

Exhibit #3



Department of Conservation and Development

Board of Appeals

Tuesday, February 24, 2015 – 7:00 .P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Appeal of 200 Sydney Drive Variance and Tree Permit
County File(s):	#VR14-1021
Applicant/Owner:	Ahmad Rassai
Zoning/General Plan:	Single Family Residential (R-20); Single-Family Residential, Low-Density (SL) / Open Space (OS)
Site Address/Location:	200 Sydney Drive (APN: 188-412-014)
California Environmental Quality Act (CEQA) Status:	Exempt, Section 15303(a) - New Construction, or Conversion of Small Structures
Project Planner:	Sharon Gong, (925) 674-7802
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant is requesting approval of a variance to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a residence. The applicant also requests approval of a tree permit to remove (3) code-protected trees (21 to 27 inches in diameter), and work within the drip lines of (3) code-protected trees (6 to 10 inches in diameter). The property is located at 200 Sydney Drive in Alamo.

II. RECOMMENDATION

Staff recommends that the County Planning Commission deny the appeal and APPROVE County File #VR14-1021 based on the attached variance findings and subject to the attached conditions of approval, as modified and approved by the Zoning Administrator on October 6, 2014. Staff recommends that two additional conditions – #12 and #13, that are related to the open area underneath the residence – be approved by the Planning Commission, and be added to the conditions of approval.

III. BACKGROUND

On April 11, 2014, the applicant submitted an application requesting approval of a variance to the side yard, aggregate side yard, and front setbacks, to build a raised driveway, raised entry path, and residence. Included in the variance was a request to remove (1) one Valley Oak and work within the drip lines of (4) four Coast Live Oaks. Nine letters were received requesting a public hearing during the comment period.

On July 7, 2014, the applicant was informed that Staff would not be able to recommend approval of the variance request as presented, and advised that house design alternatives be explored which reduced or eliminated the side yard variance request.

On August 18, 2014, the applicant submitted revised plans for a proposal that eliminated the side yard variance request, but retained the front yard variance request; added (2) two trees for removal, for a total of (3) three tree removals; and proposed work within the drip lines of (3) three trees.

On October 6, 2014 a public hearing before the County Zoning Administrator was held, testimonies were received, and the variance permit was approved with modifications to the conditions of approval.

Two letters appealing the approval were received during the appeal period following the decision, leading to the scheduling of this public hearing before the County Planning Commission.

IV. GENERAL INFORMATION

- A. General Plan: The subject property is located within a Single-Family Residential - Low Density (SL), and an Open Space (OS) General Plan Land Use designation.
- B. Zoning: The subject property is located within a Single-Family Residential (R-20) zoning district.
- C. California Environmental Quality Act (CEQA) Status: The proposed project is exempt pursuant to Section 15303(a) of the government code, regarding "New Construction, or Conversion of Small Structures", which identifies the construction of one new single-family residence as being exempt from review under CEQA.
- D. Lot Creation: The subject property was created on July 8, 1960, as Lot 48, and a portion of Lot 47 of the Crest View subdivision, Tract 2838.
- E. Prior County Files Related to the Subject Property:

County File #TP14-0005: Tree permit application to remove (1) one tree, and work in the drip lines of (4) four trees. Because the applicant decided to pursue a variance request

for the proposed development, this tree permit application was withdrawn and the tree permit was incorporated into this variance application.

V. SITE/AREA DESCRIPTION

The subject property is located amongst lots on Sydney Drive ranging from 17,741 square feet to 74,000 square feet in area. The subject lot is the largest lot along Sydney Drive, at 74,000 square feet. According to Contra Costa County GIS data, homes along Sydney Drive range in size from 2,062 square feet to 4,035 square feet. Sydney Drive runs along the crest of a mountain ridge, and ends with the ridge topography in a cul-de-sac. Lots on either side slope down from the road steeply, especially on the west of the ridge, where the subject lot is located. Mature tree clusters pepper the lots along Sydney Drive, and a large, mature tree grove occupies much of the two lots bordering the cul-de-sac. The subject lot, 200 Sydney Drive, is the northwesterly lot of these two.

The subject lot is a roughly triangular-shaped lot, which slopes significantly down in the first 25 feet from the road to the building pad. Beyond the building pad, the topography slopes steeply down again toward the rear of the lot. The large grove of mature trees covers roughly 40% of the lot starting from the northern "point" of the triangular lot, and a sprinkling of mature trees covers the southwestern portion. The lot is currently vacant. (Please see to the attached Maps and Plans section and Photos section of the October 6, 2014 staff report for visual reference.)

IV. PROJECT DESCRIPTION

The project proposes the construction of a driveway, entry path, and a 7,175 square foot residence on a vacant lot. A variance for front yard setback of 3 feet, where 25 feet is required, is requested to construct the raised front entry path with solid wall railings, which will be 9 feet above grade at its tallest.

The project proposes the removal of (1) one Valley Oak (27 inches in diameter) and (2) two Coast Live Oaks (21 and 25 inches in diameter), which are in the footprint of the proposed house; and work within drip lines of (3) three Coast Live Oaks, (6, 10 and 12 inches in diameter).

- V. APPEAL OF THE ZONING ADMINISTRATOR'S DECISION:** Two appeal letters were received by the Department of Conservation and Development. One was received on October 14, 2014, from the law offices of Gagen, McCoy, McMahon, Koss, Markowitz and Raines, on behalf of Jim Farrell, owner of the property at 206 Sydney Drive. The other was received on October 15, 2014, from Giyan Senaratne, owner of the property at 201 Sydney Drive. Summaries and staff responses to the letters follow. Where appeal points from both letters are similar or essentially the same, they have been summarized and addressed with one response.

- A. **Summary of Appeal Point #1: Confirm that everyone has a First Amendment right to file an appeal, to participate in public hearings and give testimony, and that the County will not punish Mr. Farrell or other neighbors as result of filing an appeal.**

Staff Response: Any person may file an appeal of a Zoning Administrator's decision on an application, if there are sufficient grounds for the appeal, and the appeal is received within the ten-day appeal period with the proper fees and letter stating the reasons for the appeal. If these criteria are met, the appeal is accepted, and the application is prepared for a hearing before the appeal body – in this case, the County Planning Commission.

The County Code Enforcement division *independently* pursues any substantiated report of violations of County code. If a structure is built illegally, *it exists in violation of the County code*, and is subject to penalties and/or remedies at the cost of the property owner to bring the structure into compliance.

- B. **Summary of Appeal Point #2: The proposed residence is three stories, based on County definitions of "story" and "basement" and the California Building Code definitions of "story". The "open" area cannot be built as drawn (due to seismic stability and geological conditions) – it would need to be enclosed, and therefore be a story.**

Staff Response: The definition of a "story", pursuant to County Ordinance, section 82-4.266, is "that portion of a building included between the upper surface of any floor and the upper surface of the floor next above... If the finished floor level directly above a basement or cellar is more than six feet above grade at any point, such basement or cellar shall be considered a story." Also, pursuant to County Ordinance, section 82-4.290, a "basement" is defined as "any area in a building or structure where the finished floor directly above the area is less than six feet above preconstruction grade or finished grade, whichever is lower." The open area underneath the lower story of the proposed residence is over 6 feet at the most downhill portion, therefore, the area cannot be considered a "basement" by County definition. This leads one to consider that the area may be a "story", by the above County definition. However, the primary purpose of the residential height limitation ordinance is to prevent the construction of a house that exceeds 35 feet, or that has a full third story that can be utilized by the owner for living purposes. Although the ordinance does not state that an area must be enclosed to be considered a story, it is clear that by leaving the area open, ungraded, and unfinished, the owner does not intend to create a full, usable third story, nor does it appear that he intends to create even a usable basement. A condition of approval (COA #12 in the attached Findings and Conditions of Approval) is recommended by Staff to prevent the future enclosure of the open area, and the potential for it to be converted into a usable third story, by requiring the area to remain open, ungraded and unfinished. Aerial photos of the immediate neighborhood show that other houses have a similar configuration, where a finished floor is supported by posts over a significant open area underneath.

As for whether the open area qualifies as a story according to the California Building Code (CBC) as opposed to the County code, such a comparison cannot be used as the basis of decision-making by County planning bodies, because inconsistencies between the CBC and County code are known and recognized. Where these inconsistencies occur, planning staff is required to apply the County code, and its own interpretation of such code. Though the CBC applies to the project at the time of the building code plan check process and within the context of building inspection, it is not applied to the project for planning purposes, because when the project is reviewed by planning staff, it is to oversee consistency and compliance with the overall County planning principles and objectives that the planning ordinances support, and not the principles and objectives of building inspection.

Plans and structural calculations produced by a licensed engineer will be required at the time of building permit application, and prior to issuance of building permits. In the event that the proposed structure is required to be redesigned to enclose the open area and thereby potentially create a third story, revised plans will be required and will be reviewed by planning staff, and if applicable, a variance application for a third story will be required. A condition of approval (COA #13 in the attached Findings and Conditions of Approval) is recommended by Staff to ensure that if the proposal is revised from the approved drawings, that the applicant shall submit revised drawings which will be subject to review and approval by the Community Development Division (CDD). Any new non-compliance created by the revision will be subject to the appropriate permit approval requirements.

In conclusion, Staff does not consider the proposed structure to be 3 stories, and ***as shown in the revised drawings*** (see Appeal Point #3), the proposed residence complies with the 35-foot height limit at all points. Condition of approval #11, recommended by Staff to the Zoning Administrator, and revised at the suggestion of the applicant at the public hearing on October 6, 2014, requires that the framing at the completion of each floor of the house be verified to meet the correct height, and that the overall height is verified to be compliant prior to final framing inspection. Staff is recommending that this condition be upheld and approved by the Planning Commission.

- C. ***Summary of Appeal Point #3: The topo map provided is from 1985, and is not stamped and signed by the surveyor. The grades shown on the 1985 topo map do not match the cross section and elevations views - specifically the grades shown on Sheet A4.0. Insufficient cross sections have been provided. Incorrect and flawed information on the drawings make it difficult to evaluate critical height issues, which are related to the requested front entry variance.***

Staff Response: The survey provided by the applicant is stamped, though the stamp is faint on the print submitted, and is signed by Albert A. Milano, L.S. 2967. The applicant states that he has only one copy of the survey and does not have original print. Though the survey was prepared in 1985, and erosion of the site could have occurred since that time which may have changed the topography of the site, Staff has confirmed with the

County Geologist that any topography changes from erosion would be minor, and that the survey is valid and accurate enough for planning determinations. (The County Geologist also mentioned that the Albert A. Milano was a licensed surveyor with a positive reputation in his field.) Additionally, there is no indication that there has been any intentional grading on the site since this survey was done.

Staff reviewed and cross-checked the grades and elevations on Sheet A4.0 of the drawings, and found that there were mistakes in the representation of the grade at the west side of the house, at the master bedroom. When the correct grade was determined, it was found that the house did exceed the 35-foot height limit at the master bedroom. After Staff discussed this with the applicant, he recognized the mistake and decided to slope the roof at the master bedroom to bring the height into compliance with the 35-foot limit. Revised and corrected drawings prepared by a licensed engineer were submitted on December 29, 2014. Additional sections showing the heights at the master bedroom and second tallest part of the house were also submitted as evidence of compliance with height limitations.

D. ***Summary of Appeal Point #4: The Zoning Administrator's (ZA) findings for granting the front setback variance to construct the raised entry pathway are not supported by evidence.***

1. ***The ZA found that despite the home's significant size, elevation, and raised pathway, the proposed residence is compatible with neighboring homes. Granting a variance to build a home on stilts that exceeds 7,000 square feet, is 210% the size of the average home and 54% larger than the largest home on the street, and that exceeds the setback requirements by such a large margin would be a grant of special privilege, and does not meet the intent an purpose of the land use district. The size of the house is not dependent upon the size of the lot, which is mostly unbuildable, but is dictated by the buildable pad which is essentially the same for most developments on Sydney Drive.***
2. ***The ZA indicated that the variance for the pathway should be granted because "if the variance is not given, the applicant could amend the project so that no variance is required". This should not be the primary reason for granting the variance to the front setback.***
3. ***There are no special circumstances applicable to the property, where other neighboring residences area are also on hillsides. Six out of eight homes along the northern slope of Sydney Drive have an entry walkway that comes directly off of the driveway, rather than being a separate entry from the street. The large size of the house creates the need for the variance.***

Staff Response:

1. As discussed in the staff report and in the ZA public hearing on October 6, 2014, the County zoning ordinance has no restrictions on the square footage of homes in the

zoning district. Rather, zoning restrictions define a general building envelope within which defined construction can occur. Variances to these restrictions may be granted if the specifics of the site present difficulties to the owner in the course of designing an appropriate development for the site, if the approval of the variance does not constitute a special privilege to the owner, and if the project otherwise meets the intent of the zoning district. Based on the discussion in the attached Findings and Conditions of Approval, Staff and the ZA determined that the project, as proposed, satisfies these criteria. In addition, the lot is not a substandard lot in the zoning district, and a design review is not required for the proposed development. Therefore, a discussion of the size of the proposed house, outside of compliance with zoning restrictions, is not required.

Nevertheless, the proposed home is compatible with neighboring homes with regard to its presentation on the street and in the neighborhood. When the proposed residence's height from the street level and width at street level are compared to those of nearby existing houses, they are comparable to or less than the height and width of the nearby homes.

2. The ZA approved the variance because the variance findings were met by the proposal. The statement, put in its context, was a point made by the ZA to illustrate that neighbor concerns about the driveway and the garage locations were not relevant to the consideration of the front yard variance for the entry walkway. That is, if the applicant had designed a compliant entry pathway, where there was no variance requested, the driveway and the garage locations would never have been open to public discussion because they do not violate any zoning restrictions.
 3. As discussed in the staff report and findings, and in the ZA public hearing on October 6, 2014, the request for the front variance was approved because the ZA found that the steepness of the site at the front of the property makes building an entry path to the upper level front door difficult without a variance. Such an entry pathway to the front door that did not require a raised path and therefore, no variance, would have to descend steeply down from the street level (more than ten feet) to the *lower* floor, so that it could conform with the topography. In addition, it would create a front door entry that is ten feet below the street level, which is unusual for houses in this neighborhood. The alternative configuration offered by the appellant, Mr. Farrell, where an entry walkway connects an upper level garage driveway to the upper level front door would still require a variance to the front setback because of the steep dropoff of the topography at the front of the lot, and would require a second variance for the driveway to the upper level garage.
- E. ***Summary of Appeal Point #5: The driveway into the garage does not seem to "fit". The house will have to be lifted anywhere from 6 inches to 3 feet to build a driveway that meets County standards, making the house more out of compliance with height, and would affect the front variance.***

Staff Response: The proposed driveway will be reviewed for compliance with County standards by the County building and grading departments prior to issuance of any building or grading permits. If these reviews reveal a necessity to revise the design of the driveway and/or house, revised plans will be required and will be reviewed by planning staff, and if applicable, a variance application for any non-compliance will be required. A condition of approval (COA #13 in the attached Findings and Conditions of Approval) is recommended by Staff to ensure that if the proposal is revised from the approved drawings, that the applicant shall submit revised drawings which will be subject to review and approval by Staff. Any new non-compliance created by the revision will be subject to the appropriate permit approval requirements.

F. ***Summary of Appeal Point #6: The size and boxiness of the home affects the number of trees that are being removed. The developer has revised the location of the home from the original submittal to affect even more trees.***

Staff Response: Although the size of the house footprint does affect how many trees may be impacted by a house design, any owner of a property has a right to build a home of a reasonable size on their lot. Zoning ordinances which dictate setbacks and height limits serve to restrict the house size to a reasonable limit. The proposed house, with the exception of the requested front yard variance being considered here, conforms to the setback and height limitations for the lot.

Additionally, as discussed in the staff report for the ZA hearing, the lot is populated with numerous mature, native trees, which are of similar size to those proposed to be removed, which are healthy, and will not be impacted at all by the proposed construction. Aerial photographs show that the site is populated with a large grove of mature trees which covers roughly 40% of the northern side of the lot, and more mature trees on the southwestern portion. Thus, the removal of the proposed trees satisfies the tree permit finding that "the permit issuance will not negatively affect the sustainability of the resource". Additionally, the proposal satisfies the finding that "reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot". The applicant has already shifted the house northward on the property, to eliminate a side yard variance, and the remainder of the site is very difficult to build on because of steeper topography.

Shifting the house location on the lot to eliminate the need for a side yard variance resulted in a proposal of three tree removals, where originally, only one tree removal was proposed. Because the additional tree removals would not negatively affect the sustainability of the resource, and because reasonable development could not be accommodated elsewhere on the lot, the elimination of the side yard variance request with the revised house location, even though it would cause the removal of two more trees, better satisfies the overall intent of zoning restrictions in the neighborhood.

VI. CONCLUSION

In summary, appellant concerns regarding the project largely relate to the size of the house – the height, in particular – and the compatibility of the house with the existing neighborhood. Though these are valid concerns, they are not relevant to the decision of whether to approve requested the front yard variance. Nevertheless, Staff is recommending additional conditions of approval to minimize the potential for future non-compliance with zoning restrictions due to revisions which may be required by non-planning regulations. Otherwise, as discussed in this staff report, the proposed development and the requested variance is consistent with the Single Family Residential - Low Density (SL) and Open Space (OS) General Plan Land Use designations and complies with the intent and purpose of the Single Family Residential (R-20) zoning district. Therefore, Staff recommends that the County Planning Commission uphold the Zoning Administrator's decision to approve the proposed project, subject to the attached conditions of approval, which include those conditions adopted on October 6, 2014, and two additional conditions (#12 and #13) recommended by Staff.

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FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #VR14-1021: AHMAD RASSAI (APPLICANT & OWNER)

A. VARIANCE FINDINGS – to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a residence.

- 1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.***

Finding: Sydney Drive runs along the crest of a mountain ridge, and ends with the ridge topography in a cul-de-sac. Lots on either side slope down from the road steeply, especially on the west side of the ridge, where the subject lot is located. By contrast, lots on the eastern side of Sydney Drive have a flat or gradual slope at the front of the lot, allowing homes to be located toward the front of the lots. Some of the lots along the western side also have a wide flat area at the front, mostly on those toward the southern part of Sydney, but the flat area narrows as we go north, so that it is significantly narrower at 218 Sydney Drive, and disappears at 206 and 200 Sydney, where there is little or no area to build at the front of the lot, and the building pads are located further down the slope.

The lots at 218, 212, 206, and 200 Sydney (the subject lot) are the most similar in topography, where a steep slope occurs at the front of the property, down to the building pad(s) below. The vacant lot at 212 Sydney has two graded building pads, with the slope down to the first, and then another significant slope down to the second, suggesting “stepped” development of the lot. The stepped configuration of the house that was built on 218 Sydney indicates that it also had two building pads. The lots at 206 Sydney and 200 Sydney (the subject lot) slope significantly down from the road to one building pad, and from the building pad, slopes steeply down again to the back of the lot. County records show that front yard variances were requested and granted on 218 and 206 Sydney in order to reasonably develop these lots that have similar peculiarities in topography.

Two variances were approved for 218 Sydney Drive (APN #188-412-003), where the garage is in front yard - on the upper building pad - and the main house is on the lower building pad below. County File #VR73-0141 was a variance that allowed a 15-foot front setback (where 25 feet is required), for the garage in the front setback. County File #VR75-1009 was a variance allowing a 15-foot front setback (where 25 feet is required) again, to rebuild the garage in the same location, two years later.

A variance was approved and granted for 206 Sydney Drive (APN #188-412-015). County File #VR75-1061, allowed a 0-foot front setback (where 25 feet is required) and a 11-foot side yard setback (where 15 feet is required), for retaining walls to “protect the residence”. On the site visit, Staff noted that these retaining walls make possible a long driveway that leads to a garage at the lower level of the house further down the slope. The proposal for 200 Sydney, the subject of this staff report, also proposes a long driveway down to the lower level of the home.

Given these precedents of similar variances granted to these lots of similar topography for reasonable development, approval of the current variance request would not be a special privilege. The house is proposed to be constructed on the existing building pad, which is located approximately 25 feet down the slope from the front property line of the lot. The house entry is proposed on the upper level, which the main floor of the home. Because there is a steep slope down from the street, a path to the front entry door from the street must be raised up from the natural grade, and is therefore a reasonable entry configuration for the home.

- 2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.***

Finding: As discussed above, because of the ridge topography along Sydney Drive, the lots on the northeasterly side of the road have characteristics which cause reasonable development on the lots to be difficult without the granting of some relief from the strict application of the zoning regulations. Owners of 206 and 218 Sydney, whose lots are similar to the subject lot in topography, have previously been granted variances for accessory structures in the front yard so that the main home could be located on the building pad further down the slope. One variance request, for 218 Sydney, was granted twice, for rebuilding a structure in the same location in the front setback.

Moreover, the proposed locations for the residence, driveway and entry path are appropriate for the existing topography of the subject site. The subject lot is vacant, and has never been developed. The existing topography is the result of initial grading presumed to be performed by the first developer upon approval of the Crest View subdivision. The lot slopes significantly down in the first 25 feet from the road to the building pad, and from the building pad, the topography slopes steeply down again to the back of the lot. A graded slope on the left side (south) appears to be the intended driveway down to the building pad.

The project proposes locating the residence on the existing building pad, and the driveway on the existing graded slope down to the building pad (to the proposed lower level of the home). (As previously noted, 206 Sydney also has a long driveway sloping down to the lower level of the home.) Additionally, the project proposes a raised entry pathway over the steep natural grade at the front of the lot, directly from the road to the house entry. Thus, the proposed project places the new residence and auxiliary structures where the existing topography suggests to be the most appropriate and intended locations for these structures. Upon the suggestion by Staff, the Applicant has already revised the initial project proposal, which requested a 0-foot side yard variance in addition to the 3-foot front yard variance. By shifting the house, driveway and entry path as far north as possible, the side yard variance request was eliminated. Alternately, relocating the driveway to be at the front of the house, leading from the street to the upper level, would have required another front yard variance because of the steepness in that terrain at the front, though it would have eliminated the side variance.

Thus, granting approval of this variance would allow the property owner to build a house on an appropriate location on a site that is difficult to develop because of its steepness and because of the peculiarities of the existing terrain - a right enjoyed by the two lots nearby which have already been granted variances, as well as the other homeowners who have properties on the ridge at Sydney Drive.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Finding: The intent and purpose of the R-20 land use district is to facilitate orderly development and maintenance of single-family residential neighborhoods. The district allows one detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it. Approval of this variance will allow the construction of an entry path from the street to the front entry door on the main level of the proposed house – a normal auxiliary use for a single-family dwelling. The steepness of the topography at the front of the property necessitates that the entry path be raised significantly above the natural grade to serve its purpose. Thus, the variance approval will substantially meet the intent and purpose of the zoning district.

B. TREE PERMIT FINDINGS

Criteria for Review of the Tree Permit

- a. **Required Factors for Granting Permit:** The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied as marked:
1. ☐ The arborist report indicates that the subject tree is in poor health and cannot be saved.
 2. ☐ The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.).
 3. ☐ The tree is in danger of falling and cannot be saved by some other means (such as pruning).
 4. ☐ The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.
 5. ☐ The tree is a species known to be highly combustible and is determined to be a fire hazard.
 6. ☐ The tree species or the form of the tree does not merit saving (i.e. a tree stunted in growth, poorly formed, etc.).

7. ☒ Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.
 8. ☐ The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short-lived, weak wooded and subject to limb breakage, shallow rooted and subject to toppling.
 9. ☒ Where the arborist or forester report has been required, and the Deputy Director, Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.
 10. ☐ None of the above factors apply.
- b. Required Factors for Denying a Tree Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:
1. ☐ The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits).
 2. ☐ It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree.
 3. ☐ The tree to be removed is a member of a group of trees in which each tree is dependent upon the other for survival.
 4. ☐ The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner.
 5. ☐ If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements.
 6. ☐ Any other reasonable and relevant factors specified by the Deputy Director, Community Development Division.
 7. ☒ None of the above factors apply.

CONDITIONS OF APPROVAL

Project Approval

1. ____ A **Variance Permit is approved** as generally shown in the revised plans received by the Department of Conservation and Development, Community Development Division (CDD) on August 18, 2014, to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a new residence.

A Tree Permit is approved to allow the removal of (1) Valley Oak - 27 inches in diameter (#1), (2) Coast Live Oaks - 25 inches (#5) and 21 inches (#6) in diameter, and work within the drip lines of (3) Coast Live Oaks, 10 inches (#2), 12 inches (#3), and 6 inches (#4) in diameter. The approval is based on the following documents submitted to the Department of Conservation and Development, Community Development Division (CDD):

- Revised plans received by CDD on August 18, 2014
- Revised Arborist's Report, prepared by Chris Llata, Certified Arborist #WE504, received by CDD on August 13, 2014

Except as otherwise specified, development shall be in accord with the recommendations of the arborist report. Code-protected trees that are not included under this permit shall not be removed or altered. All grading, site and development plans shall clearly indicate trees approved for removal, alteration or otherwise affected by construction. The tree information on the plans (grading and development) shall indicate the number, size, species, and location of the drip line of all trees on the property that will be impacted by development.

This permit shall be valid for a period of one (1) year and may be renewed for an additional year by CDD upon written request by the applicant and submittal of a fee.

2. ____ This application is subject to an initial application deposit of \$1000.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.

Required Restitution for Approved Tree Removal

3. ____ The following measures are intended to provide restitution for the removal of (3) three trees:
- a. Planting and Irrigation Plan: **Prior to issuance of a grading or building permit, whichever occurs first**, the applicant shall submit a tree planting and

irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of **(9) NINE** trees, minimum 15 gallons in size. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation).

- b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. **Prior to issuance of a grading or building permit, whichever occurs first**, the applicant shall submit a security that is acceptable to the CDD. The security shall be the amount of the approved cost estimate described in Section 3.a above, *plus* a 20% inflation surcharge.
- c. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.
- d. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the applicant has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

Tree Preservation Requirements

4. _____ Security for Possible Damage to Trees Intended for Preservation: Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. **Prior to issuance of grading permits or building permits, whichever occurs first**, the applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).

a. Amount of Security: The security shall be an amount sufficient to cover:

- i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall provide for the planting and irrigation of **(5) FIVE** trees, minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the CDD. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. **If deemed necessary by the CDD, the plan shall be implemented prior to final building inspection.**
- ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
- iii. An *additional* 20% above the costs described in Sections 4.a.i and 4.a.ii above to account for inflation potential.

b. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.

c. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the CDD determines that trees intended for preservation have been

damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the CDD may require that all or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died.

5. ____ Preservation of Trees #2, #3, and #4: The applicant shall consult with the arborist to obtain tree protection recommendations for these trees.
6. ____ Compliance with Arborist Recommendations: The applicant shall implement all measures recommended by the consulting arborist that are intended to mitigate the impacts of construction activities.
7. ____ Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Geology

8. ____ **At least 30 days prior to submittal for the building/grading permit** for the residence the Applicant must submit a geotechnical report and grading/drainage plans for review by the Peer Review Geologist, and review/ approval of the Zoning Administrator. (A \$750 fee will be collected for the County Geologist Peer Review.) The geotechnical report shall (a) provide performance criteria for assessment of the stability of engineered slopes, (b) identify the methods to be used to evaluate stability, and provide justification for their selection, (c) evaluate the stability based on the engineering properties of rock and soil on the site and on the level of anticipated earthquake shaking that is forecasted, (d) evaluate the consistency of the grading and drainage plans with the recommendations in the geotechnical report, and (e) identify any slopes that are proposed for corrective grading and indicate the type of corrective grading that is proposed. The evaluation of slope stability of the site shall follow the guidelines that have been issued by the State of properties in the official Seismic Hazard Zone.
9. ____ Improvement, grading, and building plans shall carry out the recommendations of the approved geotechnical report. To ensure that recommendations are properly interpreted and implemented by the contractor, the geotechnical report shall outline the monitoring and testing services recommended by the geotechnical engineer during construction. It is anticipated that the geotechnical engineer will provide observation and testing services during clearing, site preparation, grading, drainage, and foundation-related work. Prior to requesting the final inspection of grading, submit a grading and completion report, to the Building Inspection Division and include in that report of the results of fill testing, along with evidence of monitoring any retaining wall construction. The Grading Completion Report shall include an Original Geologic Map that shows the details of observed features and conditions (e.g. map showing the distribution of fill on the site, and characterizing the fill and bedrock), along with the location of boreholes and the line-of-section for the slope stability analysis).The Grading Completion Report shall

also include a map based on either field survey or GPS measurements that show the location and depth of any subdrains, and location of cleanouts.

