

PERTINENT STAFF REPORT

Dept. of Conservation and Development

Contra Costa County

SAN RAMON VALLEY REGIONAL PLANNING COMMISSION
WEDNESDAY JANUARY 7, 2009 - 7:00 P.M.

I. INTRODUCTION

PALMER MADDEN & SUSAN PAULUS (Applicant & Owner); The application relates to the approximately 15.8 acre property and project, located at 1900 Las Trampas Road, in the unincorporated community of Alamo (A-2) (ZA: D-13) (CT: 3440.00) (Parcel 198-220-052, 053 & 054). The project consists of the following related applications:

- A. County File #GP07-0004: The applicants propose to amend the General Plan to re-designate approximately 10.23 acres of the 15.8 acres from the Agricultural Lands (AL) designation to the Single Family Very Low Density (SV) designation so that the entire project area is within the SV designation.
- B. County File #RZ07-3194: The property, containing 15.8 acres, is proposed to be rezoned from the A-2 (General Agricultural) zone to the P-1, Planned Unit District.
- C. County File #DP07-3062. The applicant requests approval of a preliminary and final development plan to develop a total of 5 single family residences on 15.8 acres; 5.8 acres are proposed to be dedicated as open space.
- D. County File #SD07-9210: The applicant proposes to subdivide three parcels containing a total of 15.8 acres into 5 residential lots varying in size from 1.5 acres to 2.4 acres, and a remainder parcel of 5.0 acres. An exception is sought to allow a cul-de-sac longer than 700 feet in total length. Additional exceptions are requested to allow construction within the Creek Structural Setback Line on Lots 2 & 3. There are proposed to be two internal private road systems one with an entry gate.
- E. Modification of MS040008: The project also includes a request to modify an abutting approved minor subdivision by relocating an access road and a driveway within that approved project (198-220-051) which is also owned by the subject property owners.

This project also includes an annexation to Landscaping and Lighting District L-100.

II. SUMMARY OF REVIEW

The proposed project is essentially little more than a five-lot semi-rural residential subdivision, similar to others in the area. However, due to the property's location and the property owners' specific proposals, an unusual amount of regulatory changes and/or approvals are required. Consequently, there are an exceptional number of requests for modifications to existing regulations or to prior approvals. This also results in an unusual number of findings that must be made. The subject project was received on August 8, 2007 and deemed complete on December 29, 2007. The site is located on a ridge above and to the west of the existing Jones Ranch subdivision, and to the east of the existing Alamo Ridge subdivision. The process begun by the notice of the proposed adoption of a Mitigated Negative Declaration produced few neighborhood comments. However, the applicant has had a long dialogue with the Alamo Improvement Association (AIA), with several meetings going back to mid-2007. By their September 15, 2008 letter, the AIA has given a conditional recommendation of approval.

The public comment period for the Mitigated Negative Declaration extended from August 21, 2008 until September 22, 2008. The comments received are discussed in the following sections.

III. RECOMMENDATION

Adopt a motion to:

A. Recommend that the Board of Supervisors:

1. On the basis of the whole record before the San Ramon Valley Regional Planning Commission, find that there is no substantial evidence that the project with the mitigations imposed will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis; and that the documents or other material which constitute the record of proceedings upon which its decision is based may be found with the Contra Costa County Community Development Department, 651 Pine Street, Martinez.
2. Adopt the Mitigated Negative Declaration determination for this project for purposes of compliance with the California Environmental Quality Act.

3. Approve the proposed General Plan Amendment re-designating approximately 10.23 acres of the 15.8 acres from the Agricultural Lands (AL) designation to the Single Family Very Low (SV) designation in accord with the designation on the lower, eastern portion of the site. (Note: State Planning Law requires a majority vote of the total membership of the Commission to approve a General Plan amendment (Government Code.65354).
 4. Approve the proposed rezoning of the entire 15.8 acre site from General Agricultural, A-2, to the Planned Unit (P-1) District.
 5. Approve the proposed Preliminary and Final Development Plan with conditions.
 6. Adopt the recommended findings as the basis for these actions.
- B. 1. Approve the tentative subdivision map including exceptions to the requirements of the Creek Structural Setback Ordinance and to the requirement that cul-de-sacs be limited to 700 ft. in length, with conditions including that:
- (1) Approval is contingent upon Board approval of the General Plan Amendment and the P-1 zoning and conforming final development plan approval:
2. Adopt the related tentative subdivision map findings.
- C. Approve the request to relocate the private roadway location within MS04-0008, subject to conditions.
- D. Adopt the Mitigation Monitoring Program.

IV. GENERAL INFORMATION

A. Environs

The site is located on Las Trampas Road, a private road, within a 60 foot right-of-way, narrowing to 40 feet, extending westerly from Danville Boulevard. The uphill portions of the site are located on a major northwest-southeast trending ridge located northeast of Las Trampas Road. (For the sake of simplicity, this report will consider the ridge to be running North-South).

The property is currently served by its frontage on Las Trampas Road. There is also a secondary access by way of an unnamed private lane extending easterly and uphill from Las Trampas Road, running through an abutting property to the north. Las Trampas Road which extends westerly from Danville Boulevard is a public road for the more easterly 0.7+/- miles, after which the road becomes a private road. The upper portion of the private road is gated. The subject site is located on the private portion of the Las Trampas Road but just before the gate. The area is characterized by large, newer homes on parcels ranging from 1.14 acres to 23.94 acres. An adjacent 5.8 acre parcel to the east is also owned by subject applicant. That adjacent parcel was approved for a 3-lot minor subdivision in 2005 (MS04008; see vicinity map). The current proposal requests modification to the roadway location in that adjacent minor subdivision. This staff report assumes that the adjacent 3-lot project will be developed in conjunction with the subject property. Pages 9 and 13 of the applicants' plans show the subject application together with the three lots approved in 2005.

Of the three subject parcels, the parcel located to the north and the parcel to the south are vacant and are proposed to be developed along with the middle parcel. This middle parcel fronts directly on Las Trampas Road and contains the owners' residence at 1900 Las Trampas Road.

In the vicinity of the subject properties is an existing development of large-lot single family residences named Alamo Ridge. The Alamo Ridge development located adjacent on the north and west is also served by Las Trampas Road. This current 5-lot subdivision application would extend that same type of development to the south and east of the Alamo Ridge development. When the two ridgeline lots contained in the subject project are combined with the three approved ridgeline lots also owned by the subject property owner, there would be five new houses along the ridge, plus three new houses at lower locations, in addition to the one existing house. The five new ridgeline houses would extend about 1800 feet in a northwest-southeast orientation along, or just off, the ridgeline.

Adjacent to the east and northeast at a much lower elevation is a single family residential project known as the Jones Ranch subdivision. Access to the Jones Ranch area comes from a different direction entering from central Alamo by way of Via Romero to the northeast. Since the subject project is located on the ridgeline, some portion of the drainage naturally flows in each direction, partially toward the small creek along Las Trampas Road and partially toward

Jones Ranch. Further to the north, is an undeveloped, but approved, 37-lot single family residential project named Alamo Summit with access from Ridgewood Road.

B. Existing Uses on Subject Property

As stated above, the applicants propose to subdivide three parcels containing a total of 15.8+/- acres into 5 residential lots varying in size from 1.5 acres to 2.4 acres, each lot to be developed with a detached single family home, and a 5.0 acre remainder parcel containing an existing single family residence. The new development would be in addition to the 2005 approval of the subdivision of 5.8 acres into three parcels varying in size from 1.3 acres to 2.47 acres on an abutting parcel (MS040008). In total on the combined Madden-Paulus properties, there would be 9 houses on 21.6 acres, when the two similar and adjoining projects are completed.

Parcel 198-220-054: The most northerly parcel contains 4.997 acres and is currently vacant and has about 350 feet of frontage on Las Trampas Road. It is also accessed from a fire road that extends into the property from the north. That existing, unnamed private lane currently serves one parcel (Seeno residence, 1980 Las Trampas Rd).

Parcel 198-220-053: This is the middle of the three parcels that comprise the entirety of the subject project. It contains 4.743 acres and currently contains a single family residence addressed to 1900 Las Trampas Road, a barn/garage structure, a swimming pool, and miscellaneous horse enclosures. It has approximately 700 ft. of frontage on Las Trampas Road. The area of this lot would be increased to 5.0 acres from 4.7 acres by altering the lot lines which is part of the subject application. The applicant has chosen to designate this parcel as the "remainder parcel".

Parcel 198-220-052: This is the most southerly of the three parcels. It has about 600 feet frontage on Las Trampas Road and contains a rudimentary ranch road that crosses the creek and extends up to the ridge. The upper portions of the road has somewhat disintegrated and is not proposed to serve any new houses. This parcel extends up to the ridge and as proposed, would contain the proposed Lots 1 & 2.

The three parcels together which comprise the subject property are moderately steep with slopes of 40% to 60%, coming directly up from Las Trampas Road to the ridge. A small unnamed creek with a very limited area of gentle slopes near it runs through the combined properties parallel to Las Trampas Road. However, the ridgeline itself has more gradual grades than most of the property and

undulates slightly and provides a location for the private road and homesites that generally has gradients of less than 15%. There are two steeper areas along the private roadway where the grades would be 15% and 20%. Each proposed lot contains a fairly level area proposed for a house site, but the proposed Lots 2 & 3 are located very close to the small unnamed creek, and the proposed building sites would require the approval of an exception to the Creek Structural Setback Line regulations.

Downhill from the two proposed ridge lots (Lots 1 & 5) the slopes become steeper and the soils are less stable, requiring a fairly extensive slide repair on Lots 4 & 5. Other slide repairs are required on adjacent portions of MS04-008. The site has a broken cover of oak trees with intermittent grass-covered open areas with a meadow-like appearance. Denser oak forest extends down the hill to the east into the Jones Ranch project as well as clusters of oaks along the creek on Lots 2, 3 and the remainder parcel.

C. General Plan Designation

The existing General Plan designations are Single Family Residential Very Low Density (SV, 0.2 -- 0.9 dwelling units per acre) for the easterly portion; Agricultural Lands (AL) maximum of 0.2 dwelling units per acre, and minimum 5- acre parcel size), for the western portion. The total number of units permitted under the current applied two General Plan designations is theoretically as high as 7 dwelling units derived from there being about 5.5 acres in the Single Family Residential Very Low (SV) 0.2-0.9 dwelling units per acre designation, and 10.2 acres in the Agricultural Lands (AL) 0.2 dwelling units per acre. Six dwellings are proposed in the subject project.

However, other General Plan policies would require that the northwesterly 10.2 acres with the Agricultural Lands designation accommodate no more than two residences. The 5.5 acre southeasterly portion could theoretically allow up to 5 residences. However, because of the distribution and location of the various constraints to development on this area, (the creek, steep slopes, landslides, access limitations, habitat for protected species, etc.), this 5.5 acre site probably could not accommodate more than two new single family residential sites. For the northerly two parcels, because there is one existing house, staff estimates that only one more house could be allowed. Without the proposed General Plan amendment only three more houses could be allowed on the entire 15.8 acre

property. This is in comparison to the five new houses that would result from the current proposal.

The proposed General Plan amendment would change all the subject property to the Single Family Residential Very Low (SV) 0.2-0.9 dwelling units per acre) designation. With 15.8 total acres, the proposed change could theoretically allow a range from 3 to 14 dwellings. However, there are several General Plan policies that would tend to limit the number of units from the theoretical maximum. The proposed six dwellings (5 new, 1 existing) would fall in the low end of the allowable density range if the General Plan amendment is approved.

D. Existing and Proposed Zoning

The property is currently zoned A-2 which has a five acre minimum parcel size and would only allow one single family residence on each existing parcel, or two more residences since one house is already existing. The proposal is to zone the property to the P-1 (Planned Unit District). By doing so, various Zoning Ordinance restrictions that would affect a conventional zoning district such as the R-40 or R-65 would be eliminated allowing more flexibility in design as well as more control for the community. Additionally, no further development or subdivision would be allowed beyond that approved under the approved Planned Unit District.

