

**CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVED PERMIT**

<b>APPLICANT:</b>	West Coast Builders 4021 Port Chicago Highway Concord, Ca 94524	<b>APPLICATION NO.</b>	DP013061
		<b>ASSESSOR'S PARCEL NO.</b>	193-010-020
		<b>ZONING DISTRICT:</b>	P-1
<b>OWNER:</b>	Same	<b>ORIGINAL PROJECT APPROVAL DATE:</b>	May 2, 1995
		<b>EFFECTIVE DATE OF ORIGINAL APPROVAL:</b>	May 2, 1995
		<b>VESTING DATE:</b>	February 6, 1995
		<b>AMENDED FDP APPROVAL DATE:</b>	December 17, 2001
		<b>EFFECTIVE DATE OF AMENDED FDP APPROVAL:</b>	December 27, 2001
		<b>EFFECTIVE DATE OF AMENDED FDP APPROVAL:</b>	December 27, 2001
		<b>DATE OF CORRECTION TO AMENDED FDP APPROVAL:</b>	June 10, 2002

This matter not having been appealed within the time prescribed by law, a permit for an amendment to a Final Development Plan, County File # DP 3015-93, and Vesting Tentative Map 7744 ("*The Ridges*") to amend development permit pertaining to lot configuration and design restrictions in the Alamo area is hereby GRANTED, subject to the attached conditions.

DENNIS M. BARRY, AICP  
Community Development Director

By: 

ROBERT DRAKE  
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the use allowed by this permit is not established within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

**FINDINGS AND CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN 3015-93, REZONING 3012-RZ AND VESTING TENTATIVE SUBDIVISION MAP 7744 AS APPROVED BY THE BOARD OF SUPERVISORS ON MAY 2 1995, AND AS PER AMENDED FINAL DEVELOPMENT PLAN/SUBDIVISION APPLICATION, FILE #DP013061 APPROVED BY THE ZONING ADMINISTRATOR ON DECEMBER 21, 2001 ("The Ridges") Corrected June 10, 2002**

**Original P-1 District Findings**

- A. The applicant has indicated that they intend to commence construction within two and one-half years of the effective date of final project approval.
- B. The 14-unit project, as conditioned, is consistent with the County General Plan. The project site plan and architectural guidelines as amended by the proposed conditions assure aesthetic protection of the hillside areas.
- C. The project will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the nearby community. The project which proposes lot sizes ranging from 1.14 to 6.42 acres and which would designate approximately 84% of the site within a scenic easement will link the site with both the adjacent higher density residential areas, the nearby horse ranches, and the nearby park lands.
- D. In accordance with the required findings of the planned unit district, the County finds that the development of a harmonious integrated plan, like this project, justifies exceptions from the normal application of the ordinance code, including variations in parcel configurations and design to provide better conformity with the environmental features of the site.

**Findings for Amended Final Development Plan/Subdivision File #DP013061 ("The Ridges")**

**[Ref. Section 84-66.1804(b), C.C.C. Ord. Code]**

- A. *Required Finding – The Zoning Administrator shall find it consistent with the intent and purpose of the P-1 District.*

**Project Finding –**

- 1. The amendments to the Final Development Plan and to the Conditions of Approval continue to allow diversification in the subdivision with regards to structures, lot sizes and open spaces. The changes in the building envelopes are reasonable and do not compromise the integrity of the subdivision as originally approved in 1995. The proposed changes provide a net benefit in the amount of land dedicated to a scenic easement by allocating an additional 25,400 square feet. The size of the building envelopes varies, depending upon the topography and extent of oak tree coverage around the edge of each building envelope.

2. With the implementation of conditions of approval, the project will be in harmony with the character of the surrounding neighborhood and community.
3. The amendments to the Final Development Plan comply with the General Plan.
4. The amendments to the Final Development Plan and the Conditions of Approval satisfy the requirements of the County code regarding public health, safety and general welfare. Conditions of Approval both modified and added to this approval will help to reduce visual impacts from offsite.

B. Required Finding – *The Zoning Administrator shall find the proposed modification is compatible with other uses in the vicinity, both inside and outside the P-1 district.*

Project Finding –

1. The amendments to the Final Development Plan and Conditions of approval do not alter the land use. Plans reflect a single-family residential development that is compatible with surrounding properties.
2. The amendments to the Final Development Plan and conditions of approval are compatible with other uses in the vicinity of the project site. The minimum size parcel is 20,000 square feet, which is compatible with adjoining properties. The size of the building envelopes is also consistent with other properties in the area.
3. Architectural details will be evaluated through design review to insure individual house designs fit with the lot and do not create visual impacts when viewed off site.

