



TO: Forrest Ebbs, Zoning Administrator

FROM: Jose Cortez, Associate Planner

SUBJECT: V-22-01 CIWP Fence & Setback Variance

DATE: November 10, 2022

Property Owner: Clear Space LLC/ Rosglia Dayani 1105 Buchanan Road Antioch, CA 94509	Applicant/Representative: Monica Cardoza 1105 Buchanan Road Antioch, CA 94509
--	---

PROJECT: CIWP 1105 Buchanan Variance, 8' fence and setbacks FILE #: V-22-01 APN: 076-192-023 GP LU: Neighborhood Community Commercial ZONING: C-2 PLANNER: Jose Cortez	Original filing: March 28, 2022 Date Deemed Complete: June 2, 2022 Date of Public Hearing: November 10, 2022
---	---

REQUEST

The applicant is seeking Variance approval for the replacement, and installation of a new 8-foot fence and gate at 1105 Buchanan Road. The subject site is .13 acres in size. Existing uses include office use. The project scope includes replacing a portion of an existing fence with a new 8-foot fence, installation of an 8-foot fence and gate in the remainder of the site. The proposed fence is to be located approximately 5 feet from the property line.

STAFF RECOMMENDATION

Staff recommends that the Zoning Administrator review and approve the proposed Variance request subject to Resolution and Conditions of Approval.

BACKGROUND

The property is currently developed with an approximately 4,000 square foot building and parking lot. The property is located on the corner of Buchanan Road and Contra Loma Boulevard. The property is bounded by commercial to the north and east, and residential to the south and west.

SITE LOCATION



ANALYSIS

The applicant is seeking Variance approval for the replacement, and installation of a new 8-foot fence and gate at 1105 Buchanan Road. The subject site is 0.13 acres in size. Existing uses include office use. The project scope includes replacing a portion of an existing fence with a new 8-foot fence, installation of an 8-foot fence and gate in the remainder of the site. The proposed gate is manual and consists of the same style and material as the proposed fence. The proposed fence is to be located approximately 5 feet from the property line. The applicant is seeking the additional height in order to mitigate on-going issues at the site and add additional security and safety measures.

VARIANCE

Pursuant to Section 9-5.2703 "Required Findings" the Zoning Administrator is required to make findings for a variance. If an application can meet all four of the findings, then the variance can be granted. Conversely, if any one of the findings cannot be made the variance should be denied. Draft findings and Conditions of Approval related to the variance are included in Attachment A.

A variance is required to allow an exception to the to the height standards for a fence and for one located 5 feet from the property line. The maximum allowable height for a fence is 6 feet.

The applicant has designed the proposed fence to be located primarily in the location of the existing smaller fence. The site currently has portions of fencing that is 6 feet in height, but not throughout. Currently along Buchanan the site features a 3 foot wrought iron fence, this height does not provide the adequate security the applicant aims to achieve with the proposed 8 foot fence.

ENVIRONMENTAL REVIEW

This proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15301 Existing Facilities. Class 1 consists of operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

ATTACHMENTS

- A. ZA Resolution 2022-xx with Exhibit A Conditions of Approval
- B. Project Plans
- C. Site Photos

Draft Resolution

**ZONING ADMINISTRATOR
RESOLUTION # 2022-xx**

**RESOLUTION OF THE CITY OF ANTIOCH ZONING ADMINISTRATOR
APPROVING A VARIANCE (V-22-01) FOR THE REPLACEMENT, AND INSTALLATION OF A
NEW 8-FOOT FENCE AND GATE AT 1105 BUCHANAN ROAD**

WHEREAS, Monica Cardoza, Community Integrated Work Program requests approval of a Variance for the replacement, and installation of a new 8-foot fence and gate at 1105 Buchanan Road, located at 1105 Buchanan Road (APN: 076-192-023);

WHEREAS, the application was deemed complete on June 2, 2022;

WHEREAS, this project is Categorically Exempt from the provisions of CEQA, pursuant 15301, "Existing Facilities";