E. CEQA Status

Proposed Adoption of a Mitigated Negative Declaration

The application was submitted on August 8, 2007 and deemed complete on December 27, 2007. An Initial Study was prepared for the project which identifies three potentially significant environmental impacts which are: Aesthetics, Geology, and Biology. Please see the Initial Study for the discussion of the impacts and the proposed mitigations that can reduce the impact to a less than significant level. Extensive biotic mitigations measures are proposed as part of the Mitigation Monitoring Program, as well as mitigations for the aesthetic and geologic impacts. The public comment period for the Mitigated Negative Declaration extended from August 21, 2008 until September 22, 2008. There were a few comments received from area residents as well as from public agencies. These comments and responses are located in the Discussion Section of this report (See Section VII, below).

F. Nearby Active Projects

Alamo Summit is an approved but unbuilt 37-lot subdivision located one-quarter mile to the north with access from the northeast on Ridgewood Road. That approval currently has until 2012 before it would expire.

G. Regulatory Programs

1. Active Fault Zones: The subject properties are not within an active fault zone. The closest active fault is the Calaveras Fault located about 3 miles to the southeast.
2. Flood Hazard Area: The area is in Flood Zone C. (FIRM Map 0435C). All development is located outside of the flood zone.
3. Creek Setback Regulations: There is a small unnamed creek running along Las Trampas Road which generates a structure setback requirement. The setback is based on a formula derived from the depth of the creek channel and the slope. The creek setback is shown on the tentative map. For Lots 2 and 3 the proposed new single family residences, roadway and retaining walls would encroach into the setback. Consideration of the request for an exception to the creek setback is presented under Discussion (Section VII). While the private access road to serve the subject property already crosses the creek, the road would be widened and extended for some distance. For Lots 2 & 3 the proposed driveways would also fall within the creek setback restriction.
4. Clean Water Act Regulations: Limited encroachments into the creek area for retaining walls, culverts and road/bridge construction as well as regrading areas of seeps identified on the project site would likely be classified as “waters of the United States” pursuant to Section 404 of the Clean Water Act and “waters of the State” pursuant to Section 401 of the Clean Water Act. Permits from the Army Corp of Engineers as well as California Department of Fish and Game and/or the US Fish and Wildlife Service may be required.

V. PROPOSED PROJECT

According to Palmer Madden and Susan Paulus, the project applicants, the proposal consists of plans and studies developed by professional civil

engineers, soil engineers, architects, arborists and biologist and other design professionals.

- A. Proposed Division – As stated above, the applicant proposes to subdivide three parcels containing a total of 15.8+/- acres into 5 residential lots varying in size from 1.5 acres to 2.4 acres, each lot to be developed with a detached single family home, and a 5.0 acre remainder parcel containing an existing single family residence. There will be two internal private road systems; the larger one to the north would be gated. The property is proposed to be rezoned from the A-2 (General Agricultural) zone to the P-1, Planned Development District. The development would also be subject to approval of a preliminary and final development plan. An exception is proposed to allow a cul-de-sac longer than 700 feet per Section 92-6.002. This project description also includes an annexation to Landscaping and Lighting District L-100. The project also includes a request to amend the location of an access road within an abutting property containing an approved minor subdivision (MS040008) owned by the subject property owners. (See Proposed Lot Summary Table)
- B. Proposed Road Design – A total of seven new houses (four from the subject project {Lots 1, 3, 4 & 5} and three from MS040008) would be served by a proposed new private road on the northwestern end of the property. As proposed, its location is adjacent to but separate from, the driveway that serves the Madden-Paulus residence located on the remainder parcel. The proposed width for the new street pavement would be 20 feet within a right-of-way of 30 feet, narrowing to 16 feet along Parcel C of MS040008 which then continues to serve Lot 1 within the current project. Sheets # 9 and 13 of the submittal packet show the proposed lots within the subject project in relation to the 3 parcels created under MS040008. That prior Minor Subdivision had its access through the adjoining 23 acre property to the north. The current proposal modifies the road access to MS040008 by using the proposed new private road coming directly up from Las Trampas Road. As proposed, that northern vehicular access would be eliminated except for a gated fire lane.

As proposed, the road provides for a shunt type turn-around at the terminus to be located on Lot 1 on the south end of the ridge, rather than a cul-de-sac bulb. Lot 2 which is located near Las Trampas Road would be accessed by two means including the existing road and culvert at the northwest end of the proposed house, and by the existing private road that extends in from Las Trampas Road and

serves the existing house identified by the owner, Walchek on the tentative map. The applicant has provided evidence of easement rights to use this driveway located on adjacent property. Likewise Lot 3 is proposed to have two access points, one on the new principal private road and another at the northwest end off of the driveway to the adjacent 23 acre parcel to the north.

- C. Sidewalks and Walkways - No sidewalks are proposed along Las Trampas Road or the new private lane. Las Trampas Road contains portions of a public hiking easement to allow public access to Las Trampas Regional Park.
- D. Residential Design - The applicant has indicated that the project concept is to secure subdivision approval conditioned by design guidelines and house size and height maximums but allow latitude for the ultimate house design. The listed building heights and house square footages should be considered as maximums. These are custom home lots and individual lot buyers would have the option of constructing smaller structures. The applicants have provided their height and size data to have the assurance that the buyers would be allowed the indicated sizes as well as smaller homes. The design guidelines that are recommended have also been applied to the 3 adjacent parcels contained in MS04008.

PROPOSED HOUSE SIZES

As proposed “living area” includes the conditioned space in the principal residence and a second unit, if any, but it does not include garages, unheated storage spaces and basements, gazebos, or pool houses.

LOT	Maximum Living Area
1	7,000 square feet
2	6,000 square feet
Remainder	To be determined
3	7,000 square feet
4	9,000 square feet
5	15,000 square feet

- E. Proposed Landscaping – No landscaping is currently shown other than the retention of existing trees. Ten non-native trees are proposed to be removed. A landscape area is shown outside each house’s building envelope, but that does not extend into the open space easement area. See Aesthetics Mitigations under Discussion in the following section.

- F. Soils Investigation - The project is accompanied by a report from Engeo, a soils engineering firm. The report indicates that the project is feasible from a geotechnical standpoint. The County's Consulting Geologist has submitted a peer review of the Engeo report and agrees that the project is feasible but does ask for additional studies to be conducted after approval but before the commencement of construction. There are landslides and surface slippage on Lots 4 and 5 requiring repair. Recommendations for slide repairs and soil stability measures are contained in the soils report. A recommended condition of approval requires completion of the slide repairs on Lots 4 & 5 before those lots can be sold. The requirement for engineered slide repairs is considered to be required environmental mitigations in order to allow the possible adoption of a Mitigated Negative Declaration.
- G. Drainage - The current drainage plan is conditionally acceptable to the Public Works Department. Generally the ridge road downslopes from 650 feet above sea level near the Lot 5 house site and decreases to 560 at the southern terminus of Lot 1. From the ridge the site slopes both toward Las Trampas Road to the west and toward Jones Ranch to the east. The existing entry road on the adjacent Seeno property to the north collects some drainage which historically drained to the west and diverts it to the east towards Jones Ranch. Because of drainage concerns expressed in the earlier review of MS040008, a condition of approval of MS04008 requires that the diversion of drainage occur to the west, away from Jones Ranch.

VI. AGENCY COMMENTS

- A. Flood Control District -The Flood Control District proposes conditions of approval that address flood and drainage issues, including that the site is in Drainage Area 13 and is subject to additional fees to offset downstream runoff. Additional conditions of approval are requested to implement the concerns.
- B. The County Public Works Department has reviewed the revised Vesting Tentative Map, received by your office on January 28, 2008, and the revised Stormwater Control Plan, received by your office on November 27, 2007, and submit the following comments:

Background

The applicant proposes to subdivide three parcels, a total of approximately 15.29 acres, into 5 lots and one Remainder Parcel in

the unincorporated Alamo area. There are several existing structures on parcel APN 198-220-053, which are expected to remain and will be located on the proposed Remainder Parcel. There is an existing creek traversing the subject parcels located just northeast of Las Trampas Road. There was an existing 20 foot wide trail easement located along the southern boundary of APNs 198-220-054 and -053, and along a portion of the western boundary of APN 198-220-054 (160 PM 44). There is an existing 25 foot wide private access and utility easement (PAUE) located along the northern boundary of APN 198-220-054 (160 PM 44).

Traffic and Circulation

The subject parcels front on Las Trampas Road, a private road, with a current easement width of 60 feet. The existing pavement width of Las Trampas Road along the entire frontage of the site varies, but is approximately 16 feet. There is an approximately 4 foot wide AC, V-ditch located along the south side of the road. The County Ordinance Code requires construction of frontage improvements with subdivision applications. However, concrete curb, gutter and sidewalk do not appear to be characteristic with the surrounding area, thus the applicant will not be required to construct frontage improvements along Las Trampas Road.

The access to all proposed lots and the Remainder shall be constructed in accordance with the County's Policy on Private Rural Road and Driveway Design Standards with appropriate turnarounds. All proposed gates shall meet the requirements of the Public Works Department and the Fire District.

Drainage

It appears from the submitted tentative map that the applicant proposes to connect the proposed on-site drainage system to storm drainage facilities that will discharge to the creek located just north of Las Trampas Road. The nearest adequate man-made drainage facility in Drainage Area 13 appears to be Line A at the intersection of Las Trampas Road with Lark Lane. The applicant will be required to prove the adequacy of the in-tract drainage system and the downstream drainage system to Line A. The applicant shall contact the Department of Fish and Game, Army Corps of Engineers, and the County Flood Control District regarding any permitting required and potential restrictions for any proposed improvements to the creek.

The applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of the creek based on the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. An exception to this ordinance requirement may be granted allowing a modified structure setback based on mechanical stabilization of the creek bank. The applicant has proposed construction of soldier pile retaining walls to protect any future residences, driveways or other permanent structures. The design and construction of any pier wall systems proposed to modify the setback area shall be reviewed and approved by the Building Inspection Department.

This development is located in the San Ramon Creek watershed, and will be required to mitigate the impact of additional stormwater runoff from this development.

Stormwater Management

This project is required to be in full compliance with the County's Stormwater Management and Discharge Control Ordinance, the Stormwater "C.3" Guidebook (*third edition*), and the requirements of the Regional Water Quality Control Board. A revised Stormwater Control Plan received on November 27, 2007 was reviewed and determined to be *preliminarily* complete. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to revision based on changes made during the preparation of improvement plans, as necessary, to better address compliance with C.3 stormwater requirements.

Annexation to Lighting District

The subject parcels are not currently annexed into a lighting district. The applicant will be required, as a condition of approval, to apply for annexation to County Service Area L-100 Lighting District by submitting a letter of request, a metes and bounds description, and pay the current LAFCO fees, or apply for annexation to another street light financing mechanism approved by the Public Works Department.

- C. County Consulting Geologist- A soils report has been reviewed by the County Geologist. With the qualifications and conditions suggested, the County Consulting Geologist by his report dated November 28, 2007 and March 11, 2008 (attached), notes that there are existing landslides that will require repair but concludes

that the project is feasible from a geotechnical and geological perspective.

- D. East Bay Municipal Utility District - The August 16, 2007 and September 15, 2008 responses indicates that the site is within the District and they would be able to serve the project. The applicant shall bear all expenses associated with constructing a water system capable of meeting the fire flow and water demand requirements of the water district and fire district.
- E. San Ramon Valley Fire Protection District - The Fire District's response dated August 30, 2007, sets out the conditions that are necessary to conform to the applicable codes and policies. The new homes shall be provided with an automatic fire sprinkler system.
- F. California Department of Forestry and Fire Protection – The site lies within a Moderate Fire Hazard State Responsibility Area as designated by the California Department of Forestry and Fire Protection. The department's response dated November 23, 2004 and telephone confirmation dated April 22, 2007, has found that the project meets the intent of Public Resources Code 4290 which relates to wildland fires in the jurisdiction of the CDF.
- G. Central Contra Costa Sanitary District - The District's response dated March 7, 2008, indicates the district's willingness to serve the project subject to district fees and conditions.
- H. County Health Services Department – The department's response dated March 7, 2008, has no comment.
- I. Alamo Improvement Association - The AIA has reviewed the proposal on several occasions in 2007 & 2008. At the last meeting on September 15, 2008, the association conditionally recommends approval of the project subject to a list of design guidelines including review of the future homes by the AIA.
- J. California Historical Resources Information System, Northwest Information System – The August 17, 2007 response recommends that no further study for historical resources is needed.