**GENERAL CONDITIONS**

- I. Development shall be based upon the following documents received by the Community Development Department except as modified by conditions herein:
  - A. Revised vesting tentative map dated February 6, 1995;
  - B. “Preliminary Geotechnical Reconnaissance”. Engeo, Inc, November 4, 1991.
  - C. “Preliminary Geotechnical Reconnaissance Update” Engeo, Inc., July 22, 1993.
  - D. Proposed design guidelines for SUB 7744, dated received by the Community Development Department in November, 1994.
  - E. Alamo Improvement Association/Applicant Agreed Building Envelope Modifications for the following lots: Lot 2 (Att. A), Lot 3 (Att. B), Lot 4 (Att. C), Lot 5 (Att. D), Lot 6 (Att. E), Lots 7 & 8 (Att. F), Lot 11 (Att. G), Lot 12 (Att. H), and Lot 14 (Att. I) from 12/14/01 AIA Letter, and the large scale drawings from the applicant that they are based upon.
  - F. Building Elevations, Subdivision 7744, Received 9/13/01 by CDD

2. A maximum of 14 single family residential lots shall be permitted as shown on the revised vesting tentative map dated February 6, 1995 as modified by the conditions herein.
3. The approval of the Rezoning, Preliminary Development Plan 3012-RZ, and Final Development Plan 3015-93 shall run concurrently with the time limits of SUB #7744.
4. At least 45 days prior to the filing of the Final Map, the issuance of grading permits, the approval of improvement plans, or any construction on the site, the applicant shall submit to the Zoning Administrator for review and approval a revised site plan, a grading plan and two copies of the related documents listed below. The revised site plan and grading plan shall incorporate any applicable recommendations of the documents.

All documents shall detail the mechanism/procedures necessary to ensure implementation. The documents shall clearly identify changes to the site plan and grading plan necessitated by their recommendations.

A. **Revised Site Plan.** The revised site plan shall incorporate the following changes:

- 1) Eliminate that portion of the building envelope for Lot 3 located within 8 feet of the western edge of the envelope.
- 2) The building envelope for Lot 5 shall be limited to a maximum of 8,000 square feet, be located outside of the creek structure setback area, and be located below the 460-foot contour line.
- ~~3) The building envelope may be expanded to the west along the 760 contour line to within 25 feet of the west property line.~~
- 3 4) Eliminate that portion of the building envelope for Lot 8, which is located within the drip line of the 40" diameter oak tree.
- 4 5) A 15-foot front setback shall be maintained on Lot 11. If the front setback requirement cannot be met, the size of the structure shall be reduced. The 15-foot setback shall not cause encroachment into the dripline of the two oak trees on the west side of the building envelope.
- 5 6) The building site for Lot 5 and Lot 14 shall be adjusted such that a home site may be developed that is off the centerline of the drainage swale.

B. **Arborist's Report:** The report shall evaluate the impacts of development plans, including improvement plans for drainage and utilities, on trees with circumference of 30-inches or more, 4 1/2 feet above the ground. In addition, the report shall consider the future impact of building envelopes on the trees. The report shall recommend the reduction of the size of building envelopes if necessary to preserve trees. The recommendations shall not include the reorientation of the building envelopes.

C. **Tree Preservation/Protection Plan** The plan, which shall be prepared with the assistance of a certified arborist or licensed landscape architect, shall list all trees designated for removal and their respective and aggregate trunk circumferences.

The plan shall provide for replacement of trees approved for removal at a ratio of three 15-gallon trees for every 20-inches of aggregate circumference of trees proposed for removal. Replacement tree shall consist of species that are naturally indigenous to the Bay Area and the project site. The approved replacement trees shall be planted prior to the completion of subdivision improvements.

The tree preservation plan shall provide delineation of the perimeter of areas of trees to be preserved by the use of taping and stakes, or other appropriate barriers. These barriers shall be installed prior to the commencement of any development activity. The plan shall also incorporate additional tree protection measures for the construction stage.

- D. Street Light Plan The street light plan shall address all streets within the project site. Ornamental light standards are encouraged. Lights shall be limited to low profile standards.
- E. Design Level Geotechnical Study. Two copies of the geotechnical study which addresses all of the related conditions herein must be submitted. The study must include recommendations to ensure adequate maintenance of site improvements.
- F. Revised Architectural Design Guidelines. The revised document shall include text and graphics based on the revisions to the site plan and the conditions herein.
- G. Retaining Wall Designs: The submittal shall identify the location and dimensions for all retaining walls, and shall include proposed colors and materials.
- H. Building Envelope Description/Scenic Easement: This submittal shall consist of a metes and bounds description for each building envelope and a certification from a licensed civil engineer that the description accurately reflects the location of the building envelopes based on the February 6, 1995 revised tentative map as amended by the conditions herein.