WHEREAS, a public hearing notice was published in the East County Times and posted pursuant to California Government Code Section 65090 on October 28, 2022 for the public hearing held on November 10, 2022;

WHEREAS, the Zoning Administrator held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, IT BE RESOLVED that the Zoning Administrator does hereby make the following findings for approval of a Variance for the replacement, and installation of a new 8-foot fence and gate pursuant to Section 9-5.2703 "Required Findings" (B) (2) of the Antioch Municipal Code:

- a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

Finding: New commercial facilities designed today often incorporate security measures into the design. When originally developed in 1977, the building was designed as an "open air" concept, which fit the design trends of the period, and when the building did not face security challenges prevalent today. The existing facility currently features portions of fencing at the maximum allowable height, the additional height at the site would allow for additional security for the staff and vehicles that more recent developed project have.

- b) That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Finding: The proposed installation is proposed to be entirely on site and five feet from the property line. Adverse impacts are not expected with this project request.

- c) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

Finding: There are special circumstances that are applicable to the subject property that make application of the zoning provisions for fencing difficult to adhere to. Specifically, providing fencing that is high enough to provide adequate security and adheres to the height allowances would not be feasible to provide the needed security for the building, which has had numerous security concerns.

- d) That the granting of such variance will not adversely affect the comprehensive General Plan.

Finding: The proposed variance does not conflict any General Plan policies.

NOW, THEREFORE, BE IT RESOLVED, the Zoning Administrator of the City of Antioch does hereby **APPROVE** V-22-01, for Variance for the replacement, and installation of a new 8-foot fence and gate pursuant at 1105 Buchanan Road (APN 066-010-009), subject to the Conditions of Approval attached hereto in Exhibit A.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Zoning Administrator of the City of Antioch at a regular meeting thereof held on the 10th day of November 2022.

FORREST EBBS
ZONING ADMINISTRATOR

EXHIBIT A: CONDITIONS OF APPROVAL "FENCE VARIANCE 1105 Buchanan"

General Conditions		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
1.	Project Approval. This Variance approval is for 1105 Buchanan Road (APN: 076-192-023), as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans date received March 28, 2022, as presented to the Zoning Administrator on November 10, 2022 ("Approval Date."). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Antioch	On-Going	Planning Department	
2.	Project Approval Expiration. This Use Permit and Design Review approval expires on November 10, 2024 (two years from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval for up to two additional years from the expiration date.	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL “FENCE VARIANCE 1105 Buchanan”

3.	<p>City Fees. The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and applicant.</p> <p><i>Discretionary or ministerial permits/approvals will not be considered if the developer is not current on fees, balances, and reimbursement that are outstanding and owed to the City.</i></p>	City of Antioch	On-Going	Community Development Department	
4.	<p>Pass-Through Fees. The developer shall pay all pass-through fees. Fees include but are not limited to:</p> <p>East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance.</p> <p>Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.</p> <p>Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s).</p> <p>Contra Costa County Flood Control District Drainage Area fee.</p> <p>School Impact Fees.</p> <p>Delta Diablo Sanitation Sewer Fees.</p> <p>Contra Costa Water District Fees.</p>	City of Antioch	On-Going	Community Development Department	
5.	<p>Appeals. Pursuant to Section 9-5.2509 of the Antioch Municipal Code, any decision made by the Planning Commission which would otherwise constitute final approval or denial may be appealed to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk within five (5) working days after the decision. All appeals to the City Council from the Planning Commission shall be accompanied by a filing fee established by a resolution of the City Clerk.</p>	City of Antioch	Within 5 Days of Planning Commission Action	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL "FENCE VARIANCE 1105 Buchanan"

6.	Requirement for Building Permit. Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.	City of Antioch	On-Going	Building Department	
7.	Modifications to Approved Plans. The project shall be constructed as approved and with any additional changes required pursuant to the Zoning Administrator or Planning Commission Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land uses. A change requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning Commission approval through the discretionary review process.	City of Antioch	On-Going	Planning Department	
8.	Hold Harmless Agreement/Indemnification. The applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Antioch and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.	City of Antioch	On-Going	Planning Department	

