

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03045:
JONATHAN JAMES, WILLIAM WOOD ARCHITECTS (APPLICANT), STEPHANE MILES,
NORTOM CORPORATION (OWNER)**

FINDINGS

A. Development Plan Findings:

In approving a Development Plan in the P-1 Planned Unit District, findings are required pursuant to County Code Section 84-66.1804(b) that the proposed project is consistent with the intent and purpose of the P-1 District and that it is compatible with other uses in the vicinity, both inside and outside the district.

1. *Required Finding: The proposed project shall be consistent with the intent and purpose of the P-1 district.*

Project Finding: The subject property is within a Planned Unit (P-1) zoning district which, pursuant to Final Development Plan CDDP01-03061, allows for residential land uses typically permitted in a single-family residential district, but with limitations on certain improvements located outside of the approved building envelope and outside of the scenic easement on individual properties within the same P-1 district. Generally, the intent of the P-1 zoning district is to ensure that the unique ridgeline area can be developed with residences while also taking into consideration and preserving the aesthetic qualities of the area and hillsides.

The project consists of the construction of a new approximately 5,624-square-foot, two-story, single-family residence with an 891-square-foot garage and one retaining wall up to 5.4 feet in height on a vacant lot. All development is outside of the scenic easement area. In addition, development of residential buildings and accessory structures is contained within the building envelope except for an approximately 6-square-foot area of an uncovered porch that is no more than 18 inches above grade. Pursuant to COA #11.C and #11.E.2 of CDDP01-03061, the uncovered porch area is allowed to be constructed outside of the building envelope as it does not exceed 3 feet in height.

The project includes a request for approval of a minor modification from the residential design standards for the subdivision contained in COA #12.G.14 of CDDP01-03061 to allow for grading, construction, and trenching of site improvements beneath the driplines of oak trees located within the scenic easement. Although the project will marginally encroach within the driplines of oak trees within the scenic easement to grade and install a new driveway, install utilities, and construct fencing, the project preserves all significant oak trees located within the scenic easement. Thus, this area's unique hillside aesthetic qualities will be maintained, and the existing trees will screen the new residence from views from the north and downhill of the project site. An arborist report was provided by Jarred Juarez, WE-13341A who evaluated the potential construction impacts

on the oak tree and concluded that the planned construction “will have minimal impact, if any, on the code-protected trees.” The project is consistent with other lots in the same P-1 district that have been granted tree permits to remove or to work within the driplines of code-protected oak trees inside or outside of the scenic easement.

The project also includes a request for a deviation to allow a 3-foot side yard (where 15 feet is required) for a retaining wall over three feet in height. The topography of the project site is hilly with the natural grade of the lot sloping steeply down from south to north/northeast. The residence is designed to maximize the residential floor area within the approximately 8,200 square-foot building envelope. An approximately 15-foot length of retaining wall up to 4.2 feet in height is located within the required 15-foot side yard setback and placed along the slope to maintain the yard area for use by residents. Due to the steep hillside, it would be difficult to develop the subject property to provide for yard area without the need for retaining walls or deviations from the conditions of approval. The project is consistent with other lots in the same P-1 zoning district and subdivision for which deviations from the same design guidelines were granted for similar retaining walls due to the steep topography of the subdivision.

The P-1 zoning district allows for the uses permitted in single-family residential zoning districts such as new single-family residences and structures that are accessory to the single-family residence. Other parcels within the same subdivision have been granted tree permits to remove or to work within the driplines of protected oak trees to construct residential improvements. Because of the steep topography of the site, other parcels within this subdivision have been developed using retaining walls to structurally keep building pads stable or to provide for flatter yard areas. The minor modification to the conditions of approval of County File CDDP01-03061 to allow work within the driplines of oak trees and the deviation to allow a substandard side yard for a retaining wall over 3 feet in height are consistent and compatible with the residences within the surrounding area and subdivision. Therefore, the project is consistent with the intent and purpose of the P-1 district in which it is located.

