

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03031,
KENT AND TERRI LAWSON (APPLICANTS/OWNERS)**

FINDINGS

A. Development Plan Findings

In approving a Development Plan in the P-1 District, findings are required that the proposed project is consistent with the intent and purpose of the P-1 District and is compatible with other uses in the vicinity, both inside and outside the district.

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

Project Finding: The project is located within the P-1 Planned Unit District, established by Final Development Plan CDDP78-03035. Development within the P-1 District must adhere to the approved development plan, which encompasses 985 single-family residential lots, an 18-hole private golf course and clubhouse, a neighborhood commercial center, school sites, and private open space.

Condition of Approval #5 of CDDP78-03035 grants the Director of Planning (Zoning Administrator) authority over yard and height measurements on each lot. Furthermore, the Country Club at Blackhawk architectural review committee has established setback standards for the development.

The development project includes a single-family residence itself fully meets the established setback requirements and a retaining wall to stabilize the steep slope on the eastern edge of the project site, which necessitates allowing reduced setbacks along this portion of the site to accommodate the retaining wall. The Development Plan modification is directly attributable to the unique topographic conditions of the site, characterized by the steep slope. The retaining wall is essential to ensure the stability of the building site and prevent erosion, serving a critical function in mitigating the challenges posed by the natural terrain. This approach is consistent with the overall development pattern throughout the County, where variations in setbacks are often necessary to accommodate the rolling topography and provide safe and stable building sites.

Therefore, with modification of the front yard, side yard and aggregate side yard setbacks, the project is consistent with the intent of the P-1 District and Final Development Plan CDDP78-03035. The development project provides a

residential dwelling that conforms to the established development standards while appropriately utilizing a retaining wall to address the specific site conditions in a manner consistent with the overall development pattern.

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

Project Finding: The project is compatible with surrounding land uses both within and outside the P-1 District, because the single-family residence aligns harmoniously with the established residential character of the Silver Maple neighborhood, which predominantly features single-family homes. While a retaining wall is necessary due to the site's steep topography, the residence itself adheres to the established setback requirements, and thereby preserving visual coherence and avoiding any imposing presence on adjacent properties. The need for a retaining wall to ensure site stability and prevent erosion is a common practice in areas with similar terrain, reflecting a responsible approach to development. Due to its relatively small scale and residential nature, the project minimizes potential impacts on surrounding properties and does not introduce any new or incompatible uses that could disrupt the established character of the neighborhood or the broader vicinity. Overall, the project integrates seamlessly with its surroundings by respecting the established residential pattern, responding sensitively to the site's topography, and adhering to design standards.

B. Tree Permit Findings

Required Factors for Granting Permit: The Zoning Administrator is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been fulfilled:

Project Finding: Construction of the single-family residence and retaining wall will be in the location of four code-protected trees on the northeastern corner of the project site as identified on the project plans submitted to the Department of Conservation and Development, Community Development Division, on July 3, 2024. These trees are located along the steep sloped area on the eastern portion of the site. Given the constraint of needing to stabilize this steep slope in order to accommodate site development, reasonable development of the property requires the removal of the trees and this development could not be reasonably accommodated on another area of the lot.

C. Environmental Review

The CDDP24-03031 Development Plan Modification and Tree Permit is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, which provides a Class 3 exemption for (a) one single family residence in a residential zone, and (e) accessory structures. There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. None of the exceptions in CEQA guidelines section 15300.2 apply.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03031

Project Approval

1. Development Plan CDDP24-03031 to allow modification of setback requirements of Final Development Plan CDDP95-03035 for the construction of a retaining wall that ranges in height from 3 to 8 feet tall is APPROVED.

Modification of setback requirements include:

- A 7.5-foot front yard setback (where a minimum of 20 feet is required)
 - A 3.5-foot side yard setbacks (were a minimum of 5 feet is required)
 - An 8.5-foot aggregate side yard (where a minimum of 20 feet is required)
2. The Tree Permit to allow removal of 4 code-protected trees on the northeastern corner of the project site is APPROVED.
 3. The approvals described above are granted based generally on the application and project plans accepted by the Department of Conservation and Development, Community Development Division (CDD) on July 3, 2024.
 4. 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 and/or Tree Permit.

General Provisions

5. Except for the modification of setback requirements described herein, pertinent conditions of approval of Final Development Plan CDDP78-03035 remain in full force and effect.