The building envelopes and the scenic easement shall be shown on the Final Map.

- 5. At least 45 days prior to the filing of the Final Map or the issuance of grading permits or the submittal of improvement plans for drainage or utility, the applicant shall submit to the Zoning Administrator for review and approval a design level geotechnical report prepared by a geotechnical engineer and engineering geologist. The report shall address the following:
  - A. Design specifications for the debris flow barrier and designs for site grading for Lot 5.
  - B. Recommendations for a revised location for the home site for Lot 14 such that the residence would be moved off the centerline of the drainage swale.

- C. A slope designs for Lot 13 at a 3:1 gradient unless a 2 ½:1 gradient is found acceptable based on the geotechnical investigation approved by the Zoning Administrator.
  - D. Design specifications for the debris flow barrier and designs for site drainage for Lot 14.
6. At least 30 days prior to the issuance of building or grading permits or any on-site construction, the applicant shall post a cash bond (or other acceptable surety) to assure the protection of the existing trees located in the vicinity of the areas of the site where construction will occur. Prior to posting the bond, a licensed arborist shall assess the value of the trees in reasonable compensatory terms in the event that a tree to be preserved is destroyed or otherwise damaged by subdivision related activities. The term of the bond shall extend at least 36 months beyond the completion of the subdivision improvements. The tree-bonding program shall be subject to the review and approval of the Zoning Administrator.

#### Construction Requirements

7. To avoid unnecessary scaring of hillsides, haul routes for grading activities shall generally be limited to those areas of the site, which are proposed to be graded. The grading/tree preservation plan shall provide a delineation of the perimeter of areas and trees to be preserved by the use of taping and stakes, or other appropriate barriers. These barriers shall be installed prior to the commencement of grading activities.
8. The applicant shall retain the geotechnical engineer and engineering geologist (who prepared the design level geotechnical report) during the construction phase to ensure that the conditions are as anticipated and to recommend appropriate changes based on site conditions. The geotechnical engineer and engineering geologist shall submit to the Zoning Administrator a letter summarizing the results of the observation.
9. A. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOFA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
- B. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 10 feet of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but not limited to aboriginal human remains, chipped stone, ground stone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.

- C. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code.
  - D. Appropriate mitigation of the cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring or mitigation phases shall be properly conserved, catalogued, analyzed, evaluated and crated along with association documentation in a professional manner consistent with current archaeological standards.
10. Comply with the following construction, noise, dust and litter control requirements:
- A. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays. The restrictions on allowed working days may be modified on prior written approval by the Zoning Administrator.
  - B. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumps as far away from existing residences as possible.
  - C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300-feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity.  
  
A copy of the notice shall be concurrently transmitted to the community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
  - D. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
  - E. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on-site area in which to park earthmoving equipment.

Residential Design and Construction

11. Development of all lots shall conform to the following requirements:

- A. Development shall conform to the approved Architectural Design Guidelines.
- B. At least 30 days prior to the issuance of building or grading permits, proposed residential designs shall be submitted to the Zoning Administrator for review and approval and to the Alamo Improvement Association for review and comment. The submittal shall include the site plan, a grading plan, tree preservation plan, an arborist report, structural elevations, floor plans and a sample palette of exterior colors and materials. Certification from a licensed civil engineer verifying that the structure(s) are located within the approved building envelope must also be submitted. The Zoning Administrator may require the submittal of a visual analysis in order to confirm compliance with the conditions herein.

Architectural review of design development level drawings is to be conducted for each lot by the Zoning Administrator in a noticed public hearing. The applicants will provide for each such review including drawings to the Alamo Improvement Association via the Association's monthly meeting prior to the Zoning Administrator hearing.

- C. Tennis courts, pool and associated equipment, patios and decks not higher than 18 inches above natural grade are allowed in the area that is outside of the building envelopes and outside of the scenic easement areas.
- D. The structural height limits on all lots within the subdivision shall be 29 feet, except as provided for Lots 7, 8, and 9 in Condition #12.G.7. below.
- E. All structures shall be within the final approved building envelopes including:
  - 1) Accessory and ancillary structures (including pool cabanas, arbors, etc.). However, an exception to this restriction is allowed on Lots 7 and 8 as provided in Condition #12.G.22. below.
  - 2) Decking higher than 3 feet above grade.
  - 3) Retaining walls higher than 3 feet.
  - 4) All combinations or series of retaining walls/deck edges which are within 30 feet of each other and which are cumulatively over 3-feet in height.
- F. No decking shall be allowed at top of a slope or extending downhill on a slope when outside of the building envelope.
- G. All buildings shall be located outside of the tree driplines unless otherwise noted (Reference special provision for Lots 2 and 3).
- H. Restrictions on Exterior Lighting – All exterior lighting shall conform to County requirements for Land Use Permits under Ordinance Code Section 84-4.404, Item #13, as follows:

*"The installation of exterior lighting at a height of seven (7) feet or more above the finished grade of the parcel, except exterior light placed upon the single family residence"*

shall be required to have the review and approval of a Land Use Permit pursuant to the County Code.

