

The Board of Supervisors
Contra Costa County Administration Building
Department of Conservation & Development
651 Pine Street, Room 106
Martinez, CA 94553

February 11, 2013



RE: RZ10-3216 Public Hearing February 12, 2013

Attention: The Board of Supervisors

The rezoning process should not be used as a means to legalize a dangerous (in our opinion), illegally constructed wall of steel shipping containers set high on loose fill dirt effectively right on the subdivision easement road boundary to our property and the property of the newly subdivided parcels.

The shipping container wall, the tall wood wall continuing from the south most 40' container, and the dirt berm were all **constructed illegally, without any permits, without any county involvement and without any approved engineering.** Furthermore, the project was **totally built within the 50' setback zone** that the current zoning of A-4 requires.

People's lives are at stake here as well as everyone's right to a safe subdivision roadway to get to their properties. This is the road to our property and to the newly subdivided parcels.

On July 05, 2010 I filed a complaint with Code Enforcement stating in part as follows:

"On July 3, 2010 and again on July 5, 2010 I observed Charles M. Farr and Lorraine Farr placing on top of an approximately 6' high mound of loose dirt fill, two very large and very tall modular structures with slanted shiny corrugated roofs that appear to be 40' long shipping containers with wood slats on one side. The 6' buildup of the dirt wall was not properly compacted (in my opinion). All the dirt and the shipping containers were trucked in during the last two months or so.

Our concerns are:

- 1. Were proper setbacks from the property line and septic leach field followed?*
- 2. Height from easement road to the peak of units roofs is extreme, (16' to 18' from original grade) especially being practically right on the property line and directly across from the entrance to our home. This appears to be in conflict with the county statutes regarding heights of structures near property lines.*
- 3. Dirt fill that makes up the approximately 6' high dirt wall which the units were placed on was not compacted properly and the modular units and dirt fill sits directly on top of an active septic leach field, from my observations. This makes the*

structures a possible dangerous tip over safety hazard during earthquakes or during heavy rains and/or wind storms in my opinion."

I understood from talking with the County that the applicants were told to stop any further construction until they got the proper permits. **The applicant instead just ignored that order and continued construction with impunity!** An additional 20 foot shipping container was added to the "wall" and the project was ultimately completed from all outward appearances.

Just like the applicants ignored, for over 12 years, a unanimous Board decision on July 20, 1999, mandating that all their commercial metal fabrication activity must cease on their property.

Now we must face daily a 16' to 18' high massive container "wall" that is overbearing on our property. Our front gate entrance is directly across the road from the "wall", and our front door is less than a 100' away. The setback is not sufficient for a project of this magnitude and height that is effectively right on a subdivision easement road boundary that serves various parcels.

During the rains of December 2012 the loose dirt berm supporting the twenty foot container started failing. The easement road was a muddy mess from all the debris flowing across the road from the applicant's property. Between rain storms the applicant hastily constructed another stone wall trying to shore up the berm holding up the container wall. We are very concerned that the illegally built structures that were placed on loose fill, laden with debris, are a threat to everyone's safety for those using the road. When the loose fill berm completely fails the container wall could fall over, especially with high winds or an earthquake, onto the easement road that serves our property and that of the newly subdivided parcels. What's going to occur during the next rain storm? That makes for a very dangerous situation for all.

Please refer to all the attached pictures for a visual reference of all the illegal construction.

We invite the members of the Board and/or their staffs to an onsite visit to see first hand how dangerous and ridiculous this situation is before it is too late, and someone gets injured by "wall" failure.

Regardless of what is said in support of this planning matter, the fact remains that the shipping container wall and the debris laden dirt fill presents a very overbearing and dangerous situation for all that use the easement. Substantial engineering, coupled with the installation of a substantial concrete foundation and/or piers would be required along with the County's stamp of approval to assure the structure will remain stable in all weather conditions and earthquakes. To mitigate the overbearing impact on us and our property we ask that a continuous wall of evergreen trees be planted on the side of the dirt berm, that faces our property, along the entire length

of the three containers' as well as along the high wood wall that continues to the south of the 40' containers. The evergreen tree screen needs to be designed, with close planting spacing, to totally block out all visual aspects of the three containers (including the roofs), and the tall wood wall fence within a few years of growth. The design needs to be done by a licensed landscape design company familiar with trees, otherwise, if the wrong trees are planted it could just create a whole new set of additional problems. For everyone's safety and well being and to mitigate some of the overbearing aspects of the container wall and fence **we ask the Board to deny the rezoning request unless these items are included as conditions of approval.**