10. ___ ___ Gradient criteria for engineered slopes in the project shall comply with provisions of the County Grading Ordinance. Any conflicts between the future grading plans and those criteria shall be interpreted as evidence that the grading plan is inconsistent with grading criteria for the project. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M.

Construction Restrictions

11. ___ ___ **Upon the completion of the framing for each floor of the building and prior to final inspection of the residential framing,** the Applicant's licensed engineer must provide a roof plan and survey to verify that the building height does not exceed the height shown on the approved plans.

12. ___ ___ The area beneath the lower floor of the house that is shown as "open" in the drawings shall not be enclosed by solid walls, nor be graded, nor be finished.

13. ___ ___ In the event that the house is required to be redesigned in order to comply with state or county regulations, revised drawings shall be submitted for review and approval by CDD. Any new non-compliance created by the revision will be subject to the appropriate permit approval requirements.

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

- a. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For information on the actual days and dates that these holidays occur, please visit the following websites:

Federal: www.federalreserve.gov/aboutthefed/k8.htm

State: www.sos.ca.gov/holidays.htm

- b. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
- c. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
- d. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

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

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are necessary as part of the proposed project:

- Contra Costa County Building Inspection Division
- Contra Costa County Grading Inspection Section
- Contra Costa County Geologist
- Contra Costa County Fire Protection District
- East Bay Municipal Utility District
- Central Contra Costa Sanitary District

Appeal Letters



GagenMcCoy

William E. Gagen, Jr.
Gregory L. McCoy
Patrick J. McMahon
Linn K. Coombs
Charles A. Koss
Michael J. Markowitz
Richard C. Raines
Barbara Duval Jewell
Robert M. Fanucci
Allan C. Moore
Stephen T. Buehl
Amanda Bevins
Lauren E. Dodge
Sarah S. Nix
Amanda Beck
Christine L. Crowl

www.gagenmccoy.com

VR14-1021
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APPLICATION & PERMIT CENTER

October 14, 2014

The Law Offices of
Gagen, McCoy, McMahon, Koss
Markowitz & Raines
A Professional Corporation

Danville Office
279 Front Street
P.O. Box 218
Danville, California 94526-0218
Telephone: (925) 837-0585
Fax: (925) 838-5985

Napa Valley Office
The Offices At Southbridge
1030 Main Street, Suite 212
St. Helena, California 94574
Telephone: (707) 963-0909
Fax: (707) 963-5527

By Hand-Delivery

Contra Costa County
Community Development Division
Application and Permit Center
Attn: Sharon Gong, Project Planner
30 Muir Road
Martinez, CA 94553

Re: Appeal of County Zoning Administrator Decision/October 6, 2014
Contra Costa County Planning Commission
County File #VR14-1021/200 Sydney Drive Variance and Tree Permit (Rassai)

Dear Ms. Gong:

Our office represents Jim Farrell, owner of the residence and property at 206 Sydney Drive in Alamo, California. Mr. Farrell's property is directly adjacent to the (Applicant/Owner) Rassai property at 200 Sydney Drive.

On Monday, October 6, 2014, the Zoning Administrator (ZA) approved Application VR14-1021, for a variance to allow a front yard setback of 3 feet (where 25 feet is required), and a tree removal permit ("Rassai Application").

Please consider this letter and attachment to constitute the Appeal of the ZA decision ("Appeal") regarding the Rassai Application, pursuant to County Code Article 26-2.24.

////

Reasons for Appeal

1. Right to a Fair Hearing on Appeal

First, we are informing the County that the day after the ZA's approval of the Rassai application, the attorneys for Rassai (Miller Starr Regalia) sent an email to our office (Gagen McCoy).

In the email, Miller Starr Regalia threatens to file separate charges with the Contra Costa County's code enforcement department against our client (Jim Farrell), and any of Jim Farrell's neighbors, if this Appeal or any Appeal is filed.

Specifically, the Miller Starr Regalia email includes the following statement regarding this Appeal:

*While anyone has a right to appeal the Zoning Administrator's approval within the 10-day time limit, the Rassais are prepared to demand action of the County's code enforcement team for certain illegal structures they have already identified, should their project be appealed by anyone. As in Walnut Creek, the County code enforcement is complaint driven.*¹

In the above email, Miller Starr Regalia on behalf of Rassai threatens to file administrative complaints/charges with the County code enforcement office against our client (Jim Farrell), and any neighbor with regard to certain "illegal structures" identified on their properties. In such manner, Miller Starr Regalia is improperly attempting to prevent an appeal from being filed, and to prevent neighbors from filing an appeal or participating in the appeal process.

If the County follows Miller Starr Regalia's demands, Jim Farrell and others will be denied the right to a fair hearing on the Appeal.

In any County public hearing, citizens need to be able to participate *without fear of punishment or retribution*. Our client (Jim Farrell), and all neighbors and interested parties, have an absolute right under the First Amendment of the Constitution to file an appeal, and to appear and give public testimony in front of the Zoning Administrator, the Planning Commission, and the Board of Supervisors.

We therefore will be requesting at the Appeal hearing(s), that the County issue a statement confirming that: (i) everyone has a First Amendment right to file an appeal,

¹ Emphasis added. Email from Miller Starr Regalia to Gagen McCoy, dated October 7, 2014, at 12:43 p.m.

and to participate in public hearings and give testimony for or against a project; and (ii) the County will not "punish" Mr. Farrell and the neighbors as a result of filing an appeal or participating in the Appeal process, as demanded by Miller Starr Regalia.

2. Specific Findings by the Zoning Administrator are not supported by the Evidence

We respectfully submit that specific findings by the ZA are not supported by the evidence presented at the hearing and/or evidence in the administrative record.

A. The ZA's findings to the effect that the proposed residence does not exceed the 2 and ½ story limit in the zoning district are not supported by the evidence.

At the ZA hearing, the ZA made findings to the effect that the proposed residence does not exceed the 2 and ½ story limit. We note that the Staff Report does not give any explanation for such finding, and the ZA had little/no evidence for such findings. We believe that the proposed residence is three stories, for reasons including the following:

*The County Zoning Ordinance at §84-14.802 and §84-4.802 provides that no single family dwelling within the R-20 single-family zoning district shall be permitted that exceeds *two and one-half stories* or thirty-five feet in height.

*The County Zoning Ordinance at §82-4.266 defines "story" broadly, to include "[T]hat portion of a building included between the upper surface of any floor and the upper surface of the floor next above . . . If the finished floor level directly above a basement or cellar is more than six feet above grade at any point, *such basement or cellar shall be considered a story.*"

*The proposed Rassai residence is three stories, exceeding the maximum of two and one-half-stories, and requires a separate variance.

*The proposed Rassai residence is on "stilts," with the lowest, "ground floor" consisting of a relatively "flat" flooring/building pad and a finished floor more than 6 feet (here, 10 feet) directly above. Such "ground floor area" consists of more than 2,000 sq. ft., almost as large as the livable area of adjacent two-story houses. Such area constitutes a "story" under the 2013 California Building

Code, the 2013 California Residential Code, and the County Zoning Ordinance.

*The ZA referenced comparable homes on steep hillside areas of the County. The proposed Rassai residence is different than the reference steep hillside homes. The referenced steep hillside homes use supports *as a method to extend livable space out over the hillside, without useable space underneath*. The Rassai residence is simply built on stilts "straight up," creating an extensive amount of useable space on the "ground floor."

B. The ZA's findings to the effect that the variance for the raised pathway should be granted are not supported by the evidence.

The ZA made findings stating that the variance for the raised pathway should be granted. The ZA found that, despite the new home's significant size, elevation (on "stilts") and raised pathway, the proposed residence is compatible with neighboring homes. The ZA indicated that the variance for the raised pathway should be granted because *if this variance is not given, the applicant could amend the project so that no variance is required*.

We do not believe the ZA's findings are supported by the evidence in this matter, for reasons including the following:

*The fact that the applicant could amend the project so that no variance is required should not be the primary reason for granting of the variance. If the applicant indeed can amend the project so that no variance is required, such amended project should be submitted, or at least shown as an alternative, prior to granting the variance.

*The variance would be a special privilege because the applicant proposes a home exceeding 7,000 sq. ft., with approximately 6,200 square feet of "living area." By comparison, the living areas of neighboring homes are typically 2,500 to 3,000 sq. ft. The average living area of homes on Sydney drive is 2,946 sq. ft. The largest home is 4,039 sq. ft. The proposed residence is 210% the size of the average home and 54% larger than the largest home on the street.

*The ZA found that the proposed residence is "compatible" with such neighboring homes. The evidence does not support such finding. Allowing the oversized home (through the variance) to exceed the setback requirements by such a large margin would be a special grant of privilege.

*There are no special circumstances applicable to the property. The evidence at the hearing showed that other neighboring residences are also on hillsides. Of the eight homes along the northern down slope of Sydney Drive, six of them (75%) have the walkway entrance to the home that comes directly off the driveway -- rather than being a separate entranced from the street as proposed by the Applicant. This more common entrance could be used for the proposed project, eliminating the need for the variance. The subject residence is substantially larger than such neighboring residences, resulting in the need for the variance.

*A grant of variance would not meet the intent and purpose of the land use district. County setback requirements dictate the size and type of home that can be found in the zoning district. The lot was clearly intended for homes similar in size to neighboring homes, rather than one built on "stilts" and exceeding 7,000 sq. ft. in size.

Conclusion

For all these and other reasons to be presented at the Appeal hearing, we respectfully request on behalf of Jim Farrell that the County grant the Appeal and deny the proposed variance.

Very truly yours,


Allan C. Moore

Enclosure Check for appeal fee \$125.00

Enclosure: Check for \$125.00

This Appeal Authorized and Agreed to By:


Jim Farrell

Appellant and Owner of Residence at 206 Sydney Drive

Formal Appeal of Zoning Administrators Decision – 200 Sydney Drive, Alamo
County File #VR14-1021

My name is Giyan Senaratne. I live at 201 Sydney Drive, Alamo, CA. My property is located on the same cull-du-sac next door to the subject proposed development at 200 Sydney Drive

I am submitting this letter as a formal “Appeal” for the decision made at the ZA hearing on October 6, 2014, Agenda Item No. 10 ~ County File# VR14-1021.

I am a California registered Structural Engineer and Civil Engineer. I own my own company, West Coast Code Consultants, Inc. (WC3) with over 70 employees operating in multiple states. WC3’s clients include governmental institutions (Federal, State, and County) serving Building, Planning, Public Works, and Health Departments.

I have worked in the building code industry for over 30 years and have been called upon to act as the Chief Building Official for a class “A” jurisdiction in California. Over the years I have attended hundreds of public hearings related to building construction and I am concerned that a full understanding of the issues related to this project is not being presented and addressed.

I have presented my appeal to the variance focusing on the number of stories under Section 1. However, there are a number of procedural issues and events that have occurred which have been misleading and detrimental to neighborhood concerns. I have followed my argument regarding the number of stories with Section 2 which summarizes the other issues relative to the ZA decision.

SECTION 1

The fact that the ZA has limited the hearing and proceedings to the “narrow” application of the variance related to the front entry and the removal of protected trees does not dismiss the fact that both these issues are affecting and are affected by many other elements of the development not be addressed.

The most critical issue at hand is the number of stories and story height this home proposes; neither of which is under scrutiny based on the applied for variance. These serious issues are affecting the property values, views, and livability of surrounding homes, and yet the submitted documentation is inadequate to determine critical code issues at hand. The plans must be studied very carefully to realize how the grade and heights are being represented in a vague and inaccurate manner.

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Number of Stories

The first and primary concern with this project has always been that it violates the County Ordinance in regard to the number of stories. The County Ordinance reads:

- 82-4.290: "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade at any point, such basement or cellar shall be considered a story
- County ordinance 82-4.290 states "Basement" means any area in a building or structure where the finished floor directly above the area is less than six feet above preconstruction grade or finished grade, whichever is lower." In the proposed project the heights are up to 11 feet above preconstruction grade, on a relatively "flat" building pad.
- When the County Planner was asked why this area was not considered a story, the response was that it was not "habitable".
- Subsequently when the revised plans were available (early May) and the large areas under the house were labeled as OPEN. It is assumed this was to avoid them being considered a story.
- In the hearings at the Alamo Improvement Association and the Alamo Municipal Advisory Council (2 hearings) I testified that the house as shown, elevated over 15 feet, is most unusual for residential construction and could not be built as drawn (due to seismic stability and geological conditions). It would need to be enclosed and thereby be a story. In any case (enclosed or not), under the building code this is a three story building and in violation with the County ordinance of not exceeding 2 ½ stories.
- In the October 6th Hearing, as part of their testimony, different people asked the ZA why this did not need a 3 story variance. The ZA's various responses included (paraphrased below):
 - When asked to define the story height ordinance, – the ZA was unable to define, but offered different explanations (paraphrased below):
 - "What we have traditionally done is if there is a finished floor under there, it's a story"
 - "We've asked if there is a useable space, or not"
 - "I understand this is a gray area"
 - "Our code does not say that it has to have walls to be considered a story – if I remember correctly". (Then went on to reference a Castle Crest project he worked on earlier, where the Planning Director at that time "crawled through a phone" saying it did not need to be enclosed to be a story).
 - "Hopefully if there is a discrepancy it would not make it through plan check"

- The ZA stated that the building code and zoning are not the same and there are inconsistencies. With some issues and projects this may be understandable or tolerable. But, when it comes to a fundamental issue of the number of stories on a project like this – I was surprised that the issue was dismissed. Being the Chief Building Official for a class “A” jurisdiction in California, and working with over 200 cities and counties, I understand the importance of this story issue. This issue must be discussed and a full legal understanding applied to this development.
- Zoning Ordinances deal with a variety of planning issues, but should be complementary and generally consistent with the building codes and not cause building code enforcement issues at later phases.
- There is no question that the proposal is a three story building. Either the plans should be revised to be in compliance with the County ordinance or a three story variance should be part of the variance application. (See Attachment A for Building Code definition)

SECTION 2

While the number of stories is the primary concern, there are other problems with the application and the ZA decision:

- Location and Constructability of Driveway.
The driveway into the garage does not seem to “fit”. It appears from general calculations that the house will have to be “lifted” anywhere from 6-inches to 3-feet to build a driveway that meets the County standards. (See Attachment 2 County Standard). This would cause the following to occur:
 - The building would be even MORE out of compliance related to the height.
 - The requested front variance will also be affected.
- Height of Building and Planning Code Violations.
Plan Sheet No. A-4 shows an existing grade which does not match the grades on the 1985 topo map. This sheet also seems to show another proposed grade about 3-feet higher than the existing grade. Planning regulations require the maximum height to be measured to the existing grade and not the new proposed grade. The plans show the height of the building as 34-feet 9-inches to the newly proposed grade which would clearly violate the maximum height allowed by the planning regulations. The ZA should recognize that this is a fatal flaw with this project. The height of the building is a critical item which is related to the requested front entry variance.

➤ Size of the Proposed Development.

The ZA has stated that the proposed house is “absolutely right” for this lot and neighborhood, when it is twice as big as the average home on the street and more than 50% larger than the largest home on the street. Every person on Sydney Drive from the cul-de-sac above to the bottom of the street has expressed opposition to the project as proposed and these concerns should be an important part of the ZA determination.

In addition, the ZA needs to recognize that the size of the house is not dependent on the size of the lot which is mostly unbuildable. The size of the house is dictated by the size of the buildable pad which is essentially the same for most of the developments on Sydney Drive.

➤ Existing Grades and Topography

The lot line survey and topo map provided is from 1985. That is 29 years ago. What are the current grades and topo? Why is a current topographic map not required at this time when the variance is being considered? Additionally, has the developer received permission from the surveyor who signed the topo map? Currently the plans provided do not have the required stamp and signature of the surveyor. The unstamped plans are being used to determine the variance request.

➤ Incorrect and Flawed Information Submitted with the Application.

- The grades shown on the 1985 Topo map do not match with the cross section and elevation views. This requires careful and in depth scrutiny.
- Insufficient cross section views have been provided. As a result, it is impossible to ascertain the true number of stories and the true height of the proposed development.
- As further explained below, these two issues lead to critical concerns related to the number of stories, the building height, and the driveway slopes and elevations. All of which must be represented accurately on the plans in order to evaluate the project. Once the project is built correcting it will be painful and expensive.

➤ Tree Preservation

The Size and boxiness of the home is essentially affecting the number of trees that are being removed. The neighborhood is certainly against removing trees unnecessarily; however, there has been such an effort to negotiate with the Developer in response to previous submittals that the home has been moved toward the trees. Nothing has gone into any redesign of this boxy home to accommodate the location of the trees.

Additionally, the ZA statement that “clear cutting” to create neighborhood in the 1960’s somehow justifies removing protected trees today does not represent our understanding and value of trees in 2014.

➤ Procedural Issues/Ad ministerial Issues:

- Both the AIA and the MAC voted against the variance. I understand that the AIA and the MAC are “advisory” bodies to the County. However, if their recommendations are so easily dismissed, I do not understand why the meetings are held. So much time, effort, organization, and anxiety went into our presentations at these meetings and yet all is forgotten and does not appear to be transmitted to the County.
- I had three conversations with the County Planning staff to communicate my concerns about this development. I was assured she was aware of my concerns and that my concerns would be “addressed” in the staff report. I am disappointed that the staff report does not address the issues I have communicated.

Virtually all of these items were overlooked in favor of a narrow decision based on the front entry of the house and removal of trees.

Summary

My only objective is to make sure that the information being submitted to the County is ACCURATE so that an informed, correct, and legal decision can be made by the County. Unfortunately, it appears the decision was based on inaccurate, misrepresented and/or misunderstood information. I respectfully request that the County rescind the decision.

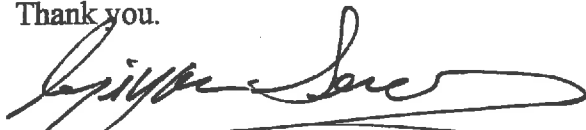
On several occasions over the past few months (and even after the October 6th ZA hearing) I have attempted to reach out and communicate with Mr. Rassai. I have even offered my assistance in having him understand and overcome these problems. I have not received a reply.

In conclusion, I have never “protested” nor “contested” anything in my life before. All I want to do is make sure that Mr. Rassai builds a house that is compatible with the neighborhood and is built to meet the planning regulations for the R-20 district.

I will make myself available to meet with Mr. Rassai and or the County.

Please let me know if you have any questions. My cell (925) 766-5600.

Thank you.



Giyan A. Senaratne, S.E., P.E., LEED AP, CASp

Owner – 201 Sydney Drive, Alamo, CA-94507

Giyan@wc-3.com

Attachment A

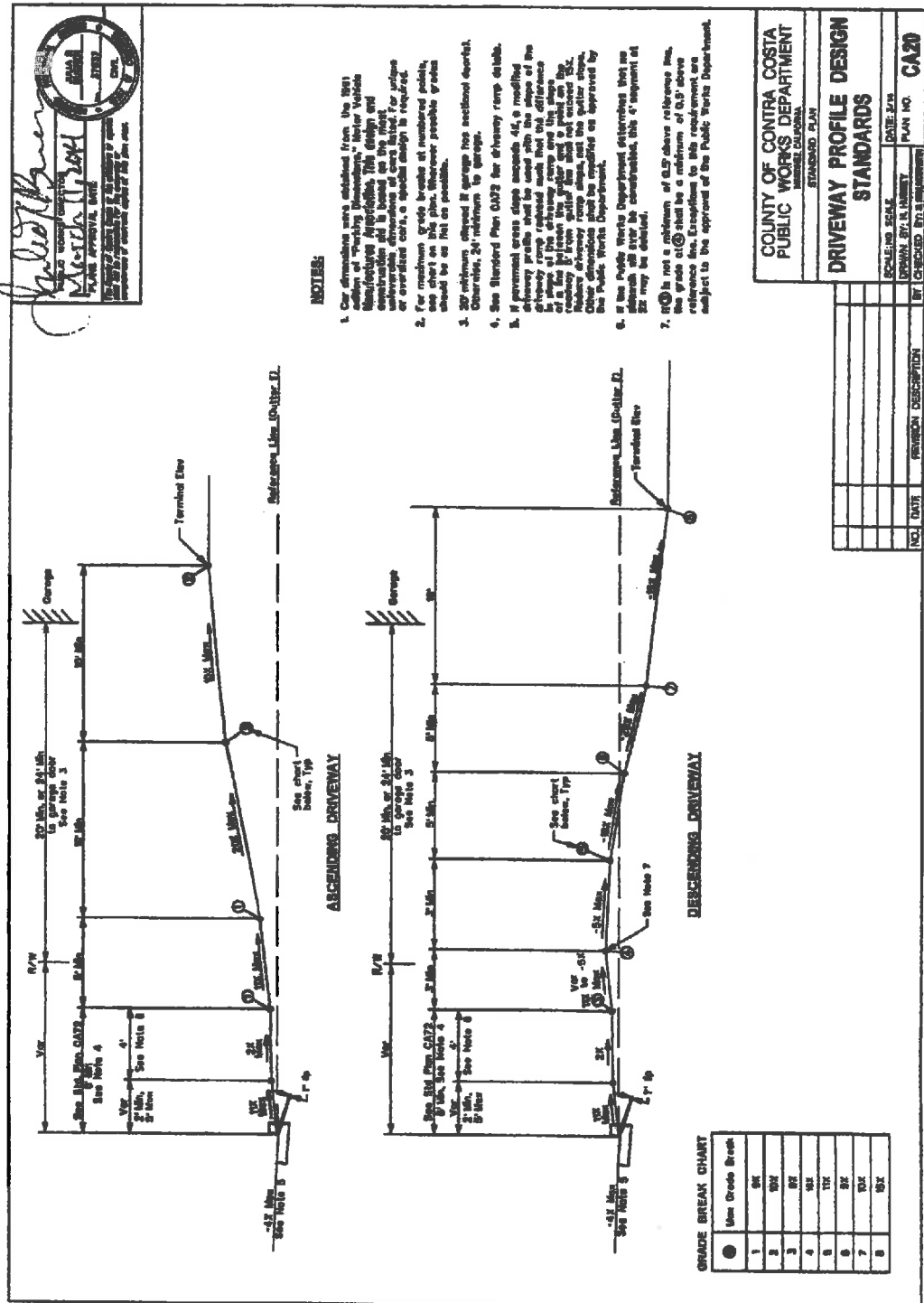
2013 Residential Code

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above

HEIGHT, STORY. The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters

STORY ABOVE GRADE PLANE. Any *story* having its finished floor surface entirely above *grade plane*, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above *grade plane*; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

STD. PLAN CA20

Modified Findings and
Conditions of Approval
Approved by Zoning Administrator
October 6, 2014

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #VR14-1021: AHMAD RASSAI (APPLICANT & OWNER); APPROVED BY THE ZONING ADMINISTRATOR ON OCTOBER 6, 2014.

A. VARIANCE FINDINGS – to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a residence.

- 1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.**

Finding: Sydney Drive runs along the crest of a mountain ridge, and ends with the ridge topography in a cul-de-sac. Lots on either side slope down from the road steeply, especially on the west side of the ridge, where the subject lot is located. By contrast, lots on the eastern side of Sydney Drive have a flat or gradual slope at the front of the lot, allowing homes to be located toward the front of the lots. Some of the lots along the western side also have a wide flat area at the front, mostly on those toward the southern part of Sydney, but the flat area narrows as we go north, so that it is significantly narrower at 218 Sydney Drive, and disappears at 206 and 200 Sydney, where there is little or no area to build at the front of the lot, and the building pads are located further down the slope.

The lots at 218, 212, 206, and 200 Sydney (the subject lot) are the most similar in topography, where a steep slope occurs at the front of the property, down to the building pad(s) below. The vacant lot at 212 Sydney has two graded building pads, with the slope down to the first, and then another significant slope down to the second, suggesting "stepped" development of the lot. The stepped configuration of the house that was built on 218 Sydney indicates that it also had two building pads. The lots at 206 Sydney and 200 Sydney (the subject lot) slope significantly down from the road to one building pad, and from the building pad, slopes steeply down again to the back of the lot. County records show that front yard variances were requested and granted on 218 and 206 Sydney in order to reasonably develop these lots that have similar peculiarities in topography.

Two variances were approved for 218 Sydney Drive (APN #188-412-003), where the garage is in front yard - on the upper building pad - and the main house is on the lower building pad below. County File #VR73-0141 was a variance that allowed a 15-foot front setback (where 25 feet is required), for the garage in the front setback. County File #VR75-1009 was a variance allowing a 15-foot front setback (where 25 feet is required) again, to rebuild the garage in the same location, two years later.

A variance was approved and granted for 206 Sydney Drive (APN #188-412-015). County File #VR75-1061, allowed a 0-foot front setback (where 25 feet is required) and a 11-foot side yard setback (where 15 feet is required), for retaining walls to "protect the residence". On the site visit, Staff noted that these retaining walls make possible a long driveway that leads to a garage at the lower level of the house further down the slope.

The proposal for 200 Sydney, the subject of this staff report, also proposes a long driveway down to the lower level of the home.

Given these precedents of similar variances granted to these lots of similar topography for reasonable development, approval of the current variance request would not be a special privilege. The house is proposed to be constructed on the existing building pad, which is located approximately 25 feet down the slope from the front property line of the lot. The house entry is proposed on the upper level, which the main floor of the home. Because there is a steep slope down from the street, a path to the front entry door from the street must be raised up from the natural grade, and is therefore a reasonable entry configuration for the home.

- 2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.**

Finding: As discussed above, because of the ridge topography along Sydney Drive, the lots on the northeasterly side of the road have characteristics which cause reasonable development on the lots to be difficult without the granting of some relief from the strict application of the zoning regulations. Owners of 206 and 218 Sydney, whose lots are similar to the subject lot in topography, have previously been granted variances for accessory structures in the front yard so that the main home could be located on the building pad further down the slope. One variance request, for 218 Sydney, was granted twice, for rebuilding a structure in the same location in the front setback.

Moreover, the proposed locations for the residence, driveway and entry path are appropriate for the existing topography of the subject site. The subject lot is vacant, and has never been developed. The existing topography is the result of initial grading presumed to be performed by the first developer upon approval of the Crest View subdivision. The lot slopes significantly down in the first 25 feet from the road to the building pad, and from the building pad, the topography slopes steeply down again to the back of the lot. A graded slope on the left side (south) appears to be the intended driveway down to the building pad.