- I. Exterior wall and roof colors and materials shall utilize medium to dark earth-tone colors, defined as those having less than 50% light reflectance. A licensed architect shall certify submitted elevations with this requirement.
- J. Construction on individual lots shall conform to the R-20 zoning district standards except as modified by the approved Architectural Design Guidelines and by the conditions herein.

#### Residential Design and Construction

- 12. At least 45 days prior to the filing of the Final Map, the issuance of grading permits, the submittal of improvement plans, or any construction on the site, the applicant shall submit to the Zoning Administrator for review and approval the revised Architectural Design Guidelines. The Guidelines shall include text and graphics which includes changes/additions based on the revisions to the site plan and the other conditions herein and shall:
  - A. Require residential building plans to incorporate storage areas for the storage of recyclable materials;
  - B. Require water conservation measures to be used for landscaping consistent with County Ordinance Code Chapter 82-6;
  - C. Require water conservation devices to be incorporated in residential designs.
  - D. Require all residences to be equipped with residential sprinklers and have fire retardant roofs unless specifically recommended otherwise by the San Ramon Valley Fire Protection District;
  - E. Require each residence to have an electrical outlet installed in the garage, which is designed to dedicate for future use in recharging electrical vehicles;
  - F. Inform residence/builders that the building requirements contained in the guidelines are standards, which shall be used by the County in the issuance of any necessary permits;
  - G. Include the following changes to the Guidelines:
    - 1) Lot 1 Residential Design Standards - Limit the northern 15-foot portion of the structure to a height of 25 feet with the remainder of the house to not exceed 29 feet. Architectural features (such as second story setbacks, reduced height, and staggered facades on both the front and rear elevations) shall be incorporated into the design of the structure to reduce a large massing appearance.

- 2) A step-up design towards the north shall be used for Lot 2 as shown on the architectural renderings submitted for Lot 1 as part of the application.
- 3) The building height on Lot 4 shall not exceed 29 feet and the building envelope shall be as shown on the plans modified December 13, 2001.
- 4) The front yard setback for Lot 5 shall be 25-feet from the edge of the road pavement. The residence shall be a step-up design to conform with the site topography.
- 5) The design of the residential structures for Lots 6 through 8 and Lots 11 through 14 shall use architectural features (e.g., second story setbacks, reduced height, staggered frontage) to prevent a large massing appearance of the front of the residence which would otherwise be created with a 15 foot front setback.
- 6) The building height for the residence on Lot 6 shall be limited to 29-feet above the existing grade.
- 7) The development of Lots 7, 8, and 9 in terms of its height shall conform to the R-20 zoning district standards of 35-feet.
- 8) The maximum building height for Lots 11 and 12 shall be 29-feet.
- 9) The building pad for Lot 10 shall be recessed slightly to lower the roofline of the residence. The designs of the residence for this lot shall ensure that the visibility from properties to the east is minimized.
- 10) The height of residential structure on Lot 14 shall not exceed 29 feet.
- 11) Lot 1 Development Requirements
  - a. Grading Limitations – Grading on Lot 1 shall be limited to the building envelope approved by the VTM. Any grading outside the building area will require approval by the Zoning Administrator.
  - b. Residential Design – Limit the northern 15-foot portion of the structure to a height of 25 feet with the remainder of the house to not exceed 29 feet. Architectural features (such as second story setbacks, reduced height, and staggered facades on both the front and rear elevations) shall be incorporated into the design of the structure to reduce a large massing appearance. The design of the residential structure for Lot 1 shall use architectural features (e.g., second story setbacks, reduced height, staggered facades on both the front and rear elevations), to prevent a large massing appearance.
- 12) Lot 3 Development Requirements
  - a. Maximum Structure Height and Residential Design - The maximum building height for Lot 3 shall not exceed 29 feet. The design shall

incorporate architectural features, e.g., second story setbacks, reduced height and staggered facades on both the front and rear elevations, to prevent a large massing appearance.

