

Demian Hardman/DCD/CCC

To Jim Parsons

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Subject Creekside Memorial Park: CEQA Findings and Project Variance Findings

11/05/2012 11:03 AM

Jim:

As you know, the County provides the Applicant (Sid) the opportunity to prepare required legal findings in cases where County staff finds it difficult to make such findings. Below are the legal findings that the County is finding it challenging to make in order for the Planning Commission to consider approval of the project. I suggest that you have Sid's Attorney provide the findings identified below for the County to consider. The deadline to submit these findings is January 20, 2013. This should give the applicant sufficient time to prepare these findings before the County goes to the Planning Commission in February 2013.

### **Statement of Overriding Considerations (CEQA Guidelines § 15093)**

There are three (3) impacts that were identified in the DEIR as Significant and Unavoidable (Impact 3.9-3, Impact 3.9-4, and Impact 3.10-1). In order for the project to be approved by the Planning Commission and/or Board of Supervisors for projects that have Significant and Unavoidable Impacts, the County must make "Statement of Overriding Considerations" findings pursuant to CEQA Guidelines § 15093. Attached is a Template format that you may use, which is the format typically used by the County when presenting such findings to the Planning Commission.

### **Variance Findings Required for Proposed Lot Line Adjustment**

The project includes a request for approval of a lot line adjustment, which would first require approval of a variance to allow for one (1) substandard parcel in an A-80 Zoning District (Exclusive Agricultural District, minimum 80 acres per parcel allowed) before the lot line adjustment can be approved.

Since the property of the project site has a "Memorandum of Option" on it, the below listed Variance Findings must be made if this project is to be approved.

Pursuant to Section 26-2.2006 of the County Code, the required findings must be made to approve a variance:

1. 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.
2. 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.

3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

**Additional Information on Other Required Findings**

Various other findings related to CEQA and the land use permit itself are also required. I will contact you in more detail in the future if County staff finds it difficult to make these other findings.

If you have any questions or concerns, please contact me.

Sincerely,

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