2. *Required Finding: The proposed project shall be compatible with other uses in the vicinity, both inside and outside the district.*

Project Finding: The project site is located within an area of Alamo that is dominated by single-family residential developments, and agricultural or open space uses located on steep hillsides. Homes along Legacy Drive are large-scale homes, typically custom-built estate residences which the project will match. The Final Development Plan is conditioned with the intent to preserve the character of the nearby community and includes architectural design guidelines and conditions to ensure the aesthetic protection and conservation of the hillside areas. No portion of the residence goes beyond the building envelope and pursuant to COA #11.C and #11.E, the 18-inch-tall

porch area and site improvements such as the driveway are allowed to be outside of the building envelope. The two-story, 5,624-square-foot residence with an 891-square-foot garage includes materials, colors and architectural details that conform to the Mandatory Design Guidelines and Conditions of Approval of CDDP01-03061. The house is designed with a stepped-back second story on the east and west side of the residence, and utilizes varied roof heights and architectural elements including balconies to ensure the home is scaled appropriately in terms of overall mass. Moreover, the project provides material continuity with an exterior palette that includes black window frames, a medium-toned gray slate roof, and earth toned barnwood gray color stucco. All required setbacks and height requirements for the residence are met.

The topography of the project site and surrounding area is hilly with the natural grade of the lot sloping steeply down from south to north/northeast. It would be difficult to develop the subject property to provide for relatively flat yard area without the need for retaining walls or deviations from the conditions of approval. The project including a deviation to allow a 3-foot side yard setback (where 15 feet is required) for a retaining wall over 3 feet in height is consistent with other lots in the same P-1 zoning district and subdivision for which similar deviations were granted for retaining walls.

The reasonable development of the subject property requires work within the dripline of four code-protected oak trees for the construction of the retaining wall. None of the oak trees on the property or in the vicinity will be removed, but encroachment within the dripline is required to implement the building pad within the approved building envelope. An arborist report was provided which showed that the construction of the retaining wall would have minimal impacts on the trees. As many properties in central Contra Costa County contain trees that are protected under the County's Tree Protection and Preservation Ordinance, requests for approval to work within the dripline of trees is a common occurrence. The potential impact to trees at the site has been analyzed and protective measures have been recommended to ensure the vitality of those trees, as is typically done for residential projects throughout the County. Therefore, the project for a large-scale custom home is consistent and compatible with other uses in the vicinity, both inside and outside of the district.

B. Tree Permit Findings:

1. Required Factors for Granting Tree Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:
 - *Reasonable development of the property would require the alteration or removal of trees and this development could not be reasonably accommodated on another area of the lot.*

- *Where the arborist or forester report has been required, the Deputy Director is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.*

Project Finding: Two Blue Oak trees on the subject property located within the scenic easement, and a Blue Oak tree and a Coast Live Oak tree located on the property to the west but adjacent to the shared property boundary have driplines that extend over site improvements such as driveway area, utility extensions, and fencing. Due to the existing scenic easement with development rights granted to the County, the developable area of the subject 4.161-acre property is approximately 13,709 square feet, of which approximately 8,900 square feet is an approved building envelope for the single-family residence and accessory buildings or structures. Due to the limited amount of area available for residential development, reasonable development of the property requires improvements to be constructed within the driplines of the mature oak trees. An arborist report was provided by Jarred Juarez, WE-13341A who evaluated the potential construction impacts on the three Blue Oak trees and the Coast Live Oak tree. In the report, the arborist identified preservation measures to be taken during grading and construction and concluded that the planned construction “will have minimal impact, if any, on the code-protected trees.” The arborist report determined that the issuance of the tree permit will not negatively affect the sustainability of the trees.

2. Required Factors for Denying a Tree Permit. The Zoning Administrator is satisfied that none of the factors for denying a tree permit as provided by County Code Section 816-6.8010 apply.

