

RE: Anne Nounou shared "Agency Comment CDMS23-00009" with you

Joanne Chiu <Joanne.Chiu@dcd.cccounty.us>

Fri 9/29/2023 3:49 PM

To: Joseph Lawlor <Joseph.Lawlor@dcd.cccounty.us>

 1 attachments (2 MB)

Agency Comment CDMS23-00009-exempt.pdf;

Hi Joe – this project is exempt from the HCP/NCCP.

Joanne

From: Anne Nounou <Anne.Nounou@dcd.cccounty.us>

Sent: Tuesday, September 19, 2023 12:37 PM

To: Bret Wickham <Bret.Wickham@dcd.cccounty.us>; Daniel Barrios <Daniel.Barrios@dcd.cccounty.us>; David Wexler <dwexler@contracostamosquito.com>; Eric Fung <eric.fung@cchealth.org>; Joanne Chiu <Joanne.Chiu@dcd.cccounty.us>; John Cunningham <John.Cunningham@dcd.cccounty.us>; Joseph Lawlor <Joseph.Lawlor@dcd.cccounty.us>; Kellen O'Connor <Kellen.O'Connor@pw.cccounty.us>; larry.gossett@pw.cccounty.us; Robert Sarmiento <Robert.Sarmiento@dcd.cccounty.us>; Russ Leavitt <rleavitt@centralsan.org>; Simone Saleh <Simone.Saleh@pw.cccounty.us>; Takeya Foster <TAKEYA.FOSTER@CCHEALTH.ORG>; Vincent Manuel <Vincent.Manuel@bos.cccounty.us>; Will Nelson <Will.Nelson@dcd.cccounty.us>; fire@cccfd.org; Solid.Waste@cchealth.org; Jocelyn LaRocque <jlaro@pw.cccounty.us>; tpadmin@deltadiablo.org

Subject: Anne Nounou shared "Agency Comment CDMS23-00009" with you



Anne Nounou shared a file with you

FILE NO CDMS23-00009
AGENCY COMMENT REQUEST



[Agency Comment CDMS23-00009](#)



This link only works for the direct recipients of this message.

CONTRA COSTA COUNTY
 DEPARTMENT OF CONSERVATION AND DEVELOPMENT
 COMMUNITY DEVELOPMENT DIVISION
 30 Muir Road
 Martinez, CA 94553-4601
 Phone: 925-655-2700
 Fax: 925-655-2758



AGENCY COMMENT REQUEST

Date 9/19/23

We request your comments regarding the attached application currently under review.

DISTRIBUTION INTERNAL ✓ Building Inspection Grading Inspection ✓ Advance Planning Housing Programs ✓ Trans. Planning Telecom Planner ALUC Staff ✓ HCP/NCCP Staff APC PW Staff County Geologist HEALTH SERVICES DEPARTMENT ✓ Environmental Health Hazardous Materials PUBLIC WORKS DEPARTMENT ✓ Engineering Services (1 Full-size + 3 email Contacts) Traffic Flood Control (Full-size) Special Districts LOCAL ✓ Fire District _____ San Ramon Valley – (email) rwendel@srvfire.ca.gov ✓ Consolidated – (email) fire@cccfdpd.org East CCC – (email) brodriguez@cccfdpd.org ✓ Sanitary District <u>CCWD</u> ✓ Water District <u>Delta Diablo</u> City of _____ School District(s) _____ LAFCO Reclamation District # _____ East Bay Regional Park District Diablo/Discovery Bay/Crockett CSD ✓ MAC/TAC <u>Bay Point</u> Improvement/Community Association ✓ CC Mosquito & Vector Control Dist (email) OTHERS/NON-LOCAL CHRIS (email only: nwic@sonoma.edu) CA Fish and Wildlife, Region 3 – Bay Delta Native American Tribes ADDITIONAL RECIPIENTS _____ _____	Please submit your comments to: Project Planner <u>Joseph Lawlor</u> Phone # <u>925-655-2872</u> E-mail <u>joseph.lawlor@dcd.cccounty.us</u> County File # <u>CDMS23-00009</u> Prior to <u>Oct. 13, 2023</u> ***** We have found the following special programs apply to this application: Active Fault Zone (Alquist-Priolo) Flood Hazard Area, Panel # _____ ✓ 60-dBA Noise Control CA EPA Hazardous Waste Site High or Very High FHSZ ***** AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner. Comments: <u>None</u> Below ____ Attached Print Name <u>M. CAMERON</u> <u>[Signature]</u> <u>10/6/23</u> Signature _____ DATE _____ Agency phone # <u>925 941 3300</u>
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MS23-0009 Advance Planning Comments

Will Nelson <Will.Nelson@dcd.cccounty.us>

Thu 12/28/2023 4:07 PM

To: Joseph Lawlor <Joseph.Lawlor@dcd.cccounty.us>

Hi Joe,

I'm sorry this one slipped through the cracks.