At the Time of Building Permit Issuance		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
9.	Demolition Permit. Site demolition shall not occur until construction permits are issued for the development project. All demolition shall be in accordance with permits issued by the City and Bay Area Air Quality Management District (BAAQMD).	City of Antioch	At the time of Building Permit Issuance	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL "FENCE VARIANCE 1105 Buchanan"

10.	Encroachment Permit. The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right- of-way or easement.	City of Antioch	At the time of Building Permit Issuance	Community Development Department	
-----	--	-----------------	---	----------------------------------	--

At the Time of Construction		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
11.	Collection of Construction Debris. Gather all construction debris on a regular basis and place them in a Waste Management dumpster or other container that is emptied or removed on a weekly basis consistent with the Construction and Demolition Debris Ordinance. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.	City of Antioch	On-Going	Building Department	
12.	Construction Hours. Construction activity shall be as outlined in the Antioch Municipal Code. Construction activity is limited to 8:00 AM to 5:00 PM Monday-Friday or as approved in writing by the City Manager. Requests for alternative construction hours shall be submitted in writing to the City Engineer. days/times restricted to the hours of 8:00 a.m. to 6:00 p.m.	City of Antioch	On-Going	Building Department/ Public Works Department	
13.	Demolition, Debris, Recycling. The project shall be in compliance with and supply all the necessary documentation for Antioch Municipal Code § 6-3.2: Construction and Demolition Debris Recycling.	City of Antioch	On-Going	Building Department/ Public Works Department	
14.	Filter Materials at Storm Drain Inlet. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: a) start of the rainy season (October 1); b) site dewatering activities; c) street washing activities;	City of Antioch	On-Going	Building Department	

EXHIBIT A: CONDITIONS OF APPROVAL "FENCE VARIANCE 1105 Buchanan"

	<p>d) saw cutting asphalt or concrete; and</p> <p>e) order to retain any debris or dirt flowing into the City stormdrain system.</p> <p>Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.</p>				
15.	<p>Archeological Remains. In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.</p>	City of Antioch	On-Going	Community Development Department	
16.	<p>Erosion Control Measures. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.</p>	City of Antioch	On-Going	Building Department/ Public Works Department	
17.	<p>Dust Control. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the air quality control board.</p>	City of Antioch	On-Going	Building Department/ Public Works Department	
18.	<p>Debris Removal. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.</p>	City of Antioch	On-Going	Building Department/ Public Works Department	

EXHIBIT A: CONDITIONS OF APPROVAL "FENCE VARIANCE 1105 Buchanan"

