicant submitted an exception request to Public Works from the easement setback requirements of the County Ordinance County Code on November 11, 2020. Section 914-10-004 of said Code requires the easement width to be three feet from the outside wall of the conduit, but no less than ten feet in total width. Additional width to accommodate the size of the conduit increases in even-foot increments.

The exception request was submitted in accordance with Chapter 92-6 of said Code and includes the following responses to the required findings:

1. That there are unusual circumstances or conditions affecting the property.

The applicant is proposing an alteration of an existing structure within a historic district where neighboring primary and secondary structures are constructed in close proximity to one another and encroach on various County prescribed setbacks. The applicant lot is sub-standard in size, with the total lot size representing approximately one-half (3300 square feet) of the standard lot size with an R-6 zoning designation. The property is

traversed sub-grade by a public sewer line, for which the applicant has received an encroachment permit, and a public storm water pipe, for which the applicant is proposing a setback that adheres to the standard County prescribed guidelines for new construction, with exception of the nominal encroachment on the western portion of the lot as outlined in the submitted plan set.

2. That the exception is necessary for the preservation and enjoyment of substantial property rights of the Applicant.

Given the sub-standard size of the existing lot, the County storm water setback requirements would render nearly 10% of otherwise usable lot square footage as unusable to construct a primary structure. When combined the prescribed County primary and secondary building setback requirements, these standard setback requirements as applied to the applicant lot would render approximately 60% of the total lot size as unusable for the construction of a primary structure. As such, the magnitude of the proposed storm water pipe setback area is substantial when compared to the total lot size.

Additionally, given the relatively narrow width of the existing/proposed building (approximately 20 feet) and the asymmetric path of travel west-to-east across the property line, reducing the primary structure size in order to strictly conform to the prescribed storm water pipe setback requirements has a substantial impact ipso facto on the overall structure dimensions outside of the setback. Reducing the proposed building footprint to conform to the standard prescribed storm water pipe setbacks would, therefore, create an additional, unintended burden on the applicant for the portion of the house that does not encroach on the proposed storm water setback area. The proposed overall structure and improvements as submitted are, as outlined by the County staff findings, consistent with the other neighboring structures with the historic neighborhood and R-6 zoning.

3. 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.

Considering the nominal dimensions of the encroachment into the proposed standard storm water pipe setback area and the relative positioning of adjacent neighboring structures within the historic district to the storm water pipe, the granting of this exception will not be materially detrimental nor injurious to other property.

Public Works is not averse to the granting of an exception from Section 914-14.004 of the County Ordinance Code to eliminate the conflict with the building, provided the prescribed easement width is maintained. The exception would be relative to the required three-foot width from the conduit. Effectively, the conduit will not be centered within the easement near the west end of the building, but there will still be sufficient room to maintain or replace the conduit in the future should the need arise.

Public Works recommends including the following conditions of approval for the inclusion of the exception for reducing the minimum width of the private drainage easement;

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR PERMIT VR19-1051**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plans submitted to the Department of Conservation and Development, Community Development Division, on October 21, 2020.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

- A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over the existing storm drain line traversing the site for use of the owners of Lots 15 and 16, Block 3, Town of Port Costa (CC Public Works Map T-173).

Exception (Subject to Advisory Agency findings and approval)

Applicant shall be granted an exception to reduce the 3-foot minimum width from the conduit wall to the building footprint as shown on the site plan dated October 21, 2020, provided the overall required easement width is preserved

RS:ss
\\pw-data\grpdata\engsvc\Land Dev\VR\VR 19-1051\Staff Report and COAs.docx

cc: S. Gospodchikov, Engineering Services
L. Gossett, Engineering Services
Ryan Bosworth and Tommy Tran Owners/Applicants
58 Canyon Lake Drive
Port Costa, CA 94569

From: [Stanley Muraoka](#)
To: [Syd Sotoodeh](#); [Dominique Vogelpohl](#); [Aruna Bhat](#); [Ruben Hernandez](#)
Subject: RE: VR19-1051 Port Costa - revised design
Date: Wednesday, December 9, 2020 2:39:54 PM
Attachments: [image002.png](#)

Thank you for this information. It appears consistent with the finding that the replacement building is consistent with the Historic District. Fortunately, although the original building is in the Port Costa Historic District, it is not listed in the HRI as either a structure of historical significance or an architectural specimen, and is not one of the Port Costa grain warehouses.

Stan Muraoka, AICP

Contra Costa County Department of Conservation and Development
Phone: 925-674-7781
Email: stanley.muraoka@dcd.cccounty.us

From: Syd Sotoodeh <Syd.Sotoodeh@dcd.cccounty.us>
Sent: Wednesday, December 9, 2020 8:04 AM
To: Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>; Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>; Aruna Bhat <Aruna.Bhat@dcd.cccounty.us>; Ruben Hernandez <Ruben.Hernandez@dcd.cccounty.us>
Subject: RE: VR19-1051 Port Costa - revised design

Yes, it is a good question. The plans don't show demolition of exterior walls at the front or west side of the residence, or explain how they would site the house closer to Canyon Lake. I reached out to the applicant to ask. This is their response:

Our intent is to salvage as much of the existing wall/siding materials at the front elevation of the home, as well as those exterior east/west walls that are immediately adjacent (perpendicular) to the front of the existing building as possible for reuse on the project. That said, given that the existing structure was heavily impacted by the fire, we will need to comply with the direction of our structural engineer and general contractor as to what portions of the building are salvageable. We will have a much better understanding of this threshold once we are able to get a building permit and start demolition. We are also having to comply with the building departments requirement that we upgrade structure and building systems to comply with contemporary building codes, including the provision of a new foundation, which will impact existing primary structure as well.

From: Dominique Vogelpohl <Dominique.Vogelpohl@dcd.cccounty.us>
Sent: Monday, December 7, 2020 3:23 PM
To: Stanley Muraoka <Stanley.Muraoka@dcd.cccounty.us>; Aruna Bhat <Aruna.Bhat@dcd.cccounty.us>; Ruben Hernandez <Ruben.Hernandez@dcd.cccounty.us>
Cc: Syd Sotoodeh <Syd.Sotoodeh@dcd.cccounty.us>
Subject: RE: VR19-1051 Port Costa - revised design