We ask the Board to consider the major negative impact this "wall" presents to us and to our visitors and implement the suggestions we have make to help mitigate the impact on us. In addition to the evergreen tree screen, for us to additionally mitigate the impact somewhat, we ask that the County allow us to place a higher wall/fence than current zoning allows on our side of the easement boundary without us having to go through any rezoning or variance setback hearings or any other costly processes.

We have observed the applicants for over thirty years doing major projects without any County involvement, many of which have caused great negative impact to us and continue to do so. The shipping container "wall" is just another example of how the applicants continue to ignore County protocol and continue doing things with impunity. Major projects must have County oversight from inception, not after the fact! **This is why the County needs to be proactive with it's involvement with this property and subdivision now, in order to prevent major problems and liabilities in the future.**

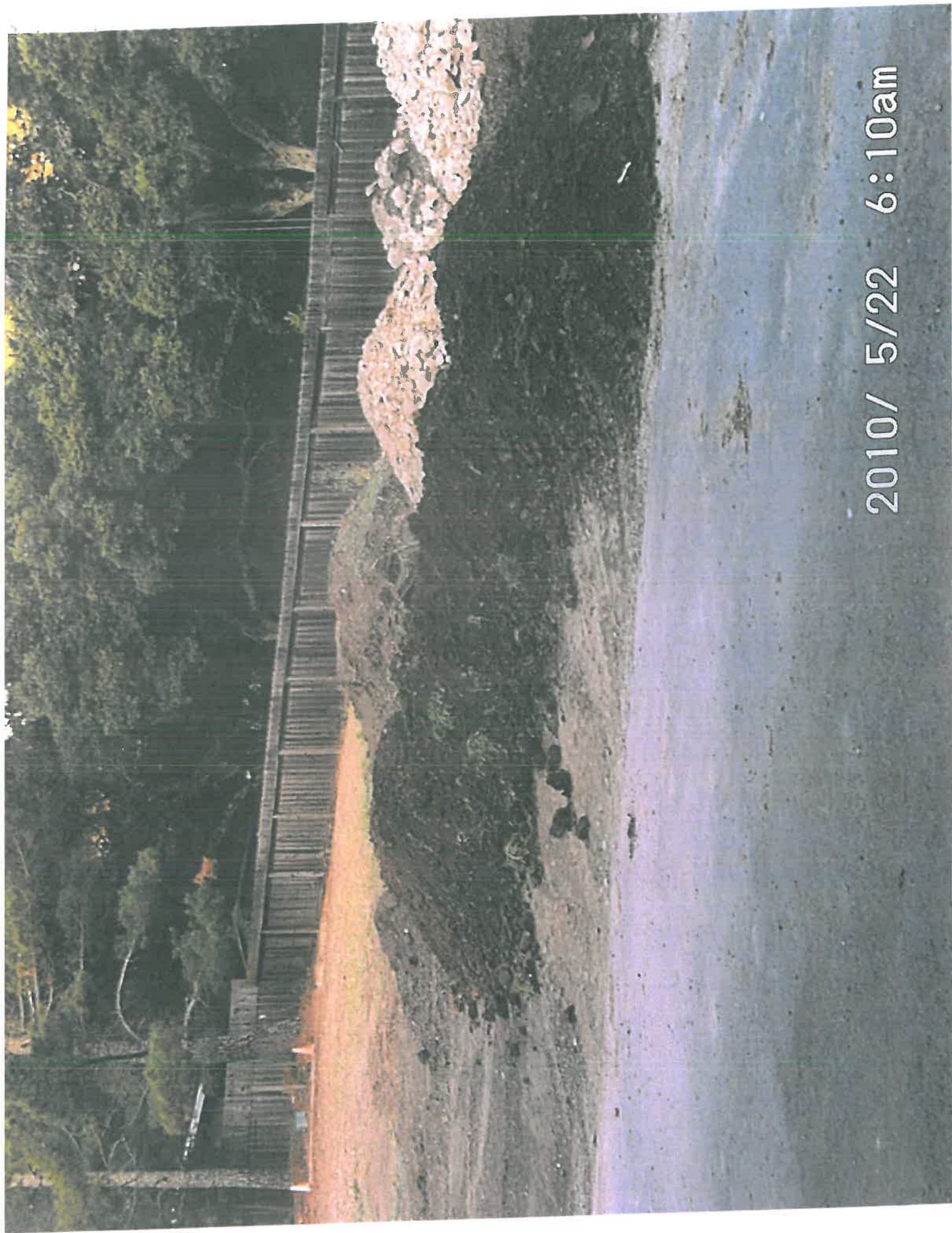
Please contact me to set up a site visit or if you have any additional questions or would like to see more documentation.