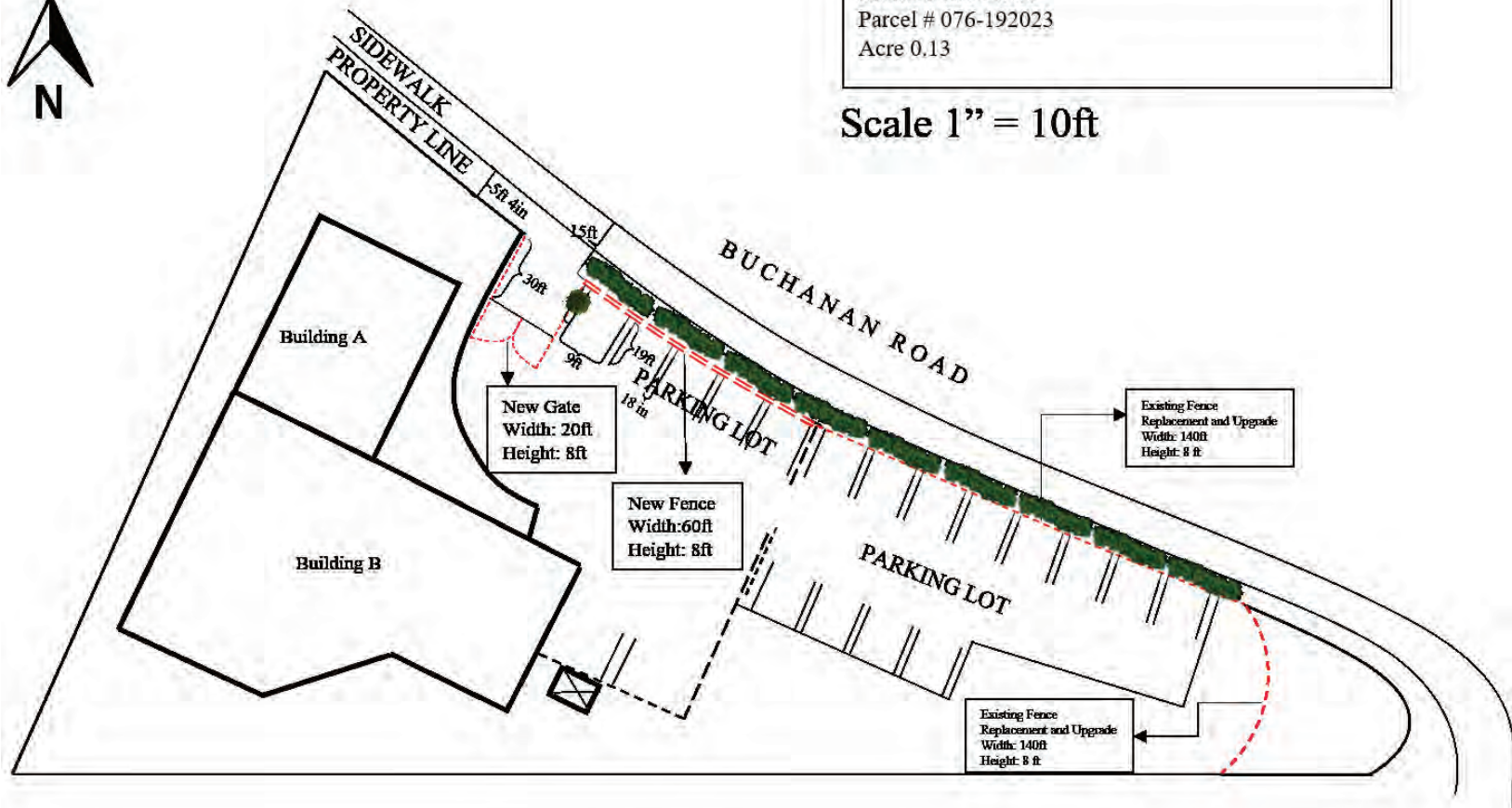
Prior to Issuance of Occupancy Permit		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
19.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Antioch	Prior to Occupancy Permit	Planning Department	
20.	Debris Removal. All mud, dirt or construction debris carried off the construction site and shall be removed prior to scheduling the final Planning inspection. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.	City of Antioch	Prior to Occupancy Permit	Building Department	
21.	Fire Prevention. A final Fire inspection shall occur to inspect all fire prevention systems constructed as part of the project. Inspections shall occur prior to final occupancy permit issuance.	Contra Costa County Fire District	Prior to Occupancy Permit	Fire Department	
22.	Damage to Street Improvements. Any damage to street improvements now existing or done during construction on or adjacent to the subject property, shall be repaired to the satisfaction of the City Engineer at the full expense of the applicant. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.	City of Antioch	Prior to Occupancy Permit	Building Department	
23.	Right-of-Way Construction Standards. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be constructed in accordance with approved standards and/or plans and shall comply with the standard plans and specification of the City Engineer.	City of Antioch	Prior to Occupancy Permit	Public Works	