The project proposes locating the residence on the existing building pad, and the driveway on the existing graded slope down to the building pad (to the proposed lower level of the home). (As previously noted, 206 Sydney also has a long driveway sloping down to the lower level of the home.) Additionally, the project proposes a raised entry pathway over the steep natural grade at the front of the lot, directly from the road to the house entry. Thus, the proposed project places the new residence and auxiliary structures where the existing topography suggests to be the most appropriate and intended locations for these structures. Upon the suggestion by Staff, the Applicant has already revised the initial project proposal, which requested a 0-foot side yard variance in addition to the 3-foot front yard variance. By shifting the house, driveway and entry path as far north as possible, the side yard variance request was eliminated. Alternately,

relocating the driveway to be at the front of the house, leading from the street to the upper level, would have required another front yard variance because of the steepness in that terrain at the front, though it would have eliminated the side variance.

Thus, granting approval of this variance would allow the property owner to build a house on an appropriate location on a site that is difficult to develop because of its steepness and because of the peculiarities of the existing terrain - a right enjoyed by the two lots nearby which have already been granted variances, as well as the other homeowners who have properties on the ridge at Sydney Drive.

- 3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.**

Finding: The intent and purpose of the R-20 land use district is to facilitate orderly development and maintenance of single-family residential neighborhoods. The district allows one detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it. Approval of this variance will allow the construction of an entry path from the street to the front entry door on the main level of the proposed house – a normal auxiliary use for a single-family dwelling. The steepness of the topography at the front of the property necessitates that the entry path be raised significantly above the natural grade to serve its purpose. Thus, the variance approval will substantially meet the intent and purpose of the zoning district.

B. TREE PERMIT FINDINGS

Criteria for Review of the Tree Permit

- a. Required Factors for Granting Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied as marked:
1. ☐ The arborist report indicates that the subject tree is in poor health and cannot be saved.
 2. ☐ The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.).
 3. ☐ The tree is in danger of falling and cannot be saved by some other means (such as pruning).
 4. ☐ The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.
 5. ☐ The tree is a species known to be highly combustible and is determined to be a fire hazard.
 6. ☐ The tree species or the form of the tree does not merit saving (i.e. a tree stunted

- _____ in growth, poorly formed, etc.).
7. ☒ Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.
8. _____ The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short-lived, weak wooded and subject to limb breakage, shallow rooted and subject to toppling.
9. ☒ Where the arborist or forester report has been required, and the Deputy Director, Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.
10. _____ None of the above factors apply.
- b. Required Factors for Denying a Tree Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:
1. _____ The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits).
2. _____ It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree.
3. _____ The tree to be removed is a member of a group of trees in which each tree is dependent upon the other for survival.
4. _____ The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner.
5. _____ If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements.
6. _____ Any other reasonable and relevant factors specified by the Deputy Director, Community Development Division.
7. ☒ None of the above factors apply.

CONDITIONS OF APPROVAL

Project Approval

1. ____ A **Variance Permit is approved** as generally shown in the revised plans received by the Department of Conservation and Development, Community Development Division (CDD) on August 18, 2014, to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a new residence.

A Tree Permit is approved to allow the removal of (1) Valley Oak - 27 inches in diameter (#1), (2) Coast Live Oaks - 25 inches (#5) and 21 inches (#6) in diameter, and work within the drip lines of (3) Coast Live Oaks, 10 inches (#2), 12 inches (#3), and 6 inches (#4) in diameter. The approval is based on the following documents submitted to the Department of Conservation and Development, Community Development Division (CDD):

- Revised plans received by CDD on August 18, 2014
- Revised Arborist's Report, prepared by Chris Llata, Certified Arborist #WE504, received by CDD on August 13, 2014

Except as otherwise specified, development shall be in accord with the recommendations of the arborist report. Code-protected trees that are not included under this permit shall not be removed or altered. All grading, site and development plans shall clearly indicate trees approved for removal, alteration or otherwise affected by construction. The tree information on the plans (grading and development) shall indicate the number, size, species, and location of the drip line of all trees on the property that will be impacted by development.

This permit shall be valid for a period of one (1) year and may be renewed for an additional year by CDD upon written request by the applicant and submittal of a fee.

2. ____ This application is subject to an initial application deposit of \$1000.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.

Required Restitution for Approved Tree Removal

3. ____ The following measures are intended to provide restitution for the removal of (3) three trees:
- a. Planting and Irrigation Plan: **Prior to issuance of a grading or building permit, whichever occurs first**, the applicant shall submit a tree planting

and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of **(9) NINE** trees, minimum 15 gallons in size. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation).

- b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. **Prior to issuance of a grading or building permit, whichever occurs first,** the applicant shall submit a security that is acceptable to the CDD. The security shall be the amount of the approved cost estimate described in Section 3.a above, *plus* a 20% inflation surcharge.
- c. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.
- d. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the applicant has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

Tree Preservation Requirements

4. _____ Security for Possible Damage to Trees Intended for Preservation: Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. **Prior to issuance of grading permits or building permits, whichever occurs first**, the applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).
- a. Amount of Security: The security shall be an amount sufficient to cover:
- i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall provide for the planting and irrigation of **(5) FIVE** trees, minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the CDD. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. **If deemed necessary by the CDD, the plan shall be implemented prior to final building inspection.**
 - ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
 - iii. An *additional* 20% above the costs described in Sections 4.a.i and 4.a.ii above to account for inflation potential.
- b. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- c. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the CDD determines that trees intended for

preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the CDD may require that all or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died.

5. ____ Preservation of Trees #2, #3, and #4: The applicant shall consult with the arborist to obtain tree protection recommendations for these trees.
6. ____ Compliance with Arborist Recommendations: The applicant shall implement all measures recommended by the consulting arborist that are intended to mitigate the impacts of construction activities.
7. ____ Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Geology

8. ____ **At least 30 days prior to submittal for the building/grading permit** for the residence the Applicant must submit a geotechnical report and grading/drainage plans for review by the Peer Review Geologist, and review/ approval of the Zoning Administrator. (A \$750 fee will be collected for the County Geologist Peer Review.) The geotechnical report shall (a) provide performance criteria for assessment of the stability of engineered slopes, (b) identify the methods to be used to evaluate stability, and provide justification for their selection, (c) evaluate the stability based on the engineering properties of rock and soil on the site and on the level of anticipated earthquake shaking that is forecasted, (d) evaluate the consistency of the grading and drainage plans with the recommendations in the geotechnical report, and (e) identify any slopes that are proposed for corrective grading and indicate the type of corrective grading that is proposed. The evaluation of slope stability of the site shall follow the guidelines that have been issued by the State of properties in the official Seismic Hazard Zone.
9. ____ Improvement, grading, and building plans shall carry out the recommendations of the approved geotechnical report. To ensure that recommendations are properly interpreted and implemented by the contractor, the geotechnical report shall outline the monitoring and testing services recommended by the geotechnical engineer during construction. It is anticipated that the geotechnical engineer will provide observation and testing services during clearing, site preparation, grading, drainage, and foundation-related work. Prior to requesting the final inspection of grading, submit a grading and completion report, to the Building Inspection Division and include in that report of the results of fill testing, along with evidence of monitoring any retaining wall construction. The Grading Completion Report shall include an Original Geologic Map that shows the details of observed features and conditions (e.g. map showing the distribution of fill on the site, and characterizing the fill and bedrock), along with the location of

boreholes and the line-of-section for the slope stability analysis).The Grading Completion Report shall also include a map based on either field survey or GPS measurements that show the location and depth of any subdrains, and location of cleanouts.

10. ___ ___ Gradient criteria for engineered slopes in the project shall comply with provisions of the County Grading Ordinance. Any conflicts between the future grading plans and those criteria shall be interpreted as evidence that the grading plan is inconsistent with grading criteria for the project. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M

Construction Restrictions

11. ___ ___ **Upon the completion of the framing for each floor of the building and prior to final inspection of the residential framing**, the Applicant's licensed engineer must provide a roof plan and survey to verify that the building height does not exceed the height shown on the approved plans.

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

- a. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For information on the actual days and dates that these holidays occur, please visit the following websites:

Federal: www.federalreserve.gov/aboutthefed/k8.htm

State: www.sos.ca.gov/holidays.htm

- b. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
- c. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
- d. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

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

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are necessary as part of the proposed project:

- Contra Costa County Building Inspection Division
- Contra Costa County Grading Inspection Section
- Contra Costa County Geologist
- Contra Costa County Fire Protection District
- East Bay Municipal Utility District
- Central Contra Costa Sanitary District

Staff Report
Zoning Administrator Hearing
October 6, 2014



Department of Conservation and Development

County Zoning Administrator

Monday, October 6, 2014 – 1:30 .P.M.

STAFF REPORT

Agenda Item # 10

Project Title:	200 Sydney Drive Variance and Tree Permit
County File(s):	#VR14-1021
Applicant/Owner:	Ahmad Rassai
Zoning/General Plan:	Single Family Residential (R-20); Single-Family Residential, Low-Density (SL) / Open Space (OS)
Site Address/Location:	200 Sydney Drive (APN: 188-412-014)
California Environmental Quality Act (CEQA) Status:	Exempt, Section 15303(a) - New Construction, or Conversion of Small Structures
Project Planner:	Sharon Gong, Project Planner, (925) 674-7802
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The Applicant is requesting approval of a variance to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a residence. The Applicant also requests approval of a tree permit to remove (3) code-protected trees (21 to 27 inches in diameter), and work within the drip lines of (3) code-protected trees (6 to 10 inches in diameter). The property is located at 200 Sydney Drive in Alamo.

II. RECOMMENDATION

Staff recommends that the Zoning Administrator APPROVE County File #VR14-1021 based on the attached variance findings and subject to the attached conditions of approval.

III. BACKGROUND

On April 11, 2014, the Applicant submitted an application requesting approval of a variance to the side yard, aggregate side yard, and front setbacks, to build a raised

driveway, raised entry path, and residence. Included in the variance was a request to remove one (1) Valley Oak and work within the drip lines of (4) Coast Live Oaks. Nine letters were received requesting a public hearing during the comment period.

On July 7, 2014, the Applicant was informed that Staff would not be able to recommend approval of the variance request as presented, and advised that house design alternatives be explored which reduced or eliminated the side yard variance request.

On August 18, 2014, the Applicant submitted revised plans for a proposal that eliminated the side yard variance request, but retained the front yard variance request; added (2) two trees for removal, for a total of (3) three tree removals; and proposed work within the drip lines of (3) three trees.

IV. GENERAL INFORMATION

- A. General Plan: The subject property is located within a Single-Family Residential - Low Density (SL), and an Open Space (OS) General Plan Land Use designation.
- B. Zoning: The subject property is located within a Single-Family Residential (R-20) zoning district.
- C. California Environmental Quality Act (CEQA) Status: The proposed project is exempt pursuant to Section 15303(a) of the government code, regarding "New Construction, or Conversion of Small Structures", which identifies the construction of one new single-family residence as being exempt from review under CEQA.
- D. Lot Creation: The subject property was created on July 8, 1960, as Lot 48, and a portion of Lot 47 of the Crest View subdivision, Tract 2838.
- E. Prior County Files Related to the Subject Property:

County File #TP14-0005: Tree permit application to remove (1) tree, and work in the drip lines of (4) trees. Because the Applicant decided to pursue a variance request for the proposed development, this tree permit application was withdrawn and the tree permit was incorporated into this variance application.

V. SITE/AREA DESCRIPTION

The subject property is located amongst lots on Sydney Drive ranging from 17,741 square feet to 74,000 square feet in area. The subject lot is the largest lot along Sydney Drive, at 74,000 square feet. According to Contra Costa County GIS data, homes along Sydney Drive range in size from 2,062 square feet to 4,035 square feet. Sydney Drive runs along the crest of a mountain ridge, and ends with the ridge topography in a cul-de-sac. Lots on either side slope down from the road steeply, especially on the west of the ridge, where the subject lot is located. Mature tree clusters pepper the lots along Sydney Drive, and a

large, mature tree grove occupies much of the two lots bordering the cul-de-sac. The subject lot, 200 Sydney Drive, is the northwesterly lot of these two.

The subject lot is a roughly triangular-shaped lot, which slopes significantly down in the first 25 feet from the road to the building pad. Beyond the building pad, the topography slopes steeply down again toward the rear of the lot. The large grove of mature trees covers roughly 40% of the lot starting from the northern "point" of the triangular lot, and a sprinkling of mature trees covers the southwestern portion. The lot is currently vacant. (Please see to the attached Maps and Plans section and Photos section for visual reference.)

IV. PROJECT DESCRIPTION

The project proposes the construction of a driveway, entry path, and a 7,175 square foot residence on a vacant lot. A variance for front yard setback of 3 feet, where 25 feet is required, is requested to construct the raised front entry path with solid wall railings, which will be 9 feet above grade at its tallest.

The project proposes the removal of (1) one Valley Oak (27 inches in diameter) and (2) two Coast Live Oaks (21 and 25 inches in diameter), which are in the footprint of the proposed house; and work within drip lines of (3) three Coast Live Oaks, (6, 10 and 12 inches in diameter).

V. ENVIRONMENTAL REVIEW

The proposed project is exempt pursuant to Section 15303(a) of the government code, which identifies the construction of one new single-family residence as being exempt from review under CEQA.

VI. AGENCY COMMENTS

- A. Building Inspection Division: On April 14, 2014, the Division returned an Agency Comment Request form indicating no comments.
- B. Grading Division: On May 6, 2014, the Division returned an Agency Comment Request form advising that a separate grading permit may be required for driveway fill; a drainage plan will be required; compliance with C.3 storm water requirements apply; and qualifying proposed retaining walls require a building permit. Please see the attached form for details.
- C. Public Works Department: On April 22, 2014, the Division returned an Agency Comment Request form advising that the driveway must meet County standards; the project must be annexed into countywide streetlight financing; and the project may be subject to C.3 storm water requirements.

- D. East Bay Municipal Utility District (EBMUD): In a letter dated April 21, 2014, the District advised that the standard procedures for requesting water service be observed. Please see the attached correspondence for details.
- E. California Department of Forestry and Fire Protection: In a memorandum dated April 23, 2014, the Department advised that all construction and construction equipment must comply with applicable sections of the California Building Code, and Public Resources Code. Please see the attached memo for details.
- F. Central Contra Costa Sanitary District: In a letter dated April 24, 2014, the District advised that the proposed unit would not produce a significant added burden on the wastewater system, nor interfere with existing facilities. The Applicant should contact the District for sewer connection and fee information. Please see the attached correspondence for details.
- G. Contra Costa Environmental Health Division: In a letter dated April 25, 2014, the Division advised that permits are required from the Division for the destruction of any abandoned wells or septic tanks; and any well or soil boring. Please see the attached correspondence for details.
- H. Contra Costa County Fire Protection District: In a letter dated May 9, 2014, the District advised that an automatic fire sprinkler system approved by the District shall be installed, and that firebreak standards for the property must be observed. Please see the attached correspondence for details.
- I. Alamo Improvement Association (AIA): The AIA recommended denial of the proposed project in a letter dated May 27, 2014, and again recommended denial in a letter dated September 12, 2014, in response to the revised proposal. Both letters are attached. Staff response to the AIA comments are in the Staff Analysis section (VII) of this report.
- J. Alamo Municipal Advisory Council (AMAC): AMAC recommended denial of the proposed project. No specific reasons were stated, but AMAC "encouraged the Applicant and neighbors to work together to resolve key issues". Please see the attached e-mail, received on June 9, 2014, for details.

On September 4, 2014, AMAC had a second meeting to discuss the revised proposal, and no action was taken to approve or disapprove the project, so that the Zoning Administrator could make the appropriate determinations regarding outstanding issues discussed at the meeting. Please see the attached e-mail, received on September 8, 2014, for details.

VII. STAFF ANALYSIS

- A. General Plan: The subject property is located within a Single-Family Residential - High Density (SH), and an Open Space (OS) General Plan Land Use designation.

1. Single-Family Residential - High Density (SH) – The project proposes construction of a residence on the subject lot. Since the SH designation is intended to include detached single family homes and accessory structures, the proposal is consistent with this designation.
 2. Open Space (OS) – The General Plan provides that “one single family residence on an existing legal lot is consistent with this designation”. Moreover, neither the residence, nor any accessory structures are proposed on the portion of the site that carries the Open Space designation.
- B. Zoning: The subject property is located within a Single-Family Residential (R-20) zoning district. Pursuant to County ordinance Section 84-14.402 Uses – Allowed, a detached single-family dwelling and the accessory structures and uses normally auxiliary to it are permitted on each lot within an R-20 zoning district. The variance requested will grant a front yard setback of 3 feet, where 25 feet is required for the raised entry path. Otherwise, the project proposal complies with the use, height, setback and off-street parking requirements for the zoning district. With the approval of requested variance, the project proposal will be consistent with the intent and purpose of the R-20 zoning district.
- C. Alamo Improvement Association (AIA): The AIA recommended denial of the proposed project for the following stated reasons:
1. ***The approval of the variances would provide a grant of special privilege.***
 2. ***The various ambiguities in the drawings made it difficult to clearly assess the visual impact of the requested variances and the constructability of the home as shown.***
 3. ***Insufficient information regarding the extent of consideration of other alternatives to avoiding/minimizing variances and avoiding the tree removal.***

In response to the revised proposal submitted by the Applicant on August 18, 2014, the AIA recommended denial again for the following stated reasons:

4. ***The design of the home itself has not been changed in any way. Though the side setback variance has been avoided, additional trees are proposed for removal unnecessarily. Because of this, the findings for granting the tree permit cannot be made. A reasonable redesign of the plan could avoid removal of the trees.***
5. ***There continue to be questions about the home's constructability, which calls into question whether these plans are a reasonable representation of what would actually be constructed.***

Staff Response:

1. The findings for the proposed project will be discussed in the attached Findings and Conditions of Approval, and will address the subject of special privilege.
2. The drawings submitted by the Applicant were based upon a survey by licensed surveyors, Milano Surveying, dated April 26, 1985. Staff found the drawings sufficient for determining its recommendation for approval of the project. Plans produced by a licensed architect/engineer will be required at the time of building permit application, and prior to issuance of building permits. The existing topography of the site and the structures built on it will be verified for accuracy by County building inspectors in the field.
3. On July 7, 2014, the Applicant was informed that Staff would not be able to recommend approval of the variance request as presented, and advised that house design alternatives be explored which reduced or eliminated the side yard variance request. In response to Staff's advisory, the Applicant considered design alternatives, and on August 18, 2014, submitted revised plans for a proposal that eliminated the side yard variance request, but retained the front yard variance request, and added (2) two trees for removal. Staff was able to recommend approval of this revised proposal. Staff's findings are discussed in the in the attached Findings and Conditions of Approval.
4. A revised arborist report was submitted on August 13, 2014 reflecting the proposal that two additional trees be removed to construct the residence. According to the report, trees #5 and #6 were requested to be removed in addition to tree #1. The trunk diameters of trees #1, #5, and #6 are 27 inches, 25 inches (multi-trunk), and #21 inches, respectively. (It is noted that trees #2, #3, and #4 are proposed to be preserved by the Applicant, though they are in close proximity to construction, and though the arborist is recommending removal.) Aerial photographs show that there are numerous other mature trees on the lot, mostly oaks (including the other surveyed trees not proposed for removal – trees #7 through #10), which are of similar size and which are healthy, as the site is populated with a large grove of mature trees which covers roughly 40% of the northern side of the lot, and more mature trees on the southwestern portion. Thus, Staff finds that the removal of the proposed trees satisfies the tree permit finding that "the permit issuance will not negatively affect the sustainability of the resource". Additionally, the proposal satisfies the finding that "reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot". Further discussion of the proposed location of construction can be found in the attached Findings and Conditions of Approval.
5. This reason for denial is similar to #2 of the AIA letter items above, and is addressed in Staff Response #2.

VIII. PUBLIC COMMENTS – This section only addresses comments received during the 10-day comment period after public noticing of the variance request. Comments received outside of the comment period, including those submitted to the AMAC or AIA at their meetings, will not be addressed in this staff report, but will be included in the file for reference and public record.

- A. On May 8, 2014, a letter was received from Allen C. Moore, of Gagen, McCoy, McMahon, Koss, Markowitz and Raines Law Offices on behalf of Jim Farrell, owner of the property at 206 Sydney Drive.

Letter Summary: Mr. Moore claims that the County cannot make the findings necessary to support the variance request for the reasons stated below.

- 1. The variance would be a special grant of privilege because the applicant proposes a home exceeding 7,000 square feet, when neighboring homes are typically 2,500 to 3,500 square feet. Allowing the project to exceed setback requirements by such large margins would be a special grant of privilege. The project proposes a raised deck driveway that is above the height of the current pad, changing the nature of what was intended of the site and what neighbors could reasonably expect when they purchased their homes. The proposed project exceeds the 35-foot height limit required by the County.***
- 2. There are no special circumstances applicable to the subject property. The subject property is larger than adjacent lots with long-established homes. No topographical issues prevent the project from being constructed in a similar manner to the surrounding homes on the existing building pad. The original developer graded the lots and established the intended elevations, which are stepped to preserve the views in the area. The owners of the subject property purchased the property knowing that the lot was "finished" with a pad location and character of the neighboring homes established. The applicant/owner has been approached to discuss neighborhood CC&R restrictions on project height and location on the building pad.***
- 3. A grant of variance would not meet the intent and purpose of the land use district. County setback requirements dictate the size and type of home that can be found in this district. The subject lot was clearly intended for homes similar in size to neighboring homes rather than one exceeding 7,000 square feet.***
- 4. The proposed project is more than two and one-half stories.***

Staff Response: The findings for the proposed project will be discussed in the attached Findings and Conditions of Approval. Hereafter is a direct response to the issues discussed in the letter from Mr. Moore.

1. The County zoning ordinance has no restrictions on the square footage of homes in the zoning district. Rather, zoning restrictions define a general building envelope within which defined construction can occur. Variances to these restrictions may be granted if the specifics of the site present difficulties to the owner in the course of designing an appropriate development for the site, if the approval of the variance does not constitute a special privilege to the owner, and if the project otherwise meets the intent of the zoning district. Based on the discussion in the attached Findings and Conditions of Approval, Staff has determined that the project, as proposed, satisfies these criteria, and is recommending approval of the variance. Additionally, the proposed project, as shown in the plans, **does not** exceed the 35-foot or 2-1/2 story height limit in the zoning district.
2. All lots in this zoning district are subject to the same height limit, and owners/developers are allowed to build up to the limit if they choose. The proposed building does not exceed the height limit in the zoning district, and the owner does not seek a variance to exceed the limit. Furthermore, there are no zoning restrictions in this district specifically regarding the preservation of views. Through the zoning ordinance, the County seeks to apply the same limitations on development on all properties in a zoning district. Therefore, the stepped configuration of the lots in this neighborhood is preserved by the application of the same height restriction to each lot stepping down, thereby maintaining the height difference between each step. Multiple examples of two-level homes which do not exceed 35 feet in height are found along Sydney Drive. The County does not enforce homeowners association CC&Rs.
3. The County applies the same limitations on development on all properties in a zoning district. Based on the discussion in the attached Findings and Conditions of Approval, Staff is recommending approval of the variances requested for the project. Otherwise, the project meets all other zoning restrictions, and therefore the intent and purpose of the zoning district. The lot is not a substandard lot in the zoning district, and a design review is not required for the proposed development.
4. As discussed above, the proposed project, as shown in the plans, **does not** exceed the 35-foot or 2-1/2 story height limit in the zoning district. Staff has verified that the topography represented in the Applicant's drawings reflects that shown in a survey by Milano Surveying, dated April 26, 1985, that was submitted by the Applicant. As discussed previously in response to the AIA comments, plans produced by a licensed architect/engineer will be required at the time of building permit application, prior to issuance of building permits, and the existing topography of the site and structures built on it will be verified for accuracy by County building inspectors in the field. A condition of approval has been added to ensure that building height verification occurs prior to final inspection of the framing of the residence.

- B. On May 7, 2014, a letter was received from Jack Cuddihy, owner of the property at 212 Sydney Drive.

Letter Summary: Mr. Cuddihy requested a public hearing and expressed concern for the proposed project.

On May 8, 2014, a letter was received from Roger Hill, owner of the property at 219 Sydney Drive.

Letter Summary: Mr. Hill requested a public hearing and expressed concern for the proposed project.

On May 8, 2014, a letter was received from Dan Moore, owner of the property at 215 Sydney Drive.

Letter Summary: Mr. Moore requested a public hearing for the proposed project.

Staff Response: The project will be prepared for a public hearing before the Zoning Administrator.

- C. On May 8, 2014, a letter was received from Frank Amaral, owner of the property at 236 Sydney Drive.

Letter Summary: Mr. Amaral requested a public hearing and expressed concern that the proposed project would be "out of place".

On May 8, 2014, a letter was received from Gwen Gallagher, owner of the property at 231 Sydney Drive.

Letter Summary: Ms. Gallagher requested a public hearing and expressed concern that the proposed project will be "too big for the neighborhood".

On May 8, 2014, a letter was received from Frank Rinella, owner of the property at 207 Sydney Drive.

Letter Summary: Mr. Rinella requested a public hearing and expressed concern that the proposed project will have an adverse impact on the neighborhood.

Staff Response: Staff has reviewed the project with regard to zoning restrictions that apply to all properties in the R-20 zoning district, and has found that it is compliant with all aspects of the code, with the exception of the variance request being considered in this report. As discussed previously, the lot is not a substandard lot in the zoning district, and a design review is not required for the proposed development.

- D. On May 8, 2014, a letter was received from Ruth Cranston, owner of the property at 200 Sydney Drive.

Letter Summary: Ms. Cranston requested a public hearing for the proposed project. She is concerned that the suggested setbacks are extreme and appear unreasonable, and that the tree proposed to be removed is a distinct neighborhood feature which could be incorporated into the house and saved. She wishes that the builder designs a home that is respectful of the neighbors and incorporates the character of the surrounding homes.

Staff Response: The Applicant has revised the proposal to eliminate the side yard variance by shifting the house and driveway significantly to the north. Only the front yard variance remains, and two additional trees are proposed to be removed as a result of the shift. Staff is able to recommend approval for this revised proposal. Additionally, variances to front setbacks have been granted by the County in the past to two other properties nearby with similar topographies and similar property development challenges. (Please see the attached Findings and Conditions of Approval for a full discussion of the variance findings.)

The concern for the tree is similar to a comment previously discussed in Staff Analysis, section VII (C), discussion of AIA comments – letter item #4 and staff response #4. Please refer to this section for Staff's response to this comment.

The Applicant has proposed more than one revised design in an attempt to satisfy the County, as well as the neighbors who have expressed concerns. Staff has not included a design review of the project in the staff report because it is not required by County Code. Concerns regarding the design of the project may be brought forth in the public hearing.

- E. On May 7, 2014, a letter was received from Paul Hunter, owner of the property at 218 Sydney Drive.

Letter Summary: Mr. Hunter requested a public hearing for the proposed project. He is concerned that the project is making special requests, and that it may not fit into the neighborhood nor respect the property rights of others.

Staff Response: The Applicant has revised the proposal to eliminate the side yard variance request. Staff finds that the remaining variance request for the front yard variance is reasonable for development on this lot, which has a steep downward slope in the front yard, and therefore is recommending approval. Staff also finds the request to remove three trees reasonable, given that the house was shifted north significantly in order to eliminate the side yard variance. Please see the attached Findings and Conditions of Approval for a full discussion.

IX. CONCLUSION

Staff finds that the proposed development is consistent with the Single Family Residential - Low Density (SL) and Open Space (OS) General Plan Land Use designations and complies with the intent and purpose of the Single Family Residential (R 20) zoning district.

Therefore, staff recommends that the Zoning Administrator approve the proposed project based on the attached findings and subject to the attached conditions of approval.