6. The conditions contained herein shall be accepted by the applicant, his agents, lessees, survivors or successors for continuing obligation.

Application Costs

7. This application is subject to an initial application deposit of \$2,000.00, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a 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 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

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.

Tree Restitution

9. The applicant shall comply with the following measures meant to provide restitution for the removal of four (4) code-protected trees:
 - a. Planting and Irrigation Plan: **At the time of application for a grading or building permit, whichever occurs first**, the applicant or property owner shall submit a landscaping and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD staff. The plan shall provide for the planting of six (6) trees of a drought-tolerant species, minimum 15-gallon size, along with other landscape plantings as appropriate. The replacement trees shall be planted prior to final building inspection. A hold will be placed on the final inspection until photos confirming that the trees have been planted have been received by the CDD.
 - b. Compliance with the Water Efficient Landscapes Ordinance: If the landscaping to be installed during construction of the approved project that equals 500 square-

feet or more, the landscaping and irrigation plan shall comply with the County's Water Efficient Landscape Ordinance (County Code Chapter 82-26). Verification of compliance with the Water Efficient Landscape Ordinance shall accompany the plan.

- c. Required Security to Assure Completion of Plan Improvements: A security deposit shall be provided to ensure that the approved planting and irrigation plan is implemented. The applicant or property owner shall submit an estimate prepared by a licensed landscape architect, arborist, or landscape contractor of the materials and labor costs for planting six (6) replacement trees, and related irrigation improvements that may be required. The security shall be the amount of the cost estimate plus a 20% inflation surcharge.
- d. Acceptance of Security: The security shall be subject to review and approval of CDD and shall be submitted to the CDD **prior to CDD stamp approval of plans for the issuance of a grading or building permit**. The applicant or property owner shall pay an initial fee of \$200 for the processing of the security deposit at time of submittal of the security.
- e. Duration of Security: The security shall be retained by the County for a minimum of 12 months and up to 24 months following tree planting. A prerequisite of releasing the security shall be an inspection of the trees by a consulting arborist and submittal of a report on the trees' health for review and approval by the CDD. In the event that CDD determines that any of the planted trees are of poor or failing health, the CDD may require that all or part of the security be used to provide for replacement of the unhealthy tree(s).
- f. Arborist Expenses: The expenses associated with all required arborist services shall be borne by the applicant or property owner.

Park Impact Fee

- 10. Prior to the issuance of building permits, the applicant shall pay a fee of \$9,333.00 per residential unit for park and recreation improvements in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

Park Dedication Fee

- 11. Prior to the issuance of building permits, the applicant shall pay a fee of \$4,489.00

per residential unit as in-lieu fees for dedication of parkland in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

The Park Dedication Fee paid may be applied as a credit towards the Park Impact Fee.

Child Care Fee

12. Prior to the issuance of building permits, the applicant shall pay a fee of \$400.00 per residential unit for childcare facility needs in the area as established by the Board of Supervisors.

Construction Requirements and Restrictions

13. The applicant shall comply with the following restrictions and requirements, which shall be stated on the face of the construction drawings:

- a. 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.
- b. 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.
- c. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- d. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
- e. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 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)
Cesar Chavez 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 Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov)

California Holidays: [State Holidays \(ca.gov\)](https://www.ca.gov)

- f. 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.
14. The following Bay Area Air Quality Management District, Basic Construction Measures shall be implemented during project construction and shall be included on all construction plans.
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon

as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

Cultural Resources

15. The following conditions of approval shall be implemented during project construction; these conditions shall be included on all construction plans.

- a. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
- b. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.
- c. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to

the site to make recommendations to the property owner for treatment and disposition of the ancestor's remains. The property owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

ADVISORY NOTES

- A. 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 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 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 Division within 90 days of the approval date of this permit.

- B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- C. The applicant is responsible for contacting the Public Works Department regarding its requirements and permits.
- D. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- E. The applicant must submit building plans to the San Ramon Valley Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.
- F. The applicant is required to submit plans to the Central Contra Costa Sanitary District for approval. Plans submitted for a building permit must receive prior approval and be stamped by the Sanitary District.

- G. The applicant is required to comply with the requirements of the East Bay Municipal Utility District.
- H. The applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and permits.
- I. Further development of the property (new and or redeveloped impervious surface area) may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the *Stormwater C.3 Guidebook*. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.