Project Plans



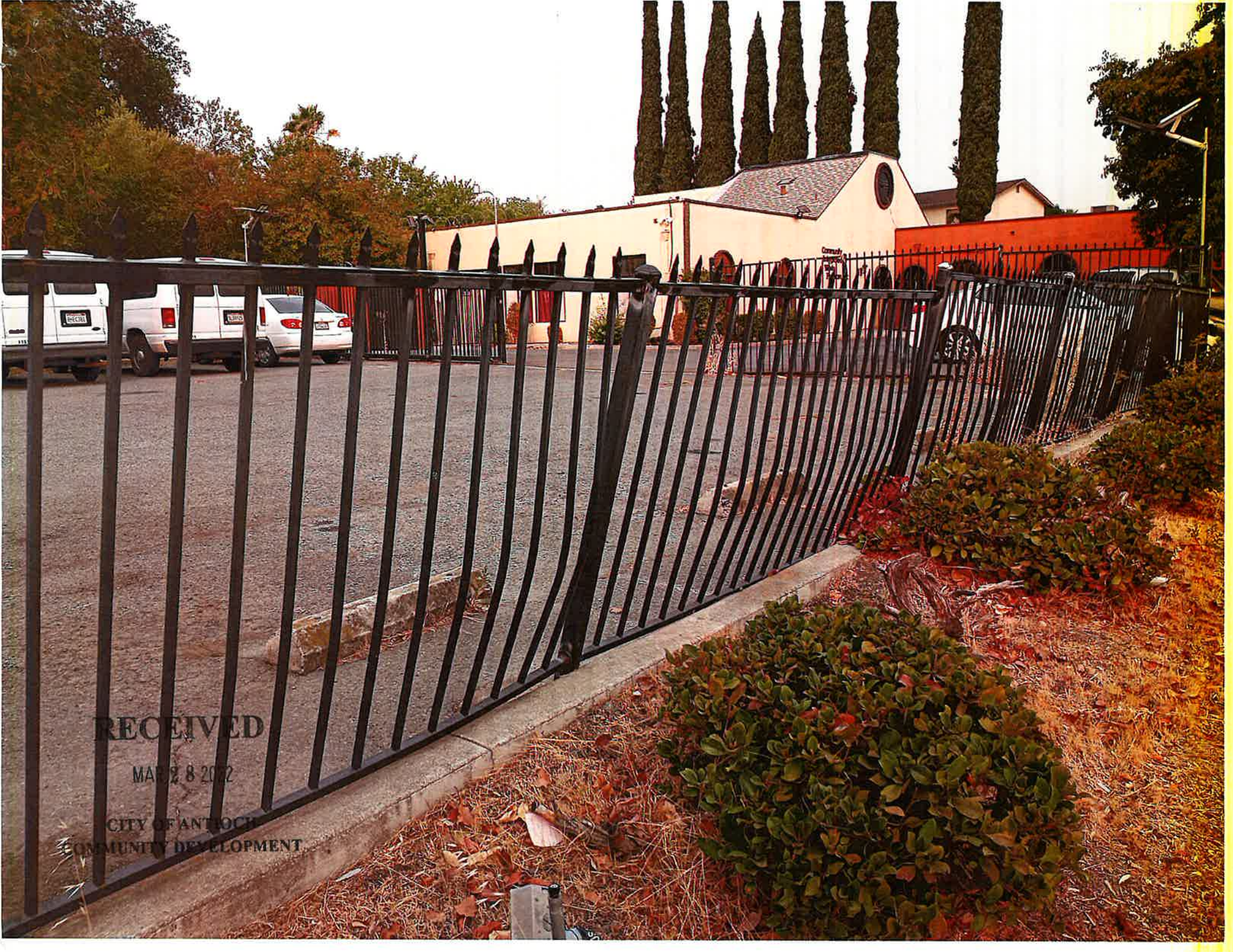
COMMUNITY INTEGRATED WORK PROGRAM
1105 Buchanan Rd,
Antioch CA 94509
Parcel # 076-192023
Acre 0.13

Scale 1" = 10ft



Legends:
---- Existing Fence
== New Fencing

Site Photos



RECEIVED

MAR 28 2022

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT



RECEIVED

MAY 28 2022

OFFICE OF THE
COUNTY ATTORNEY