Attachments:

- Maps and Plans – Parcel, General Plan, and Zoning Maps; Aerial Photo; Reduced Plans
- Agency Comments
- Public Comments
- Special Reports
- Photos

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**FINDINGS AND CONDITIONS OF APPROVAL FOR VARIANCE, COUNTY FILE #VR14-1021,
AHMAD RASSAI (APPLICANT & OWNER) – APN #188-412-014.**

A. **VARIANCE FINDINGS** – to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a residence.

1. ***That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.***

Staff Finding: Sydney Drive runs along the crest of a mountain ridge, and ends with the ridge topography in a cul-de-sac. Lots on either side slope down from the road steeply, especially on the west side of the ridge, where the subject lot is located. By contrast, lots on the eastern side of Sydney Drive have a flat or gradual slope at the front of the lot, allowing homes to be located toward the front of the lots. Some of the lots along the western side also have a wide flat area at the front, mostly on those toward the southern part of Sydney, but the flat area narrows as we go north, so that it is significantly narrower at 218 Sydney Drive, and disappears at 206 and 200 Sydney, where there is little or no area to build at the front of the lot, and the building pads are located further down the slope.

The lots at 218, 212, 206, and 200 Sydney (the subject lot) are the most similar in topography, where a steep slope occurs at the front of the property, down to the building pad(s) below. The vacant lot at 212 Sydney has two graded building pads, with the slope down to the first, and then another significant slope down to the second, suggesting “stepped” development of the lot. The stepped configuration of the house that was built on 218 Sydney indicates that it also had two building pads. The lots at 206 Sydney and 200 Sydney (the subject lot) slope significantly down from the road to one building pad, and from the building pad, slopes steeply down again to the back of the lot. County records show that front yard variances were requested and granted on 218 and 206 Sydney in order to reasonably develop these lots that have similar peculiarities in topography.

Two variances were approved for 218 Sydney Drive (APN #188-412-003), where the garage is in front yard - on the upper building pad - and the main house is on the lower building pad below. County File #VR73-0141 was a variance that allowed a 15-foot front setback (where 25 feet is required), for the garage in the front setback. County File #VR75-1009 was a variance allowing a 15-foot front setback (where 25 feet is required) *again*, to rebuild the garage in the same location, two years later.

A variance was approved and granted for 206 Sydney Drive (APN #188-412-015). County File #VR75-1061, allowed a 0-foot front setback (where 25 feet is required) and a 11-foot side yard setback (where 15 feet is required), for retaining walls to “protect the residence”. On the site visit, Staff noted that these retaining walls make possible a long driveway that leads to a garage at the lower level of the house further down the slope.

The proposal for 200 Sydney, the subject of this staff report, also proposes a long driveway down to the lower level of the home.

Given these precedents of similar variances granted to these lots of similar topography for reasonable development, approval of the current variance request would not be a special privilege. The house is proposed to be constructed on the existing building pad, which is located approximately 25 feet down the slope from the front property line of the lot. The house entry is proposed on the upper level, which is the main floor of the home. Because there is a steep slope down from the street, a path to the front entry door from the street must be raised up from the natural grade, and is therefore a reasonable entry configuration for the home.

2. ***That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.***

Staff Finding: As discussed above, because of the ridge topography along Sydney Drive, the lots on the northeasterly side of the road have characteristics which cause reasonable development on the lots to be difficult without the granting of some relief from the strict application of the zoning regulations. Owners of 206 and 218 Sydney, whose lots are similar to the subject lot in topography, have previously been granted variances for accessory structures in the front yard so that the main home could be located on the building pad further down the slope. One variance request, for 218 Sydney, was granted twice, for rebuilding a structure in the same location in the front setback.

Moreover, the proposed locations for the residence, driveway and entry path are appropriate for the existing topography of the subject site. The subject lot is vacant, and has never been developed. The existing topography is the result of initial grading presumed to be performed by the first developer upon approval of the Crest View subdivision. The lot slopes significantly down in the first 25 feet from the road to the building pad, and from the building pad, the topography slopes steeply down again to the back of the lot. A graded slope on the left side (south) appears to be the intended driveway down to the building pad.

The project proposes locating the residence on the existing building pad, and the driveway on the existing graded slope down to the building pad (to the proposed lower level of the home). (As previously noted, 206 Sydney also has a long driveway sloping down to the lower level of the home.) Additionally, the project proposes a raised entry pathway over the steep natural grade at the front of the lot, directly from the road to the house entry. Thus, the proposed project places the new residence and auxiliary structures where the existing topography suggests to be the most appropriate and intended locations for these structures. Upon the suggestion by Staff, the Applicant has already revised the initial project proposal, which requested a 0-foot side yard variance in addition to the 3-foot front yard variance. By shifting the house, driveway and entry path

as far north as possible, the side yard variance request was eliminated. Alternately, relocating the driveway to be at the front of the house, leading from the street to the upper level, would have required another front yard variance because of the steepness in that terrain at the front, though it would have eliminated the side variance.

Thus, granting approval of this variance would allow the property owner to build a house on an appropriate location on a site that is difficult to develop because of its steepness and because of the peculiarities of the existing terrain - a right enjoyed by the two lots nearby which have already been granted variances, as well as the other homeowners who have properties on ridge at Sydney Drive.

3. ***That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.***

Staff Finding: The intent of the R-20 zoning district is to allow detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it. Since the variance approval is to allow a new single-family dwelling, and its accessory structures, it meets the intent and purpose of the zoning district.

B. **TREE PERMIT FINDINGS**

Criteria for Review of the Tree Permit

- a. Required Factors for Granting Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied as marked:
1. ☐ The arborist report indicates that the subject tree is in poor health and cannot be saved.
 2. ☐ The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.).
 3. ☐ The tree is in danger of falling and cannot be saved by some other means (such as pruning).
 4. ☐ The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.
 5. ☐ The tree is a species known to be highly combustible and is determined to be a fire hazard.
 6. ☐ The tree species or the form of the tree does not merit saving (i.e. a tree stunted in growth, poorly formed, etc.).

7. ☒ Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.
8. ☐ The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short-lived, weak wooded and subject to limb breakage, shallow rooted and subject to toppling.
9. ☒ Where the arborist or forester report has been required, and the Deputy Director, Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.
10. ☐ None of the above factors apply.

b. Required Factors for Denying a Tree Permit: The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:

1. ☐ The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits).
2. ☐ It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree.
3. ☐ The tree to be removed is a member of a group of trees in which each tree is dependent upon the other for survival.
4. ☐ The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner.
5. ☐ If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements.
6. ☐ Any other reasonable and relevant factors specified by the Deputy Director, Community Development Division.
7. ☒ None of the above factors apply.

CONDITIONS OF APPROVAL

Administrative

1. ____ A **Variance Permit is approved** to allow a front yard setback of 3 feet, where 25 feet is required, to construct a raised entry pathway for a new residence. A **Tree Permit is approved** to allow the removal of (1) Valley Oak - 27 inches in diameter (#1), (2) Coast Live Oaks - 25 inches (#5) and 21 inches (#6) in diameter, and work within the drip lines of (3) Coast Live Oaks, 10 inches (#2), 12 inches (#3), and 6 inches (#4) in diameter. The approval is based on the following documents submitted to the Department of Conservation and Development, Community Development Division (CDD):
- a. Variance Application submitted to CDD on April 11, 2014.
 - b. Revised plans received by CDD on August 18, 2014.
 - c. Revised Arborist's Report, prepared by Chris Llata, Certified Arborist #WE504, received by CDD on August 13, 2014

Except as otherwise specified, development shall be in accord with the recommendations of the arborist report. Code-protected trees that are not included under this permit shall not be removed or altered. All grading, site and development plans shall clearly indicate trees approved for removal, alteration or otherwise affected by construction. The tree information on the plans (grading and development) shall indicate the number, size, species, and location of the drip line of all trees on the property that will be impacted by development.

This permit shall be valid for a period of one (1) year and may be renewed for an additional year by CDD upon written request by the applicant and submittal of a fee.

2. ____ This application is subject to an initial application deposit of \$1000.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.

Required Restitution for Approved Tree Removal

3. ____ The following measures are intended to provide restitution for the removal of (3) three trees:
- a. Planting and Irrigation Plan: **Prior to issuance of a grading or building permit, whichever occurs first**, the applicant shall submit a tree planting

and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of **(9) NINE** trees, minimum 15 gallons in size. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation).

- b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. **Prior to issuance of a grading or building permit, whichever occurs first,** the applicant shall submit a security that is acceptable to the CDD. The security shall be the amount of the approved cost estimate described in Section 3.a above, *plus* a 20% inflation surcharge.
- c. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.
- d. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the applicant has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

Tree Preservation Requirements

4. _____ Security for Possible Damage to Trees Intended for Preservation: Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. **Prior to issuance of grading permits or building permits, whichever occurs first**, the applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).
- a. Amount of Security: The security shall be an amount sufficient to cover:
- i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall provide for the planting and irrigation of **(5) FIVE** trees, minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the CDD. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. **If deemed necessary by the CDD, the plan shall be implemented prior to final building inspection.**
 - ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
 - iii. An *additional* 20% above the costs described in Sections 4.a.i and 4.a.ii above to account for inflation potential.
- b. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- c. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the CDD determines that trees intended for

preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the CDD may require that all or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died.

5. ____ Preservation of Trees #2, #3, and #4: The applicant shall consult with the arborist to obtain tree protection recommendations for these trees.
6. ____ Compliance with Arborist Recommendations: The applicant shall implement all measures recommended by the consulting arborist that are intended to mitigate the impacts of construction activities.
7. ____ Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Geology

8. ____ **At least 30 days prior to submittal for the building/grading permit** for the residence the Applicant must submit a geotechnical report and grading/drainage plans for review by the Peer Review Geologist, and review/ approval of the Zoning Administrator. (A \$750 fee will be collected for the County Geologist Peer Review.) The geotechnical report shall (a) provide performance criteria for assessment of the stability of engineered slopes, (b) identify the methods to be used to evaluate stability, and provide justification for their selection, (c) evaluate the stability based on the engineering properties of rock and soil on the site and on the level of anticipated earthquake shaking that is forecasted, (d) evaluate the consistency of the grading and drainage plans with the recommendations in the geotechnical report, and (e) identify any slopes that are proposed for corrective grading and indicate the type of corrective grading that is proposed. The evaluation of slope stability of the site shall follow the guidelines that have been issued by the State of properties in the official Seismic Hazard Zone.
9. ____ Improvement, grading, and building plans shall carry out the recommendations of the approved geotechnical report. To ensure that recommendations are properly interpreted and implemented by the contractor, the geotechnical report shall outline the monitoring and testing services recommended by the geotechnical engineer during construction. It is anticipated that the geotechnical engineer will provide observation and testing services during clearing, site preparation, grading, drainage, and foundation-related work. Prior to requesting the final inspection of grading, submit a grading and completion report, to the Building Inspection Division and include in that report of the results of fill testing, along with evidence of monitoring any retaining wall construction. The Grading Completion Report shall include an Original Geologic Map that shows the details of observed features and conditions (e.g. map showing the distribution of fill on the site, and characterizing the fill and bedrock), along with the location of

boreholes and the line-of-section for the slope stability analysis).The Grading Completion Report shall also include a map based on either field survey or GPS measurements that show the location and depth of any subdrains, and location of cleanouts.

10. ___ ___ Gradient criteria for engineered slopes in the project shall comply with provisions of the County Grading Ordinance. Any conflicts between the future grading plans and those criteria shall be interpreted as evidence that the grading plan is inconsistent with grading criteria for the project. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M

Construction Restrictions

11. ___ ___ **Prior to final inspection of the residential framing**, the Applicant's licensed engineer must provide a roof plan and survey to verify that the building height does not exceed the height shown on the approved plans.

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

- a. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays:

<http://www.sos.ca.gov/holidays.htm>

California Holidays:

<http://www.sos.ca.gov/holidays.htm>

- b. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
- c. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
- d. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

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

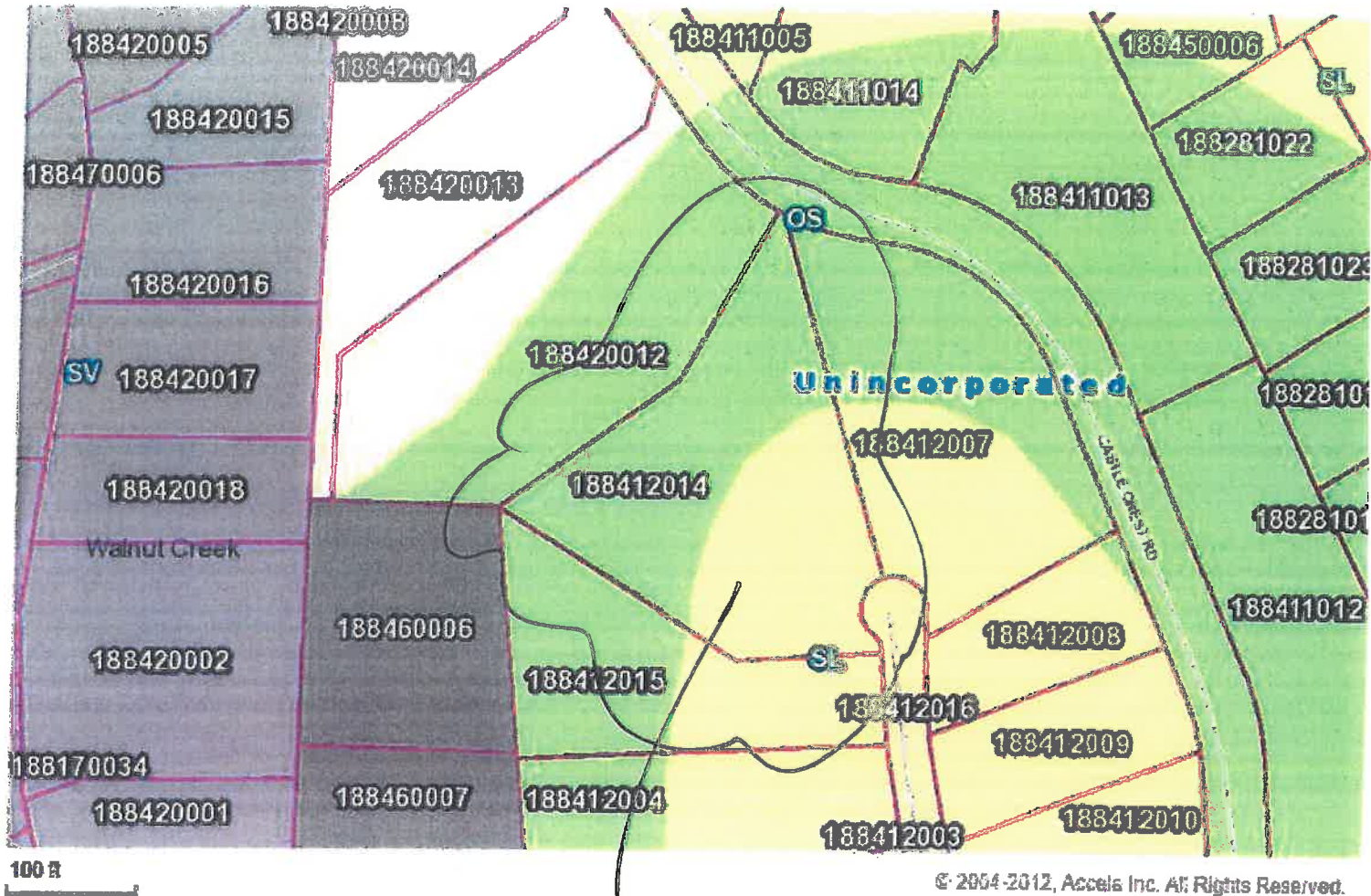
Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are necessary as part of the proposed project:

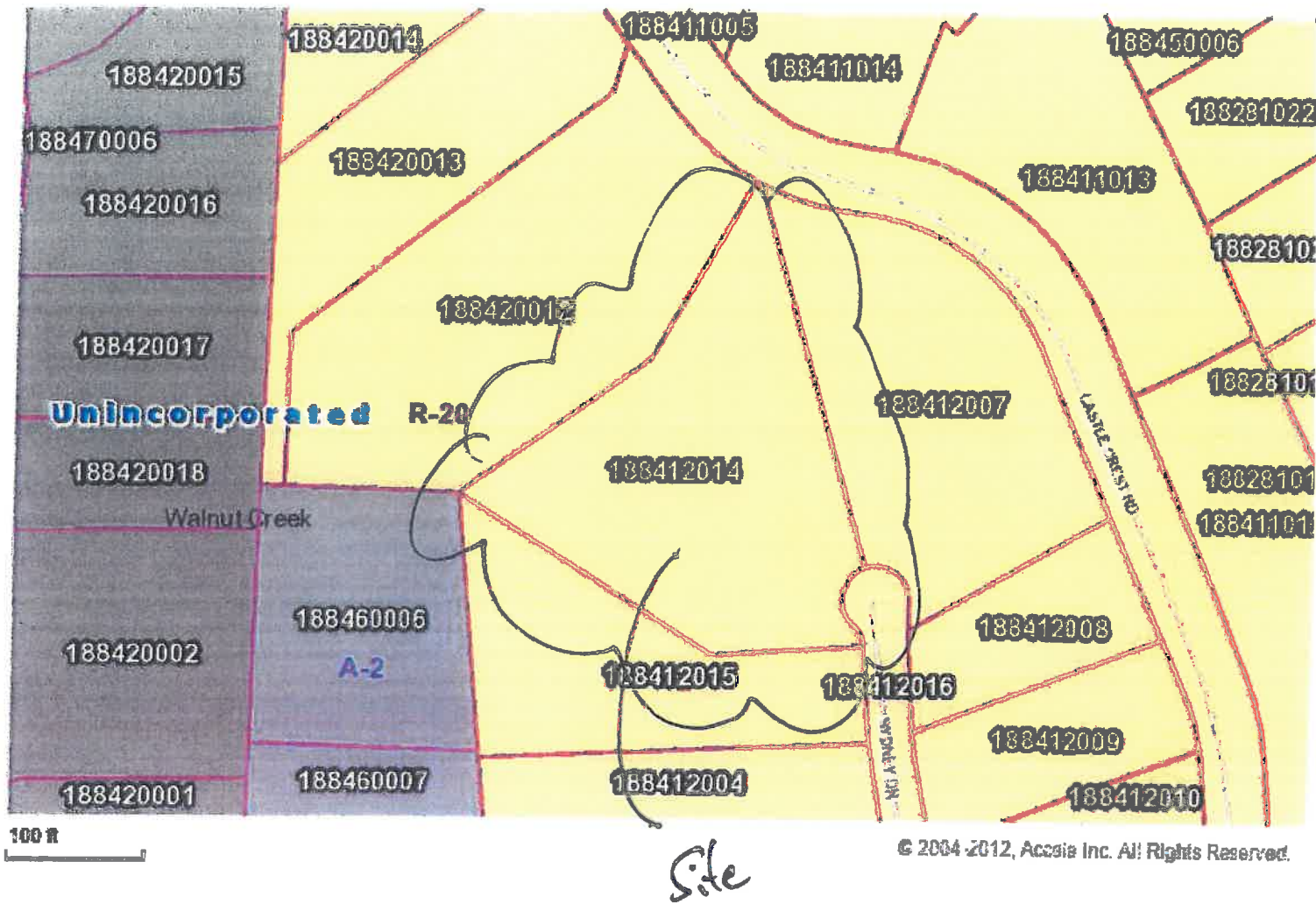
- Contra Costa County Building Inspection Division
- Contra Costa County Grading Inspection Division
- Contra Costa County Geologist
- Contra Costa County Fire Protection District
- East Bay Municipal Utility District
- Central Contra Costa Sanitary District

Maps and Plans

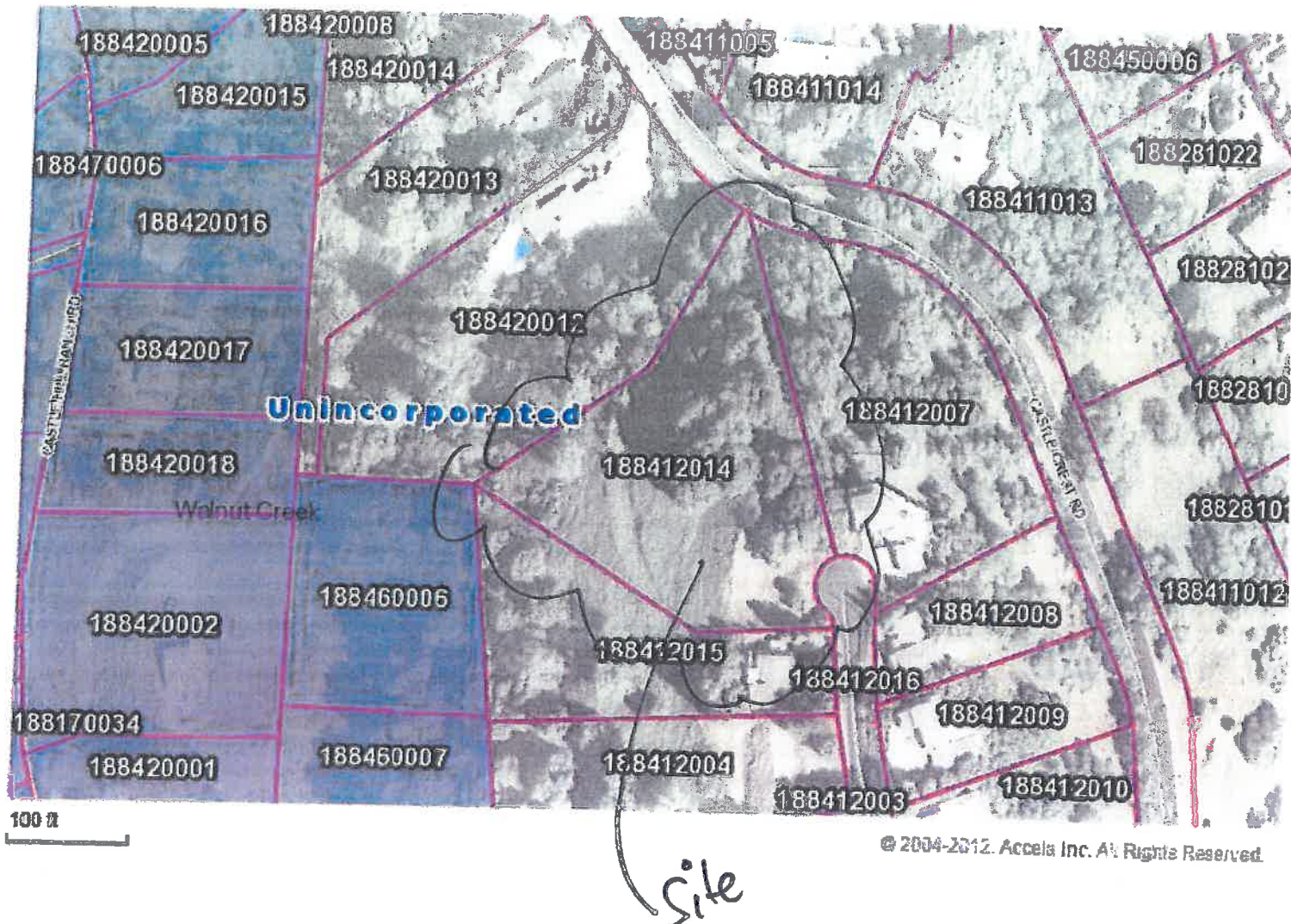
General Plan: Single-Fam. Low / Open Space



Zoning: R-20



Aerial Photo



A0.2

Sheet	Blank
Job	
Drawn	LT
Scale	as indicated
Date	08/19/04

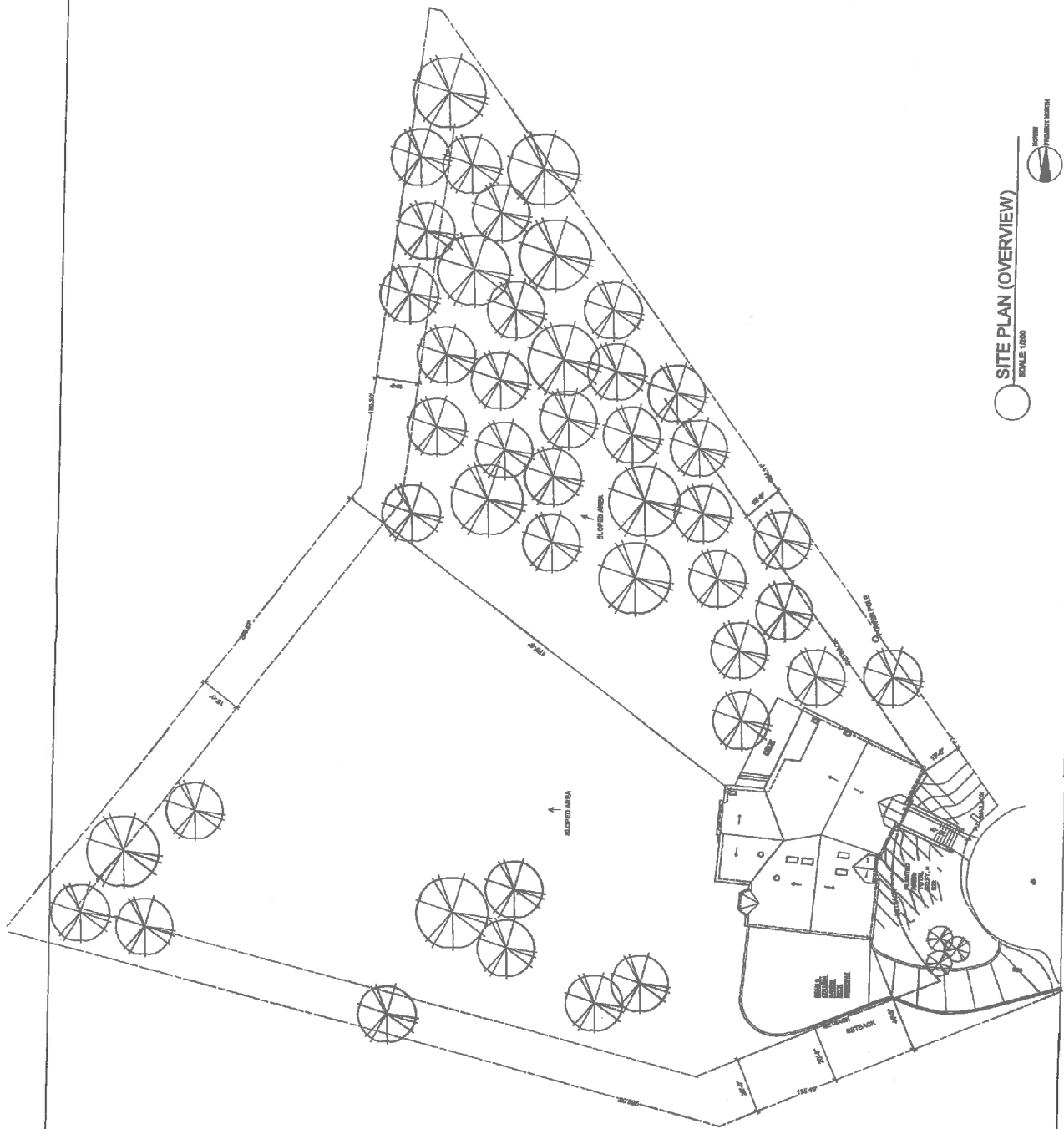
SITE PLAN
(OVERVIEW)

RASSAI RESIDENCE
200 SYDNEY DRIVE
ALAMO, CALIFORNIA 94507
APN: 188-412-014-8

Design by:
L2TDesign
Lisa Thompson
2001 Richmond Blvd
San Jose, CA 95131
408.261.1111
l2tdesign@gmail.com