Greatly concerned,



Michael Warholic
18333 Bollinger Canyon Road
San Ramon, CA 94583

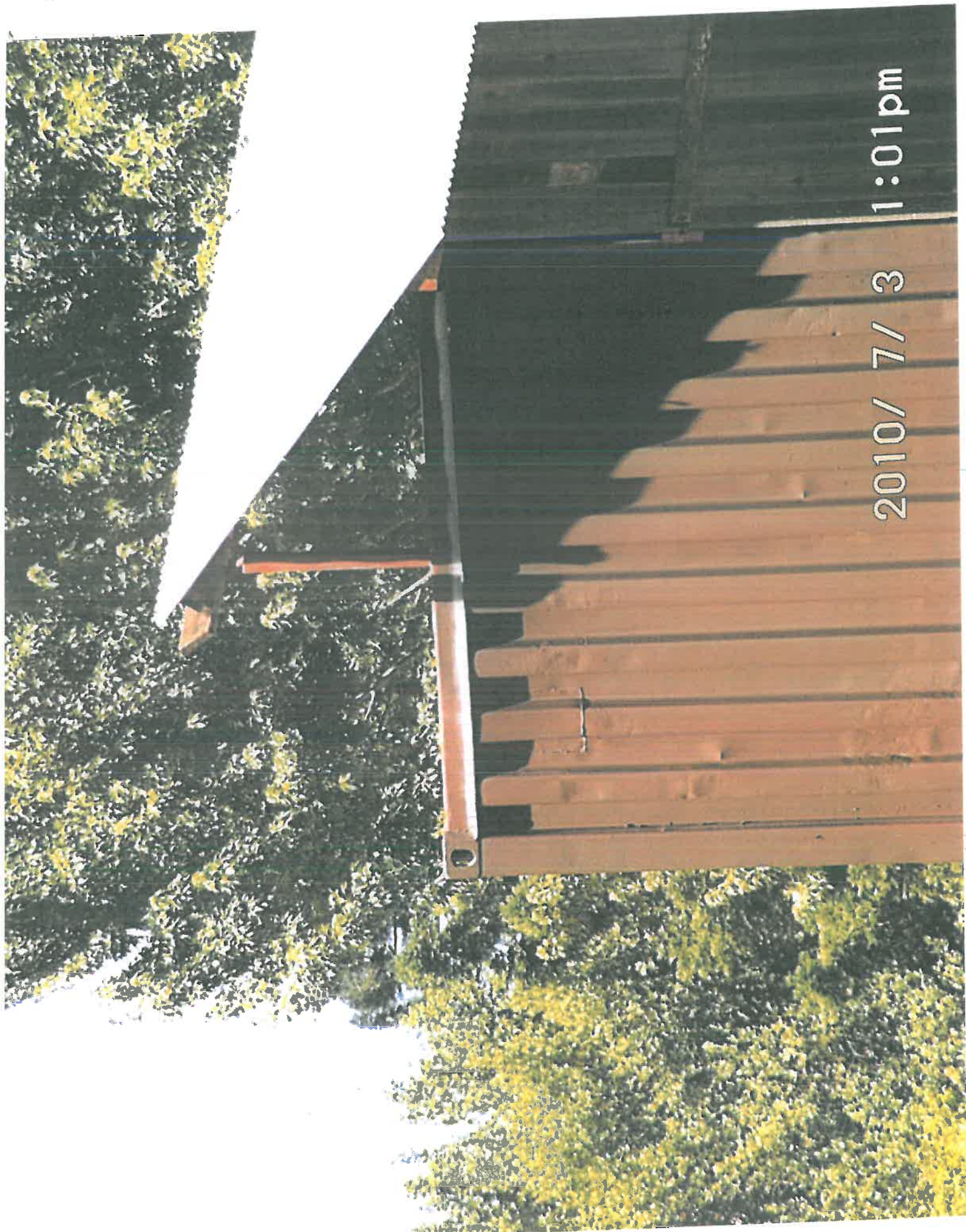
Attachments: 9 - Pictures (8" X 10")



