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ZA ORDER NO. 11-22

**OFFICE OF THE ZONING ADMINISTRATOR,
CITY OF SAN RAMON APPROVING
MINOR EXCEPTION 2022-0002**

**Applicant/ Property Owner: Brad Erickson
Project Name: Erickson Residence Side Setback Exception**

WHEREAS, on September 26, 2022, an application was filed by Brad Erickson requesting approval of a Minor Exception application (MX 2022-0002) to allow a 14-percent reduction of the aggregate side yard setback to 21-ft., 6-inch, where a minimum 25-ft. aggregate side yard setback is required. The side yard setback reduction would facilitate a new 731 sq. ft. residential addition to an existing single-family home located at 520 Bagado Ct. (APN: 209-322-003); and

WHEREAS, Zoning Ordinance Section D6-24 (Minor Exceptions) allows approval of a Minor Exception application to reduce an aggregate side setback up to 25 percent; and

WHEREAS, the subject property is designated as a RE-B (Residential Estate) zoning district in the City of San Ramon; and

WHEREAS, on October 25, 2022, the subject application was deemed to be complete by the Planning Services Division; and

WHEREAS, the subject application is classified as a Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the Guidelines for California Environmental Quality Act of 1970, as amended because it is an addition to an existing house not exceeding 10,000 sq. ft. in addition, all public services are available to the subject property, and the project is not in an environmentally sensitive area as defined by Section 15301(e); and

WHEREAS, the subject application was duly noticed on November 21, 2022, pursuant to Section D6-24.D of the Municipal Code of the City of San Ramon; and

WHEREAS, no written requests for a public hearing were received by the Planning Services Division; and

WHEREAS, the proposed Minor Exception is consistent with the provisions of D6-24 (Minor Exceptions) of the Municipal Code of the City of San Ramon; and

NOW, THEREFORE, BE IT RESOLVED that the Zoning Administrator does hereby make the following findings based on the all the evidence in the record (including but not limited to all application materials and any written comments received by the City):

1. Regarding the Minor Exception

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- a. The above recitals are true and correct and are incorporated herein by reference; and
- b. No practical alternative exists for the proposed aggregate side setback given physical constraints on the subject property and economic feasibility of the addition including the irregular shape of the subject property, orientation of the existing dwelling on the subject property, and structural feasibility limiting the floor plan design while still complying with all other RE-B development standards; and
- c. The purpose of the RE-B (Residential Estate) zoning district would not be compromised because primary use of the subject property as a single-family residence would remain; and
- d. No detrimental aesthetic impacts would result from the proposed addition because the proposed construction would be architecturally compatible with the existing structure and harmonious with the existing residences in the vicinity; and
- e. The project site would otherwise be in compliance with all applicable Zoning Ordinance standards and requirements; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Zoning Administrator does hereby approve Minor Exception 2022-0002 with ZA Order No. 11-22 based on the findings and evidence in the record, subject to the attached Conditions of Approval referenced as Exhibit A.

Date Approved: December 1, 2022

Debbie Chamberlain
Zoning Administrator

Date Effective: December 10, 2022

Attachment:

Exhibit A – Conditions of Approval

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EXHIBIT A

ZA ORDER NO. 11-22 CONDITIONS OF APPROVAL MINOR EXCEPTION 2022-0002

**Erickson Residence
Aggregate Side Setback Exception
520 Bagado Ct.
(APN: 209-322-003)**

Planning Services Division

Special Conditions:

1. The granting of this Minor Exception (MX 2022-0002) to allow a 14-percent reduction of the aggregate side yard setback to 21-ft., 6-inch, where a minimum 25-ft. aggregate side yard setback is required. The side yard setback reduction would facilitate a new 731 sq. ft. residential addition to an existing single-family home located at 520 Bagado Ct. (APN: 209-322-003), shall be in substantial conformance with the project plans date received September 26, 2022, unless modified by the conditions contained herein.

Standard Conditions:

2. Prior to any site work, the applicant shall obtain necessary building permits from the Building and Safety Services Division.
3. The approval(s) authorized by this action shall expire if the required permits are not issued, and construction initiated within a one (1) year period from the effective date, unless the Project has been legally established as determined by the Planning Services Division. A time extension may be granted in accordance with Section D6-34 of the Zoning Ordinance.
4. Failure of the applicant to implement, follow and adhere to these conditions may result in revocation hearing proceedings before the Zoning Administrator or Planning Commission.
5. All construction activities shall be limited to the hours of 7:30 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends. The City may impose more

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restrictive construction days/hours if determined to be necessary to protect the public welfare and safety

6. If any changes in the scope of project beyond that proposed by the applicant for this application are desired, prior City review and approval is required. In addition, any change or modification from the above conditions shall first require Zoning Administrator approval. Requests for modification of this permit shall be submitted to the Zoning Administrator. Requested changes may require a modification of the permit or, upon determination of the Zoning Administrator, a new permit may be required. Minor changes may be approved by the Zoning Administrator.
7. The Applicant (including any assignee or successor-in-interest) shall defend, indemnify, and hold harmless the City of San Ramon (City) and its agents, elected officials, officers, and employees from any claim, action or proceeding against the City or its agents, elected officials, officers, and employees to attack, set aside, void or annul any part of the City's approval of the Applicant's project. The City will promptly notify the Applicant of any such claim, action or proceeding, and cooperate in the defense.

San Ramon Valley Fire Protection District (SRVFPD)

Standard Condition:

1. Prior to issuance of a building permit, full set of building plans shall be submitted to the San Ramon Valley Fire Protection District for review and approval.