NEW
RESIDENCE

SITE PLAN (OVERVIEW)
SCALE 1/8"=1'-0"



Design by:
 ZACHRY GROUP
 2400 W. 15th Street
 2021 Richmond Blvd
 Oakland, CA 94612
 510-761-1934

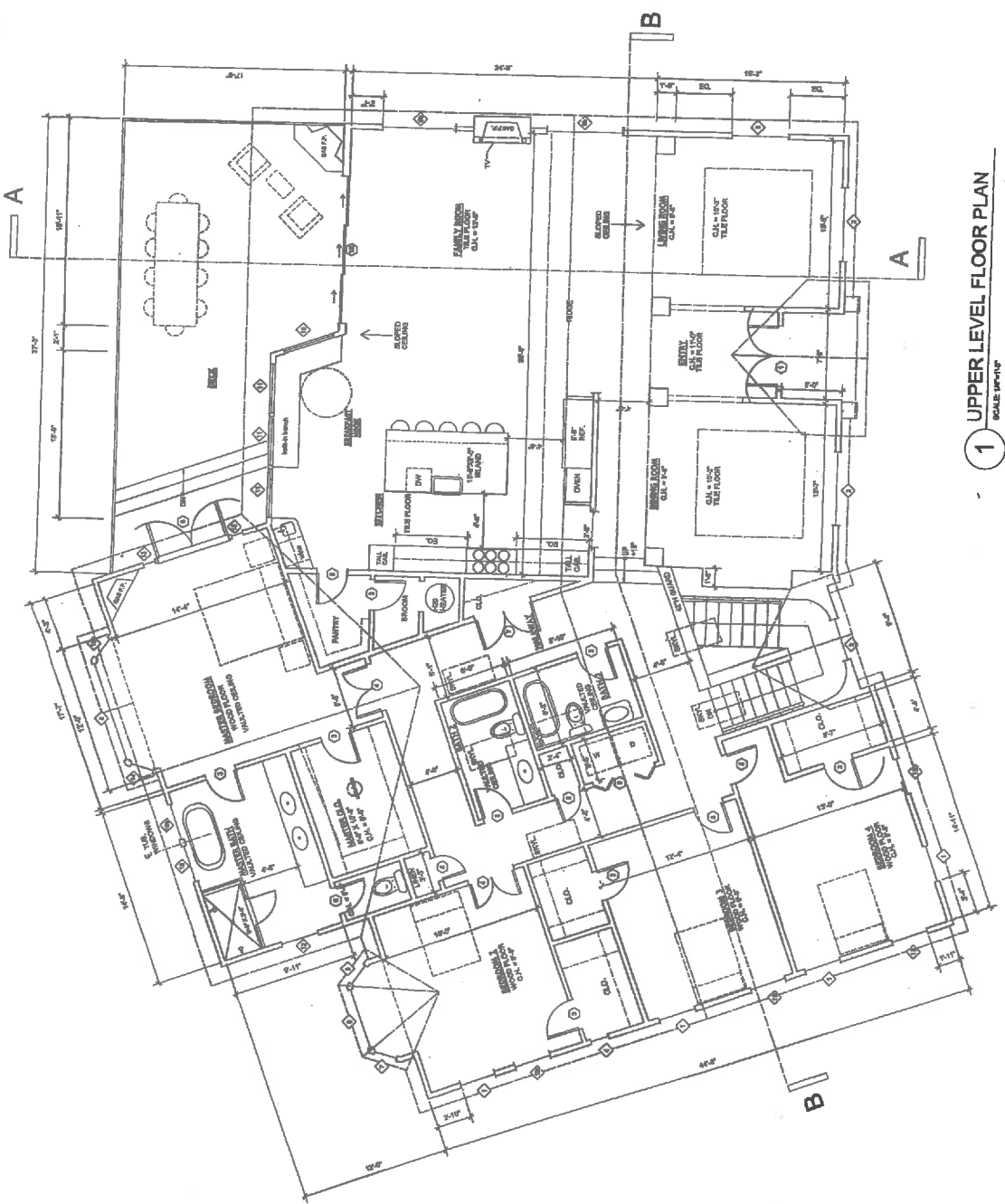
NEW RESIDENCE

RASALI RESIDENCE
 200 SYDNEY DRIVE
 ALAMO, CALIFORNIA 94507
 APN: 188-412-014-8

UPPER LEVEL FLOOR PLAN

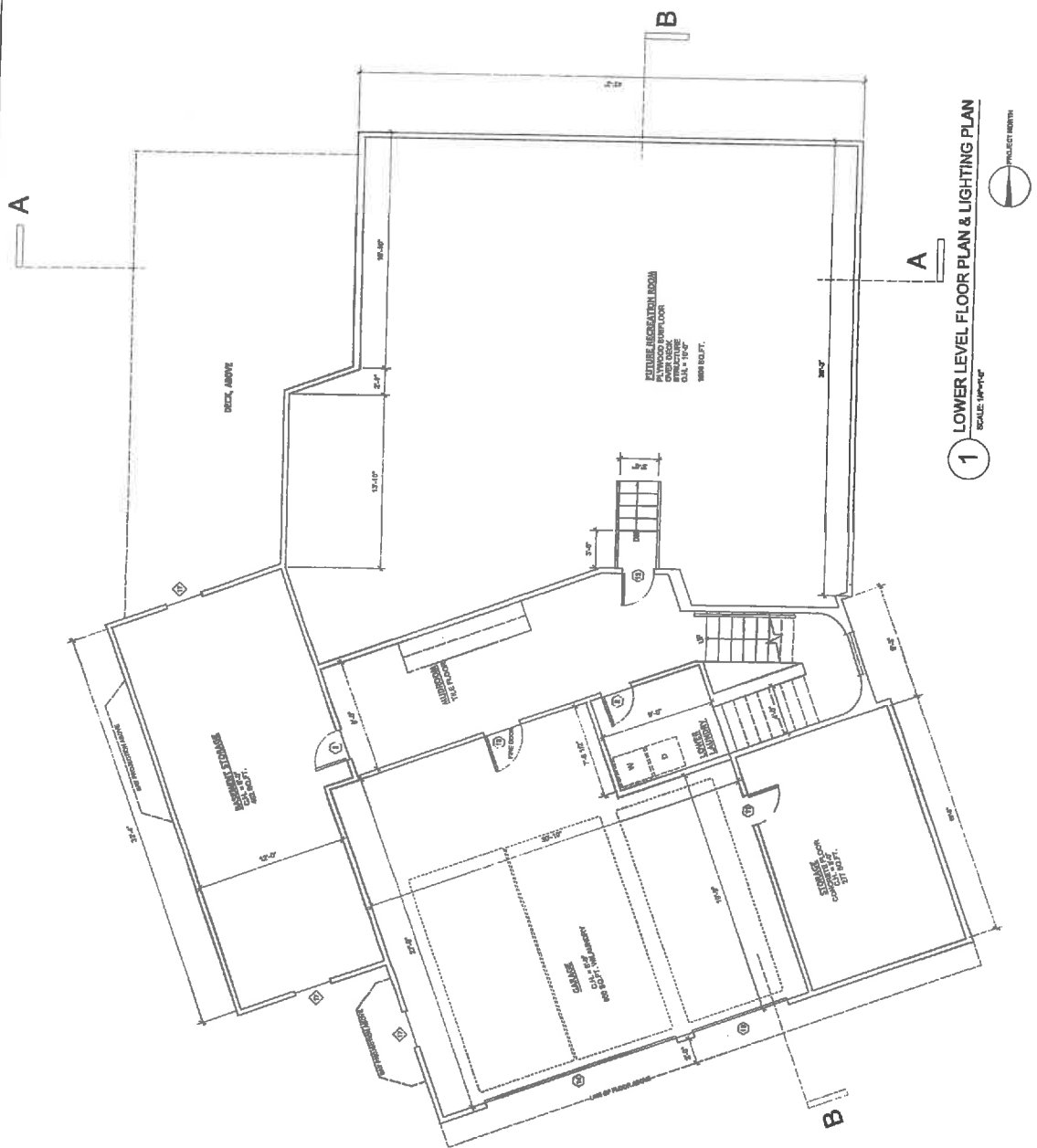
Date	08/14/14
Scale	AS SHOWN
Drawn	LT
Job	
Sheet	

A2.0



1 UPPER LEVEL FLOOR PLAN
SCALE 1/8"=1'-0"





1 LOWER LEVEL FLOOR PLAN & LIGHTING PLAN
SCALE: 1/8"=1'-0"

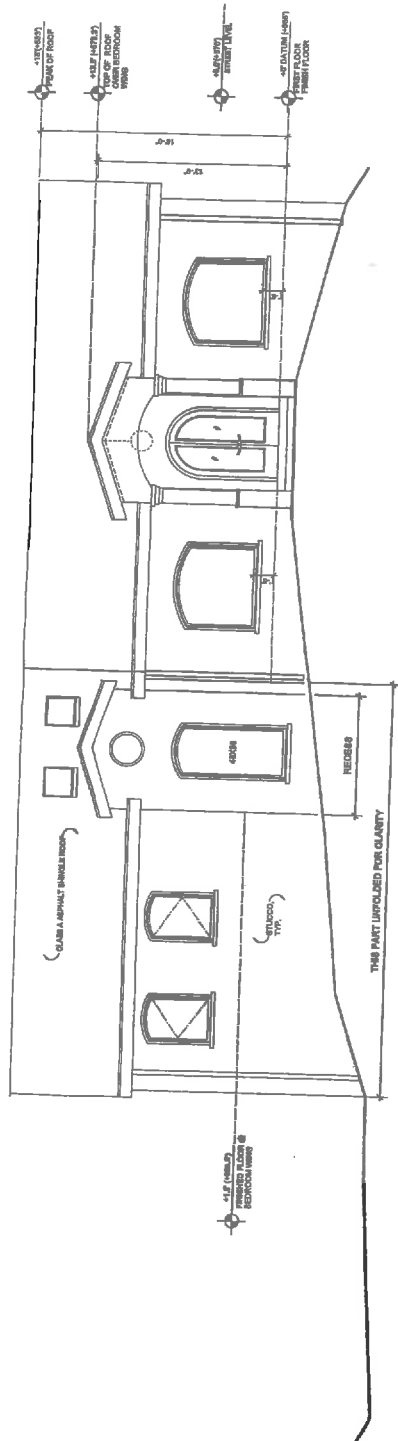
FRONT AND
SIDE
ELEVATIONS

RASSAL RESIDENCE
200 SYDNEY DRIVE
ALAMO, CALIFORNIA 94507
APN: 188-412-014-6

Design by:
L2Design
Lise Thorgaard
3021 Richmond Blvd
Oakland, CA 94611
l2design@gmail.com
415.788.4894

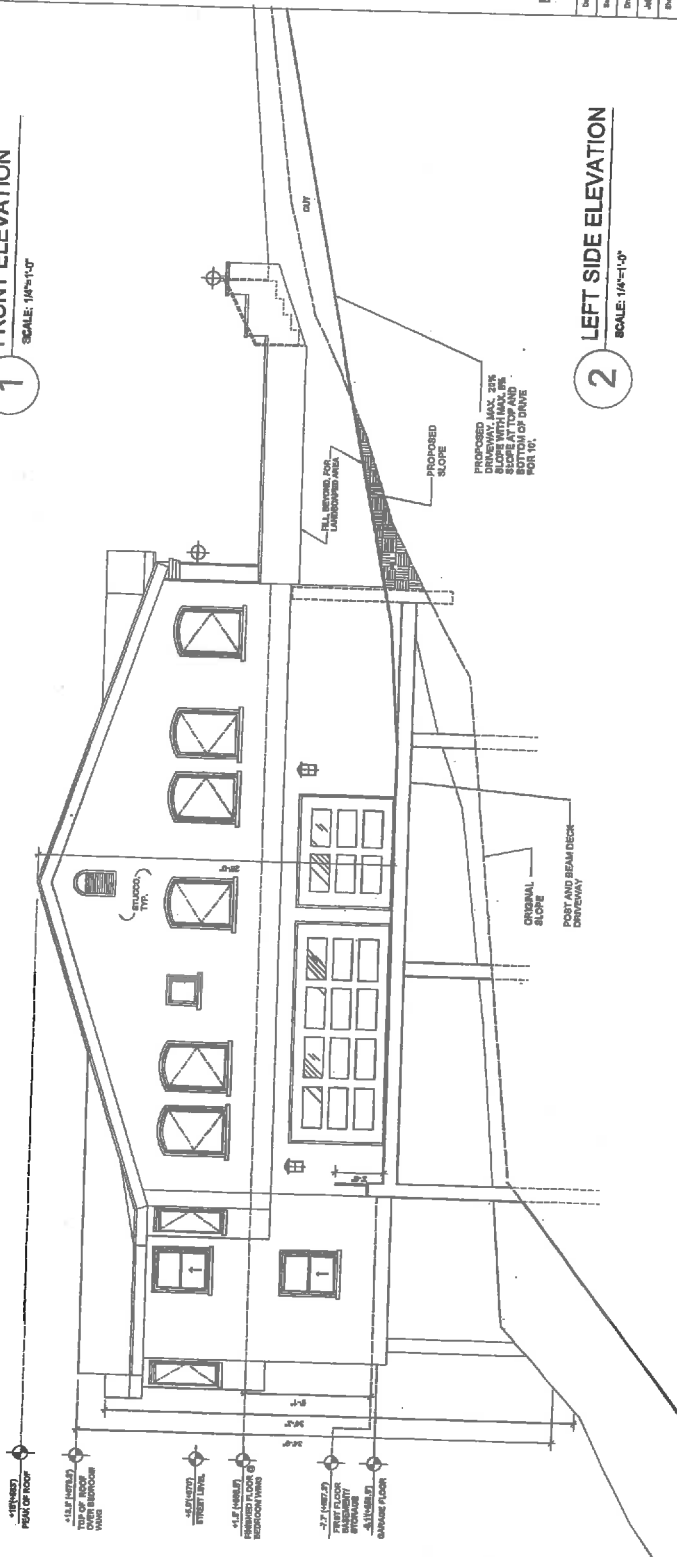
FRONT ELEVATION

SCALE: 1/4"=1'-0"



2 LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



4-11-23



SALE: 4 MARCH 2009



SCALE: 1MP=1.25"



TYPICAL WALL SECTION

A5.0

RASSAI RESIDENCE
200 SYDNEY DRIVE
MO, CALIFORNIA 945
APN: 188-412-014-6

WTOdesign
Alan Thagerson
1021 Richmond Blvd
Oakland, CA 94611
broethagerson@gmail.com
50.701.4994

**NEW
RESIDENCE**

Agency Comments

ALAMO IMPROVEMENT ASSOCIATION

SERVING ALAMO SINCE 1955

P.O. BOX 156 • ALAMO, CALIFORNIA 94507

September 12, 2014

By E-mail to "Sharon.gong@dcd.cccounty.us"

Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA. 94553

Attn: Sharon Gong
Re: VR14-1021
Site: 200 Sydney Drive

Dear Sharon:

This application was originally a request for approval of a variance for a 0 foot side yard setback, where 15 feet are required; an aggregate side yard setback of 31 feet 6 inches, where 35 feet are required; and a front yard setback of 3; where 25 feet are required; to construct a new residence with a raised driveway, and a raised entry pathway. Included was a request for a tree permit to remove 1 code-protected tree, and work in the drip lines of 4 code-protected trees. The application was reviewed at the AIA Planning Committee's May 15, 2014 meeting. The applicant and neighboring property owners were notified of the meeting and were present. Based upon the meeting discussions, the AIA recommended **DENIAL** of the application as presented. The reasons for the original recommendation were as follows:

- The approval of the variances would have been a grant of special privilege. The home as proposed entailed 6,275 s.f of enclosed area and a 900 s.f. garage. Even discounting garage floor area, this home would have been over 50% larger than the next largest home, and three times the average size of all homes, on Sydney Drive, all of which are on similar topography. In addition, the proposed home had been designed with a side entry garage on the lower level on some of the steepest topography on the street. This necessitated a structured driveway with very large footprint of its own. This was a choice, not a necessity. Other homes on the steepest topography on the street had chosen to accommodate the land more reasonably by using a second level garage with straight-in driveway from the front, thereby creating little additional footprint beyond the home itself. Finally, the lot was vacant and the home was being designed new. This afforded much more opportunity to size and shape the home to avoid tree removal than in the case of a home addition, where the existing layouts constrain the flexibility of the design. Together, the choice of garage/vehicular access and the unusually large size of the home for this area of steep topography were the direct causes of the need for a side setback variance and tree removal. The home also appeared to have been designed with little or no thought to tree preservation. A home without these unusual characteristics would likely have

required neither a side setback variance nor tree removal, except in the front area of the property. Therefore granting the variance and the tree permit to enable these unusual circumstances would have been a grant of special privilege.

- The various ambiguities in the drawings made it difficult to clearly assess the visual impact of the requested variances and the constructability of the home as shown.
- There was insufficient information regarding the extent of consideration of other alternatives to avoiding/minimizing variances and avoiding the tree removal.

REVISED DESIGN

AIA received revised project drawings from the County on August 28, 2014, too late for the Planning Committee's August meeting, and were advised that comments need to be returned too soon for the Committee's September, 2014 meeting. Accordingly, the Committee has had to formulate its comments without the presence of the applicant or other interested residents. After reviewing the revised drawings, the AIA continues to recommend that the tree permit portion of the application be **DENIED** for the following reasons:

- The design of the home itself has not been changed in any way. It has merely been moved. Whereas the side setback variance has been avoided, additional trees are proposed for removal – in our view, unnecessarily. Because of this, the findings for granting of the tree permit cannot be made and a finding for denial of the tree permit, that a reasonable redesign of the plan could avoid removal of the trees – can be made.
- There continue to be questions about the home's constructability as shown, which calls into question whether these plans are a reasonable representation of what would actually be constructed.

Community Development Dept.
Attn: Sharon Gong
September 12, 2014
Page 3

As always, thank you for the opportunity to review and comment upon this application. Please feel free to contact me at (925) 831-9660 if you have questions.

Sincerely,



Ed Moran
Chair,
Planning Committee

cc:	Applicant	(by e-mail: arassai@gmail.com)
	Supervisor Andersen	(by e-mail)
	Alamo MAC Chair	(")
	Alamo MAC (for packet), c/o Donna Maxwell	(")
	AIA Board & Planning Committee	(")
	AIA File	(")

Sharon Gong

From: John Osborne
Sent: Monday, September 08, 2014 3:17 PM
To: Donna Maxwell
Cc: Francisco Avila; Sharon Gong; Stanley Muraoka
Subject: RE: September AMAC

Thanks Donna!!

From: Donna Maxwell
Sent: Monday, September 08, 2014 3:08 PM
To: John Osborne
Subject: RE: September AMAC

Sorry John, I've been waiting to have folks proof the ROA, but here's the info you guys need:

- A. Rezoning Application (RZ14-3227), applicant requests approval of a rezoning of the Stone Valley Center from PNB-Planned District to Retail Business – RB. Note: PNB zoning is obsolete and unique to these parcels in Contra Costa County. The property is located at 3158 – 3168 Danville Boulevard, Alamo.

- Action requested: accept report, take public comment, discuss
- Make recommendation to Supervisor Andersen, if applicable

Motion by Michael McDonald to approve as requested, 2nd by Struthers. Ayes: Best, Winspear, Rock, Barclay and Mick Nays: None

- B. Variance Permit Application (VR14-1021), applicant requests approval of a variance for a front yard setback of 3 feet (where 25 feet are required), to construct a new residence with a raised driveway and a raised entry pathway. Included is a request of a tree permit to remove 3 code-protected trees, and work in the drip lines of 3 code-protected trees. The property is located at 200 Sydney Drive, Alamo.

- Action requested: accept report, take public comment, discuss
- Make recommendation to Supervisor Andersen, if applicable

Motion by Best to continue to next MAC meeting, 2nd by Struthers. Ayes: Mick and McDonald Nays: Rock, Barclay and Winspear

- *At the September 2014 Alamo Municipal Advisory Council (MAC) meeting no action was taken to approve or disapprove this project, but it was moved that it be continued to the next MAC meeting with the hope that some of the issues raised could be resolved in the interim. Given the complexity of these issues and the differing expert opinions being rendered on very technical details, Supervisor Andersen felt it would be more appropriate to send the project to the Zoning Administrator so that County Planning staff could begin their review of the project and make the appropriate determinations regarding issues including but not limited to the adequacy of the engineering, architectural drawings, and compliance with zoning and code requirements.*

- C. Land Use Permit Application (LP14-2027), applicant requests approval of a Land Use Permit to open a Panera Bread Bakery Café in a vacant commercial space in the Alamo Plaza Shopping Center. The café would include approximately 71 interior seats and an additional 24 seats under a covered patio area. The property is located at 215 A Alamo Plaza, Alamo.

- Action requested: accept report, take public comment, discuss
- Make recommendation to Supervisor Andersen, if applicable

Motion by McDonald to approve as requested, 2nd by Winspear. Ayes: Mick, Rock, Barclay, Best and Struthers

- D. Variance Permit Application (VR14-1030), applicant requests approval of 3 setback variances to allow for construction of a new swimming pool/spa and cabana. The requested variances include an 18-foot setback (where 25 feet is required) and an 8-foot side-yard variance (where 15 feet is required) for the swimming pool. For the cabana, a 5'8" side-yard variance is requested where 15' is required. The property is located at 44 Stonecastle Court, Alamo.

- Action requested: accept report, take public comment, discuss
- Make recommendation to Supervisor Andersen, if applicable

Motion by McDonald to approve as requested, 2nd by Mick. Ayes: Winspear, Rock, Barclay, Best and Struthers

- E. Development Plan Application (DP13-3036), applicant requests approval of a Development Plan for a compliance review per Condition of Approval 11B of DP01-3061 and a request to remove one code protected tree and to work within the drip-lines of 3 code protected trees. The property is located at 454 Legacy Drive, Alamo

- Action requested: accept report, take public comment, discuss
- Make recommendation to Supervisor Andersen, if applicable

Motion by McDonald to approve with the recommendation for a clay-tile roof and limited work hours to 7:00 a.m. to 5:00 p.m., Monday through Friday, 2nd by Best. Ayes: Mick, Rock, Barclay, Winspear and Struthers

- F. Land Use Permit Application (LP14-02001), applicant (Verizon) requests the renewal of Land Use Permit LP01-02051 for 6 existing antennas on an existing monopole that is disguised as a pine tree. The property is located along the Northeastern portion of APN 197-310-056, in the Southwest quadrant of the Stone Valley Road / I-680 Interchange, Alamo.

- Action requested: accept report, take public comment, discuss
- Make recommendation to Supervisor Andersen, if applicable

Motion by Mick to approve as recommended by the ALA, 2nd by Rock. Ayes: McDonald, Struthers, Barclay, Best and Winspear. ALA recommendations include:

- Add branches from about 25 feet from the base to the existing branches
- Replace/augment the existing branches that have lost their foliage and to assure that the foliage extends out at least two feet beyond the antennas
- Cover all antennas with socks to minimize visibility
- Paint the entire equipment building brown to match the pole color
- The repairs and additions to the branches are to be done in a way that provides a fuller look and conforms to an envelope that resembles a natural tree
- Trim the dead branches from the landscaping and ensure that the right irrigation is in working order

Donna Maxwell, Field Representative
Supervisor Candace Andersen
Contra Costa County, District 2
309 Diablo Road
Danville, CA 94526



(925) 957-6860 voice
(925) 820-3785 fax
donna.maxwell@conncounties.org

Sharon Gong

From: John Osborne
Sent: Monday, June 09, 2014 4:19 PM
To: Donna Maxwell
Cc: Sean Tully, Sharon Gong; Christine Louie; Daniel Barrios
Subject: RE: MAC comments from June

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Donna! ☺ for the MAC comments

From: Donna Maxwell
Sent: Monday, June 09, 2014 3:56 PM
To: John Osborne
Subject: RE: MAC comments from June

Just finished ;-)

- A. Variance Permit Application (VR14-1020) has been submitted requesting approval of a variance for side yard setbacks of 10 feet where 15 feet is required for additions to each side of an existing single-family residence. Substandard lot width for R-20 zone; requires findings for small lot design review. The property is located at 11 Brookdale Court, Alamo.

- Action requested: receive application, take public comment, discuss
- Make recommendation to Supervisor Andersen

Motion by Best to approve, with second made by Mick. Ayes: Barclay, McDonald, Rock and Struthers. Nays: None

- B. Variance Permit Application (VR14-1021) has been submitted requesting approval of a variance for a 0 foot side yard setback, where 15 feet are required; an aggregate side yard setback of 31 feet, 6 inches, where 35 feet are required; and a front yard setback of 3 feet; where 25 feet are required; to construct a new residence with a raised driveway, and a raised entry pathway. Included is a request for a tree permit to remove 1 code-protected tree, and work in the drip lines of 4 code-protected trees. The property is located at 200 Sydney Drive, Alamo.

- Action requested: receive application, take public comment, discuss
- Make recommendation to Supervisor Andersen

Motion by Best to deny variance and in so doing, encourage applicant and neighbors to work together to resolve key issues. Second by Mick. Ayes: Rock, Struthers and McDonald Nays: Barclay

- C. Land Use Permit Application (LP14-2023) has been submitted requesting approval to establish an outdoor Farmers Market on Sundays, from 9:00 a.m. until 1:00 p.m., which includes take-out food. The property is located on Danville Boulevard, north of intersection Stone Valley Road, Alamo.

- Action requested: receive application, take public comment, discuss
- Make recommendation to Supervisor Andersen

Motion by McDonald to approve and urge county staff to expedite process, with second by Rock. Ayes: Mick, Struthers, Best and McDonald. Nays: None

- D. Development Plan Application (DP14-3007) has been submitted requesting approval of a small lot design review development plan to legalize a 190 square-foot first floor rear addition, addition of two bay windows, two new skylights, the expansion of an existing roof terrace above the first floor addition, and the expansion of the covered porch. This is a 0.6-acre land-locked parcel located 151 feet from Danville Boulevard addressed 2631 Danville Boulevard.

- Action requested: receive application, take public comment, discuss
- Make recommendation to Supervisor Andersen

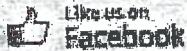
MAC member Steve Mick left prior to the discussion of this item. Motion by McDonald to table until he can get together with owner and designer, second by Struthers. Ayes: Rock, Barclay and Best. Nays: None Absent: Mick

Donna Maxwell, Field Representative
Supervisor Candace Andersen
Contra Costa County, District 2
309 Diablo Road
Danville, CA 94526



(925) 957-8860 voice
(925) 820-3785 fax
donna.maxwell@bos.cccounty.us

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.



Like us on

Facebook

FOLLOW US ON TWITTER



@AndersenCandace

From: John Osborne
Sent: Monday, June 09, 2014 3:55 PM
To: Donna Maxwell
Subject: MAC comments from June

Hi Donna,

Hope you had a good weekend. Do you know when the comments might be ready, I've had a couple of the planners ask
☺ John

ALAMO IMPROVEMENT ASSOCIATION

SERVING ALAMO SINCE 1955

P.O. BOX 156 • ALAMO, CALIFORNIA 94507

May 27, 2014

E-mail to Sharon.gong@dcd.cccounty.us

Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA. 94553

Attn: Sharon Gong
Re: VR14-1021
Site: 200 Sydney Dr.

Dear Sharon:

This application is a request for approval of a variance for a 0 foot side yard setback, where 15 feet are required; an aggregate side yard setback of 31 feet 6 inches, where 35 feet are required; and a front yard setback of 3; where 25 feet are required; to construct a new residence with a raised driveway, and a raised entry pathway. Included is 1 request for a tree permit to remove 1 code-protected tree, and work in the drip lines of 4 code-protected trees. The application was reviewed at the AIA Planning Committee's May 15, 2014 meeting. The applicant and neighboring property owners were notified of the meeting and were present. Based upon the meeting discussions, the AIA recommends **DENIAL** of the application as presented.