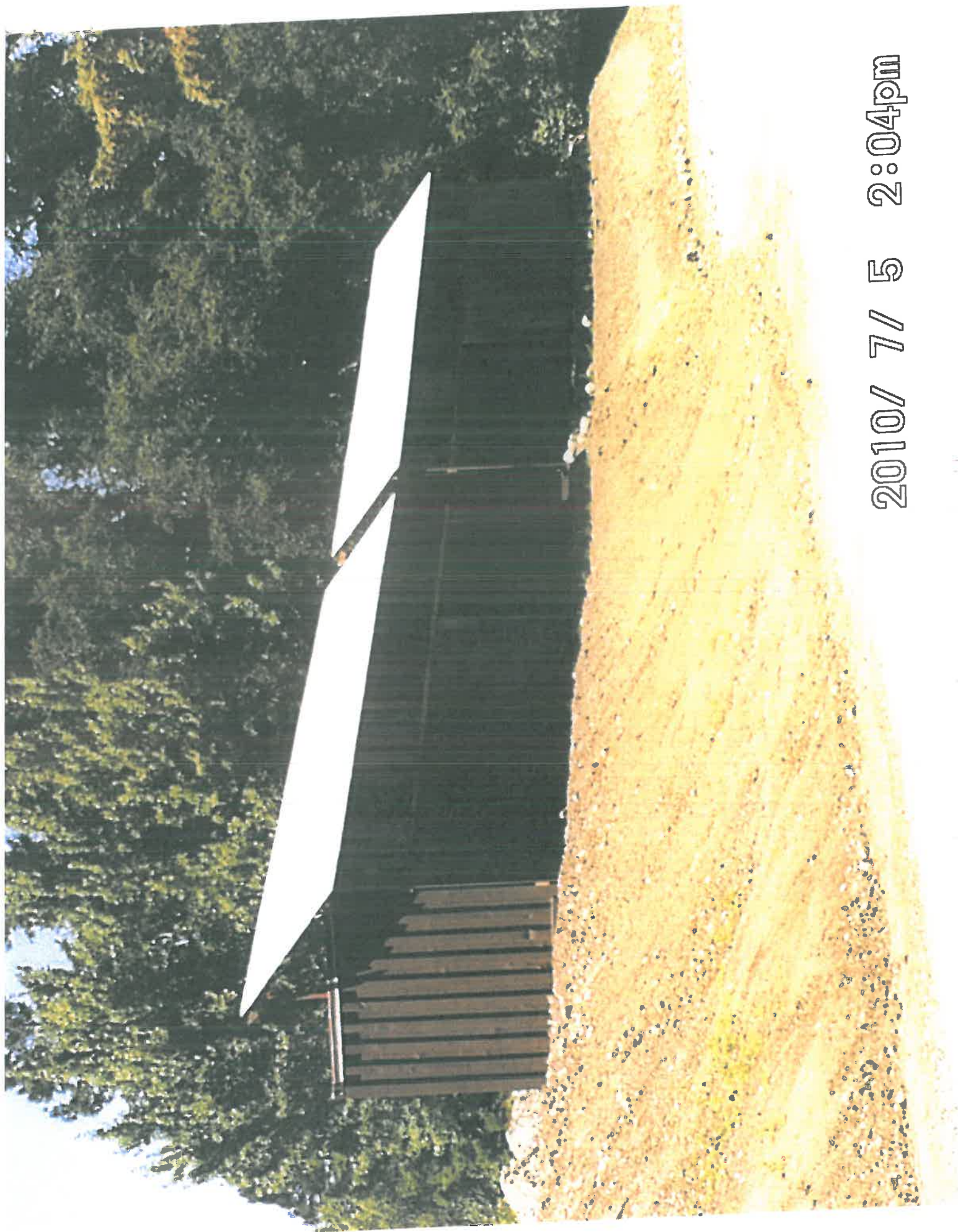
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2010/ 7/ 3 1:04pm