The proposed density for this project exceeds the existing SH land use designation's density range. However, in the draft General Plan the proposed land use designation is Residential Medium Density (7-17 units/net acre). The proposed density is consistent with the proposed land use designation. I would continue processing this application, though it cannot be approved until the new General Plan has been adopted.

Let me know if you have questions.

-Will



William R. Nelson

Principal Planner

Contra Costa County

Department of Conservation and Development

30 Muir Road, Martinez, CA 94553

Phone (925) 655-2898

Web www.contracosta.ca.gov

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Contra Costa County Public Works Department

Warren Lai, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Carrie Ricci
Joe Yee

Memo

RECEIVED on 10/15/2025 **CDMS23-00009**
By Contra Costa County
Department of Conservation and Development

October 15, 2025

TO: Joseph Lawlor, Planner, Department of Conservation and Development
FROM: Larry Theis, Engineering Services Division – Consultant Engineer
SUBJECT: **MINOR SUBDIVISION MS23-00009**
STAFF REPORT & RECOMMENDED CONDITIONS OF APPROVAL
(Zakaria Ismail/10-20-30 Roberts Street/Bay Point/APN 095-075-023)
FILE: **MS23-00009**

We have reviewed the application for **Minor Subdivision MS23-00009** received by your office. The application seeks to subdivide a rectangular 187.12' by 87.14' existing lot (Parcel D of MS41-69; 8PM34) which contains three individual homes (#10, #20, #30 from east to west) into three individual legal lots. The applicant shall comply with the County Ordinance Code (COC) requirements as they pertain to this development. The following issues should be carefully considered:

Background

The applicant is requesting approval of a minor subdivision application to subdivide a 0.37-acre property into three parcels. The subject property is located on Roberts Street (APN 095-075-023) within the unincorporated area of Bay Point and is zoned P-1. The property is bounded by Roberts Street to the north, and residential parcels to the east, south and west. The parcel currently is the site of 3 separate single-family homes, with the 2 easternmost residences (#10 and #20) also having detached car garage structures. The site is mostly flat, with County elevation information indicating a gradual slope downward from the southwest corner to the northeast corner of the site. Willow Cove Elementary School is located 0.45 miles to the east of the site.

Traffic and Circulation

The property obtains access from Roberts Street, a 0.05 mile long, 14-foot-wide cul-de-sac road within a 40-foot-wide right-of-way without a curb or gutter. Roberts Street runs east to west and has a single public road intersection with Bella Vista Avenue on its east end. Roberts Street is planned to be a 36-foot-wide road in a 50-foot right-of-way. Based on field observation and past site imagery, vehicles are frequently parked along the frontage of the property that encroach onto the 14-foot-wide travel way.

The applicant will be required to dedicate an additional five feet of the right-of-way necessary to provide the ultimate right-of-way half width of 25 feet. The existing street is to be widened such that the edge of pavement is located 7 feet from the widened right of way line.

The current County Road Log requires a 50 foot future right of way width. The existing Roberts Street public right of way width is 40 feet wide. Therefore, the applicant shall dedicate five feet of their frontage as part of the parcel map to meet the planned half width for the south side of Roberts Street.

Drainage

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant has submitted the following exception request in accordance with the findings outlined Chapter 92-6 of the County Ordinance.

(1) That there are unusual circumstances or conditions affecting the property:

The existing property and Roberts Street are already developed with single-family homes and front yards built in the 1930s. The existing condition provides positive drainage toward Bella Vista Avenue. The area is generally built out and would generally keep the stormwater runoff pattern as is post subdivision of property.

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant:

The existing property is already developed with single-family homes and front yards. Collecting and conveying stormwater runoff to an adequate public storm drain system would be impactful to the property and more so to the offsite areas to reach a storm drain system which is more than a 0.25 mile away.

(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:

Granting exceptions for the proposed map would not be materially detrimental to the public welfare or injurious to other properties. The proposed subdivision already contains three homes that are fully built out with a low likelihood of additional impacts to the neighboring properties or the general public.

Based on the provided findings, Public Works is not adverse to granting the applicant an exception for the collect and convey stormwater requirements. Prior to recordation of the Parcel Map, the applicant shall submit a drainage report to the Public Works Department for review and approval that demonstrates the adequacy of the property to maintain existing drainage patterns.

Underground Utilities

Division 96-10 of the County Ordinance Code requires that all utility distribution facilities, including but not limited to electric, communication and cable television lines, within any residential or commercial subdivision shall be placed under ground.

The applicant has submitted the following exception request in accordance with the findings outlined Chapter 92-6 of the County Ordinance.

(1) That there are unusual circumstances or conditions affecting the property:

The existing property and Roberts Street are already developed with single-family homes and front yards built in the 1930s. Overhead utilities are already installed and connected to multiple properties along Roberts Street and Bella Vista Avenue.

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant:

The existing property is already developed with single-family homes and front yards. Undergrounding existing utilities as requested by the County would require two poles outside of the applicant's property to be replaced with underground infrastructure. The entire neighborhood within a 0.25 mile radius is served by overhead utilities. The underground connections to each house would also likely require meter/panel upgrades at each service connection.