The reasons for our recommendations are:

The approval of the variances would provide a grant of special privilege.

The various ambiguities in the drawings made it difficult to clearly assess the visual impact of the requested variances and the constructability of the home as shown.

Insufficient information regarding the extent of consideration of other alternatives to avoiding/minimizing variances and avoiding the tree removal.

As always, thank you for the opportunity to review and comment upon this application. Please feel free to contact me at (925) 831-9660 if you have questions

Community Development Dept.
Attn: Sharon Gong
May 27, 2014
Page 2

Sincerely,



Ed Moran
Chair,
Planning Committee

cc:	Applicant	(by e-mail: arrassai@gmail.com)
	Supervisor Andersen	(by e-mail)
	Alamo MAC Chair	(")
	Alamo MAC (for packet), c/o Donna Maxwell	(")
	AIA Board & Planning Committee	(")
	AIA File	(")

Contra Costa County



Fire Protection District

May 9, 2014

Ms. Sharon Gong
Contra Costa County
Dept. of Conservation and Development
Community Development Division
30 Muir Rd.
Martinez, CA 94553

Subject: Rassai Residence (VR14-1021)
200 Sydney Dr., Alamo
CCCFPD Project No.: 2014-02567 PLN

DEPARTMENT OF
CONSERVATION
AND DEVELOPMENT

2014 MAY 15 P 12:09

CONTRA COSTA
COUNTY

Dear Ms. Gong:

We have reviewed the design review application to establish a new 5,571 square foot single family residence at the subject location. The following is required for Fire District approval in accordance with the 2013 California Fire Code (CFC), the 2013 California Building Code (CBC), the 2013 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. The home as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2013 edition of NFPA 13D or Section R313.3 of the 2010 California Residential Code. Submit three (3) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County General Plan / Contra Costa County Ordinance 2013-22
2. The homeowner shall maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of buildings or structures. (1276.01) P.R.C.

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3538.

Sincerely,

A handwritten signature in black ink, appearing to read "DeAnna Fister".

DeAnna Fister
Fire Inspector

c: Ahmed R. Rassai
40 Pleasant Ct.
Walnut Creek, CA 94597

Jan
4/14/14
10



AGENCY COMMENT REQUEST

Date 4/11/14

We request your comments regarding the attached application currently under review.

DISTRIBUTION

Internal

- | | |
|---|--|
| <input checked="" type="checkbox"/> Building Inspection | <input checked="" type="checkbox"/> Grading Inspection |
| <input type="checkbox"/> Advance Planning | <input type="checkbox"/> Housing Programs |
| <input type="checkbox"/> Trans. Planning | <input type="checkbox"/> Telecom Planner |
| <input type="checkbox"/> ALUC Staff | <input type="checkbox"/> HCP/NCCP Staff |
| <input type="checkbox"/> APC Floodplain Tech | <input checked="" type="checkbox"/> County Geologist |

Health Services Department

- ☒ Environmental Health ☐ Hazardous Materials

Public Works Department

- ☒ Engineering Services (Full-size) ☐ Traffic
☐ Flood Control (Full-size) ☐ Special Districts

Local

- ☒ Fire District Contra Costa fire@cccfd.org
☒ Sanitary District Central Sanitary
☒ Water District EBMUD

- ☐ City of _____
☐ School District(s) _____
☐ LAFCO _____
☐ Reclamation District # _____
☐ East Bay Regional Park District _____
☐ Diablo/Discovery Bay/Crockett CSD _____
☒ MAOTAC Alamo MA2

- ☐ Improvement/Community Association

Others/Non-local

- ☐ CHRIS - Sonoma State
☐ CA Fish and Wildlife, Region 3 - Bay Delta

Additional Recipients

- ☒ AIA _____

Please submit your comments to:

Project Planner Sharon Gong
Phone # 925 674-7801
E-mail Sharon.Gong@dcd.cccounty.us
County File # VR14-1021

Prior to MAY 6, 2014

We have found the following special programs apply to this application:

No Active Fault Zone (Alquist-Priolo)

X Flood Hazard Area, Panel # _____

Yes 60-dBA Noise Control

No CA EPA Hazardous Waste Site

AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: ☐ None ☒ Below ☐ Attached

① A separate grading permit may be required for fills placed within Driveway area

② A drainage plan per Ord 2007-01 will be required

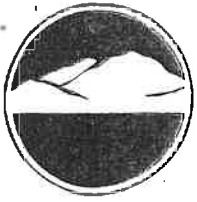
③ Compliance to Contra Costa County Storm Water Control Plan C.3i small projects.

④ Retaining walls > 3' measured top of footing to top of wall or supporting a surcharge requires a building permit

Print Name Gary Farra

Signature [Signature] DATE 5/6/2014

Agency phone # 925 674-7718



DARWIN MYERS ASSOCIATES

ENVIRONMENTAL RESEARCH ■ ENGINEERING GEOLOGY

May 5, 2014

Sharon Gong, Project Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

Subject: **Geologic Peer Review – 30 Day Comments**
VR14-1021/ Ahmed Rassai (applicant)
200 Sydney Drive / APN 188-412-014
Alamo Area, Contra Costa County
DMA Project # 3022.14

Dear Sharon,

Based on your authorization, we have reviewed plans for the proposed residence submitted by the applicant. It is our understanding that request is for approval of a variance to the setback standard of the Zoning Ordinance. The assessor's parcel map indicates that the site is Lot #48 of SD 2838. The plans were prepared by LTDesign.¹ No geotechnical report was submitted by the applicant. The peer review letter presented herein is organized to first outline the purpose and scope of our review. We then provide background information on the geologic and seismic setting of the site, followed by a summary of the documents reviewed. Finally, we present our evaluation and recommendation.

Purpose

The purpose of our review was to (a) provide an overview of site geologic conditions, and (b) based on that review, provide a professional opinion on the need for a geotechnical report. Specifically, we were requested to comment on the adequacy of available data on "soils and geologic data" for the full processing of the pending The County requires sufficient data on site conditions to allow: (a) delineation the potential geologic hazards based on adequate subsurface data, and (b) the data must be sufficient to serve as the primary basis for preparation of the "Geology and Soils" chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document.

Scope

The scope of our review included (a) geologic analysis of vertical angle aerial photographs using a mirror stereoscope equipped with 3x and 8x binoculars,² (b) review of pertinent published geologic reports and maps, (c) review of the Soil Survey of Contra Costa County, (d) review of geotechnical reports prepared

¹ LTDesign, 2014, *Rassai Residence, 200 Sydney Drive, Alamo, California, APN 188-412-014-6* (10 Sheets, dated April 3, 2014).

² Pacific Aerial Surveys, Photographs #CC3526-2-205 & -206; scale 1 in. = 1,000 ft. (flown on May 7, 1973).

by Woodward-Clyde-Sherard and Associates,³ (e) review of Safety Element geologic hazard maps and geologic-related Safety Element policies, and (f) a field reconnaissance of the site. With this background we reviewed the drawings submitted by the applicant.

Background

Active Faults

The site is located in the Alamo area, at/ near the crest of Las Trampas Ridge. Figure 1 is a Vicinity Map showing the local road network, along with nearby freeways and the Alameda/ Contra Costa County line. The nearest faults that are considered active by the California Geological Survey (CGS) are the Concord, Calaveras and Hayward faults. The CGS has delineated Alquist-Priolo (A-P) Earthquake Fault Zones along the known active faults in California. The official A-P zones nearest the site are shown with a tan color in Figure 1. The A-P zone that encompasses recently active and potential active traces of the Concord Fault passes 4 miles northeast of the site; the Calaveras Fault A-P zone terminates approximately 5½ miles southeast of the site; and the Hayward Fault A-P Zone passes approximately 8¾ miles northeast of the site. According to the CGS, recently active and potentially active fault traces may be present anywhere in the A-P Zone. The location of surface rupture generally can be assumed to be along the known active fault traces. The site is not within the A-P Zone. Therefore, the probability of the project site experiencing surface rupture can be considered very low.

It should be recognized that the CGS does not delineate an A-P zone unless it believes that there is clear evidence of surface fault rupture has occurred during Holocene time (i.e. during the last 11,000 years). In the case of the Calaveras fault, review of technical data by CGS geologists determined that the northern portion of the Calaveras fault has no proven Holocene offset. So, although geologic maps have confirmed that the Calaveras fault closely coincides with the toe of Las Trampas Ridge this segment of the fault has not been placed in an A-P Zone because of the absence of proven Holocene displacement at the ground surface. In summary, the ancestral trace of the Calaveras fault is generally considered to pass just west of the site. Although this segment of the Calaveras fault is not considered to be an active fault in the Alamo area by the CGS, it is a potential seismic source. Specifically, a 1998 report prepared by Geomatrix found evidence of activity during the Late Quaternary on this fault system within the southern portion of the Walnut Creek area (minor offset with a right-normal-oblique sense of displacement). The alluvium that was offset was dated 31,410 radio-carbon years before present.⁴

Bedrock Geology

The most recent geologic map of Contra Costa County is a color, digitized bedrock geology map that was published by the U.S. Geological Survey in 1994 (see Figure 2)⁵ This map, which is based on the compilation of previous published mapping, indicates the site is located on the west flank of the San Ramon Valley in the Alamo area of Contra Costa County. Features that can be seen on the map can be summarized as follows: (a) the site is within the outcrop belt of the Neroly Sandstone (Tn), (b) two through-going, generally north-south trending faults are mapped west on the site. One passes tangent to the western property boundary, and the other passes approximately 0.4 miles west of the site. The USGS map does not classify faults by activity status, and the locations shown should be considered approximate.

³ Woodward-Clyde-Sherard & Associates, 1961, untitled letter-report addressing soils investigation of Tract 2838, WCS Job #4760 (dated August 22, 1961).

⁴ Geomatrix, 1998. *Final report, Walnut Creek Water Treatment Plant Expansion, Seismic Study - Phase II*. Geomatrix Job #3970 (report dated October 30, 1998).

⁵ Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California*. U.S. Geological Survey Open File Report 94-622.

Engineering Geology Properties of Bedrock

In 1995 the USGS issued a professional paper that characterizes the composition and engineering properties of rock and soils that most influence slope stability.⁶ With regard to the composition of the Neroly Sandstone, the USGS report states describes this unit as follows: *Sandstone, largely medium grained, some coarse grained, well to moderately well sorted, largely clean, some tuffaceous. In places this formation contains calcite-cemented shell beds that form erosion resistant ridges. Interbedded with the clean sandstone are clayey sandstone, mudstone to siltstone, shale and conglomerate. The sandstone is characterized by a) low intergranular permeability, b) much to most bedrock unexpansive (but some significantly expansive), c) weathering extends to depths 15 ft. to more than 30 ft., and d) sandstone beds typically range from 6 to 60 ft.*

Soil Survey

According to the Soil Survey of Contra Costa County, soil series mapped on the site is the Millsholm loam (MeE, 15-30% slopes; MeF, 30-50% slopes; and MeG, 50-70% slopes).⁷ This soil is rated "low" expansion potential, but is classified "highly" corrosive to uncoated steel. (Corrosive soils pose a hazard to concrete and uncoated steel that is in contact with the ground.) The typical soil profile is approximately 12 inches thick. The A-horizon extends from 0-4 inches, and is described as a dark grayish brown loam. The B-horizon extends from 4-12 inches below the surface. It has the same color, texture and reaction as the A-horizon, but has weak, fine- or medium- subangular blocky structure. The underlying bedrock (C-horizon) consists of weathered sandstone (or interbedded sandstone and shale). This rock is described as firm (not hard).

Geologic Hazards

In 1975 the U.S. Geological Survey issued photointerpretive maps of Contra Costa County that show the distribution landslide and other surficial deposits.⁸ These maps, which were issued at a scale of 1 inch = 2,000 ft., were based solely on geologic interpretation of aerial photographs, without the benefit of a site visit or any subsurface data. Moreover, they do not show landslides that may have formed since 1975. It should also be recognized that the landslides shown are not classified on the basis of the activity status (i.e. active or dormant), depth of slide plane (shallow or deep seated), or type of landslide deposit. Nevertheless, the map serves its intended purpose which was to serve as screening criteria. In areas where landslides are mapped of a site or where there is a concentration of slides, detailed site specific investigations are warranted to fully evaluate landslide hazards. It should be recognized that the USGS map is not a substitute for a detailed site-specific geologic/ geotechnical investigation.

The slides identified in the USGS map were included in the Safety Element of the County General Plan (page 10-24). Figure 3 presents the USGS landslide map of the site and surrounding area. The USGS slides are outlined in red. The black arrows within the landslide area indicate the general direction of down slope displacement. The base map for Figure 3 is a recent aerial photograph with topography superimposed. No landslides were mapped on the property, but two landslides are indicated approximately 150 ft. to 200 ft. downslope of the site. The direction of displacement of these slides is to the west, and hence they do not pose an immediate risk to the Project site.

⁶ Ellen, S.D. and C.M. Wentworth, 1995. *Hillside Materials and Slopes in the San Francisco Bay Region, California*. U.S. Geological Survey Professional Paper 1357.

⁷ Welch, L., 1977. *Soil Survey of Contra Costa County*. USDA Soil Conservation Service.

⁸ Nilsen, T.H., 1975. *Preliminary Photointerpretive Map of Landslide and Other Surficial Deposits of the Las Trampas Ridge, 7.5-Minute Quadrangle, Contra Costa and Alameda Counties*, U.S. Geological Survey, Open File Report 75-277-24.

Seismicity

USGS Open-File Report 03-214 predicts a 62 percent chance of a magnitude 6.7 or greater earthquake on one of the active faults U.S. Geological Survey Open-File Report 03-214 predicts a 62 percent chance of a magnitude 6.7 or greater earthquake on one of the active faults which exist within the San Francisco Bay Area during the 30 year period. The study estimates an 11, 4 and 27 percent probability that a magnitude 6.7 earthquake will occur on the Calaveras, Concord-Green Valley and Hayward faults, respectively, during this period. Similarly, there is a 21 percent chance of such an event occurring on the San Andreas fault; and the probability of such an event on the Greenville and Mount Diablo faults are rated 3 percent each, respectively.

The Safety Element includes a figure titled "Seismic Ground Response" (General Plan, page 10-13). This map classifies sites where bedrock is inferred to be at/ near the surface as *lowest damage susceptibility*. The risk of structural damage from earthquake ground shaking is controlled by building and grading regulations. According to the 2013 California Building Code (CBC), structures requiring building permits (including the proposed residence, retaining walls over 3 ft. in height and most types of accessory structures) require the design take into account both foundation conditions and proximity of active faults and their associated ground shaking characteristics. Design-level geotechnical reports must include CBC seismic design parameters. Those parameters are used by the structural engineer in the design of civil engineering structures. Compliance with building and grading regulations can be expected to keep risks within generally accepted limits.

Safety Element

The following discussion is intended to summarize and highlight geologic-related Safety Element policies and implementation of those policies by the Department of Conservation and Development.

Liquefaction Potential

Liquefaction is a phenomenon in which saturated, cohesionless soils are subject to a temporary loss of shear strength because of pore pressure build-up under the cyclic shear stresses associated with earthquakes. The consequences of liquefaction include the following: (a) slope failure involving the soils that overlie the layer that liquefies, including lateral spreading failures (b) settlement due to the consolidation of the layer that is subject to liquefaction, and (c) ground cracking/ sand boils.

With regard to liquefaction potential, the Safety Element of the General Plan divides Contra Costa County into three categories: "generally high", "generally moderate to low", and "generally low". The Safety Element includes a number of policies indicating that at-risk areas require evaluation of liquefaction potential and effective mitigation of the hazard posed to new development. Operative General Plan policies are presented in Table 1. The Safety Element also includes a Liquefaction Potential Map on page 10-15. This map is used as a "screening criteria" by Contra Costa County during the processing of land development applications. The County requires rigorous evaluation of liquefaction potential in areas of "high potential", and less comprehensive investigations are demanded in the "moderate to high" category. It should be recognized that the classification "generally high" liquefaction potential does not imply the presence of liquefiable sands on a parcel. The map attempts to be conservative on the side of safety. Where geologically young alluvial deposits are shown on soils maps of the County, the General Plan considers the site to be in the "generally high" category. Site specific investigations are needed to determine if liquefiable sands are present and to provide stabilization measures where liquefiable sands are confirmed. In the experience of the County peer review geologist, only 1 acre of every 100 acres in the "generally high" category have the clean, loose to medium-dense sands that are below the water table. It is these sands that are candidates for liquefaction. With regard to the project, the

Safety Element map considers the site to be in the “generally low” category. Consequently, further evaluation of liquefaction potential is not required.

Table 1
SAFETY ELEMENT LIQUEFACTION POLICIES

Policy 10-18. This General Plan shall discourage urban or suburban development in areas susceptible to high liquefaction dangers and where appropriate subject to the policies of 10-20 below, unless satisfactory mitigation measures can be provided, while recognizing that there are low intensity uses such as water-related recreation and agricultural uses that are appropriate in such areas.
Policy 10-19. To the extent practicable, the construction of critical facilities, structures involving high occupancies, and public facilities shall not be sited in areas identified as having a high liquefaction potential, or in areas underlain by deposits classified as having a high liquefaction potential
Policy 10-20. Any structures permitted in areas of high liquefaction damage shall be sited, designed and constructed to minimize dangers from damage due to earthquake-induced liquefaction.
Policy 10-21. Approvals to allow the construction of public and private development projects in areas of high liquefaction potential shall be contingent on geologic and engineering studies which define and delineate potentially hazardous geologic and/or soils conditions, recommend means of mitigating these adverse conditions, and on proper implementation of the mitigation measures.

Ground failure/ Slope Stability

The Safety Element contains a number of policies that are directed to protect development from landslide hazards and minimize grading of steep slopes. Those which appear most applicable to the Project are presented in Table 2. County General Plans historically have classified major slope areas in excess of 26 percent as “not readily developable” and “undevelopable,” recognizing the cost and engineering difficulties of grading in areas of steep slopes (Policy 10-29); and density is to decrease as slopes increase above 15 percent (Policy 10-28).

Areas that are subject to slides and slippages from other natural causes may be very hazardous under earthquake conditions. Earthquake effects will be more extensive if a major earthquake occurs during the rainy season when ground conditions are favorable to landsliding and ground slippage. Whether a landslide will or will not occur at any specific, presently stable slope usually cannot be predicted under “natural conditions” because of the range of natural conditions and changes which occur with time. However, land which has experienced landslide movement in the past is believed to be generally more

Table 2
SAFETY ELEMENT GROUND FAILURE POLICIES

Policy 10-22. Slope stability shall be a primary consideration in the ability of land to be developed or designated for urban uses.
Policy 10-23. Slope stability shall be given careful scrutiny in the design of development and structures, and in the adoption of conditions of approval and required mitigation measures.
Policy 10-24. Proposed extensions of urban or suburban land uses into areas characterized by slope over 15 percent and/or generally unstable land shall be elevated with regard to the safety hazard prior to the issuance of any discretionary approvals. Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26 percent or greater shall be protected through implementing zoning measures and other appropriate actions.
Policy 10-26. Approvals of public and private development projects in areas subject to slope failures shall be contingent on geologic and engineering studies which define and delineate potentially hazardous conditions and recommend adequate mitigation.
Policy 10-27. Soil and geological reports shall be subject to the review and approval of the County Planning Geologist.
Policy 10-28. Generally, residential density shall decrease as slope increases, especially above a 15 percent slope.
Policy 10-31. Subdivisions approved on hillsides which include individual lots to be resold at a later time shall be large enough to provide flexibility in finding a stable buildable site and driveway location.
Policy 10-32. The County shall not accept dedication of public roads in unstable hillside areas, or allow construction of private roads there which would require an excessive degree of maintenance and repair costs

slide-prone, and also is more sensitive to man-induced changes, such as grading, watering, removing or changing the type of vegetation, and changing drainage patterns, among many possible factors.

In the case of the Project, the site has been previously graded (circa 1960-61). Although the lot is large, there is relatively little flexibility in the location the residence. Documentation of the earthwork on the site is sketchy. Specifically (a) the distribution of fill on the site is unknown, (b) the stability of the graded slopes on this lot is unknown, and (c) at least some slopes on the site do not comply with the recommendation of Woodward-Clyde-Sherard & Associates and they do not comply with the standards of the County Grading Ordinance. Available information indicates a potential for active mass wasting on the site, including deep soil creep of the fill, erosion and potentially landslide movement.

Soils Report of Woodward-Clyde-Sherard & Associates

General

The VR14-1021 Project site is Lot #48 of Tract 2838 (Crest View subdivision). The Project site also includes the northern portion of Lot #47. That area appears to have been added to Lot #48 as a result of a lot line adjustment. The subdivision was graded circa 1960-61 (i.e. more than 50 years ago). That preceded the adoption of the Grading Ordinance. Consequently, the project did not require a grading permit. Nevertheless the County did view site conditions on Tract 2838 prior to issuance of building permits for residences, and was concerned about the performance of slopes on certain designated lots, and identified lots where corrective grading was needed prior to residential construction. At that point, Tract 2838 had been completely graded. A soils engineering firm (Woodward-Clyde-Sherard & Associates) was retained to evaluate the stability of the lots in question. The soils engineer found graded slopes on the site that ranged from 1.25:1 (horizontal to vertical) to 1.9:1 (h:v). The maximum height of fill slopes was found to range up to 53 ft.

The scope of the Woodward-Clyde-Sherard & Associates (WCS) investigation included laboratory testing of selected samples of the fill material on site, followed by slope stability analysis. For a saturated condition, WCS concluded that for a slope possessing a gradient of 1.75:1 (h:v) the calculated safety factor was 1.0. For a partially saturated fill, WCS estimated the safety factor to be 1.15 for a fill slope possessing a gradient of 1.75:1. Because the standard of care at the time was a safety factor of 1.43 to 1.5, WCS recommended that use of fill slopes with a gradient of 2:1 in the tract. It should be noted that WCS did not evaluate the effect of earthquake ground shaking on slope stability, and that graded slopes on Lot #48 exceed the slope gradient that was recommended by WCS more that 50 years ago.

DMA Evaluation

The site is steep and has previously been graded. The information provided by the topographic map that was included with the application is incomplete/ inadequate. Additionally, it fails to identify the source of the limited topographic information that was provided. Exposures of fill in the southeast portion of the site include some oversized, lime-cemented sandstone cobbles. There may be large boulders in the fill that are not suitable for use in an engineered fill. Additionally, the standard of care today would require use of subdrains to ensure that the fill does not become saturated; that was not the case for the fill placed on Tract 2838. The limited investigation of WCS did not include testing of fill on the site, there is no information on the aerial extent (or thickness) of fill on the site, and WCS's evaluation of slope stability did not include the effects of earthquake shaking. The geotechnical investigation is warranted prior to the issuance of the building permit for the residence. It should include subsurface data adequate to establish the distribution and thickness of fill within the area planned for grading and development, along with

slope stability analysis for static and pseudo-static conditions. It should provide specific criteria and standards for site grading, drainage and foundation design. The stability analysis

A point of departure for the investigation should be an accurate topographic base map of the entire lot that shows easements, trees and the footprint of the project, and is wet signed and stamped by the licensed surveyor or civil engineer. We note that there is a CCCSD easement within the footprint of the proposed residence. We trust that any special requirements of the District for work within their easement are incorporated into the foundation-related work for the project.

DMA Recommendation

- A. At least 30 days prior to issuance of the building permit for the residence submit a geotechnical report and grading /drainage plans for review by the Peer Review Geologist, and review/ approval of the Zoning Administrator. The geotechnical report shall (a) provide performance criteria for assessment of the stability of engineered slopes, (b) identify the methods to be used to evaluate stability, and provide justification for their selection, (c) evaluate the stability based on the engineering properties of rock and soil on the site and on the level of anticipated earthquake shaking that is forecasted, (d) evaluate the consistency of the grading and drainage plans with the recommendations in the geotechnical report, and (e) identify any slopes that are proposed for corrective grading and indicate the type of corrective grading that is proposed. The evaluation of slope stability of the site shall follow the guidelines that have been issued by the State of properties in the official Seismic Hazard Zone.*
- B. Improvement, grading, and building plans shall carry out the recommendations of the approved geotechnical report. To ensure that recommendations are properly interpreted and implemented by the contractor, the geotechnical report shall outline the monitoring and testing services recommended by the geotechnical engineer during construction. It is anticipated that the geotechnical engineer will provide observation and testing services during clearing, site preparation, grading, drainage, and foundation-related work. Prior to requesting the final inspection of grading, submit a grading and completion report, to the Building Inspection Division and include in that report of the results of fill testing, along with evidence of monitoring any retaining wall construction.. The Grading Completion Report shall include an Original Geologic Map that shows the details of observed features and conditions (e.g. map showing the distribution of fill on the site, and characterizing the fill and bedrock), along with the location of boreholes and the line-of-section for the slope stability analysis). The Grading Completion Report shall also include a map based on either field survey or GPS measurements that show the location and depth of any subdrains, and location of cleanouts.*
- C. Gradient criteria for engineered slopes in the project shall comply with provisions of the County Grading Ordinance. Any conflicts between the future grading plans and those criteria shall be interpreted as evidence that the grading plan is inconsistent with grading criteria for the project.*

Limitations and Purpose

The purpose of our review was to provide a professional opinion on the project, its geologic setting and the previous soils report, along with compliance of the project with the Safety Element policies. Specifically, we provide advice to assist the Current Planning Division with discretionary permit decisions. In this case we are providing 30-day comments on the project. Our scope of work was limited

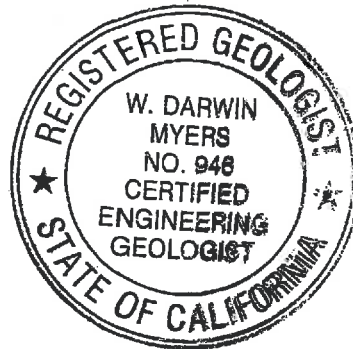
to the documents that are references herein, and our evaluation and recommendations are made in accordance with generally accepted principles and practices of the Engineering Geology Profession.