- b) Report by Arborist on Impact of Development on Existing Tree - An arborist report shall be required prior to the issuance of a building permit for a structure on Lot 3. The arborist report will evaluate the health of the oak tree on the northwest corner of the building envelope and the oak tree located down slope of the eastern edge. If the report shows that the health of this latter tree is compromised, the structure shall be redesigned or placed outside of the drip line.
  - c. Development plans shall be accompanied by a proposed landscape plan for the review and approval of the Zoning Administrator. The plans shall provide for substantial planting improvements intended to screen and minimize the visual bulk of the structure on this lot.
- 13) Maximum Building Envelope Area – Lot 5 – The building envelope for Lot 5 shall be no greater than 8,000 square feet. The building envelope shall also be placed so as to observe a minimum 25-foot setback from the edge of road right-of-way. The area of the building envelope shall be verified by the applicant prior to filing a final map.
- 14) Lots 7 & 8 Development Requirements
- ~~e. Relocation of Lot 7 – The westerly edge of the building envelope on Lot 7 shall be set back an additional 10 feet to comply with Condition 4.A.5 of the original approval.~~
  - ~~d a) Restriction on Placement of Accessory Structures on Lots 7 or 8 – Future accessory structures on Lot 7-8 shall not extend beyond the 747-foot contour nor extend under the oak tree drip line.~~
  - ~~e- b) Prohibition on Placement of Structure within Drip line of Existing Trees – No structure on Lot 7-8 shall encroach under the drip line of trees #54 and #44 on Lot 7-8.~~
- 15) Maximum Building Height for Lot 10 – The maximum building height for Lot 10 shall not exceed 29 feet.
- 16) Lot 12 Setback – The minimum front setback on Lot 12 shall be 15 feet.
- 17) Maximum Building Height on Lot 13 – The building height on Lot 13 shall not exceed 29 feet.
- 18) Soil Stability Study for Lot 14 – Technical studies shall be conducted for Lot 14 to demonstrate that the potential for differential settlement is controlled within acceptable limits. Surface drainage shall be directed away from the building site.

- 19) Design Review Requirement – Each house and accessory structure shall be subject to design review prior to the issuance of a building permit. Design review shall address the massing, height, setbacks, architectural features, color palette and exterior building materials to minimize visual impact. Photo simulations for each house will be required with the design review submittal.
- 20) Design of Elevations – Unless otherwise specified in these conditions, elevations shown on Exhibit A (Building Envelopes, Subdivision 7744, Submitted September 13, 2001) shall remain as shown on the plans.
- 21) Placement of Structures – All structures must be within the final approved building envelopes including accessory and ancillary structures including pool cabanas, arbors, etc., on Lots 1 through 6, and Lots 9 through 14. However, Lots 7 and 8 shall not be subject to that ancillary structures limitation, though such structures will be subject to Design Review requirements and the review process.

13. Development of lots shall conform to the following requirements:

- A. Prior to the issuance of building permits for the construction of a residence or an accessory structure on Lots 4, 5, 6, and 7, a copy of the building designs including exterior colors shall be submitted to the Stonegate Homeowners Association and the Fair Oaks Homeowners Association so that they will have an opportunity to comment on the designs prior to the Zoning Administrator's decision. The building designs for Lot 7 do not require the review of the Fair Oaks Homeowners Association.
- B. The development of Lot 2 must be designed and constructed such that the 40" diameter the 36" diameter, and the 24" diameter oak trees are protected. All building designs must be accompanied by a report from a certified arborist or a licensed landscape architect, which verifies that the trees will be protected.
- C. The development of Lot 12 must be designed and constructed such that the 32" diameter oak tree is protected. All building designs must be accompanied by a report from a certified arborist or a licensed landscape architect, which verifies that the tree will be protected.
- D. The 4-foot high retaining wall on Lot 5 is allowed as shown on the map dated "Received Contra Costa County Community Development Department May 2, 1995."
- E. At least 30 days prior to the issuance of building permits for residential structures which may be visible from off the subdivision site, the applicant shall submit to the Zoning Administrator for review and approval a landscaping plan and evidence that the structure will not be visible when viewed from off the subdivision site at equal or lower elevations when the landscaping reaches maturity. The information submitted must also show that the visibility of the structure(s) from higher elevations have been minimized to the extent feasible. The Landscaping Plan shall include 15-gallon size Indigenous trees. Prior to the Zoning Administrator's decision, the applicant shall ensure that the Alamo Improvement Association has been given the opportunity to review and comment on the landscaping plans. Any comments from the Alamo Improvement Association shall be submitted to the Zoning Administrator along with the Landscaping Plan.

14. At least 30 days prior to the issuance of building permits for the construction of individual residences, a site specific geotechnical report which evaluates the building plans must be submitted for the review and approval of the Zoning Administrator.
15. Prior to the issuance of grading permits or building permits for the construction of individual residences, the applicant shall submit a grading/tree preservation plan applicable to the construction on the individual site. The preservation plan shall provide a delineation of the perimeter of the areas of trees to be preserved by the use of taping and stakes or other appropriate barriers. These barriers shall be installed prior to the commencement of grading activity.

