

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03044: 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 allows for residential uses typically permitted in a single-family residential district, but with limitations on certain improvements location outside of the approved building envelope and outside of the scenic easement on each property. 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 4,621-square-foot, two-story, single-family residence with associated retaining walls on a vacant lot. The project includes a request for approval of a minor modification from the residential design standards for the subdivision contained in COA #11(B) to allow for the retaining wall to be placed beneath a Coast Live Oak dripline. All development is within the building envelope and outside of the scenic easement area. Furthermore, the project preserves a significant 54" diameter Coast Live Oak which will maintain this area's unique hillside aesthetic qualities. The P-1 zoning district allows for the uses permitted in single-family residential zoning districts such as new single-family residences and structures and landscaping improvements that are accessory to the single-family residence. Because of the steep topography of the site, many parcels within this subdivision have been developed using retaining walls to structurally keep the building pads stable. In order to build on this site, the retaining walls are required to be placed in the rear which necessitates the deviation. Therefore, the minor modification to the conditions of approval of County File CDDP01-03061 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 as conditioned was intended to preserve the character of the nearby community and included 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 #12(G)(21), the retaining walls are allowed to be outside of the building envelope. All required setbacks and height requirements are met. The two-story, 4,621-square-foot residence includes materials, colors and architectural details that conform to the Mandatory Design Guidelines and Conditions of Approval of CDDP01-03061. The house is designed to reduce scaling and mass by stepping back the second story, utilizing recessed windows and varied roof heights to ensure the home is scaled appropriately. Moreover, the project provides material continuity with an exterior palette that includes black window frames, a bronze toned roof, earth toned color stucco and stone masonry.

The reasonable development of the subject property requires work within the dripline of one code-protected oak tree for the construction of the retaining wall. The tree will not be removed, but encroachment within the dripline is required to implement the building pad. An arborist report was provided which showed that the construction of the retaining wall would have minimal impact to the tree. 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:

The County Zoning Administrator is satisfied that the following required factors, as provided by County Ordinance Code Section 816-6.8010 for granting a tree permit, have been satisfied:

Required Finding: *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.*

Required Finding: *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: The topography of the project site is hilly with the natural grade of the lot sloping steeply down from west to east. Due to the steep hillside, it is difficult to develop within the building envelope without the need for retaining walls. Reasonable development of the property requires retaining walls to be placed along the slope to maintain the buildable area. Additionally, an arborist report was provided by Jarred Juarez, WE-13341A who evaluated the potential construction impacts on the Coast Live Oak. In the report, the arborist concluded that the planned construction “will have minimal impact, if any, on this tree.” The arborist report determined that the issuance of the tree permit will not negatively affect the sustainability of the tree.

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

The project is exempt under CEQA Guidelines Section 15303(a), regarding “construction of a single-family residence in a residential zone.” The project involves the construction of a new single-family residence and associated improvements within an established residential subdivision. Therefore, the project is exempt under CEQA Guidelines Section 15303(a).

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03044

Project Approval

1. **Development Plan** to construct a new approximately 4,621-square-foot, two-story single-family residence with associated retaining walls on Lot 8 of the Alamo Ridges Subdivision, is APPROVED.
2. **Modification** from COA #12(G)(14) to allow for the construction of a retaining wall beneath a 54” Coast Live Oak Dripline, is APPROVED.
3. **Tree Permit** to allow for work within the dripline of a 54” diameter Coast Live Oak for the construction of retaining wall, is APPROVED.
4. 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 24, 2024.

- Revised project plans accepted by the Department of Conservation and Development, Community Development Division (CDD) on January 30, 2025 and revised civil plans received on March 13, 2026.
 - Arborist Report (Jarred Juarez WE-13341A) received on October 24, 2024.
 - Geotechnical Report (ENGEO) received on January 30, 2025.
5. 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

6. This application is subject to an initial application deposit of \$3,500.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the 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 from the date of approval, the application shall be charged interest at a rate of ten percent (10%). The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Building Permits

7. 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 Fee

8. **Prior to CDD-Stamp approval of plans for the issuance of a building or grading permit**, the applicant shall pay for the applicable park impact fee as adopted by the Board of Supervisors.

Park Dedication Fee

9. **Prior to CDD-Stamp approval of plans for the issuance of a building or grading permit**, the applicant shall pay the applicable park dedication fee as adopted by the Board of Supervisors.

Child Care Fee

10. Prior to CDD-Stamp approval of plans for the issuance of a building or grading permit, the applicant shall comply with the requirements of the Child Care Ordinance and pay \$400.00 as adopted by the Board of Supervisors.

Compliance with Conditions of Approval of County File CDDP01-03061

11. 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.
12. No grading or development is allowed within the Grant Deed of Development Rights, Restricted Development Area (Scenic Easement).
13. **Prior to scheduling a form inspection** for the retaining walls proposed at the site, a site survey shall be conducted to confirm the exact location of these structures to ensure that the retaining walls are not within the scenic easement area. In addition, survey stakes shall be placed at the site to delineate the location of the scenic easement boundary to avoid construction within the scenic easement area.

Exterior Colors

14. **Prior to CDD-stamp approval of plans for the issuance of a building permit**, the applicant shall submit verification that all exterior colors will have less than 50% light reflectance. A licensed architect shall certify submitted colors comply with this requirement.

Photo Simulations

15. **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 remains in compliance with the design review criteria of COA #12(G)(19) of CDDP01-03061.

Landscape Plan

16. **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.
17. Trees identified on the approved landscape plan Sheet L-1.0 and on the arborist tree preservation plan prepared by Jarred Juarez shall be preserved. Any tree identified for

preservation under this development plan shall require compliance with Chapter 816-6 – Tree Protection and Preservation for removal or work within the dripline.

Compliance with Arborist Recommendations

18. The applicant shall implement the tree protection measures recommended in the consulting arborist’s report prepared by Jarred Juarez WE-13341A received on October 24, 2024.
19. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Geotechnical Review

20. **Prior to requesting a final inspection**, a final report from the project geotechnical engineer shall be submitted for review and approval of CDD. The final report shall present a) details of the observation and testing services provided, and b) provide the geotechnical engineer’s professional opinion on the compliance of construction with ENGEO’s geotechnical recommendations.

Contingency Restitution Should Altered Tree Be Damaged or Removed

21. 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 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. Construction Period Restrictions and Requirements

The security shall be based on:

- A. Extent of Possible Restitution Improvements – The planting of up to one (1) indigenous tree, 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 one (1) tree 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), #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 of submittal of the security, 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). 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 an assessment of the trees' health. The report shall include any additional measures necessary for preserving the health of the trees and the measures 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.

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

- 22. 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.
- 23. 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.

24. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

25. 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.

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)
 - 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)

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.

PUBLIC WORKS
CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN CDDP24-03044

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

General Requirements:

28. 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.
29. 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:

30. 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:

31. 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).
32. 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.

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. 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 Health Services Department Environmental Health Division regarding its requirements and permits.
- D. The applicant must comply with the requirements of the San Ramon Valley Fire Protection District. The applicant is required to submit plans to the Fire Protection District for approval. The plans must be stamped by the District prior to submittal of the building permit application.
- E. 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.
- F. 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 building permits.