C. California Environmental Quality Act (CEQA) Review Finding:

The project is categorically exempt under CEQA Guidelines, Section 15303(a), regarding “New Construction or Conversion of Small Structures” which exempts the construction of one single-family residence in a residential zone. The proposed project will construct one new single-family residence and associated improvements located on a lot within an established residential P-1 zoning district and designated by the County General Plan for residential uses.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03045

Project Approval

1. **Development Plan** to construct a new approximately 5,624-square-foot, two-story single-family residence with an 891-square-foot garage and a retaining wall up to 4.2 feet in height on Lot 7 of the Alamo Ridges Subdivision, is APPROVED.
2. **Modification** from COA #12.G.14 of Final Development Plan County File #CDDP01-03061 to allow for grading and the construction of site improvements beneath the driplines of three Blue Oak trees in the scenic easement (Trees #54, 55, and 56), is APPROVED.
3. **Deviation** from the residential design standards provided in Final Development Plan County File #CDDP01-03061 to allow a 3-foot side yard (where 15 feet is required) for a retaining wall over 3 feet in height and up to approximately 4.2 feet in height, is APPROVED.
4. **Tree Permit** to allow for work within the dripline of an 18" diameter Blue Oak tree and a 24" diameter Blue Oak tree (tree #54 and 55) on the subject property, and a 17" Coast Live Oak tree (no tag, tree #1) and a 48" Blue Oak tree (tree #56) on the adjacent property for grading, construction, and trenching for site improvements, is APPROVED.
5. The approval described above is generally based on the following documents:
 - Application materials and project plans accepted by the Department of Conservation and Development, Community Development Division (CDD) on October 29, 2024.
 - Revised Civil and Architecture plans accepted by the CDD on April 30, 2026.
 - Revised Landscape plan accepted by the CDD on February 14, 2025.
 - Revised Arborist Report (Jarred Juarez WE-13341A) received on February 14, 2025.
 - Geotechnical Report (ENGEO) received on February 14, 2025.
 - Geotechnical Peer Review by Darwin Myers Associates, dated March 31, 2025.
6. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan.

Application Costs

7. The development plan application was subject to an initial deposit of \$2,000.00. Applications are subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Building Permits

8. No construction is approved with this permit. Any construction at the subject parcel will require issuance of building permits from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.

Park Impact and Park Dedication Fees

9. **Prior to the issuance of a building permit** for construction of the single-family residence, the applicant shall pay for the applicable park impact fee as adopted by the Board of Supervisors.
10. **Prior to the issuance of a building permit** for construction of the single-family residence, the applicant shall pay the applicable park dedication fee as adopted by the Board of Supervisors.

Child Care Fee

11. **Prior to the issuance of a building permit** for construction of the single-family residence, the applicant shall comply with the requirements of the Child Care Ordinance and pay the applicable fee as adopted by the Board of Supervisors.

Compliance with Conditions of Approval of County File CDDP01-03061

12. Unless expressly stated otherwise herein, the approved conditions of approval of County File CDDP01-03061 shall apply to this application and Mandatory Architectural Design Guidelines for Tract 7744, except for the modification and deviation to the Conditions of Approval as detailed in Conditions #2 and #3 above.

Restricted Development Area

13. No grading or development is allowed within the Grant Deed of Development Rights, Restricted Development Area (Scenic Easement).
14. **Prior to CDD stamp-approval of plans for issuance of a grading or building permit, whichever is first**, survey stakes shall be placed at the site to delineate the location of the scenic easement boundary to avoid grading or construction within the scenic easement area.
15. **Prior to scheduling a form inspection** for the residence or accessory structures proposed at the site, a site survey shall be conducted to confirm the exact location of these structures to are not within the scenic easement area.

Exterior Colors/Design

16. **Prior to CDD-stamp approval of plans for the issuance of a building permit**, the applicant shall submit verification, certified by a licensed architect, that all exterior colors will have less than 50% light reflectance.
17. **Prior to CDD-stamp approval of plans for the issuance of a building permit**, the applicant shall submit photo simulations of the single-family residence to CDD to verify that the single-family residence is in compliance with the design review criteria of COA #12.G.19 of CDDP01-03061.

Landscape Plan

18. **Prior to requesting a final inspection**, the approved landscaping shall be installed, and evidence of the installation (e.g., photos) shall be provided for the review and approval of CDD. The applicant/owner shall submit a completed WELO part II-Certificate of Completion for review and approval by CDD.

Compliance with Arborist Recommendations

19. **Prior to any ground disturbance at the site or issuance of a grading or building permit, whichever is first**, the applicant shall implement the tree protection measures recommended in the consulting arborist's report prepared by Jarred Juarez WE-13341A received on February 14, 2025.
20. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

21. Any tree alteration, removal, or encroachment within a dripline of a code-protected tree or trees not identified in this permit may require submittal of a separate Tree Permit application.