VII. DISCUSSION

1. Land Use and General Plan Considerations- There are several General Plan policies for the Alamo-Diablo-Blackhawk area which relate to the subject project including the following:

Policy 3-135: Promote the individuality and unique character of each community based on existing community images.

Policy 3-142: When rezoning in Alamo, the appropriate single family residential zoning will include R-20, R-40, R-65, R-100, and P-1. Alamo and Diablo have special characteristics which preclude clustering in established areas.

Policy 3-144: Developments shall be reviewed to ensure the continued rural character of the area.

Other policies which relate to the project are from the general county-wide policies:

Policy 3-28: New residential development shall be accommodated only in areas where it will avoid creating severe unmitigated adverse impacts upon the environment and upon the existing community.

Policy 3-8: Infilling of already developed areas shall be encouraged. In accommodating new development, preference shall generally be given to vacant or under-utilized sites within urbanized areas, which have necessary utilities installed with available remaining capacity, before undeveloped suburban lands are utilized.

Because there are existing single family residence developments on all sides, the subject development can be considered to be an infill project. Alamo Ridge development is to the north and west, and the approved but un-built Alamo Summit project is further to the north, and the existing Jones Ranch project is to the east.

Although the site is predominantly designated as Agricultural Lands (AL) under the General Plan, it is substantially surrounded by low to very low density residential development. The ability to sustain and continue agricultural use of the site is compromised by both its size and location relative to nearby residential uses.

The subject ridgeline sites are uphill from existing single family residential development. As a result there is increased concern regarding impacts on those below. During the prior consideration of MS040008,

Jones Ranch residents raised concerns of drainage impacts from runoff from the subject property. Those residents and other residents who have more currently responded have raised visibility impact and site design concerns that need to be addressed.

2. Specific Comments Received on the Mitigated Negative Declaration -

During the August 21, 2008 to September 22, 2008 public comment period, staff received the 3 attached comments regarding the Initial Study from the following:

1. John Nicol, 1660 Las Trampas Road & Donald White 1650 Las Trampas Road.
2. Alamo Improvement Association
3. East Bay Municipal Utility District

The letter from John Nicol and Donald White, homeowners on Las Trampas Road raised several concerns:

Drainage:

- The existing downstream facilities may not be able to handle the runoff, which will be worsened by new development.
- The project may increase siltation as well as cause construction damage.

Road Maintenance and Repairs:

- Construction traffic will damage the private road
- The design of the project with excessive grading and retaining walls will exacerbate road impacts
- Speed bumps are a problem

Aesthetics:

- The large homes and excessive grading will be visible and may have a negative impact on adjacent properties.
- Ten trees are proposed to be removed but a much greater number will be impacted by construction beneath their driplines.
- The unsightly new private driveway system with tall retaining walls will be visible.
- The project design is too dispersed causing much greater impacts than a more clustered project.

Response: Staff responses to the issues raised in the letters are generally contained in the following discussion points. The Public Works Department response addresses drainage. The East Bay Municipal Utility District letter informed the County that the District can supply

potable water to the project subject to the fees and standards of the District.

3. Aesthetic Considerations, Visibility Impacts and Potential Mitigations –
The proposed project is relatively consistent with the newer development in the general area, particularly the Alamo Ridge development located further up Las Trampas Road. Several of these Alamo Ridge homes are fairly visible from central Alamo and I-680. However, since Alamo Ridge was approved in the 1980s, there has been increasing concern with the aesthetic impacts of ridgeline development.

A significant scenic vista as seen from central Alamo and I-680 could be affected by very prominent development of the main ridge located along the eastern margin of the subject property on Lots 1 and 5. The ridge is shown on the Contra Costa County General Plan (Figure 9-1) as one that is designated for protection from development that would harm its scenic quality.

General Plan Open Space Element policy 9-E: To protect major scenic ridges, to the extent practical, from structures, roadways, or other activities that would harm their proposed scenic qualities.

Two of the proposed homes (Lots 1 & 5) would be sited on the ridge top, or slightly off the ridge, to the west; but, depending upon house size and height, the structures would be substantially screened by existing trees from public viewing places to the east in the Alamo/Danville area, provided the houses are relatively short and designed so as to minimize off-site visibility. Some of the screening trees are deciduous so that visibility would be somewhere greater in the winter.

A similar discussion about visibility occurred in the 2005 review and approval of the three Parcels in MS040008 along the same ridge. The construction that might be permitted by unaltered Zoning Ordinance residential standards (i.e. 35' height, no regulation of exterior colors) could be in conflict with the General Plan policy regarding protecting designated scenic ridges from visible development. The new construction would be also visible at some distance from a few homes situated at similar or higher locations to the south and west within the Alamo Ridge development, as well as from areas within Las Trampas Regional Park, but the development would not be visible from any public roads in these directions. Staff believes the intent of General Plan Goal 9-E is to protect the scenic ridgelines from the viewing locations at lower elevations.

As a P-1 project the architectural compatibility and style can be regulated so as not to allow a substantial adverse impact. In order to achieve the desired mitigation of off-site visibility impacts, the preservation of trees should be required as well as controlling building heights and designs. A frequent approach in the case of homes in sensitive ridgeline locations is to require additional regulations of building height, colors, reflectivity of surfaces and lighting, as well as to require landscaping to soften the visibility impacts. The applicant has agreed to limit building height to 28 feet when viewed from the northeast, as compared to the 35-foot maximum of the residential zones. The particular building height language worked out by the San Ramon Valley Regional Planning Commission for MS040008 is as follows:

Condition 10-E: The maximum height of buildings shall be 28 feet, measured from the grade along the northeast building envelope line when viewed perpendicular to the building envelope line. Chimneys and vents may extend above the maximum roof height. At no point may a building exceed 35-feet in height above grade.

It would seem reasonable to use the comparable language for Lots 1 and 5 since they are on the same ridge as Parcels A, B, & C of MS040008. The applicant has had story poles up, set at 35 feet with orange netting and generally staff has found that the homes would not be visible from Jones Ranch at all. The tree cover on the east-facing slope combined with the convex shape of the ridge blocks project visibility from lower locations that are close to the bottom of the ridge, including Jones Ranch. As one travels further east the orange netting could occasionally be seen between trees but not over any trees. Several other existing houses could be seen much more visibly than would the future homes on the subject property. The AIA in its September 15, 2008 letter recommends a maximum height of 28 feet on all sides for all 5 lots. Staff would not object to such a restriction but is not sure of the necessity of doing so particularly for the less visible lots. The 28 foot maximum from all sides would be stricter than that applied to MS040008.

The applicants have indicated that the new houses are proposed to be two-story houses up to 35 feet in height except that Lot 1 is proposed to be 28 feet in height on the northeast elevation. (The recommended conditions of approval would extend this 28 foot maximum height to both Lots 1 & 5.)

- Lot 1 is proposed to be developed with a single family residence containing 7,000 square feet of living quarters and presumably a 3-car or larger garage.

- Lot 2 is proposed to be developed with residence containing up to 6,000 square feet of living quarters and presumably a 3-car or larger garage. A second unit is shown on this lot.
- Lot 3 is proposed to be developed with residence containing up to 7,000 square feet of living quarters and presumably a 3-car or larger garage.
- Lot 4 is proposed to be developed with a residence containing a maximum of 9,000 square feet of living quarters with presumably a 3-car garage. A second unit is shown on this lot.
- Lot 5 is proposed to be developed with residence containing up to 15,000 square feet of living quarters and presumably a 3-car or larger garage.

Earth-tone colors and natural materials of low reflectivity are proposed. Potential swimming pools, pool houses, gazebos and similar accessory buildings may be approved by the Zoning Administrator within the indicated building envelope as well as in a transitional landscape zone located outside the indicated building envelopes. Beyond that in the Open Space area and Habitat Preservation area all structures would be prohibited.

In approving MS04008 in a similarly visually sensitive environment, additional design review requirements were imposed to require the Zoning Administrator to evaluate the project against certain criteria. The proposed conditions of approval were derived from design guidelines imposed on at least two other ridgeline subdivision in the County area. The proposed design review guidelines under which the future houses would be evaluated prior to the issuance of a building permit are as follows:

Proposed condition of approval: At least 45 days prior to the issuance of a building permit, the Zoning Administrator shall review and approve detailed plans for each house for conformance with the following design guidelines. The overall purpose is to reduce visual impacts of the new construction when viewed from off-site, particularly from the I-680 corridor and from central Alamo, generally meaning the Danville Blvd./Stone Valley Road intersection.

- A. Cut building into slope to reduce the effective visual bulk.
- B. Step the building up the slope rather than have a single floor height.

- C. Locate house away from the most visible edge of the pad.
- D. Minimize under-story height or foundation on downhill side of house.
- E. For Lots 1 & 5, the maximum height of buildings shall be 28 feet, measured from the grade along the northeast building envelope line when viewed perpendicular to the building envelope line. (Chimneys, vents or similar appurtenances may extend above the maximum indicated roof height.)). At no point may a building exceed 35-feet in height above grade. For Lots 2, 3, and 4, the maximum height shall be 35 feet measured from any side. (Note: The County measures building height from existing grade or finished grade, whichever is lower.)
- F. Break up the building mass into smaller elements. Large vertical planes are discouraged. Flat exterior wall surfaces should not exceed 20 feet in height.
- G. Step back second stories.
- H. Avoid large gable ends on downhill side or other visible elevations particularly toward central Alamo.
- I. Avoid tall retaining walls. Break up into several small walls with landscaping in between.
- J. Exterior colors shall be medium to dark and minimize reflectivity (50% maximum reflectivity).
- K. Encourage shadow patterns created by architectural elements such as large eaves, trellises, arbors and articulation of the building walls.
- L. Extend architectural treatments around to the sides and rear of the houses.
- M. A landscaping plan shall be provided for review and approval and said plan shall be designed to soften the appearance of the structures and to provide significant evergreen screening in order to minimize visibility of the structures from off-site.
- N. Screen storage areas and out-buildings, or locate in unobtrusive locations.
- O. Lighting should be minimized and limited to down lighting.
- P. All retaining wall shall be within the approved building envelopes.

Prior to the issuance of the first building permit, the developer shall submit for review and approval by the Zoning Administrator plans for an open, rural style fence along the common property line with the Jones Ranch open space parcel. The approved fence shall be constructed prior to occupancy of the first house of the subject subdivision.

The location of the buildings on the approved building envelopes, house elevations and landscaping plans shall be submitted to the Alamo Improvement Association for review and comment prior to action by the Zoning Administrator.

The AIA September 15, 2008 letter (attached) has numerous specific design recommendations, the majority of which other than the 28 foot all-inclusive height limit, are incorporated into the conditions of approval. The applicants' design review guidelines were considered in creating the recommended design review guidelines. However, they were not specifically incorporated into the conditions of approval because doing so would create overlap and unnecessary ambiguity during subsequent house plan review.

The AIA letter also recommended that rather than a limitation based on total square footage of the house, that there be a limitation on building footprint (e.g. 4000 or 6000 square feet) but allow a 2 ½ story house. Staff fears that this would provide motivation for a tall blocky house to maximize square footage and prefers the gross square footage approach which provides more flexibility in spreading the allowed house size around in a lower but wider configuration.