Storage of construction materials during individual house construction is subject to prior review and approval of the Zoning Administrator following an opportunity for the Alamo Improvement Association to review and comment on any such placement of materials.

Development is subject to the requirements of the Tree Protection and Preservation Ordinance, including any pertinent ordinance or related tree permit requirements associated with the performance of construction work within the drip line of a protected tree.

16. At least 30 days prior to the issuance of building or grading permits for the construction of individual residences, the applicant shall post a cash bond (or other acceptable surety) to ensure the protection of existing trees located in the area of the site where construction will occur. Prior to the posting of bond, a licensed arborist shall assess the value of the trees in reasonable compensatory terms in the event that a tree to be preserved is destroyed or otherwise damaged by residential development activities. The term of the bond shall extend for 24 months beyond the completion of the residence.

The tree bond program shall be subject to the review and approval of the Zoning Administrator. The Zoning Administrator had the authority to waive this requirement should he/she determine that residential construction on the site would not adversely impact trees.

#### Fencing

17. A. Prior to the filing of the final map, open wire (3-inch maximum diameter) and post fencing shall be installed along the east borders of the site to separate livestock and domestic animals.
- B. No fencing is allowed within the scenic easement area. Fencing to the rear of the building sites for Lots 4 through 13, and to the west of the building sites for Lots 1 through 3 shall generally be limited to open wire construction with 6-foot or greater centers. Alternate fencing may be allowed upon the approval of the Zoning Administrator.

#### Scenic Easement Area

18. Prior to the filing of the final map, the applicant shall submit to the Zoning Administrator for review and approval, the final text of the conservation easement, which shall include the following requirements:

- A. The easement shall provide that no tree shall be altered or removed without the prior written consent of the Zoning Administrator. The Zoning Administrator may allow the removal of trees upon the finding that the tree may be hazardous or may jeopardize the health of surrounding trees.
- B. The easement shall specify that no grading or development activity may occur within the easement area except as provided in Condition #18.C. herein. In addition, the erection of structures including, but not limited to buildings (regardless of whether a building permit is required), pools and tennis courts will be prohibited. Grazing will also be prohibited within the easement area.
- C. Minor grading is allowed within the easement area necessary to install utilities and drainage. The disturbed area shall be immediately returned to its previous appearance.
- D. All original scenic easements (as depicted on the approved 1995 vesting tentative map) shall be maintained.
- E. Provision for scenic easement areas on the final map shall be consistent with the original site plans as modified by the revised plans, including the exhibits attached to the AIA 12/14/01 letter, and as modified by this permit.
- F. Scenic easements are to be defined and development rights granted to the County such that no permanent or temporary alteration is permitted within the easement area unless approved in writing by the County after a hearing before the Board of Supervisors.

Other Requirements

- 19. Concurrent with or prior to recording the final map, the applicant shall record a statement to run with the deeds, which identifies that the site is subject to Architectural Design Guidelines, and must be consistent with the Guidelines and the Conditions herein. In addition, the metes and bounds description of the building envelopes for each lot and the requirement herein regarding development restrictions shall be included. Prior to recording the deed notification, the applicant shall submit to the Zoning Administrator for review and approved the text of the deed notification.
- 20. A phasing program may be submitted for the review and approval of the Zoning Administrator. Request for phasing must be accompanied by the appropriate review fee.
- 21. The owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision action. The tax shall be the per parcel annual amount (with appropriate future CPI adjustment) then established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to the filing of the Parcel Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time that the election is requested by the owner.
- 22. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any

agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 6649-9.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

23. The applicant shall show proof that water and sewage service is available and that any necessary boundary changes have been approved prior to recording the Final Map.
24. At least 30 days prior to filing the Final Map, plans shall be submitted for review by the Community Development Department, Graphics Section, to obtain addresses and for street name approval (public and private). Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. The Final Map cannot be certified by the Community Development Department without the approved street names and the assignment of street addresses.
25. Record a statement to run with the deeds to the property acknowledging the approved Geotechnical Report by title, author (firm), and date, calling attention to approved recommendations, and noting that the reports are available from the Community Development Department.
26. Prior to the submittal of the final map, the applicant shall submit to the Zoning Administrator for review and approval verification that the undocumented fill of Lot 5 has been removed and replaced consistent with the recommendations of an approved geotechnical investigation.
27. The applicant shall provide to prospective buyers written notice regarding the restrictions on the use of the property including the requirements for building within the approved envelopes. A copy of these conditions and the approved Design Guidelines shall also be provided.