Contingency Restitution Should Altered Trees Be Damaged or Removed

22. Security for Possible Damage to Trees Intended for Preservation: **Prior to CDD stamp approval of plans for the issuance of building or grading permits, whichever occurs first**, to address the possibility that grading or construction activities damage trees that are to be preserved, the applicant shall provide the County with a security (e.g., cash deposit or bond) to allow for replacement of trees to be preserved that are significantly damaged or destroyed by construction activity, pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance.

The security shall be based on:

- A. Extent of Possible Restitution Improvements – The planting of up to five (5) indigenous trees (COA #13.E of CDDP01-03061), minimum 15-gallons in size, in the vicinity of the affected tree, or an equivalent planting contribution, subject to prior review and approval of the CDD.
- B. Determination of Security Amount – An estimate for the security shall be submitted for CDD review which accounts for all of the following costs:
- i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor for up to five (5) trees as described in Section A above. The plan shall comply with the County's Water Efficient Landscape Ordinance and include indigenous trees (COA #13.E of CDDP01-03061).
 - ii. The labor and materials for planting the potential number of trees and related irrigation improvements (accounting for supply, delivery, and installation of tree and irrigation) shown on the approved planting and irrigation plan.
 - iii. An additional 20% above the costs described in Sections B.i. and B.ii. above to account for potential inflation.
- C. Initial Deposit for Processing of Security – The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time the security is submitted, the applicant shall pay an initial deposit of \$200.00.

- D. Duration of Security – The security shall be retained by the County for a minimum of 12 months and up to 24 months beyond the completion of the tree altering improvements (i.e., date of final inspection). **After the final inspection has been completed**, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation.

As a prerequisite of releasing the security between 12 and 24 months after final inspection, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare and submit to the CDD for review a report on the trees' health. The report shall include any additional measures necessary for preserving the health of the trees which shall be implemented by the applicant. In the event that the CDD determines that any trees intended for preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution, then the CDD may require that all or part of the security be used to provide for mitigation of the damaged tree(s), including replacement of any trees that have died.

Construction Period Restrictions and Requirements

All construction activity shall comply with the following restrictions, which **shall be included in the construction drawings**:

23. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
24. The applicant 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 as far away from existing residences as possible.
25. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
26. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Farmworkers Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual date the State and Federal holidays occur, please visit the following websites:

Federal: <http://www.federalreserve.gov/aboutthefed/k8.htm>

State: <http://www.sos.ca.gov/state-holidays/>

27. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
28. The applicant shall immediately notify the CDD of any damage that occurs to any trees during the construction process. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the particular situation.
29. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
30. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the CDD. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the tree.

PUBLIC WORKS
CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN CDDP24-03045

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS.

General Requirements

31. In accordance with Section 92-2.006 of the Ordinance Code, this development plan 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 drainage, road and utility improvements outlined below require the review and approval of the Public Works Department and are based on the site plan prepared by Debolt Civil Engineering dated January 5, 2026.
32. 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.

Streetlights

33. The property owner/applicant shall annex their property into the County Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. The property owner/applicant will be assessed the annual rate for the general benefit of having street lights throughout the County. The annexation shall occur prior to issuance of building permit.

Stormwater Management and Discharge Control

34. Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
35. The applicant shall submit final site improvement plans which provide a breakdown of the total proposed impervious surface areas (roof tops, patios, porch, pool area) and verify this total does not exceed 10,000 SF.

Utilities/Undergrounding

36. The applicant shall underground all new utility distribution facilities to the new home. Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size,

location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

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 AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that 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 ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or 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 CDD within 90 days of the approval date of this permit.

- B. Additional requirements may be imposed by the following agencies:

- Contra Costa County Public Works Department
- Contra Costa County Building Inspection Division
- Contra Costa Environmental Health Division
- San Ramon Valley Fire Protection District
- Central Contra Costa Sanitary District (Central San)
- East Bay Municipal Utility District (EBMUD)

- D. 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. Payment is required prior to issuance of a building permit.

- E. The applicant will be required to comply with the drainage fee requirements for Drainage Area 76 as adopted by the Board of Supervisors. Fee shall be paid prior to issuance of a building permit.