Clustering Alternative: A letter from two Las Trampas Road neighbors among other things objected to the overall design scheme of the project. It commented that the proposed houses are widely spread out causing the need for a maximum amount of long roads supported by visible and site-disturbing grading and retaining walls. While a generally correct comment, the proposed development is similar to that which has historically been approved on the hillier western side of Alamo. Arguably a more compact development could occur on the northwest portion of the overall site, roughly uphill and westerly and northerly of the existing house where the grades are not too severe. Between the area proposed in Lots 3, 4, & 5, all 5 houses presumably could be clustered with smaller lots and smaller houses. In fact, all 8 new dwelling units from the combination of the subject project and MS040008 could be placed within a clustered development of 2 or 3 acres.

Projects with such layouts are found elsewhere in the County and many people may not have objections to such a development pattern, but staff

would need to point out that such a development pattern is not being proposed, and it may produce less neighborhood acceptance than the present project. Furthermore, as discussed under General Plan conformance section, a General Plan policy for Alamo reads as follows:

Policy 3-142: When rezoning in Alamo, the appropriate single family residential zoning will include R-20, R-40, R-65, R-100, and P-1. Alamo and Diablo have special characteristics which preclude clustering in established areas.

A traditional clustered development of small-lot single family residential development or attached units would appear to be inconsistent with this Alamo policy. However, providing lots of 20,000 square feet or larger, but more clustered than the current proposal, would not be inconsistent.

Lot 2 and Lot 3 Driveways: For both Lots 2 & 3, the applicants are requesting a primary and a secondary driveway to serve each house. In both cases the driveways would come from different directions. These are both creekside lots on which Creek Structure Setback exceptions are being requested. While staff recognizes that these additional driveways and accompanying retaining walls can be an amenity and can be properly engineered to acceptable safety standards, the amount of site disturbance and additional grading is increased by each second driveway. Staff is not aware of a General Plan policy that would be violated by the proposed driveway design but does recognize that site disturbance should be minimized in environmentally sensitive locations.

4. Private Road Issues- The proposed 9 dwelling development (6 homes in the subject project and 3 in MS040008) are served by a private road, Las Trampas Road. There apparently is no road maintenance agreement or road association obligating the existing property owners to participate in the maintenance of this road now used in common by many other property owners. Additionally, an extensive new private road system would occur within the subject property. The new cul-de-sac entry road would start between Lot 3 and the Remainder Parcel and extend 2200 +/- feet to the east and southeast ending at Lot 1. Additionally a shorter private driveway would serve Lot 2 at the southeast end of the project near the creek.

The letter from the neighbors, Nicol and White raises several problems pertaining to private roads. It is generally recognized that there may be equity problems in requiring the subject applicants to pay the cost of bringing the entire Las Trampas Road up to a more typical standard required by the Fire Protection District. Las Trampas Road is only 16-17

feet in paved width, which is narrower than the 20 foot requirement for the new internal private roads within the proposed subdivision. Since about 20 additional houses are served by Las Trampas Road beyond the subject property, the Public Works Department is not asking for widening of Las Trampas Road. There is no long-term maintenance arrangement between the existing property owners. In discussions between the applicants and AIA there has been interest in supporting a private road. The applicant has indicated willingness to support a private road maintenance agreement for the existing Las Trampas Road, and will be required by the Public Works Department to create such an agreement for the new internal street system which only serves the subject project.

Because of the private nature of Las Trampas Road and the numerous people with rights over it, the County has no jurisdiction in regards to the request to relocate the existing speed bumps. Frequently such matters are worked out between affected parties. (Staff was informed during report preparation that relocating the speed bump has been agreed to.)

There is a proposed second driveway accessing Las Trampas Road on the remainder parcel located close to the new private road's intersection with Las Trampas Road. The Public Works Department is recommending that these two access points be combined for traffic safety reasons. The applicant continues to desire the second access and disagrees that there would be a safety issue from there being two driveways in close proximity to one another.

5. Drainage Concerns – The Public Works Department has reviewed the tentative map and finds that the normal collect and convey requirements would be adequate to address the runoff impacts of the project. In the approval of MS040008, an agreement was reached to divert some of the run-off that is directed by the berm on the access road on the Seeno property located to the north. In that agreement a designated amount of area was changed from draining to the east to draining to the west. That remains a current requirement of that approval. In reviewing the current proposal the Public Works Department has requested a condition of approval that would require the applicant to prove the adequacy of the in-tract drainage system and the downstream drainage system.
6. Creek Setback Exception Request- The County Code for over 20 years has contained a requirement that new structures approved in a subdivision be set back a distance from a creek channel (Section 914-14.014). The required setback distance is determined by a formula that looks at a profile of the creek channel. In a simplified version, if one determines the creek depth from top of bank to channel bottom, and then measures

laterally away from the “toe” of the creek bank two and one half times the depth of the creek, the setback line is established. No structures are allowed to be built within the setback line. The general theory in establishing the setback requirement is that over time, creeks in the Contra Costa County environment downcut their channels causing the banks to become over-steepened and then slough off into the creek during periodic big storms. Therefore, the creek channels get wider and deeper and if structures had been built near the creek bank, they are prone to fall into the creek. Historically, a considerable amount of damage and litigation has resulted from allowing structures to be built near the tops of creek banks. The current requirement was created to protect life and property and to prevent potential costs from litigation.

The Creek Structural Setback Ordinance does provide for an exception process. It is recognized that all creek bank geology is not the same and the formula may be too conservative in some cases, or that structural improvements may be provided in the creek bank that would significantly reduce the possibility of creek bank erosion and failure. The subject property owners have requested such an exception in this project. Lots 2 and 3 propose single family residences and entry driveways and retaining walls within the creek setback line. The setback line is shown on Page 4 for Lot 2 and on Page 6 for Lot 3. The applicants have provided geotechnical reports from Engeo, a local soils engineering firm, that provide for the construction of “soldier piers” to be constructed along the creek bank to hold up the bank. The County Consulting Geologist’s attached memo has given the opinion that the improvements would be adequate from a normal professional standard of geotechnical practice.

Additionally, the applicants have offered an equity argument to support their case. It is argued that because the older lots along Las Trampas Road to the south have historically developed with homes and accessory structures already existing within the creek setback line, it would be inequitable for the subject property owners not to be able to do what others have already done. And in the subject case, as compared to the several lots with existing encroachments, the two lots currently proposed to encroach may be the only ones subject to the current standards of geotechnical engineering. Sheet 16 provides an overview of the local drainage system and identifies at least six instances of existing structures that encroach into the creek setback downstream from the subject property. For a combination of the reasons offered, the Public Works Department, which administers the Creek Structure Setback Ordinance, is not opposing the current request to allow the new construction to encroach. If the San Ramon Valley Regional Planning Commission agrees that the findings for an exception can be made, the proposed

houses on Lots 2 and 3 with accompanying retaining walls and driveways could be constructed within the creek setbacks. It does not appear that there are suitable locations elsewhere on these two lots as proposed, where new single family residences could be constructed.

6. Parking Sufficiency – In the review of MS040008, there were letters received indicating concern with possibly inadequate parking and the fear that cars might park on the Jones Ranch open space area located immediately east of the new ridgetop road. Besides the fact that retaining walls and grade differentials will make the Jones Ranch property access difficult for cars, a fence was agreed to, to prevent parking on the Jones Ranch open space area. The proposed houses will have three or four car garages and the potential to park three or four additional vehicles in tandem by parking in the driveway in front of the garage doors. However, the proposed 20-foot wide private street standard would not allow for on-street parking. For possible guest or overflow parking, the developer is proposing a six-car common parking bay within the street right-of-way to be located on Parcel A which is fairly close to Lot 5. Whether that parking area will be accessible to the lots in the subject project is not known because the conditions of approval of MS040008 are not before us. Staff doubts that there is a parking problem given the large size of the lots. A widened area for three parking spaces is shown to the south on Lot 1 of the subject project. These spaces can be conditioned to serve Parcels A, B & C as well as Lot 1.

The standard typically used for custom home subdivisions without on-street parking is the provision of six spaces including tandem spaces. Going further beyond that does not appear to be justified because of the adverse impacts of large expanses of parking and the limited level area for buildings and road. Staff is unaware of any reason to expect that the future residents of the subject project will have more cars or more need for guest parking than residents elsewhere.

7. Tree Replacement and Aesthetic Mitigations - The site is well wooded with native oaks, both Coast Live Oak and Valley Oak. The arborist's report identifies over 152 trees larger than 20 inches in circumference. Generally the proposed home sites are clear of trees. The principal cause of the request for the removal of 10 trees is the new proposed road alignment for the new private street with 20 feet of paved width extending up the hill between Lot 3 and the remainder parcel. The trees directly proposed for removal are non-native locust and eucalyptus range from 8 inches to 36 inches in trunk diameter. However, although not reported initially in the arborist's report, but corrected in the revised report, the grading plan on the tentative map shows that there will be

some encroachment under the driplines of numerous oaks on Lots 1, 2, 3, & 5 primarily due to road construction. Native oaks are often lost when the grading damages the tree roots or places fill material over the existing roots. Proposed conditions of approval will require bonding for the trees affected by grading and replacement at a 3:1 ratio if the trees do not survive the construction.

Staff also recommends that the final house design approvals include requirement for a landscaping plan for each house directed toward softening and screening the views of the houses particularly when viewed from the east.

8. Grading and Retaining Walls Along Roadway– The proposed building site on Lot 1 is proposed to be cut into the ridge on the west, or less visible side of the ridge. While doing so will allow the future house to be less visible from the central Alamo direction, it does create an up to 10 foot cut very close to the property line. The AIA in reviewing this situation recommends more setback of the cut from the property line. Staff would agree that there should be at least 5 feet of undisturbed land above the cut. It is recognized that the adjacent property is the Jones Ranch open space parcel and grading close to that will not disturb residents. However, property rights and trespass issues can result from such grading so close to property lines. Absent an agreement or easement from the adjacent property owner allowing construction and maintenance of the retaining walls, staff recommends a 5 foot minimum setback from the wall to the property line.

Also on Lot 1, construction of the entry road coming from the north will cause the need for retaining walls on the downhill (west) side of the road. The height of the walls would be 2-6 feet generally and as high as 10 feet. However, to construct the shunt-type turnaround meeting the stall depth requirements of the San Ramon Valley Fire Protection District causes the need for a large elevated pad projecting off the ridge to the west with retaining walls on the downhill side as high as 15 feet. To avoid such a situation, the only other suggestion for the required turn-around would be to utilize a cul-de-sac or loop style turn-around further to the south where the ridge top is a little wider, but that would then put the turn-around where the Lot 1 house is proposed to go. The tall retaining wall is not necessarily an engineering problem if properly designed. It could be an aesthetic issue but its location is off the ridge to the west not towards central Alamo. Such walls are generally reinforced block or poured concrete. The use of an integral color such as dull gray-green or brown, or a faux rock surface treatment, plus landscaping would help to reduce any potential impact.

9. Soil Stability and Erosion Hazard – Similar to the concerns raised in MS040008, the Mitigated Negative Declaration examined the issue of unstable soils and increased erosion hazards from development. The Contra Costa County Geologist has reviewed the applicant's soil's report and agrees that the project is feasible but does ask for additional studies to be conducted after approval but before the commencement of construction. There are landslides and surface slippage on the property located on the Lots 4 & 5 and on the adjacent Parcel A of MS040008, which abuts Lot 5 to the south.
10. Biologic Impacts - While it was not a subject of the comments received regarding the Mitigated Negative Declaration, the biological assessments submitted by consultants, and subject to a peer-review by consultants representing the County, have indicated that the area is probable habitat for the Alameda Whipsnake, a species which has been listed as threatened by the U. S. Fish and Wildlife Service and the California Department of Fish and Game. Additionally, the site is also identified as being a wildlife corridor and a probable site for nesting raptors and perching birds. Extensive and detailed mitigation measures are contained in the Mitigation Monitoring Plan and included in the conditions of approval.