#### Road and Drainage

28. A. General Requirements:
  - 1) This development shall conform to the requirements of Division 914 (Drainage) of the Subdivision Ordinance. The following requirements must conform with Division 914:
    - a. Drainage, road and utility improvements shall require the review and approval of the Public Works Department. This development shall comply with the requirements of (Title 9) and (Title 10) of the County Ordinance Code. Any exceptions there from must be specifically listed in this conditional approval statement.
    - b. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the revised plan dated October, 1994.

- 2) Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.

B. Public Roadway Improvements (Frontage):

Applicant shall construct a turnaround at the terminus of Las Quebradas Lane to County public road standards, and shall convey to the County, by Offer of Dedication, the corresponding right of way.

C. Access to Adjoining Property:

- 1) Applicant shall furnish proof to the Public Works Department, Engineering Services Division, of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, road and drainage improvements.
- 2) If, after good faith negotiations, the applicant is unable to acquire necessary rights of way or easements, he/she shall enter into an agreement with the County to complete the necessary improvements at such time as the County acquires the necessary interests in accordance with Section 66462 and Section 66462.5 of the Subdivision Map Act at the sole cost of the applicant.

D. Public Roadway Improvements (Off-site):

Construct Las Queradas Lane from the project site to Oakraider Drive as a 32-foot public road (curb to curb) within a 52-foot right of way width, and convey to the County, by Offer of Dedication, the corresponding right of way.

E. Private Roads:

- 1) Applicant shall construct to County private road standards a 20-foot paved private roadway with 2-foot compacted shoulders within at least a 30-foot easement, to serve all parcels in this proposed subdivision. No portion of the private road shall be allowed to exceed 10 percent in grade.

An exception to the maximum grade, because of topographical constraints in hillside areas, environmentally sensitive areas, significantly sized trees or groups of trees, or other physical constraints, shall be considered on the basis of relevant evidence submitted by the developer. The maximum grade of a road may be increased to 20%. The sections of roadway over 16% shall be limited to a length of 300 feet within each 1,000 foot length of roadway. Special pavement surfacing, such as grooved concrete or open graded asphalt, may be required on road grades steeper than 16%.

The private road serving Lots 1 and 2 may be reduced to a 16-foot pavement width subject to the review of the fire district and the Public Works Department,

and the review and approval of the Zoning Administrator. The applicant shall construct a two foot Class II base rock shoulder along the side of the road which does not have curb and gutter.

- 2) Applicant shall construct a turnaround at the end of the proposed private road.
- 3) Applicant shall develop and enter into a maintenance agreement that will insure that the proposed private road will be maintained and that each property that uses the proposed private road will share in its maintenance.
- 4) The residential units shall have at least six off-street parking spaces per unit.

F. Road Dedications:

Applicant shall convey to the County, by Offer of Dedication, the right of way necessary for the planned future width of 52 feet along Las Queradas Lane.

G. Street Lights :

There is no requirement for street lighting on the private roads. To the extent that lighting is installed on the private roads, they shall be of a low level. To the extent that street lights are installed on Las Quebradas Lane and to the extent that the property is annexed to County Service Area L-100 for maintenance of the lighting, the lighting which shall be placed on that road shall be consistent with any lighting on the private roads, if any. To the extent that there are no lights on the private road, then the level of lighting required by the Public Works Department shall be of as low a level as is humanly possible to minimize the visual impacts of that lighting.

H. Utilities / Undergrounding

All utility distribution facilities shall be installed underground.

I Drainage Improvements

- 1) Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse.
- 2) Applicant shall verify that the existing storm drain system on Las Queradas Lane is adequate to convey the required design storm (based on the size of the watershed) and, if necessary, shall construct improvements to guarantee adequacy.
- 3) The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets.
- 4) Storm drainage originating on the property and conveyed in a concentrated

manner shall be prevented from draining across the driveways.

- 5) To reduce the impact of additional storm water run-off from this development on Miranda Creek, one cubic yard of channel excavation material will be removed from the inadequate portion of Miranda Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his cost. The site selection, land rights, and construction staking will be by the Flood Control District.

Upon written request, the applicant may make a cash payment in lieu of actual excavation and removal of material from the creek. The cash payment will be calculated at the rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the Flood Control District's standard impervious surface area ordinance. The Flood Control District will use these funds to work on the creek annually.

- 6) To reduce the impact of additional storm water run-off from this development on San Ramon Creek, one cubic yard of channel excavation material will be removed from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his cost. The site selection, land rights, and construction staking will be by the Flood Control District.