We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,
DARWIN MYERS ASSOCIATES

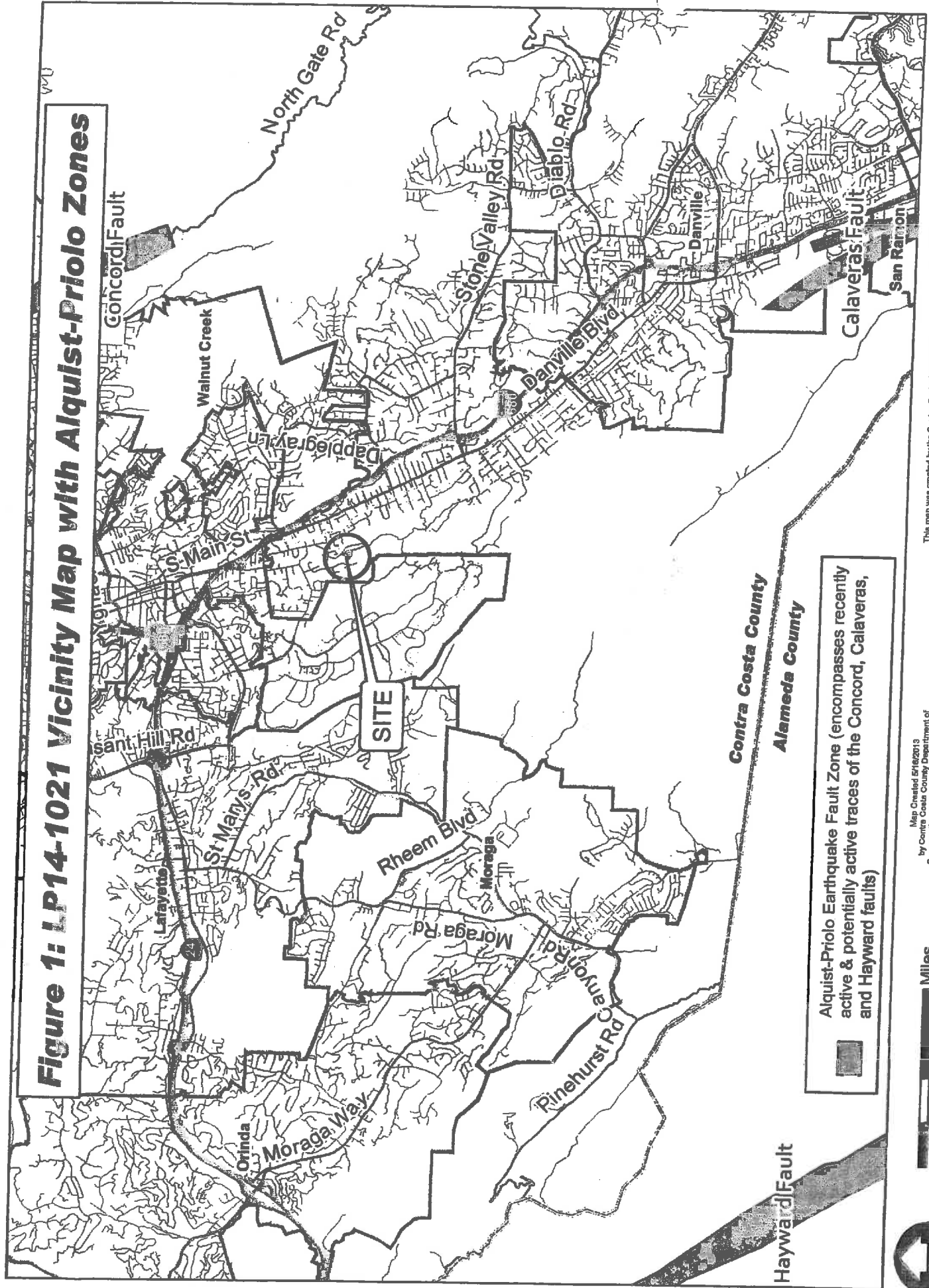


Darwin Myers, CEG 946
Principal



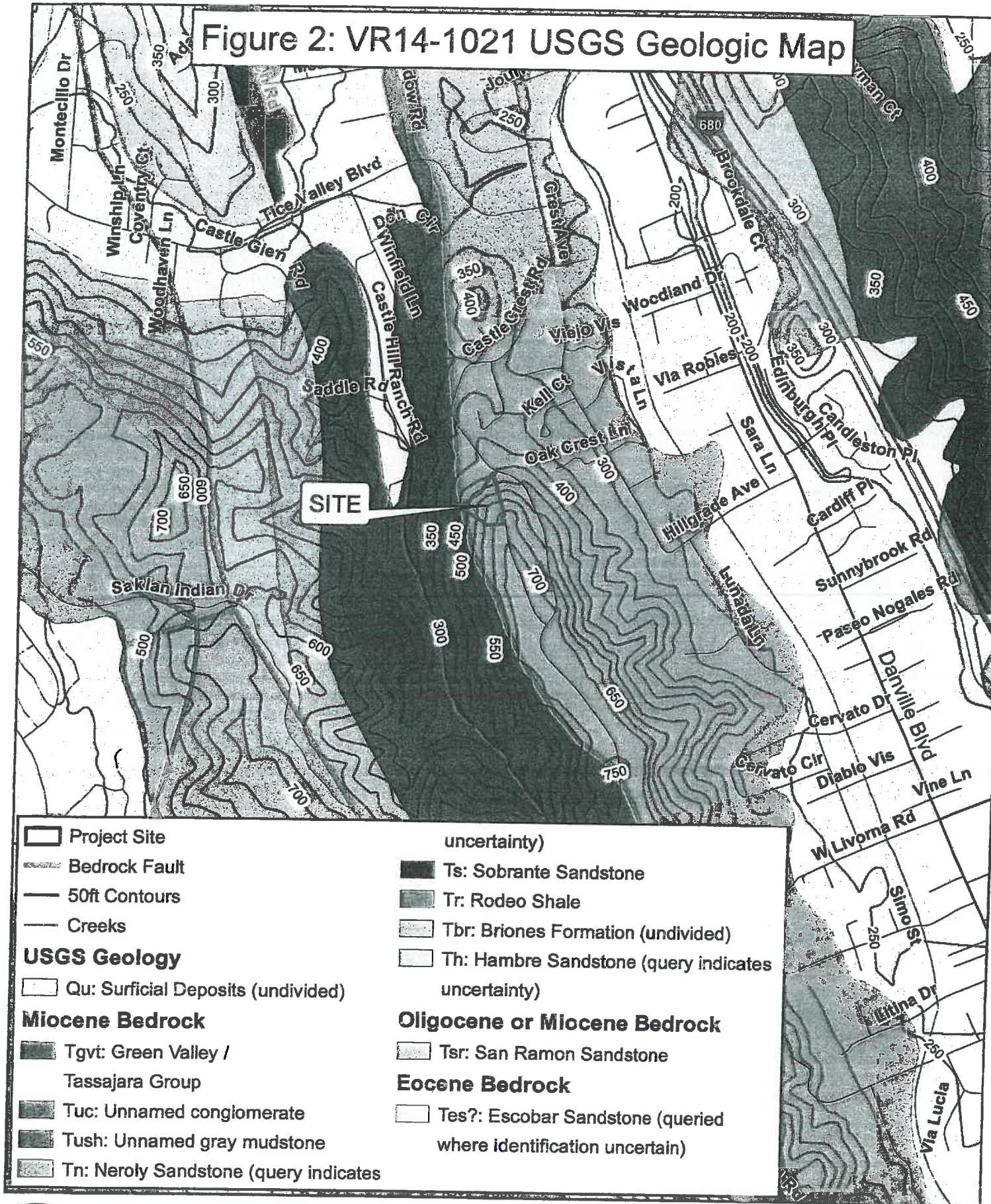
cc. Gary Faria, Grading Section, Building Inspection Division, Dept. of Conservation & Development
Ahmed Rassai, 200 Sydney Drive, Alamo, CA 94507
Lise Thogersen, LTDesign, 3021 Richmond Blvd., Oakland, CA 94611

Figure 1: LP14-1021 Vicinity Map with Alquist-Priolo Zones



Map Created 5/16/2013
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Main St., Suite 200, Concord, CA 94503
37°59'41.79"N 122°07'03.76"W

Figure 2: VR14-1021 USGS Geologic Map



0 480 960 1,920 Feet

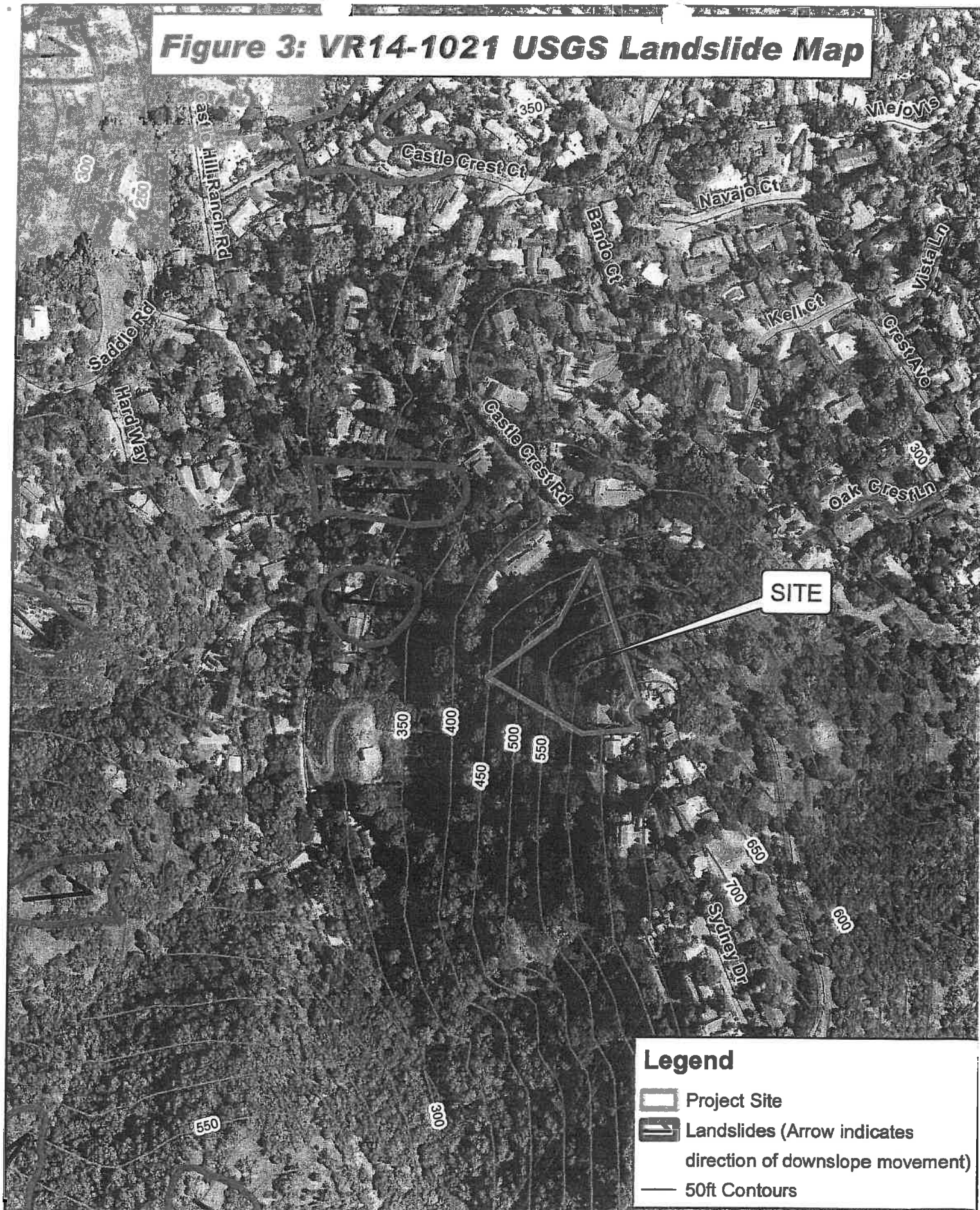
Map Created 4/28/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37.5941.781N 122.0703.756W

Source: USGS Open File Report 04-622

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and



Figure 3: VR14-1021 USGS Landslide Map



Legend

-  Project Site
-  Landslides (Arrow indicates direction of downslope movement)
-  50ft Contours



0 145 290 580 Feet

Map Created 4/28/2014
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553

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WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR

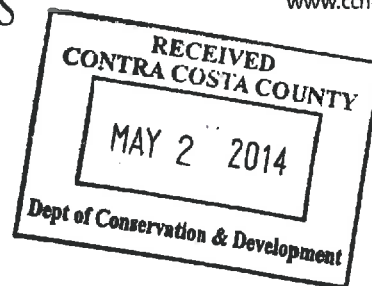
RANDALL L. SAWYER
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER

MARILYN C. UNDERWOOD, PH.D. REHS
DIRECTOR OF ENVIRONMENTAL HEALTH



CONTRA COSTA
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200
Concord, California 94520
Ph (925) 692-2500
Fax (925) 692-2502
www.cchealth.org/eh/



April 25, 2014

Sharon Gong
Department of Conservation and Development
Community Development Division
30 Muir Rd.
Martinez, CA 94553-4601

RE: VR14-1021 (Proposed single-family residence)
200 Sydney Dr., Alamo
APN 188-412-014

Dear Ms. Gong:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments if the property is served by public sewer and city water:

1. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.
2. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely,

Joseph G. Doser, R.E.H.S.
Supervising Environmental Health Specialist

cc: Ed Diaz, Environmental Health Specialist II

JGD:tf



Sharon Gong

From: Russ Leavitt <RLeavitt@centralsan.org>
Sent: Thursday, April 24, 2014 4:19 PM
To: Sharon Gong
Subject: VR13-1919; new residence, 200 Sydney Drive, Alamo

Follow Up Flag: Follow up
Flag Status: Flagged

According to Central Contra Costa Sanitary District (CCCSD) records, the project site is within CCCSD's service area. Sanitary sewer service is available within the west side of the project site via a six-inch diameter public main sewer. The new proposed unit would not produce a significant added burden on the wastewater system, nor interfere any with existing facilities. For sewer connection and fee information, the applicant should contact the CCCSD Permit Section at (925) 229-7371. Thanks!

Russell B. Leavitt
Engineering Assistant III
Central Contra Costa Sanitary District (CCCSD)
5019 Imhoff Place
Martinez, CA 94553-4316
v (925) 229-7255
f (925) 228-4624
rleavitt@centralsan.org
www.centralsan.org

Memorandum

To: Doug Wenham, Chief
Northern Region
Department of Forestry and Fire Protection

Date: April 23, 2014
R13

Attention: Environmental Coordinator
Santa Clara Unit

Telephone: (916) 653-4995

From: Department of Forestry and Fire Protection
Chris Browder, Deputy Chief
Environmental Protection

Subject: Environmental Document Review

Project Name: County File VR14-1021
SCH #:
Document Type: Notice of Preparation (NOP)

Potential Area(s) of Concern: Fire Protection?;
Other:

MANDATED DUE DATE: 5/6/2014

The above referenced environmental document was submitted to State Headquarters, Environmental Protection for review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The proposed project, located within your Unit/Program Area, may have an impact upon the Department's fire protection and/or natural resource protection and management responsibilities or require the Department's permits or approval. Your determination of the appropriate level of CAL FIRE involvement with this project is needed. Please review the attached document and address your comments, if any, **to the lead agency** prior to the due date. Your input at this time can be of great value in shaping the project. If your Unit's Environmental Coordinator is not available, please pass on to another staff member in order to meet the mandated deadline.

Please submit comments directly to the lead agency before the mandated due date with copy to the State Clearinghouse (P.O. Box 3044, Sacramento, CA 95812-3044).

☐ No Comment - explain briefly on the lines below.

Calif. Building Code.

All construction must comply with Chapter 7A
and Public Resources code 4290. Construction

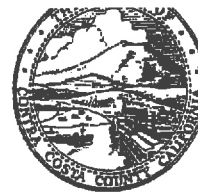
equipment must be in compliance with PRC. This Project
is in State Responsibility Area and must comply with all applicable laws.
Name and Title of Reviewer: Robert Chew, Dir. Chief

Phone: (408) 472 1603 Email: robert.chew@pine.ca.gov

Note: Please complete this form and return it, with a copy of any comments, for CAL FIRE's records to: Ken Nehoda or Chris Browder, Deputy Chief, Environmental Protection, P.O. Box 944246, Sacramento CA 94244-2460.

CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION
30 Muir Road
Martinez, CA 94553-4601
Phone: 925-674-7205
Fax: 925-674-7258

Jan
4/14/14
10



AGENCY COMMENT REQUEST

Date 4/11/14

We request your comments regarding the attached application currently under review.

DISTRIBUTION

Internal

☒ Building Inspection ☒ Grading Inspection
☐ Advance Planning ☐ Housing Programs
☐ Trans. Planning ☐ Telecom Planner
☐ ALUC Staff ☐ HCP/NCCP Staff
☐ APC Floodplain Tech ☒ County Geologist

Health Services Department

☒ Environmental Health ☐ Hazardous Materials

Public Works Department

☒ Engineering Services (Full-size) ☐ Traffic
☐ Flood Control (Full-size) ☐ Special Districts

Local

☒ Fire District Contra Costa fire@cccfd.org

☒ Sanitary District Central Sanitary

☒ Water District EBMUD

☐ City of _____

☐ School District(s) _____

☐ LAFCO _____

☐ Reclamation District # _____

☐ East Bay Regional Park District _____

☐ Diablo/Discovery Bay/Crockett CSD _____

☒ MAC TAC Alamo MAZ

☐ Improvement/Community Association _____

Others/Non-local

☐ CHRIS - Sonoma State _____

☐ CA Fish and Wildlife Region 3 - Bay Delta _____

Additional Recipients

☒ AIA

Please submit your comments to:

Project Planner Sharon Gong

Phone # 925 674-7801

E-mail Sharon.Gong@dcd.cccounty.us

County File # VR14-1021

Prior to MAY 6, 2014

We have found the following special programs apply to this application:

No Active Fault Zone (Alquist-Priolo)

X Flood Hazard Area, Panel # _____

Yes 60-dBA Noise Control

No CA EPA Hazardous Waste Site

AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: ☐ None ☒ Below ☐ Attached

• Construct driveway to meet Co. Standards

• Annex into CPC 2010-1 Countywide Street Light Financing

• Pay AOB and DA 67 fees at building permit issuance

• May be subject to Persim C3.2 (for small land development projects)

Print Name Joseph Lortorgue

Signature [Signature] DATE 04/22/14


Agency phone # (925) 313-2715



APR 23 2014

REVIEW OF AGENCY PLANNING APPLICATION

Dept of Conservation & Development

THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES			
The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purpose ONLY			
DATE: 04/21/2014	EBMUD MAP(S): 1551B502, 1551B500	EBMUD FILE: S-9709	
AGENCY: Contra Costa County Community Development Department Attn: Sharon Gong 30 Muir Road MARTINEZ, CA 94553	AGENCY FILE: VR14-1021	FILE TYPE: Variance	
APPLICANT: Ahmad R. Rassai 200 Sydney Drive Alamo, CA 94507		OWNER: Ahmad R. Rassai 200 Sydney Drive Alamo, CA 94507	
DEVELOPMENT DATA			
ADDRESS/LOCATION: 200 Sydney Drive City: ALAMO Zip Code: 94507			
ZONING: R-20 PREVIOUS LAND USE: Single Family Home			
DESCRIPTION: Variance for side yard and front yard setbacks. Also to construct a new residence with a raised driveway and pathway while including tree permit to remove 1 code protected tree.			TOTAL ACREAGE: 1.7 ac.
TYPE OF DEVELOPMENT: Single Family Residential: 1 Units			
WATER SERVICES DATA			
PROPERTY: in EBMUD	ELEVATION RANGES OF STREETS: 669-670	ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 636-670	
All of development must be served from existing main(s) Location of Main(s): Sydney Drive			
None from main extension(s) Location of Existing Main(s):			
PRESSURE ZONE	SERVICE ELEVATION RANGE	PRESSURE ZONE	SERVICE ELEVATION RANGE
D7KA	575-775		
COMMENTS			
When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water meters requires substantial lead time which should be provided for in the project sponsor's development schedule. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. No water meters are allowed to be located in driveways. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.			
DFC			
CHARGES & OTHER REQUIREMENTS FOR SERVICE: Contact the EBMUD New Business Office at (510)287-1008.			
<div style="text-align: right;"> 4/21/14 David J. Rehnstrom, Senior Civil Engineer; DATE WATER SERVICE PLANNING SECTION</div>			

DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION
30 Muir Road
Martinez, CA 94553-4601
Phone: 925-674-7205
Fax: 925-674-7258

4/14/14
10



AGENCY COMMENT REQUEST

Date 4/11/14

We request your comments regarding the attached application currently under review.

DISTRIBUTION

Internal

- | | |
|---|--|
| <input checked="" type="checkbox"/> Building Inspection | <input checked="" type="checkbox"/> Grading Inspection |
| <input type="checkbox"/> Advance Planning | <input type="checkbox"/> Housing Programs |
| <input type="checkbox"/> Trans. Planning | <input type="checkbox"/> Telecom Planner |
| <input type="checkbox"/> ALUC Staff | <input type="checkbox"/> HCP/NCCP Staff |
| <input type="checkbox"/> APC Floodplain Tech | <input checked="" type="checkbox"/> County Geologist |

Health Services Department

- ☒ Environmental Health ☐ Hazardous Materials

Public Works Department

- ☒ Engineering Services (Full-size) ☐ Traffic
☐ Flood Control (Full-size) ☐ Special Districts

Local

- ☒ Fire District Contra Costa fire@cccfd.org
☒ Sanitary District Central Sanitary
☒ Water District EBMUD
____ City of _____
____ School District(s) _____
____ LAFCO _____
____ Reclamation District # _____
____ East Bay Regional Park District _____
____ Diablo/Discovery Bay/Crockett CSD _____
☒ MACTAC Alamo MA2
____ Improvement/Community Association _____

Others/Non-local

- ____ CHRIS - Sonoma State
____ CA Fish and Wildlife, Region 3 - Bay Delta

Additional Recipients

- ☒ AIA

Please submit your comments to:

Project Planner Sharon Gong
Phone # 925 674-7801
E-mail Sharon.Gong@dcd.cccounty.us
County File # VR14-1021

Prior to MAY 6, 2014

We have found the following special programs apply to this application:

- No Active Fault Zone (Alquist-Priolo)
☒ Flood Hazard Area, Panel # _____
Yes 60-dBA Noise Control
No CA EPA Hazardous Waste Site

AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: ☒ None ☐ Below ☐ Attached

Print Name Bret Wickham
Bret Wickham 4.14.14
Signature DATE
Agency phone # 674. 7742

Public Comments



William E. Gagen, Jr.
Gregory L. McCoy
Patrick J. McMahon
Linn K. Coombs
Charles A. Koss
Michael J. Markowitz
Richard C. Raines
Barbara Duval Jewell
Robert M. Famucci
Allan C. Moore
Stephen T. Buehl
Amanda Devins
Lauren E. Dodge
Sarah S. Nix
Brian P. Mulry
Amanda Beck
Christine L. Crowl

www.gagenmccoy.com

VR14-1021
CONTRA COSTA
COUNTY

2014 SEP -4 A 7:54

DEPARTMENT OF
CONSERVATION
AND RECREATION
September 2, 2014

Submitted E-MAIL
513
The Law Offices of
Gagen, McCoy, McMahon, Koss
Markowitz & Raines
A Professional Corporation

Danville Office
279 Front Street
P.O. Box 218
Danville, California 94526-0218
Telephone: (925) 837-0585
Fax: (925) 838-5985

Napa Valley Office
The Offices At Southbridge
1030 Main Street, Suite 212
St. Helena, California 94574
Telephone: (707) 963-0909
Fax: (707) 963-5527

cmoore@gagenmccoy.com

Via E-mail
Via Hand Delivery

Municipal Advisory Council

Re: *Country File #VR14-1021 - Rassai Project*

Dear Members of the Alamo MAC:

Our office represents Jim Farrell, owner of the property located at 206 Sydney Drive in Alamo, California. Mr. Farrell's property is directly adjacent to the property located at 200 Sydney Drive (APN 188-412-014), where applicant Ahmad Rassai desires to build the proposed project (hereinafter "Rassai Project"). The neighborhood is known as "Crest View."

As you know, the Rassai Project has previously been before your Council (on June 3, 2014). After that Council meeting, Mr. Farrell met with Mr. Rassai and Sharon Gong, the County Planner assigned to this Project, and discussed the Council's suggestions and other changes. We very much appreciate the Council's prior comments and suggestions, as well as the small changes that have been made to the plans, particularly with regard to the overall shifting of the house to the north (i.e. away from Mr. Farrell's house). Instead of requesting three variances, the Rassai Project now proposes one variance.

While Mr. Farrell and our office do appreciate the small changes that have been made, we do not believe that the new plans for the Rassai Project adequately incorporated the requests of this Council or of Mr. Farrell and the neighbors. We still have the following concerns about the Rassai Project:

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A. New survey/Story Poles

Both the Alamo Improvement Association and several neighboring property owners have indicated that the survey upon which the plans are based is too old and appears to have contour inaccuracies. As such, the AIA and several neighbors have suggested that Mr. Rassai re-survey the property. It is our understanding that the revised plans that are currently before you are still based on the same old survey. A large part of our objection to the overall height of the Rassai Project is that the "as-built" version will be significantly higher than the one appearing on the plans due to the inaccuracy of the survey that Mr. Rassai has used. If a new survey was completed, then the neighbors, the Council, and the County could better observe the true location and height of the house. From our perspective, a new survey need not include the entire lot, but rather just the areas and elevations needed to assure accurate measurement for the building plans.

In that same vein, we would also request that Mr. Rassai install story poles so that the Council and the neighbors can better observe the location and height of the house (post-survey and revision of plans, if necessary).

B. Professional architect

As stated at the previous hearing, Mr. Rassai did not utilize a licensed architect in drawing these plans. We would urge the Council to consider encouraging Mr. Rassai to employ a licensed architect to review and revise his plans with the expertise required to address our concerns and the significant issues with the topography (i.e. item A. above), the building pad (i.e. item C. below), and the height (i.e. item E. below).

C. Building pad

Mr. Rassai is aware that he purchased his property with a finished building pad. The original developer of the Crest View neighborhood (Silver Construction Corporation) graded 63 lots in the early to mid-1960s and established the Crest View Covenants, Conditions and Restrictions ("CC&Rs"). These preexisting and graded lots are the building pads intended for any structure, and also represent the intended elevation for residential construction on the lots. The obvious purpose of the stepped lots on Sydney Drive in the aptly named Crest View development was to establish building platforms that preserved the views of Crest View homeowners of the surrounding area. Moreover, the listing for the Rassai Property clearly indicated that it has "Building Pad" and that it was a "Finished Lot." The owners of the Rassai Property purchased the property knowing the existence of the finished lot and location of the pad, as well as of the nature and character of the neighboring homes.

The Rassai Project proposes using a beam and column raised deck driveway in order to place the driveway/garage area above the height of the current pad, thereby

raising the height of the structure of the home and changing the nature of what was intended for the site and what the neighbors could reasonably expect when they purchased their homes. While we appreciate that Mr. Rassai has shifted the home away from the property line such that no side yard variance is needed, he is not building on the pad that was intended for a house on this lot. Instead, he appears to be filling and changing the topography of the lot to accommodate plans that include a home elevated on "open" posts and beams as well as a side yard driveway/garage, which is not consistent with other homes in the neighborhood. We would therefore request that the Council look carefully at the location of the existing and intended building pad. This pad, most of which is a flat surface, will accommodate a large home that is consistent with other homes in the neighborhood.

D. Garage location/Landscaping

As indicated above, the side-facing garage is peculiar to the neighborhood, and there are significant concerns with the raised home and driveway given the lack of a current survey of the elevations of the property. Moreover, Mr. Farrell's dining room window overlooks this garage and driveway (rather than a more aesthetic view of the side of the home).

That said, it is our understanding that Mr. Rassai has indicated that he would be willing to install landscaping along the southern boundary (i.e. the boundary with Mr. Farrell's property) to attempt to address privacy concerns of both Mr. Farrell and Mr. Rassai, and to provide some screening. The new plans do not reflect such landscaping, and we would therefore request that Mr. Rassai depict the location and type of landscaping that he plans to install.

E. Height

Finally, as we indicated at the previous hearing and in discussions with Mr. Rassai, we believe that the Rassai Project will exceed the height limit of 35 feet as required by County Code section 84-14.802 and would strongly urge the Council to encourage that Mr. Rassai obtain a new property survey. Also, while we understand that neither the Council nor the County will become involved in disputes regarding neighborhood CC&RS, Mr. Rassai has previously been approached to discuss the two-story restriction on the height of the Rassai Project under these CC&Rs.

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5B

Discussion Items – 200 Sydney Drive, Alamo

My primary objective is to make sure that the information being submitted to the County is ACCURATE so that an informed, correct, and legal decision can be made by the County.