Additional mitigations incorporated into the conditions restrict the timing of tree removal and grading to prevent disturbance of nesting sites for raptors. Mitigations for the loss of habitat for the Alameda Whipsnake include purchase of *off-site* habitat as well as a complex *on-site* system of both open space easements where construction is prohibited but normal brush clearing and weed-abatement is allowed and Habitat Preservation areas protected by deed restrictions where additionally brush clearance for fire suppression is prohibited. These Habitat Preservation areas are located sufficiently far from residences to be in compliance with the Fire Protection District's weed abatement/fuel management requirements.

11. Noise and Other Disruptions During Construction – There will be the usual noise generation associated with grading and construction resulting from this project. The distance to the nearest residences to the south on Las Trampas Road is only 100 feet other than for the residence identified as 1800 Las Trampas Road, which directly abuts Lot 2 and shares a driveway. Other residences are located to the south at increasing distances. Because the access to the subject property is from a different direction than from Jones Ranch, there should be no construction traffic affecting the residents to the east. The greater impact would be on the neighbors along Las Trampas Road primarily to the south because construction traffic would not need to go farther up the road than the

subject property. Construction hours are limited by conditions of approval to 7:30 AM to 5:00 PM Monday-Friday and excluding holidays. Dust control during grading is regulated by the Grading Ordinance and enforced by the Grading Section of the Building Inspection Department. Complaints about dust, if any, should be directed to that department.

12. Phasing- The letter from Nicol and White requests that all grading and site improvement work other than the actual home construction occur in one season.

The applicant has not proposed to implement the subdivision with more than one (phased) final maps. However, the applicant is proposing to develop the project in two (subdivision improvement) construction phases. The first phase would be the construction of the new road between Lot 3 and the remainder parcel and then preparing the sites served by that road which would be Lots 3, 4, 5, and Parcel A of MS 040008. The second phase would be the roadway to serve Lot 2 and Lot 1 and Parcels B & C of MS040008. Generally Contra Costa County has allowed construction phasing provided the Public Works Department is satisfied that all required and necessary infrastructure improvements are in or bonded for. The two respondents are not the closest neighbors and would mostly be bothered by the traffic on Las Trampas Road more than by the on-site construction. Absent a stronger level of concern from those closer to the subject property, staff would not recommend requiring a level of restrictiveness not generally applied to similar situations.

13. Cul-de-sac Length Exception Request – Section 92-4.018 of the Subdivision Ordinance limits the length of a cul-de-sac to 700 feet, and also limits the number of lots that can be served to 16. An exception per Section 92-6.002 et. seq. would need to be granted for length of cul-de-sac since the length of the proposed private lane, cul-de-sac system measuring to the closest portion of road served by a secondary emergency access, is over 1700 feet. The entire Las Trampas Road development area west of Lark Lane is essentially a cul-de-sac already over a mile long and serves more than 16 dwellings. A fire lane exists from the north edge of Lot 5 north through the adjacent Seeno property through to the Alamo Summit property accessed from Ridgewood Drive.

Section 92-6.002 of the Subdivision Ordinance allows an exception to be granted if the required findings can be made. Staff believes that an exception can be granted because the purpose of the regulation which is primarily to protect the public health and safety by improving emergency vehicle response time is being met by other means. In

particular, the homes will be equipped with an automatic, residential sprinkler system, and an existing fire lane connects through the abutting property to the north out to Ridgewood Road. An exception is also necessary to preserve a substantial property right of the property owner.

16. Elimination of the Trail Easement Required in a 1990

Minor Subdivision- In 1990 the County approved a two-lot minor subdivision (MS 25-90) for the subject owner. That approval divided a 10.9 acre parcel in the A-2 zone into two. Those two parcels are the two most westerly of the three parcels that comprise the subject development. As a condition of approval of the 1990 minor subdivision, the County imposed a requirement that a 20 ft. wide trail easement be offered for dedication to the East Bay Regional Park District along the northwestern boundary of the property (Condition #8, attached).

The location and alignment of the trail easement was worked out in 1990 between East Bay Regional Park District and County Service Area R7A. The purpose of the condition was to reserve a possible future trail alignment that might someday serve and connect the 37-lot Alamo Summit project to the north with Las Trampas Road in the vicinity of the subject property.

The condition was satisfied when the dedication offer was made to EBRPD in 1991. However, in 2007, before the subject application was deemed complete by the County, the applicant and the EBRPD had agreed and finalized the quitclaiming of the easement offer. Therefore, a discussion of retaining the prior easement is essentially moot.

The EBRPD's willingness to relinquish the easement indicates the district's belief that such an easement did not have a reasonable potential ever to be connected. The EBRPD did obtain as a "swap" for the abandoned on-site trail easement, a length of trail easement within Las Trampas Road that may later prove valuable, although it currently does not extend far enough to connect with the public portion of Las Trampas Road.

17. Piece-Meal Development- The AIA letter of September 15, 2008 raises the question of further development of the remainder parcel. If the General Plan Amendment is approved, the theoretical maximum density of the total 15.8 acres is as great as 14. The remainder property would contain 5.2 acres and as such could later be subject to further subdivision. Although the most developable area of the parcel is already developed with the owners' home and accessory buildings, it is conceivable that someone may later try to split that parcel further. The subject property owners have said that they have no further interest in

subdivision. However, being a remainder parcel there may be some limitations on prohibiting its further subdivision. The applicant's attorney has indicated a willingness to craft a restriction that might accomplish this goal. Given the location of the existing house and accessory buildings and the fact that the applicants' proposed location of the Habitat Preservation Area recorded restriction area occupies the eastern half of the parcel, there may not be much of an issue of further development potential.

18. Remainder Parcel- The State Subdivision Map Act contains a provision that allows a subdivider to designate a portion of the original parcel as a remainder. That remainder parcel then is exempt from certain exactions or improvement requirements. The applicants have chosen to designate the parcel with their existing home as the remainder. Staff is not certain what benefit is obtained from this as the Public Works Department is not asking for road widening or dedications along the right-of-way of the remainder. Nevertheless, the option to do so is up to the applicant.

It should also be noted that prior to issuance of a permit on the remainder property the Map Act would still allow the County to require a Conditional Certificate of Compliance. (Gov't Code § 66424.6(d)). In this regard, the County would have the right to impose any conditions that would have been applicable to the division of property at the time the applicant acquired his/her interest therein, and that had been established by provisions of the Map Act or the County Subdivision Ordinance. (Gov't Code § 66499.35(b)).

19. Consolidation of the Subject Project with MS040008 – Staff is recommending a condition of approval that would read as follows:

The final map for this project shall be concurrently approved with the approval for the parcel map for the adjoining approved tentative map, File #MS04-0008.

The subject project as proposed, is intertwined in many ways with the adjacent 3-lot Minor Subdivision. They will share a private roadway system and drainage improvements, as well as the maintenance obligations for these improvements. Additionally, the environmental mitigations, particularly for the Alameda Whipsnake, occur on both project's site areas. The applicant has indicated opposition to a requirement that the Final Maps for the two projects occur concurrently, feeling that it would unnecessarily limit flexibility. Staff believes there would be a possibility for substantial problems during condition compliance and implementation if these two closely-related projects did not

both get developed at the same time. If one got developed and the other did not, it may not be possible to implement required conditions or mitigations.

20. Second Units- The applicants have shown potential second units on some lots but not on others. State law and the County Ordinance require the County to ministerially approve second units that meet the adopted standards. The applicants are showing second units on Lots 2 & 4 but not others. Additionally the applicants have proposed a second unit for the garage/barn on the remainder parcel. The applicants do not need to show second units on the future lots because all residential zones plus the P-1 zones allow conforming second units. The applicants have agreed not to pursue second units in the subject project.

VIII. REQUIRED FINDINGS TO APPROVE PROJECT

Attached is a listing of the findings required either under the general plan or under the zoning/subdivision ordinance for approval of this project. They include findings for approving a rezoning, findings for approval of a development plan under the P-1 zone, findings for the approval of a subdivision, growth management findings, findings for allowing a cul-de-sac longer than 700 feet, and findings for an exception to the Creek Structure Setback requirements..

IX. CONCLUSION

The single family residential infill project falls within the General Plan residential land use density range. The project provides desirable amenities and infrastructure improvements for the area. Therefore, staff believes the proposed development plan and subdivision with recommended conditions of approval will result in a project consistent with the General Plan policies for the area.

The proposed subdivision is consistent with the General Plan Land Use designations which cover the area. The residential character and density of development is consistent with that prevailing in the Las Trampas Road area of Alamo. The exception to the Subdivision Ordinance restriction on the length of a cul-de-sac, and the number of lots to be served by a cul-de-sac can be granted because the existing development in the area and because additional life safety measures are incorporated into the project approval.

With the use of the Mitigation Monitoring Plan, the project would not result in significant environmental impacts, and would further the goals

of the General Plan. Infrastructure improvements to roadways and drainage will improve the neighborhood. The applicant has worked with neighboring property owners to resolve design and drainage issues.

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PROPOSED LOT SUMMARY SD9210

LOT	GROSS AREA	NET AREA	BUILDING ENVELOPE	OPEN SPACE	WETLANDS MITIGATION AREA	LANDSCAPE ZONE	HABITAT PRESERVATION AREA	CREEK OPEN SPACE
1	2.6± Acres	2.6± Acres	10,950± Sq. Ft.	68,730± Sq. Ft.	0	13,330± Sq. Ft.	0	0
2	2.0± Acres	1.7± Acres	15,100± Sq. Ft.	17,967± Sq. Ft.	2,576± Sq. Ft.	0	805± Sq. Ft.	24,722± Sq. Ft.
REMAINDER	5.0 ± Acres	4.5± Acres	52,200± Sq. Ft.	78,669± Sq. Ft.	5,672± Sq. Ft.	0	81,482± Sq. Ft.	27,205± Sq. Ft.
3	1.6± Acres	1.6± Acres	20,400± Sq. Ft.	0± Sq. Ft.	0	912± Sq. Ft.	0	18,668± Sq. Ft.
4	2.3 ± Acres	2.2± Acres	16,000± Sq. Ft.	0± Sq. Ft.	0	5,962± Sq. Ft.	0	0
5	1.8± Acres	1.5± Acres	26,500± Sq. Ft.	0± Sq. Ft.	0	5,457± Sq. Ft.	0	0
TOTAL	15.3± Acres	14.1± Acres	158,250± Sq. Ft.	165,366± Sq. Ft.	8,248± Sq. Ft.	25,661± Sq. Ft.	82,287± Sq. Ft.	70,595± Sq. Ft.