Upon written request, the applicant may make a cash payment in lieu of actual excavation and removal of material from the creek. The cash payment will be calculated at the rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the Flood Control District's standard impervious surface area ordinance. The Flood Control District will use these funds to work on the creek annually.

- 7) Although drainage facilities have been shown on the Vesting Tentative Map, they have not been reviewed for adequacy. The applicant will be required to design the drainage improvements in compliance with Title 9 of the Ordinance Code.

J. Creek Structure Setbacks:

The applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of Miranda Creek based on the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks", of the Subdivision Ordinance. The structure setback area may be reduced subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator, based on a hydrology and hydraulic study and geotechnical analysis of the soil which shows that the creek banks will be stable and non-erosive with the anticipated creek flows. The hydrology and hydraulic study shall be based upon the ultimate development of the watershed.

## ADVISORY NOTES

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.**

- A. The applicant/owner should be aware of the renewing requirements prior to recording the Final Map or requesting building or grading permits.
- B. Applicant shall comply with the Park Dedication Fee Ordinance.
- C. Comply with the requirements of the Central Contra Costa Sanitary District (please refer to the District's August 19, 1994 letter).
- D. Comply with the requirements of the San Ramon Valley Fire Protection District (please refer to the District's August 18, 1994).
- E. Comply with the requirements of the Health Services Department, Environmental Health Division.
- F. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish & Game. The applicant should notify the Department of Fish & Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within the development that may affect and fish and wildlife, resources, per the Fish and Game Code.
- H. The applicant will be required to pay an environmental review fee of \$1,250.00 for the Department of Fish and Game at the end of the appeal period. Failure to do so will result in fines. In addition, the approval is not final or vested until the fee is paid. A check for this fee shall be submitted to Contra Costa County for submittal with the final environmental documents.

The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Alamo Area of Benefit as adopted by the Board of Supervisors.

- J. The applicant shall be required to comply with the drainage fee requirements for Drainage Area 76 as adopted by the Board of Supervisors.
- K. The applicant will be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) permit 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-Regional II or Central Valley-Region V).

- L. Vesting Tentative Map Rights - This project is subject to the development fees and regulations in effect under County Ordinance as of February 6, 1995, the date the vesting tentative map application was accepted as complete by the Community Development Department. These fees are in addition to any other development fees which may be specified in the conditions of approval.

An estimate of the fee charges for each approved lot may be obtained by contacting the Building Inspection Department at 335-1360.

- M. The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index [CPI] adjustments). The annual fee is subject to modification by the Board of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting. The applicant is advised that the election process takes from 3 to 4 months and must be completed prior to recording the Final or Parcel Map.

- N. Expiration of Vested Rights: Pursuant to Section 66452.6(g) of the Subdivision Map act, the rights conferred by the vesting tentative map as provided by Chapter 4.5 of the Subdivision Map act shall last for an initial period of two (2) years following the recording date of the Final Map. These rights pertain to development fees and regulations. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial time period shall begin for each phase when the final map for that phase is recorded.

At any time prior to the expiration of the initial time period, the subdivider may apply for a one-year extension. The application shall be accompanied by the applicable filing fee. If the extension is denied by an advisory agency, the subdivider may appeal that denial to the Board of Supervisors by filing a letter of appeal with the appropriate filing fee with the Clerk of the Board within 15 calendar days.

The initial time period may also be subject to automatic extension pursuant to other provisions of Section 66452.6(g) relating to processing of related development applications by the County.

At the expiration of the vesting time period, remaining development (i.e., new building permits) within the subdivision shall be subject to development fees and regulations in effect at that time.

- O. **NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.**

This notice is intended to advise the applicant the pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety- (90) day period, in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code

Section 66020 and delivered to the Community Development Department within 90 days of the approval date of this permit.

- P. Supplemental Fees for Processing of FDP Amendment Application – This application is subject to an initial application processing fee of \$3000 which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial fee. Any additional fee due must be paid prior to exercise of this amended permit. The fees include costs through permit issuance plus five working days for file preparation. The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.
- Q. Fee Processing of Permit Compliance Check – In accordance with the adopted Fee Ordinance Schedule, the applicant is responsible for all staff costs in the processing of the final map and related approvals. An initial fee deposit to the Community Development Department in accordance with the fee schedule is payable with the filing of the final map.

EZ/CK/aa  
DPXV/301 5-93C.EZ  
1/11/95  
2/8/95  
3/15/95 .SR (a)  
5/2/95 .B/S (a)  
RHD/kp  
Rev. 3/6/2002  
G:\curr-planning\curr-plan\staff reports\OLDCON 2-2

Rev. 3/8/02 – rd  
Converted 6/10/2002 cm/rd  
DP013061-staff report