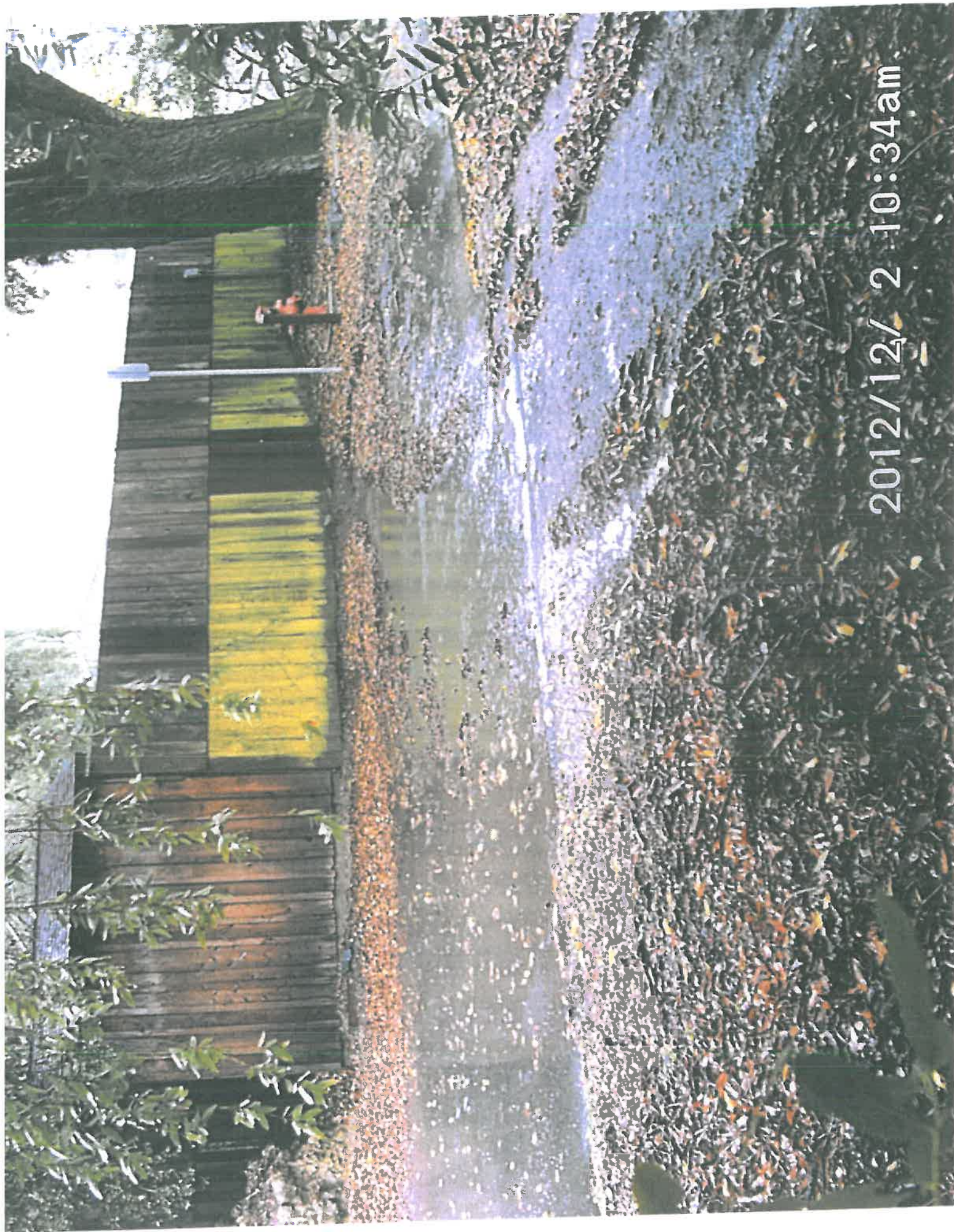
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2010/ 7/ 5 2:04pm