Exhibit A: Current General Plan Madden Residential Project 1900 Las Trampas Rd, Alamo County File #GP07-00074

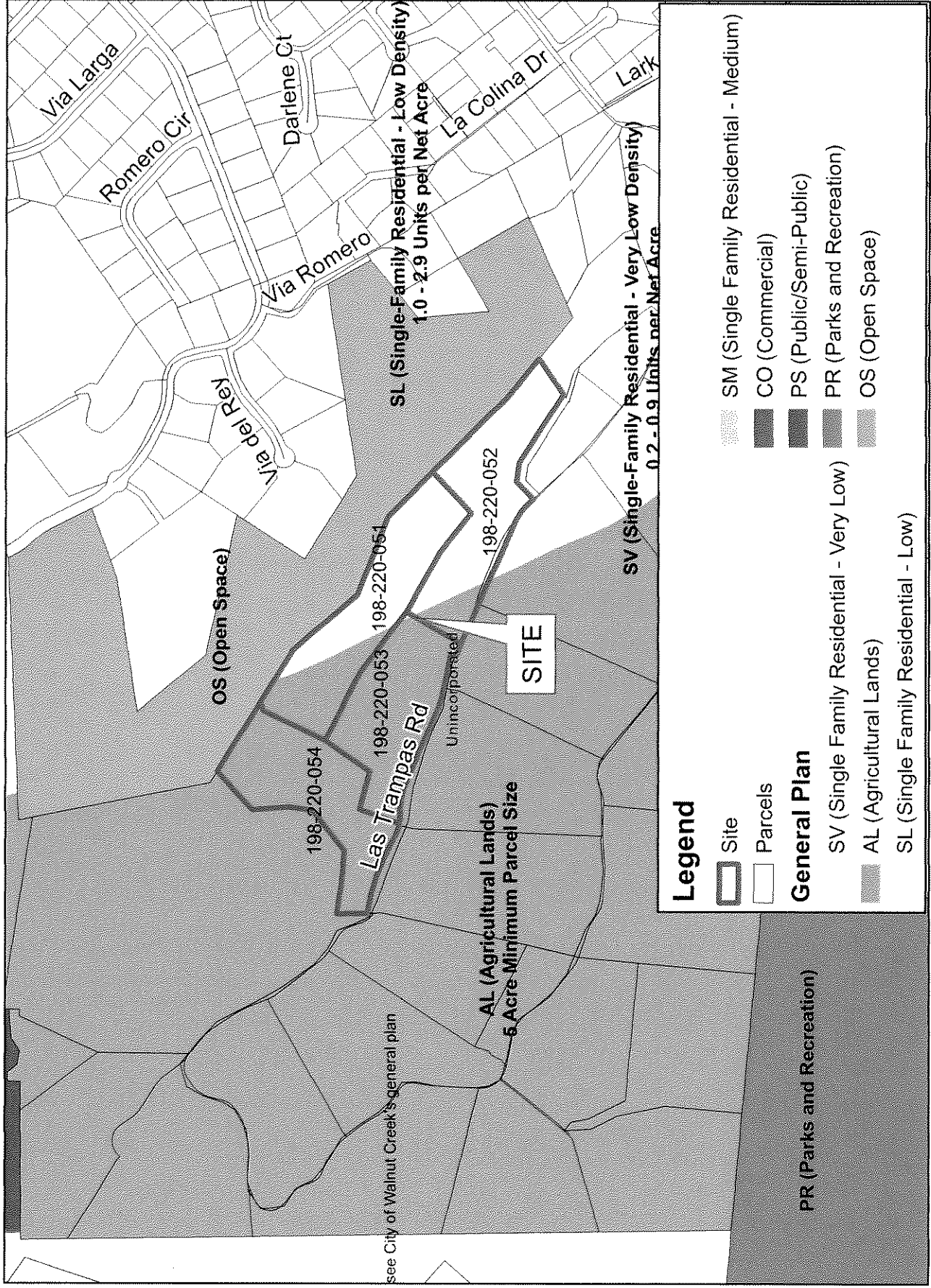


Exhibit B: Proposed and Staff Recommended Amendment to the General Plan
Madden Residential Project 1900 Las Trampas Rd, Alamo
County File #GP07-00074

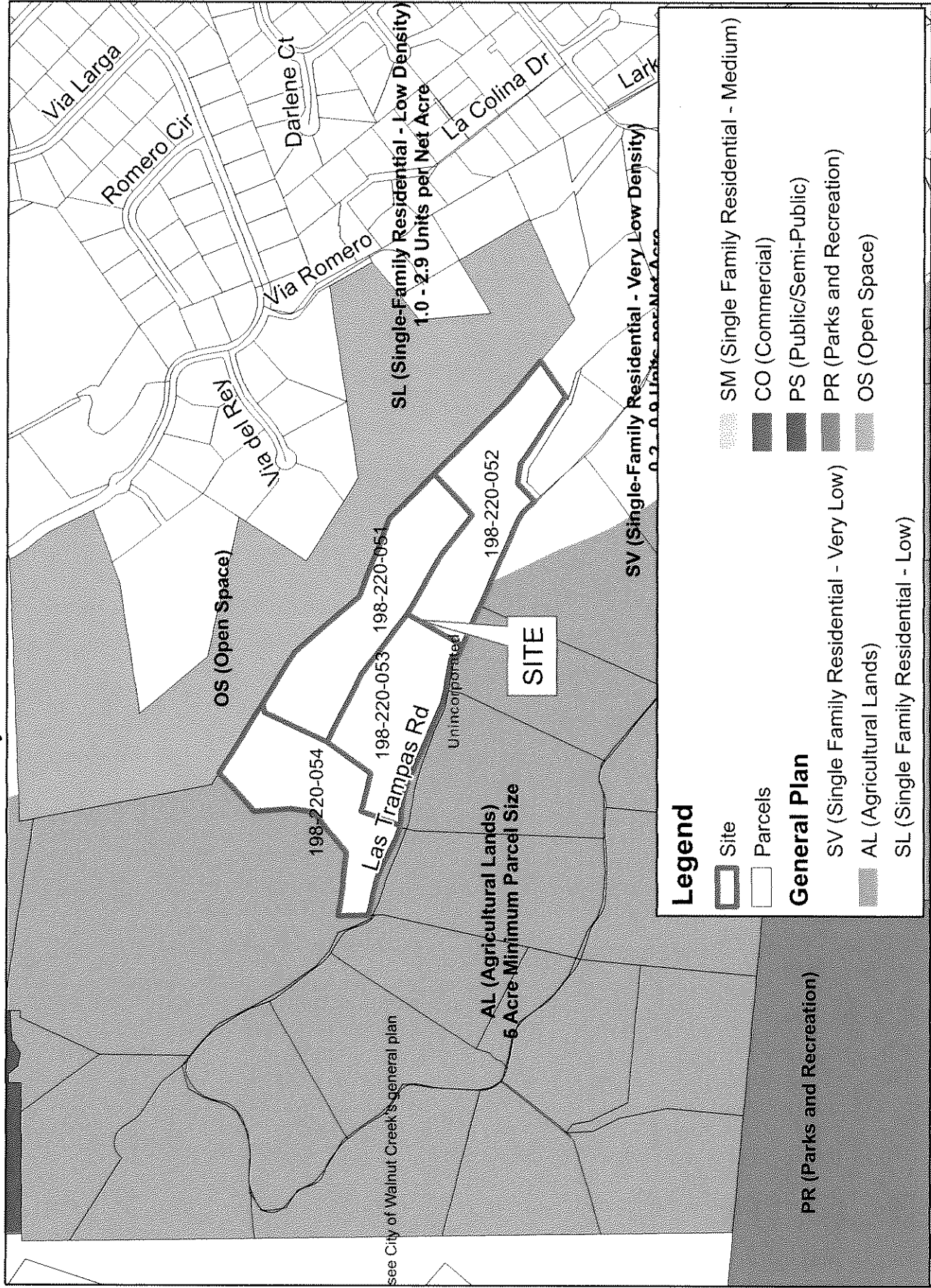
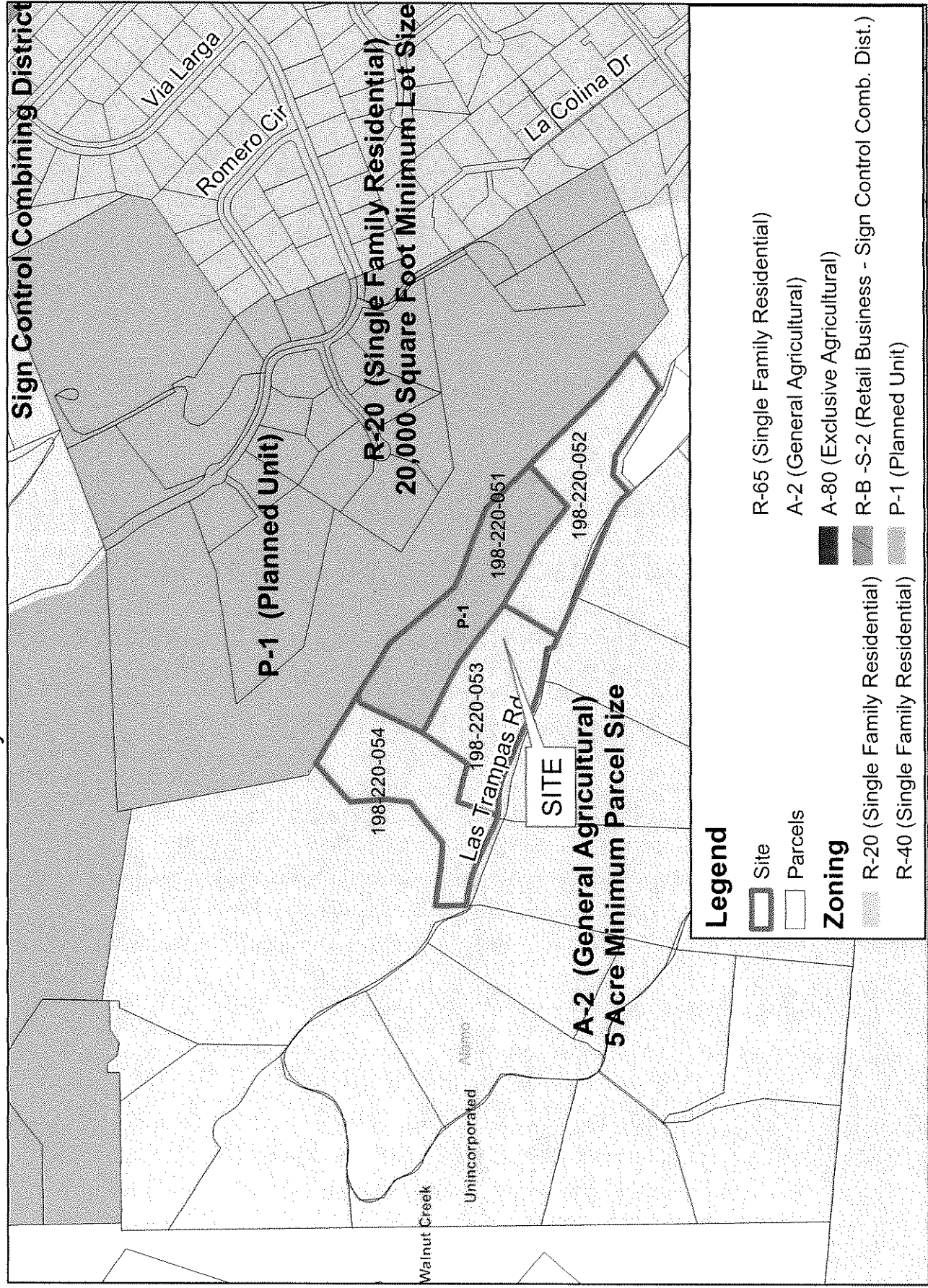