(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:

Granting exceptions for the proposed map would not be materially detrimental to the public welfare or injurious to other properties. The existing infrastructure serves the entire neighborhood. Undergrounding these overhead utilities would affect not only the applicant but neighboring properties.

Based on the provided findings, Public Works is not adverse to granting the applicant an exception for the undergrounding of the existing overhead utilities. Prior to recordation of the Parcel Map, the applicant shall include in an existing utility exhibit within the improvement plans to the Public Works Department for review and approval to document the mainline overhead lines and each service connection to each home.

Lighting District Annexation

The subject property is not already annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Facilities District 2010-1 lighting district.

Area of Benefit Fee

The applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Bay Point Area of Benefit, as adopted by the Board of Supervisors. The fee shall be paid prior to the filing for approval of the final parcel map.

Drainage Area Fee

The applicant shall comply with the drainage fee requirements for Drainage Area 48D as adopted by the Board of Supervisors. Fee shall be paid prior to the filing for approval of the final parcel map.

Should you have any questions, please contact Larry Theis at (925) 890-9732 or Larry@theis-engineering.com.

Joseph Lawlor
October 15, 2025
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G:\engsvc\Land Dev\MS\MS23-00009\Staff Report & COAs MS23-00009 (2025-09-17).docx

C: J. LaRocque, Engineering Services
Applicant Zakaria Ismail
18 Jefferson Ave
San Rafael, CA 94903-3957

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR PERMIT MS23-00009**

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL PARCEL MAP.

General Requirements:

- In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The road improvements outlined below require the review and approval of the Public Works Department.
- The applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The conditions of approval below are subject to the review and approval of the Public Works Department.

Road Dedications:

- The applicant shall convey to the County, by Offer of Dedication, five (5') foot of right of way width along the frontage to meet the planned fifty (50') foot ultimate right of way width for Roberts Street.

Roadway Improvements (Roberts Street):

- The applicant shall design and construct road improvements for pavement widening where the newly constructed edge of pavement shall be located seven feet inside of the new right of way line per the required road dedication.

Existing Structures:

- The applicant shall complete a property line/topographic survey prepared by a licensed surveyor to verify all existing structures are located within the existing lot boundary prior to preparing a parcel map. The detached garage structure located on #10 Roberts Street may be encroaching into the neighboring lot located at 120 Bella Vista Avenue (APN 095-075-022). If the survey determines there is an encroachment over the property line, the applicant shall either complete a lot line adjustment or remove/modify the structure such that it is contained within the existing property line prior to filing of the Parcel Map.

Street Lights:

- Property owner(s) shall annex to the County Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Drainage Exception: (Subject to Advisory Agency findings and approval)

- Applicant shall be permitted an exception for the collect and convey stormwater requirements. Prior to recordation of the Parcel Map, the applicant shall submit a drainage report to the Public Works Department for review and approval that demonstrates the adequacy of the property to maintain existing drainage patterns.

Drainage Area Fee Ordinance:

- Applicant shall comply with the drainage fee requirements for Drainage Area 48D as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Parcel Map.

Underground Utilities Exception: (Subject to Advisory Agency findings and approval)

- Applicant shall be permitted an exception for the undergrounding of the existing overhead utilities. Prior to recordation of the Parcel Map, the applicant shall include in an existing utility exhibit within the improvement plans to the Public Works Department for review and approval to document the mainline overhead lines and each service connection to each home.

ADVISORY NOTES

- Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Bay Point Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to filing of the Parcel Map.
- Applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).



Re: Anne Nounou shared "Agency Comment CDMS23-00009" with you

From duma36@aol.com <duma36@aol.com>

Date Wed 10/22/2025 11:31 AM

To Joseph Lawlor <Joseph.Lawlor@dcd.cccounty.us>; Armando Carrasco <Armando.Carrasco@bos.cccounty.us>

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Report Suspicious

Joseph,

This item drew my attention because we have recently had two different requests by residents that wanted to subdivide their property and were denied by the County. If I am correct the Robert's Road subdivision is not by a resident. I have no doubt Vincent knew what was needed.

It might be useful at some point in the future if someone from your department could come to one of our meetings and explain the rules and process for subdividing property in Bay Point.

Debra Mason

On Tuesday, October 21, 2025 at 02:27:14 PM PDT, Joseph Lawlor <joseph.lawlor@dcd.cccounty.us> wrote:

Hi Debra,

I'm following up on your question to Armando regarding the Robert's Road Minor Subdivision project.

I discussed this with Vincent Manuel around September or October of 2023. At that time, he indicated the MAC would not need to comment because it's a "paper subdivision" that only adjusts lot lines between three existing units and proposes no new development. I haven't found documentation of the MAC's comments in the file, so I'm not sure if the item was formally brought before the committee.

We are now preparing to bring the project to the Zoning Administrator and need to confirm that the Bay Point MAC will not be reviewing it.

I completely understand if the MAC would prefer to review the project before making a decision. However, given that it creates no new development, we are hoping to move the project forward without further delay.