2010/ 8/26 5:48pm



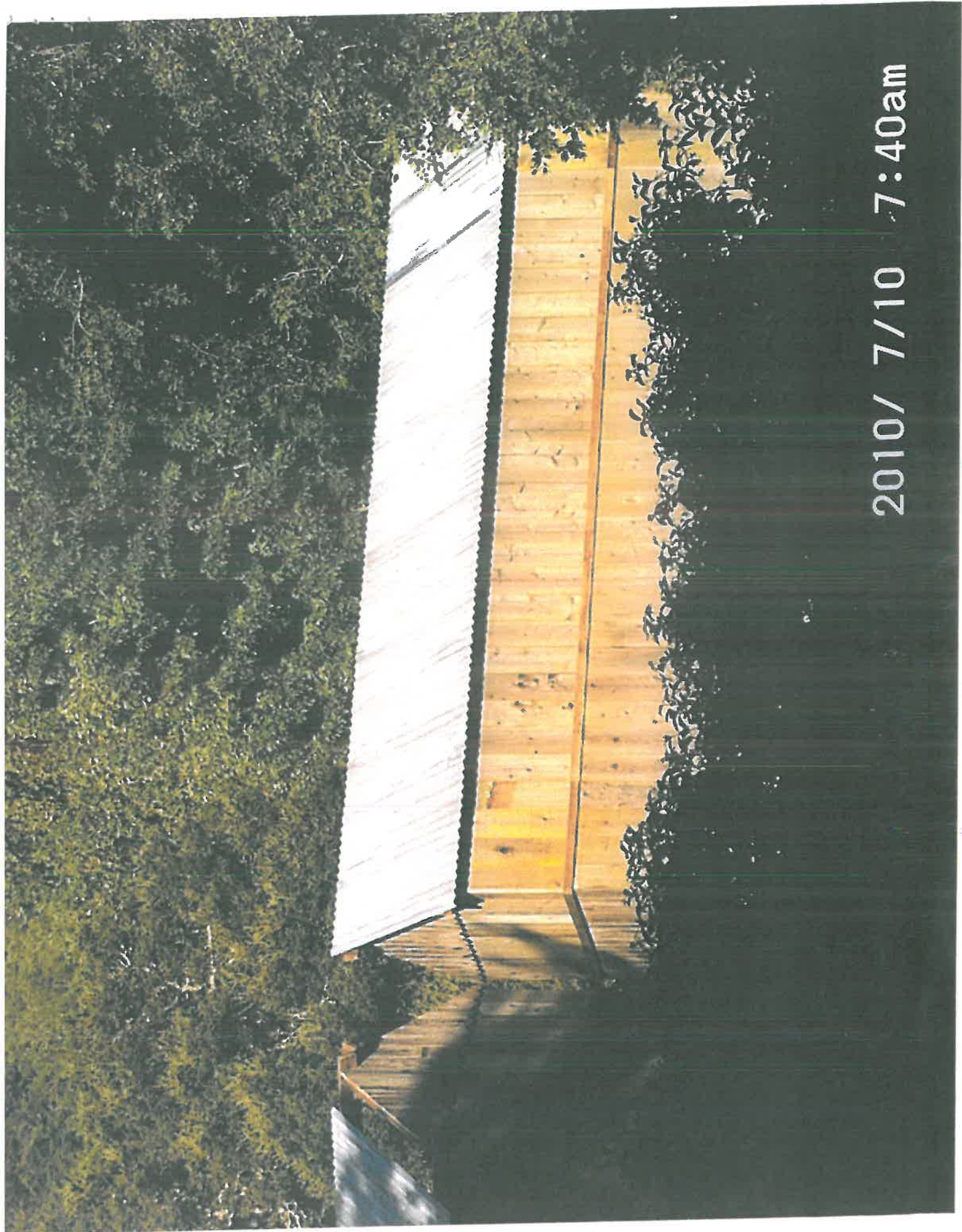
2012/12/ 2 10:34am



2012/12/ 9 9:45am



View from Washburn's Front Door Area



2010/ 7/10 7:40am

View From Front Door area of Warholc Residence