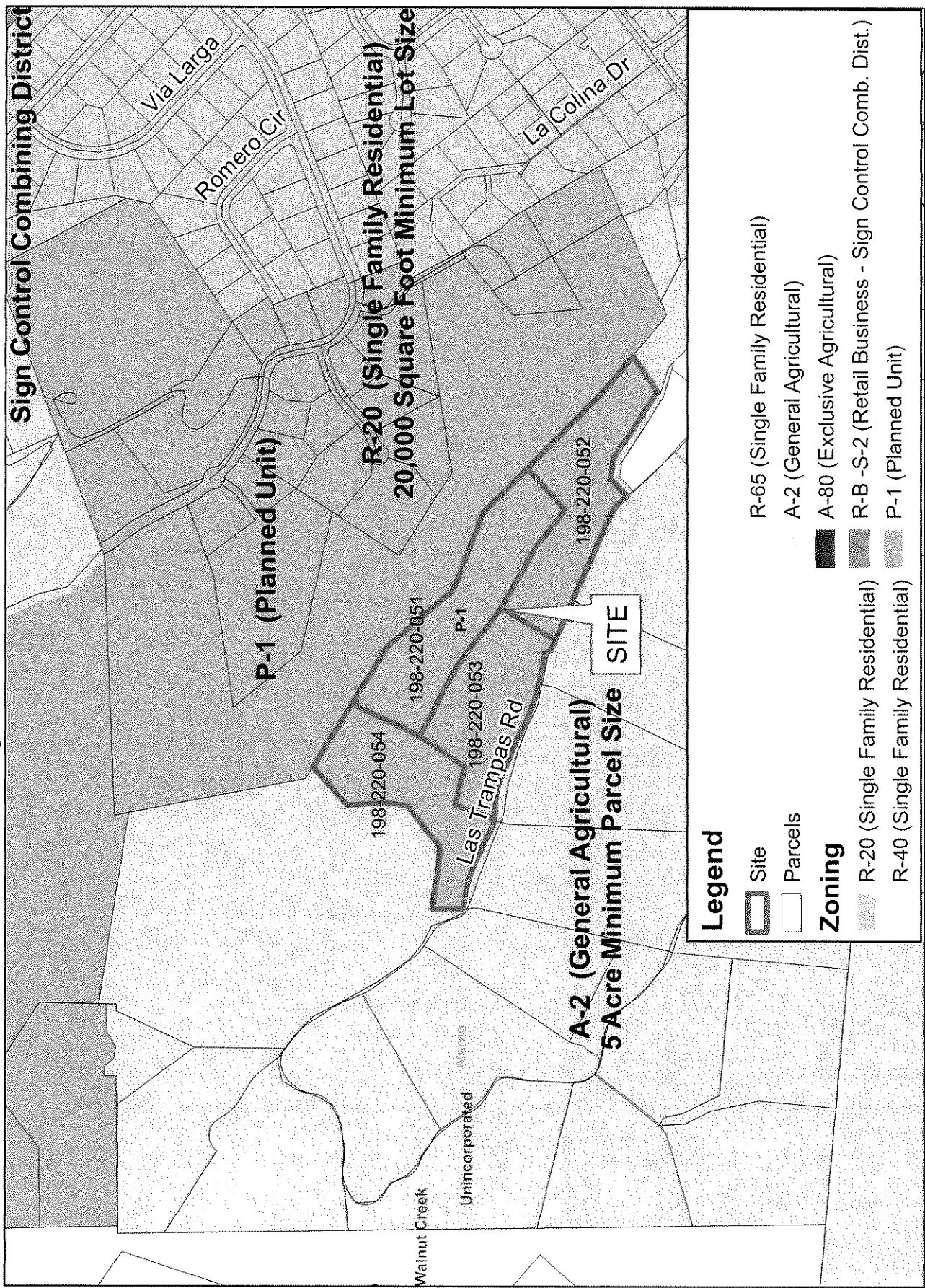
Exhibit C: Current Zoning
Madden Residential Project 1900 Las Trampas Rd, Alamo
County File #GP07-00074



Map created 6/17/2008
by Contra Costa County Community Development, GIS Group
651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
37:59:48.455N 122:06:35.384W

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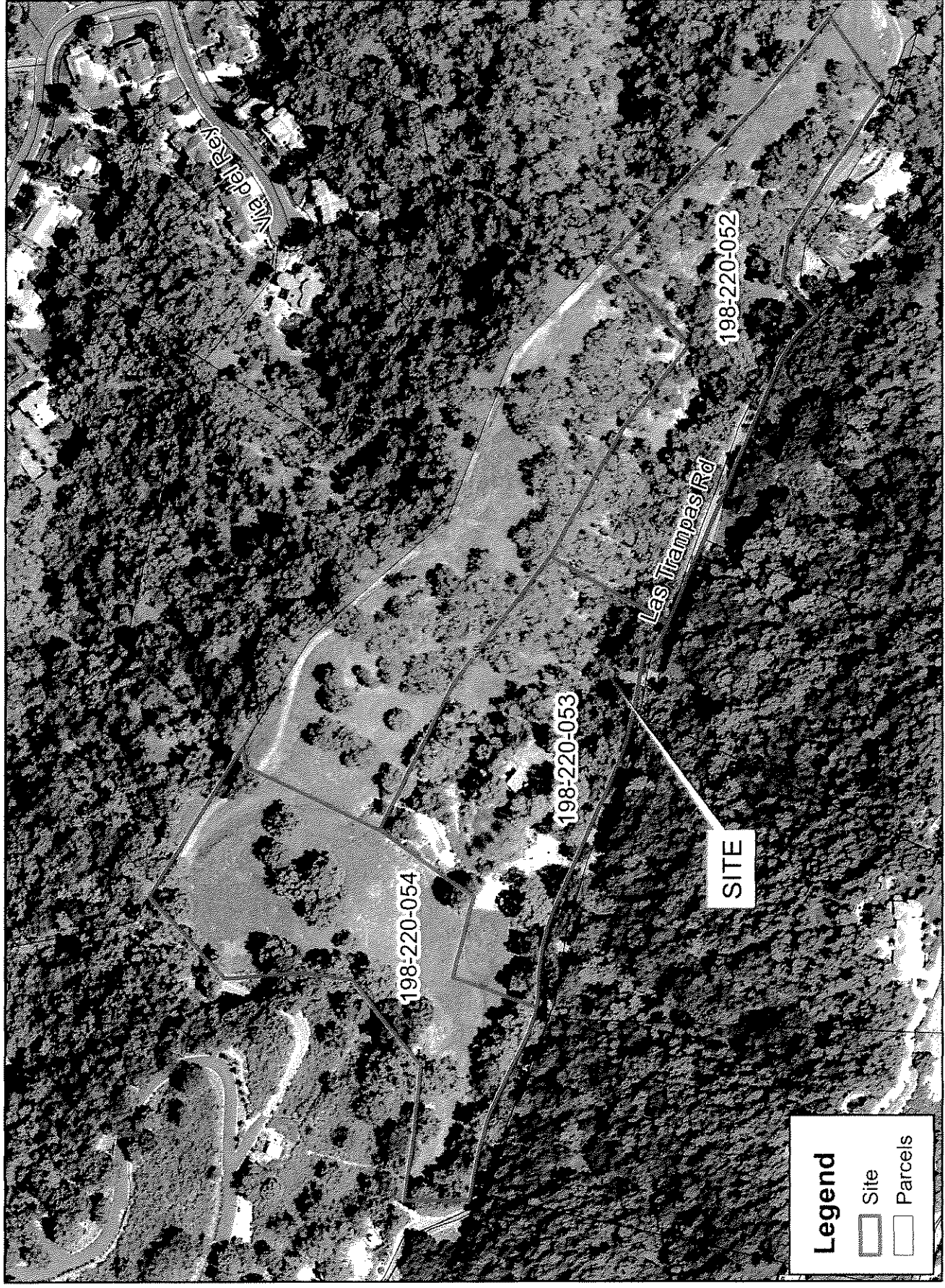
Exhibit D: Proposed and Staff Recommended Amendment to Zoning
Madden Residential Project 1900 Las Trampas Rd, Alamo
County File #GP07-00074



Map created 6/17/2008
by Contra Costa County Community Development, GIS Group
651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
37:59:48.455N 122:06:35.384W

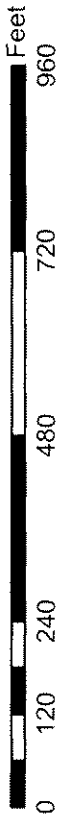
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SD07-9210 Aerial Photograph



Legend

- Site
- Parcels



Map created 6/17/2008
by Contra Costa County Community Development, GIS Group
651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
37°59'48.455N 122°06'35.384W
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POR SEC 13&14 T1S R2W MDBM
A-1989 ROLL TRACT 6419 MB 322-59 (ALAMO RIDGE)

- 1- 16 PM 46 5-28-71
- 2- 153 PM 37 8-9-81
- 3- 160 PM 44 1-4-83
- 4- 176 PM 19 2-9-99

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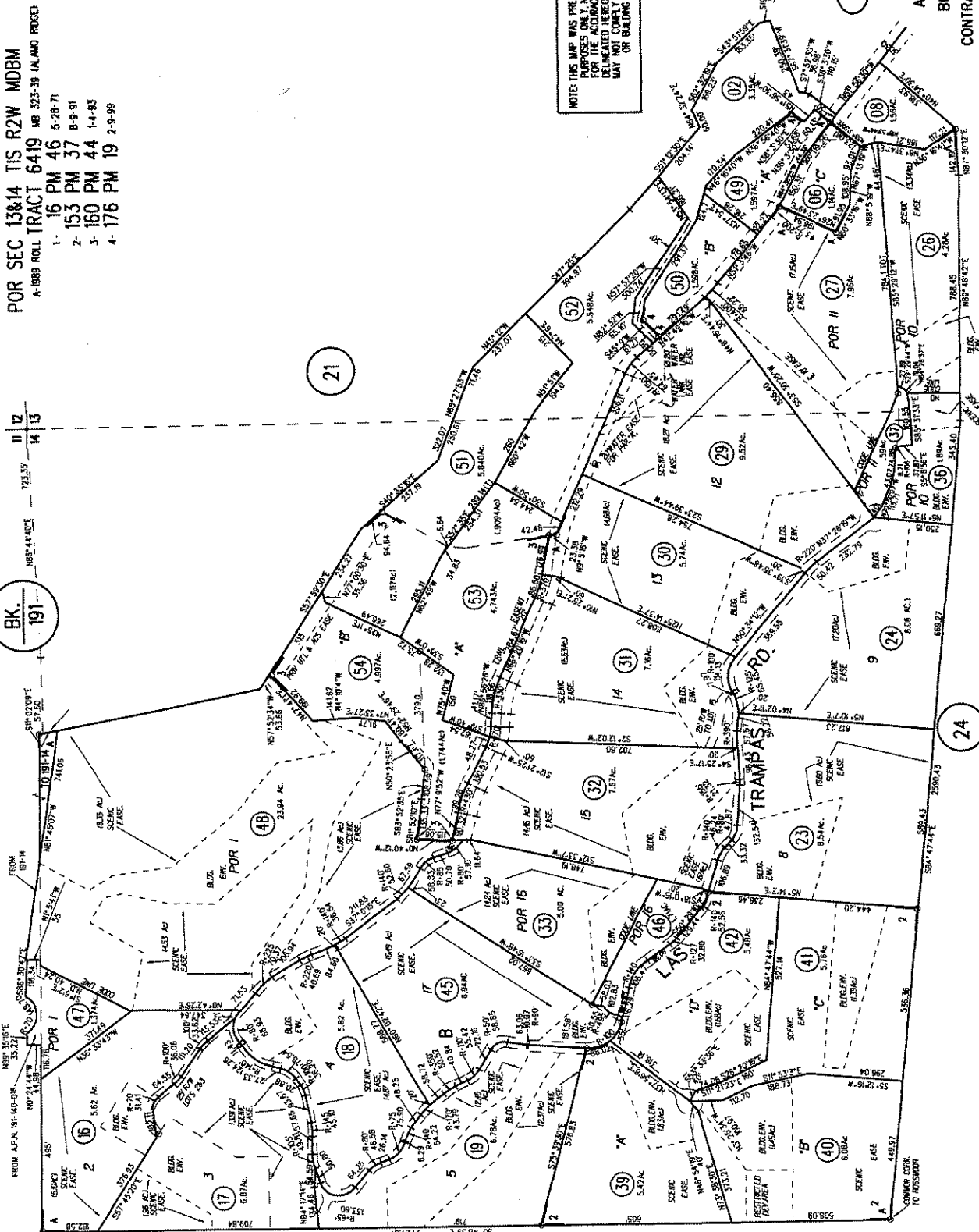
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ASSESSOR'S MAP
BOOK 198 PAGE 22
CONTRA COSTA COUNTY, CALIF



BK. 189

157-06

TENTATIVE MAP NOTES

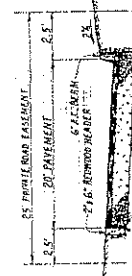
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PARCEL 'A' SUBDIVISION 6716

LIMITS OF SCENIC EASEMENT FROM MS04-0008
 COMPARE WITH OPEN SPACE AREA AND HABITAT
 PRESERVATION AREAS OF SD07-9210

Page 13

SUBDIVISION 6419 - ALAMO RIDGE



PRIVATE ROAD SECTION
 IN SCALE

NOTE:
 THIS MAP REFLECTS LOT LINE ADJUSTMENT L.P. 64 APPROVED BY
 THE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT ON SEP 2, 2004.

VICINITY MAP
 IN SCALE

MS04-0008
 VESTING TENTATIVE MAP
 PRELIMINARY AND FINAL DEVELOPMENT PLAN

MADDEN/PAULUS PROPERTY
 LAS TRAMPAS ROAD

CONTRA COSTA COUNTY

CALIFORNIA

REVIEWS

APPROVED FOR THE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT ON SEP 2, 2004.

DeBolt Civil Engineering

811 San Ramon Valley Boulevard
 Danville, California 94518
 (925) 455-1100

SHEET 1 OF 2

**Design Guidelines
Alamo Ridge Extension
October 2008**

From Applicant

1. The Goal of these Guidelines

- a. The overall goal of these Guidelines is to ensure that the homes to be built on these nine lots are constructed in a manner consistent with the homes that exist in the Alamo Ridge Subdivision.
- b. The site plan is shown on the Debolt drawings.
- c. The location of all major trees is shown and the schedule of trees to be removed is set forth in the arborist reports.
- d. The soils reports are forth in the Engeo Reports.
- e. Unless otherwise provided the underlying zoning is R 65.

2. Implementation of these guidelines

Before any improvement is made that requires a permit, the applicant shall obtain approval from the Contra Costa Zoning Administrator as required by the Conditions of Approval for the subdivision. Both architectural and landscape plans shall be submitted for approval. The Zoning Administrator shall review the application in order to determine that it is consistent with these Design Guidelines.

Construction outside the building envelope but not in Open Space may be approved by the Zoning Administrator if it is consistent with the intent of these Guidelines.

The Zoning Administrator shall not approve any proposed project that is inconsistent with these Guidelines unless, in writing, the Zoning Administrator determines that the proposal, while it is at variance with these Guidelines, still achieves the Goals of the Guidelines.

If there is any conflict between these Design Guidelines and the Conditions of Approval, the Conditions of Approval govern. The overall purpose of the design review is to reduce visual impacts of the new construction when viewed from off-site, particularly from the 1-680 corridor and from Central Alamo, generally meaning the Danville Blvd. Stone Valley Road intersection.

3. Design Constraints

The phrase “living area” does not include basements, garages, detached secondary units or accessory structures.

The Lot Size and Building Envelope size are approximate and must be confirmed by the owner.

For Lots A, B & C the maximum building height is 28 feet, measured from existing grade for the area along the ridge (Northeast side) along the northeast building envelope line when viewed perpendicular to the building envelope line. Vents or similar appurtenances may extend above the maximum indicated-roof height). However, the Zoning Administrator may allow a greater height on the downhill side of the structure (West/Southwest) provided the increase in height is due to the addition of lower levels or understory area on the downhill side of the structure, allowing a maximum height of up to 35 feet. At no point may a building exceed 35-feet in height above grade

For Lots 1 and 5 the maximum building height is the lower of 28 feet from finish grade or, if lower, 28 feet from natural grade. Vents or similar appurtenances may extend above the maximum indicated-roof height). However, the Zoning Administrator may allow a greater height on the downhill side of the structure (West/Southwest) provided the increase in height is due to the addition of lower levels or understory area on the downhill side of the structure, allowing a maximum height of up to 35 feet. At no point may a building exceed 35-feet in height above grade

Development of accessory structures and residential second units shall be subject to compliance with applicable requirements as otherwise contained with the Ordinance Code. (CCC Ord. Code §§ 82-4.212, 82-4.214 and 82-24.002 et seq.) Any proposal to modify the ordinance restrictions second unit

shall require County approval of an application to amend the final development plan.

No lot line adjustment for any lot shall create a lot smaller than 1.1 acre.

For Lots other than A, B and C:

1. Retaining walls or structures may not be built closer than 5 feet to adjoining property. This is to allow for drainage and maintenance.
2. There is to be a 5 foot set back from the wall on the creek side to any structure.

Lot A

Size: 2.8ac

Building Envelope: 11,000 sq. ft.

Height Restriction: 28 feet at the ridge side edge of the building envelope; not to exceed 35 feet

Size of Living Area: 6000 sq. ft. of living area for the primary residence; plus an allowed 1000 sq. ft. for a secondary unit.

Road Setback: 10 feet of planting

Lot B

Size: 1.5 ac.

Building Envelope: 19,500 sq. ft.

Height restriction: 28 feet at the ridge side edge of the building envelope; not to exceed 35 feet

Size of Living area: 10,000 sq. ft. of living area for the primary residence; plus an allowed 1000 sq. ft. for a secondary unit.

Road Set back: 10 feet of planting

Lot C:

Size: 1.5 ac.

Building Envelope: 11,000

Height restriction: 28 feet at the ridge side edge of the building envelope; not to exceed 35 feet

Size of Living area: 5,000 sq. ft. of living area for the primary residence; plus an allowed 1000 sq. ft. for a secondary unit.

Road Setback: 5 feet of planting

Lot 1

Size: 2.6 ac.

Building Envelope: 10,950

Height restriction: 28 feet above finished grade.

Size of Living area: 7,000 of living area including any second unit.

Lot 2

Size: 1.7 ac.

Building Envelope: 15,100 sq. ft.

Height restriction: 28 feet on the uphill side, maximum of 35 feet.

Size of Living area: 6,000 sq. ft., including any second unit.

Residual Parcel

Size: 5 ac.

Lot 3

Size: 1.6

Building Envelope: 20,400 sq. ft.

Height restriction: 28 feet on the uphill side, maximum of 35 feet.

Size of Living area: 7,000 sq. ft, including any second unit

Secondary access or tennis court is permissible.

Lot 4

Size: 2.3 ac.

Building Envelope: 16,000 sq. ft.

Height restriction: 28 feet on the uphill side, maximum of 35 feet

Size of Living area: 9,000 sq. ft, including any second unit

Lot 5

Size: 1.8 ac

Building Envelope: 26,500

Height restriction: 28 feet on the ridge side, maximum of 35 feet.

Size of Living area: 15,000 sq.ft., including any second unit

- A. Cut building into slope to reduce the effective visual bulk.
- B. Step the building up the slope rather than have a single floor height.
- C. Locate house away from the most visible edge of the pad.
- D. Minimize under-story height or foundation on the downhill side of house.
- F. Break up the building mass into smaller elements. Large vertical planes are discouraged. Flat exterior wall surfaces should not exceed 20 feet in height.
- G. Step back second stories.
- H. Avoid large gable ends on the northeast side or other visible elevations particularly toward central Alamo.
- I. Other than the walls as shown on the Vesting Tentative Map, avoid tall retaining walls. Break up into several small walls with landscaping in between.
- J. Exterior colors should be medium to dark and minimize reflectivity (50% maximum reflectivity). (Mitigation Measure)
- K. Encourage shadow patterns created by architectural elements such as large eaves, trellises, arbors and articulation of the building walls.
- L. Extend architectural treatments around to the sides and rear of the houses.
- M. A landscaping plan shall be provided for review and approval and said plan shall be designed to soften the appearance of the structures and to provide significant evergreen screening in order to minimize visibility of the structures from off-site. Replacement trees as required by Condition 17-A

shall be used to screen the dwelling from off-site particularly from the east and northeast.

Plantings when visible on the ridge from off-site should be harmonious with native vegetation

N. Screen storage areas and out-buildings, or locate in unobtrusive locations.

O. Lighting should be minimized and limited to down lighting.

P. All retaining wall shall be within the approved building envelopes.

Q. Prior to the issuance of the first building permit, the developer shall submit for review and approval by the Zoning Administrator plans for an open, rural style fence along the common property line with the Jones Ranch open space parcel. The approved fence shall be constructed prior to occupancy of the first house of the subject subdivision.

11. There shall be a minimum of 10 feet of separation between plantable soil separating the paved portion of the private road serving Parcels A and B and any structure on the lot. There shall be a minimum 5 feet of separation plantable soil between the paved private road right-of-way and any structure on Parcel C.

12. On Parcel A there shall be a minimum of 15 feet of separation between the community parking spaces and any residential structure on Parcel A (but not a non-residential detached structure such as a garage, gazebo, or pool house). The design review required by Condition No. 10 for Parcel A shall consider the need for screening of the residence from the parking area by the use of sound walls and/or dense evergreen landscaping.

4. Site Planning

For each lot a “building area” has been designated. Except as provided below (under the Scenic Easement Section) all above ground construction shall be only in this area. In areas that are outside of the “building area” but not in the area of the Scenic Easement, fencing, driveways, roadways, utilities, plantings, lawns, paths, pools, pool

houses, gazebos and the like may be permitted if approved by the Zoning Administrator.

Unless specified to the contrary in these Guidelines each project shall conform to R-65 zoning.

5. Grading

There shall be no grading without the approval of the Zoning Administrator.

6. Setbacks

Setbacks shall conform to R-65 zoning except as provided herein:

For Lots A&B the front yard setback shall be not less than 10 feet from the pavement.

For Lot C it shall be not less than 5 feet from the pavement. There shall be a total of 40 feet for both side yards. Notwithstanding this general requirement, the following shall apply. For Lots A & B, no retaining structure higher than 3 feet may be closer than 10 feet to the edge of the pavement. For Lot C, no retaining structure higher than 3 feet may be closer than 5 feet to the edge of the pavement.

For Lots 1, 2, 3, 4 and 5 retaining walls or structures may be built up to 5 feet from the property line.

Parking, lawns, ornamental planting and the like may be permitted in the setback areas between the "Building area" and the property boundaries.

7. Scenic Easement

Fire control, erosion control and slide control is allowed within the area of the Scenic Easement. With one exception mentioned below, (other than the construction and maintenance of utilities) no construction of any sort may be allowed in the area of the Scenic Easement. Upon approval of the Zoning Administrator, a gazebo or similar small non residential (less than 12/12 feet in size and less than 15 feet in height) structure (but not a pool house or guest house) may be permitted proximate to the “building Area” but in the Scenic Easement. If this is permitted, the Zoning administrator may approve a plan that shows a walkway to the structure.

The main roof pitches shall be consistent with homes already built in the Alamo Ridge subdivision.

Any masonry or stone facing used as a veneer material or horizontal wood on the front of a residence should return around a corner to a logical point of termination such as an inside corner. Ending veneer at an outside corner, which would expose the edge of the material is not acceptable.

8. Acceptable Materials

Materials that have been already used in the Alamo Ridge Subdivision shall be acceptable, such as wood, stucco, stone or brick. Acceptable roof materials include those that have already been used in the Alamo Ridge subdivision including concrete, composition, clay or slate. All roof materials must be rated Class B fire retardant or better. Non masonry siding should be constructed from natural woods such as redwood or cedar.

Warm earth tone colors including cream, rusts, buffs, rose, beige, ocher and terracotta are preferred. Trim colors should complement the body colors and should be of flat non reflective colors. Visible elements such

as gutters, trellises and downspout should match the color of the architectural element that are attached to, or be a complementary color. Stark white, bright pastels or bright intense colors in large expanses will not be allowed. Colors selected should be appropriate to the proposed

9. Prohibited Materials

1. Aluminum siding
2. Reflective glass

10. Retaining Walls

All retaining walls shall be constructed of materials similar to those that have been used to date in the Alamo Ridge subdivision. These include: poured in place concrete, block walls covered with stucco or rock veneer, redwood walls and pre-poured textured block walls.

11. Foundations

All foundations shall be approved by a soils engineer.

12. Landscape

Every effort shall be taken by the owners to protect all of the trees that are on in the building area. Before the removal of any tree over 6 inches in diameter a permit must be obtained from the County of Contra Costa. Owners shall follow all of the recommendations of the Arborist report mentioned above.

13. Hardscape

All hardscape elements (i.e. patios, walks, mow bands, etc.) shall be shown on the plan when a request for a permit for construction of the house is submitted to the Zoning Administrator. Hardscape is not allowed in the area of the Scenic Easement, except only if a gazebo or

similar structure has been approved, a path to the structure may be approved.

14. Gates

No gate shall obstruct the Fire Department's access to the fire truck turn around located south of the site without a permit that includes written approval by the Fire Department.