- Is a licensed professional (engineer / architect) required to prepare the plans? The submitted documents contain SIGNIFICANT errors and/or omissions that have a DIRECT impact on the variances being requested. A brief summary is as follows:
 - Contours shown on plans, which shows an elevation difference of over four (4) feet (closer to six (6) feet) at the lower pad elevation, is incorrect.
 - Inadequate elevations and cross sections have been provided to determine the proposed elevations and height differences between the proposed design and the neighbor's property.

Raised grade beams shown on plans are MOST unusual. I have never seen any residential construction plans with raised grade beams as presented in the plans submitted to the County.

The true size of the proposed residence is not clear. What is the purpose/use for the undeveloped area? Is the true floor area of the residence over 7,000 square feet and closer and/or exceeds 8,000 square feet?
- Driveway profile does not meet county standards. See attached. As a result, the proposed grades and heights are unachievable as shown. Please see attachment # 1 & #2.
- How is the "1/2" story calculated in the maximum 2 and ½ story required by the County standards? The plans as shown may not comply with County Standards. In addition, the original CCR's for this property limits the maximum stories to two (2) stories).
- If the proposed residence is over 7,000 square feet or over 8,000 square feet – I have concerns about this residence being TOO large.

In summary, it is my concern that the plans that have been submitted to the County for the variance is not a true reflection of what can and will eventually be built at the 200 Sydney Drive site. As I mentioned in my opening statement, my primary objective is to make sure that the information being submitted to the jurisdiction is ACCURATE so that an informed, correct, and legal decision can be made by the County.

Giyana A. Senaratne, S.E., P.E., LEED AP, CASp

Owner – 201 Sydney Drive, Alamo, CA-94507

VR14-1021
CONTRA COSTA
COUNTY

2014 SEP -11 A 7:55

DEPARTMENT OF

Sharon Gong

From: Donna Maxwell
Sent: Wednesday, September 03, 2014 4:08 PM
To: James
Cc: Sharon Gong
Subject: RE: 454 Legacy Drive-Alamo-tree removal

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mrs. James,

This went before the MAC last night and it was approved with the recommendation for a clay tile roof and that work hours be limited to M-F, 7am – 5pm. Legacy Drive has a special condition of approval in general assigned to it, in that anything that would go before the Alamo MAC (regardless of outcome) automatically goes before the Zoning Administrator. Consequently, you may share your concerns about this project at that time. I am copying the planner assigned to this project, Sharon Gong, so she can review your concerns accordingly. When they schedule ZA hearings, notification letters go out to all of the residents living within a 300 foot radius of the property and it's at that time you will receive the date and time of the ZA hearing.

Feel free to contact me with any questions. For questions directly related to the project, please contact Sharon Gong.

Donna

Donna Maxwell, Field Representative
Supervisor Candace Andersen
Contra Costa County, District 2
309 Diablo Road
Danville, CA 94526



(925) 957-8860 voice
(925) 820-3785 fax
donna.maxwell@bos.cccounty.us

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.



Like us on

Facebook

FOLLOW US ON TWITTER



@AndersenCandace

From: James [<mailto:james7000@comcast.net>]
Sent: Wednesday, September 03, 2014 3:24 PM
To: Donna Maxwell
Subject: Re: 454 Legacy Drive-Alamo-tree removal

Donna,

Letter Below
↓

I appreciate your response and follow up on this proposed matter.
Thank you,
Diana James

On Sep 3, 2014, at 12:31 PM, Donna Maxwell <Donna.Maxwell@bos.cccounty.us> wrote:

Good afternoon Mr. and Mrs. James,

Supervisor Andersen has asked me to assist you, as I am the liaison for Alamo. I will look into this matter and get back to you as soon as I can.

Donna

*Donna Maxwell, Field Representative
Supervisor Candace Andersen
Contra Costa County, District 2
<image006.jpg>309 Diablo Road
Danville, CA 94526*

*(925) 957-8860 voice
(925) 820-3785 fax
donna.maxwell@bos.cccounty.us*

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

<image003.jpg> <image007.jpg>

Begin forwarded message:

From: James <jjames7000@comcast.net>
Date: September 2, 2014 at 5:53:36 PM PDT
To: Candace Andersen <Candace.Andersen@bos.cccounty.us>
Subject: 454 Legacy Drive-Alamo-tree removal

Dear Ms Andersen,

We have been notified that due to new construction there is the prospect of removal of a heritage oak tree, and also the permission to build within a drip line of additional oaks. Due to the fact that the removal of a heritage oak tree that is protected within Country Costa County and within Alamo, this should not be allowed under any circumstances. The proposed build should also not be allowed to be build within any drip line, of any oak tree on the property. There is no reason why this home can not be built within the defined building envelope. The size of the lot does not warrant a home of this size at apx 7700 Square feet. These trees and this proposed home sit on a designated ridge line in Alamo.

Please confirm receipt of this email, and that someone, or you personally have taken the time to view what is happening to this open space. Our home had to be built around a oak tree, as the tree was protected and not allowed to be touched for any reason, the tree is beautiful and we are

so happy that the CC County stood behind their code to protect oak trees.

Thank you for your time,
John and Diana James
447 Legacy Drive, Alamo, CA 94507
jjames7000@comcast.net



GagenMcCoy

William E. Gagen, Jr.
Gregory L. McCoy
Patrick J. McMahon
Charles A. Koss
Michael J. Markowitz
Richard C. Raines
Barbara Duval Jewell
Robert M. Fanucci
Allan C. Moore
Stephen T. Buehl
Amanda Bevins
Lauren E. Dodge
Sarah S. Nix
Brian P. Muir
Amanda Beck
Christine L. Moore
Linn K. Coombs

www.gagenmccoy.com

CONTRA COSTA
COUNTY

2014 MAY -9 P 1:44

May 8, 2014

DEPARTMENT OF
CONSERVATION
& DEVELOPMENT

The Law Offices of
Gagen, McCoy, McMahon, Koss
Markowitz & Raines
A Professional Corporation

Danville Office
279 Front Street
P.O. Box 218
Danville, California 94526-0218
Telephone: (925) 837-0585
Fax: (925) 838-5985

Napa Valley Office
The Offices At Southbridge
1030 Main Street, Suite 212
St. Helena, California 94574
Telephone: (707) 963-0909
Fax: (707) 963-5527

cmoore@gagenmccoy.com

Via E-mail

Via Hand Delivery

Contra Costa County
Department of Conservation and
Development
ATTN Sharon Gong, Project Planner
30 Muir Road
Martinez, CA 94553

Re: Country File #VR14-1821 - Rassai Project/Request for Public Hearing

Dear Ms. Gong:

I. Introduction/Request for Public Hearing

Our office represents Jim Farrell, owner of the property located at 206 Sydney Drive in Alamo, California. Mr. Farrell's property is directly adjacent to the property located at 200 Sydney Drive (APN 188-412-014), where applicant Ahmad Rassai desires to build the proposed project (hereinafter "Rassai Project"). The neighborhood is known as "Crest View."

We understand that the Rassai Project seeks the following variances: (i) a 0-foot side yard setback where 15 feet are required; (ii) an aggregate side yard setback of 31.5 feet where 35 feet are required; and (iii) a front yard setback of 3 feet where 25 feet are required. We also understand that the Rassai Project seeks approval of a tree permit to remove a code-protected tree as well as to work within the drip lines of 4 code-protected trees.

Mr. Farrell objects to the variances and the tree removal permit for the reasons set forth herein, and would like to formally request a public hearing for County File #VR14-1021.

II. The County Cannot Make the Findings Necessary to Support the Variance Requests

Contra Costa County Code section 26-2.2006 requires the division of the planning agency hearing the matter to make the following findings prior to granting a variance:

- (1) That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;
- (2) That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;
- (3) That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

The County cannot make these necessary findings and should not grant the variance requests.

A. The variance would be a special grant of privilege

The variance would be a special grant of privilege to the Rassai Project. The Rassai Project plans appear to depict a proposed home of around 6,000 square feet (when fully developed). Additionally, the plans appear to propose 900 square feet of garage space and an overall structure exceeding 7,000 square feet. Neighboring homes on Sydney Drive and in the Crest View area are typically 2,500 to 3,500 square feet. To allow the Rassai Project to exceed the setback requirements by such large margins (i.e. a setback of zero feet where 15 are required, an aggregate setback of less than 35 feet, and a setback of three feet where 25 are required) would be a special grant of privilege. We are unaware of any other properties in the area where these types of variances have been granted.

Moreover, the building pads for this neighborhood were placed, graded, and finished by the original developer. The Rassai Project proposes using a beam and column raised deck driveway and fill in order to place the driveway/garage area above

the height of the current pad, thereby changing the nature of what was intended for the site and what the neighbors could reasonably expect when they purchased their homes.

Finally, we believe that the Rassai Project would exceed the height limit of 35 feet as required by County Code section 84-14.802 (as described in section C herein). For these reasons, granting these variances would amount to a special grant of privilege.

B. There are no special circumstances applicable to the subject property

To begin, there are no special circumstances applicable to the subject property. The Rassai Project is proposed on a lot adjacent to many long-established homes, none of which are as large as the one proposed. There exist no topographical issues that would prevent the Rassai Project from being constructed in a similar manner to all of the surrounding homes on the existing building pad.

As stated above, the original developer of the Crest View neighborhood (Silver Construction Corporation) graded 63 lots in the early to mid-1960s and established the Crest View Covenants, Conditions and Restrictions ("CC&Rs"). These preexisting and graded lots are the building pads intended for any structure, and also represent the intended elevation for residential construction on the lots. The obvious purpose of the stepped lots on Sydney Drive in the aptly named Crest View development was to establish building platforms that preserved the views of Crest View homeowners of the surrounding area. Moreover, the listing for the Rassai Property clearly indicated that it has "Building Pad" and that it was a "Finished Lot." The owners of the Rassai Property purchased the property knowing the existence of the finished lot and location of the pad, as well as of the nature and character of the neighboring homes.

Finally, while we understand that the County does not become involved in disputes regarding neighborhood CC&RS, the applicant has previously been approached to discuss certain restrictions on the height of the Rassai Project and the location of the Rassai Project on the building pad.

C. A grant of variance would not meet the intent and purpose of the land use district (R-20)

County Code sections 84-14.602-606 indicate the minimum lot size, width, and depth for lots in the R-20 zone (20,000 square feet, 120 feet wide, and 120 feet deep). The Rassai Property appears to be approximately 1.7 acres, which is similar to the surrounding neighborhood lots. Similarly, the setback requirements for the R-20 zones (found at sections 84-14-1002-1006) dictate the size of the type of home that can be found in this zone. The Rassai Property lot was thus clearly intended for homes that are similar in size to the neighboring homes rather than a structure of more than 7,000 square feet.

III. The Rassai Project is More Than Two and One-Half Stories

Finally, it appears that the Rassai Project exceeds the County's two and one-half story limit (84-4.802). Regardless of the two-story limit imposed by the CC&Rs mentioned above, the Rassai Project still appears to contain more than two and one-half stories.

IV. Conclusion

For these reasons and others, we respectfully oppose the Rassai Project and request that a public hearing be scheduled so that we can state our opposition to the Planning Commission.

Very truly yours,

Gagen McCoy
A Professional Corporation


Allan C. Moore

CONTRA COSTA

2014 MAY -8 AM 10:56

APPLICATION & PERMIT CENTER

Roger Hill
219 Sydney
Drive
Alamo, CA
94507

May 7, 2014

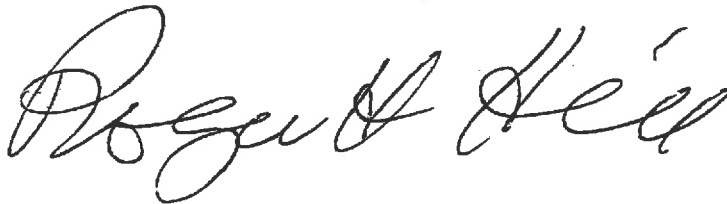
Contra Costa County
Department of Conservation and Development
Sharon Gong – Project Planner
30 Muir Road
Martinez, CA 94553

Dear Sharon:

I am concerned about all the variances and the tree remove being requested in
County File #VR14-1021 (200 Sydney Drive).

Request that a hearing be held

Sincerely

A handwritten signature in black ink, appearing to read "Roger Hill", with a stylized, cursive script.

Roger Hill

CENTRA COSTA

2014 MAY -8 AM 10:56

APPLICATION & PERMIT CENTER

Frank Amaral
236 Sydney Drive
Alamo, CA, 94507

May 7, 2014

Department of Conservation and Development
ATTENTION: Sharon Gong – Project Planner
30 Muir Road
Martinez, CA 94553

Dear Sharon,

I am aware that variances and tree removals are being requested on my street. They are for a new home at 200 Sydney Drive. I think these are probably "out of place" in our local community and a hearing should be held.

The reference is Ahmad Rassai (Applicant & Owner), County File # VR14-1021.

Kind Regards



Frank Amaral

Dan Moore
215 Sydney Drive
Alamo, CA
94507

CONTRA COSTA
2014 MAY -8 AM 10:56
APPLICATION / PERMIT CENTER

Department of Conservation and Development
Sharon Gong – Project Planner
30 Muir Road
Martinez, CA
94553

May 7, 2014

Sharon Gong:

I am requesting that a hearing be held related to county file VR14-1021 (200 Sydney Drive).

Sincerely

A handwritten signature in black ink, appearing to read "Dan Moore". The signature is fluid and cursive, with a large initial "D" and a long, sweeping horizontal line at the end.

CONTRA COSTA
COUNTY

May 7, 2014

2014 MAY -8 A 10:17

Ms. Sharon Gong
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

DEPARTMENT OF
CONSERVATION
AND DEVELOPMENT

Re: Public Hearing request for New Residence Proposed at 200 Sydney Drive, County File
#VR14-1021.

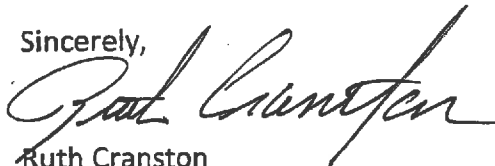
Dear Ms. Gong

Thank you for informing me about the proposed new residence adjoining our property. I am requesting a hearing be held to discuss the impact this new structure will have in our neighborhood.

The suggested setbacks are extreme and appear unreasonable. The tree proposed to be removed is a very large and distinct neighborhood feature which could be incorporated into the design of the house and perhaps be saved. In review of the plans, I am concern about a few other items not identified in your letter, which need to be discussed.

It is not my intention to prevent the lot from being developed, only to maintain the pleasing environment in which we live. My wish is that the builder incorporates the character of surrounding homes and neighborhood into the design of the home; that he designs a home respectful of the neighbors who have worked very hard to develop their own property in a manner that blends with the established setting.

Sincerely,



Ruth Cranston
201 Sydney Dr.
Alamo, CA 94507
(925)858-5605

CONTRA COSTA
2014 MAY -6 AM 10:56
APPLICATION & PERMIT CENTER

Gwen Gallagher
231 Sydney Drive
Alamo, CA
94507

May 6, 2014

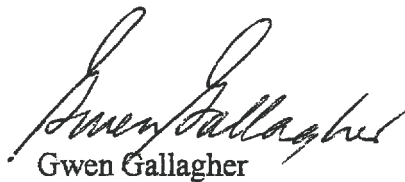
Contra Costa County
Department of Conservation and Development
ATTN: Sharon Gong
30 Muir Road
Martinez, CA 94553

Dear Sharon:

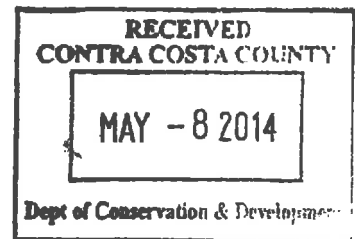
I am requesting a public hearing in regard to County File #VR14-1021 (Rassai requests for 200 Sydney Drive).

The numerous requests being made sounds like he is planning something that is too big for the neighborhood. I hope this hearing can be scheduled at a time that I can attend.

Sincerely


Gwen Gallagher

Frank Rinella
207 Sydney Drive, Alamo, CA
94507



Department of Conservation and Development
Sharon Gong - Project Planner
30 Muir Drive
Martinez, CA
94553

Monday, May 5, 2014

Dear Ms. Gong,

I received your letter about an administrative decision for 200 Sydney Drive (Ahmad Rassai - owner/applicant; County File VR14-1021)

I live across the street and am requesting (in writing) that a public hearing be held. I believe that the tree removal and variances will have an adverse impact on the neighborhood.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank Rinella".

Frank Rinella

CONTRA COSTA
2014 MAY -7 PM 2:39
APPLICATION & PERMIT CENTER

Paul Hunter
218 Sydney Drive
Alamo, California
94507

Sharon Gong – Project Planner
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

May 7, 2014

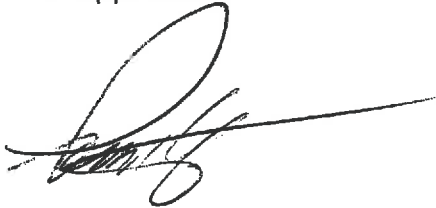
RE: April 29 Letter – County File #VR14-1021

Dear Ms. Gong:

Thank you for sending the letter. I am concerned all these special requests represent a project that may not fit in our neighborhood and may not respect the property rights of others. I have discussed this with several of my neighbors and they have asked me to send this letter requesting a public hearing.

A public hearing should be held and neighbor concerns should be addressed before any decision is made.

With appreciation

A handwritten signature in black ink, appearing to read 'Paul Hunter', with a long horizontal flourish extending to the right.

Paul Hunter

CONTITA COSTA
2014 MAY -7 PM 2:39
APPLICATIONS PERMIT CENTER

May 7, 2014

Sharon Gong – Project Planner
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Sharon:

I appreciate you meeting with us the other day to discuss the building plans for 200 Sydney Drive (APN 188-412-014). Per your letter, this request is related to file number VR14-1021.

After giving this careful consideration, I'm requesting that we have a public hearing on this. I own the lot two doors up and have some concerns.

Kind Regards


Jack Cuddihy

Owner of lot at 218 Sydney Drive
Mailing address:
1759 Ivanhoe Ave.
Lafayette, CA 94549

Special Reports

Rec'd 8/13/14

Arborist Report

August 9, 2014

Rassai residence
200 Sydney Dr.
Alamo, Ca. 94507

This report is based on the current site conditions and revised Site Plan at the time of inspection.

I recommend removing Tree #1 (Valley Oak), Tree # 5, 6 (Coast live oak) and the small cluster of sapling Oaks (trees 2,3,4) to facilitate construction of the residence, considering property line setbacks, and the logical location of the driveway, while retaining the larger Oaks on the north side of the property.

Plan Review

I reviewed revised site plan dated August 9, 2014 by LTDesign Richmond, Ca. The plan shows the proposed footprint of the residence in relation to the existing trees. The project scope proposes to locate the two-story footprint set back approximately 15 feet from property line. The driveway will be located towards the south side of the property with a maximum slope of 20%.

Site inspection

I performed a Third site inspection on August 9, 2014 and discussed the revised site plan with the property owner. Our discussions involved retaining as many trees as feasible, construction impacts and the health of the trees.

Tree 1:

Valley Oak (*Quercus lobata*) 27" DBH 27' spread 40' height

The tree is located forty feet northwest down slope from the water meter near the street. The tree appears to be in good health and vigor. Minor deadwood throughout the canopy. It has an asymmetrical canopy due to growing near tree #5. This tree is within the proposed building footprint. This tree should be removed.

Trees 2, 3, 4 (Cluster of saplings):

Coast Live Oak (*Quercus agrifolia*) 10", 12", 6" DBH 15" spread 15' height

This cluster of trees is approximately 10 feet from the pavement, south of the water meter. These trees are a small grouping that are in good health. The cluster will have some potential construction impacts, dependant on final driveway design, based on cut and fill grading. I do not believe they would survive after completion of the residence.

Tree 5

Coast Live Oak (*Quercus agrifolia*) -Multi 2 stem

25" DBH 30" Spread 40' Height

This tree is located 19 feet to the east of tree 1 and 12 feet to the west of tree 6. It also has an asymmetrical canopy due to growing in a group of three trees. The health is good. There

is minor deadwood throughout the canopy. The site plan shows that this tree is within the footprint of the building. This tree should be removed.

Tree 6

Coast Live Oak (*Quercus agrifolia*)

21" DBH 40' Spread 45' Height

This tree is located 32 feet to the east of tree 1. This tree is in good health. There is minor deadwood throughout the canopy. This tree will be within 5 feet of the building. Excessive side clearance pruning of the canopy will be required to facilitate framing of the residence. This will result in more than one third loss of the canopy. Construction impacts to the root zone most likely will result in future instability of the tree. This tree should be removed.

Tree 7

Coast Live Oak (*Quercus agrifolia*)- Multi 2 stem

61" DBH 30' Spread 45' Height

The tree is grouped with tree # 8 near the north property line and power pole. The health is good. There is minor deadwood throughout the canopy. The tree is outside construction zone.

Tree 8

Coast Live Oak (*Quercus agrifolia*)-Multi 4 Stem

28" DBH 40' Spread 40' Height

This tree is located to the west of tree #7. The health is good. There is minor deadwood throughout the canopy. The tree is outside construction zone.

Tree 9

Coast Live Oak (*Quercus agrifolia*)- Multi 5 Stem

56" DBH 40' Spread Height 45'

This tree is located 40' to the north of tree #1 and 30' to the west of tree #8. It is approximately 25' down slope from the edge of the flat building pad. The health is good. There is minor deadwood throughout the canopy. This tree is outside construction zone.

Tree 10

Coast Live Oak (*Quercus agrifolia*)- Multi 5 Stem

70" DBH 45' Spread Height 45'

This tree is located 25' to the west of tree #9 the health is good. There is minor deadwood throughout the canopy. It is approximately 50' down slope from the edge of the flat building pad. The tree is outside construction zone.

Tree Protection and Preservation Requirements

Pre- Construction meeting

Identify and establish Tree protection Zone (TPZ) around construction site.

Provide project timelines and milestones to all project principals.

Pre -Construction:

Tree #7,8,9,10

Install Temporary Fencing in the TPZ prior to Staging any equipment and crews or grading. Install 6-foot chain link fence at edge of drip line surrounding entire root zone. Starting at the north property line at the street, continue in a westerly direction maintaining the TPZ at edge of canopy of tree # 7, and then continue northerly to tree #9 down slope, then westerly to tree #10, then continue to wire fence down slope to close the entire area off to construction activities.

Arborist Inspection required after TPZ is installed to ensure tree preservation measures have been met.

Notes PRE-CONSTRUCTION REQUIREMENTS

The following six steps shall be incorporated within the Tree Protection and Preservation Plan

A. Site Plan

On all improvement plans for the project, plot accurate trunk locations and the 'dripline areas' of all trees or groups of trees to be preserved within the development area. In addition the plans shall accurately show the trunk diameter, dripline and clearly indicate the tree protection zone to be enclosed with the specified tree fencing as a bold dashed line.

B. Verification of tree protection

The project arborist or contractor shall verify, in writing, that all preconstruction conditions have been met (tree fencing, erosion control, pruning, etc.) and is in place.

C. Pre-construction meeting

The demolition, grading and underground contractors, construction superintendent and other pertinent personnel are required to meet with the Project Arborist at the site prior to beginning work to review procedures, tree protection measures and to establish haul routes, staging areas, contacts, watering, etc.

D. Protective Tree Fencing for Protected

Enclosures shall be erected around trees to be protected to achieve three primary goals, (1) to keep the foliage crowns and branching structure clear from contact by equipment, materials and activities; (2) to preserve roots and soil conditions in an intact and non-compacted state and; (3) to identify the tree protection zone (TPZ) in which no soil disturbance is permitted and activities are restricted, unless otherwise approved.

Size and type of fence All trees to be preserved shall be protected with five or six (5' - 6') foot high chain link fences. Fences are to be mounted on two-inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing. This detail shall appear on grading, demolition and improvement plans.

Duration Tree fencing shall be erected before demolition, grading or construction begins and remain in place until final inspection of the project permit, except for work specifically required in the approved plans in which case the project arborist must be consulted.

E. Tree Protection Zone or (TPZ)

Each tree to be retained shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots from disturbance. The TPZ shall be shown on all site plans for the project. Improvements or activities such as paving, utility and irrigation trenching and other ancillary activities shall occur outside the TPZ, unless authorized by the Arborist, or by project approval. Unless otherwise specified, the protective fencing shall serve as the TPZ.

1. Activities prohibited within the TPZ include:

Storage or parking vehicles, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots. Poisonous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water or any other material, which may be deleterious to tree health. The use of tree trunks as a winch support, anchorage, as a temporary power pole, signposts or other similar function.

Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches and other miscellaneous excavation without prior approval of the City Arborist.

Soil disturbance, grade change or drainage changes.

2. Activities permitted or required within the TPZ include:

Mulching. During construction, wood chips may be spread within the TPZ to a 4-to 6-inch depth, leaving the trunk clear of mulch to help inadvertent compaction and moisture loss from occurring. The mulch may be removed if improvements or other landscaping is required. Mulch material shall be 2-inch un-

painted, untreated wood chip mulch or approved equal.

Root Buffer. When areas under the tree canopy cannot be fenced, a temporary buffer is required and shall cover the root zone and remain in place at the specified thickness until final grading stage. Irrigation, aeration, fertilizing or other beneficial practices that have been specifically approved for use within the TPZ.

3. Erosion Control. If a tree is adjacent to or in the immediate proximity to a grade slope of 8% (23 degrees) or more, then approved erosion control or silt barriers shall be installed outside the TPZ to prevent siltation and/or erosion within the TPZ.

F. Tree Pruning, Surgery and Removal

Prior to construction, various trees may require that branches be pruned clear from structures, activities, building encroachment or may need to be strengthened by means of mechanical support or surgery. The most compelling reason to prune is to develop a strong, safe framework and tree structure. Such pruning, surgery or the removal of trees shall adhere to the following standards:

Pruning limitations:

Minimum Pruning: If the project arborist recommends that trees be pruned, and the type of pruning is left unspecified, the standard pruning shall consist of 'crown cleaning' as defined by ISA Pruning Guidelines. Trees shall be pruned to reduce hazards and develop a strong, safe framework.

Maximum Pruning: Maximum pruning should only occur in the rarest situation approved by the Arborist. No more than one-fourth (25 percent) of the functioning leaf and stem area may be removed within one calendar year of any protected or designated tree, or removal of foliage so as to cause the unbalancing of the tree. It must be recognized that trees are individual in form and structure, and that pruning needs may not always fit strict rules. The project arborist shall assume all responsibility for special pruning practices that vary from the standards.

Tree Workers. Pruning shall not be attempted by construction or contractor personnel, but shall be performed by a qualified tree care specialist or certified tree worker.

Tree Removal Procedure. When Protected Trees are removed and adjacent trees that are to be preserved (as shown on the approved site plans) must be protected, and then the following tree removal practices apply:

Removal of trees that extend into the branches or roots of Protected Trees shall not be attempted by demolition or construction personnel, grading or other heavy equipment. A certified arborist or tree worker shall remove the tree carefully in a manner that causes no damage above or below ground to trees that remain.

Stump Removal Before performing stump extraction, the developer shall first consider whether or not roots may be entangled with trees that are to remain. If so, these stumps shall have their roots severed before extracting the stump. Removal shall include the grinding of stump and roots to a minimum depth of 24-inches but expose soil beneath stump to provide drainage.

Construction:

Maintain TPZ at all times.

Grading – Keep TPZ fencing intact. No fill soil shall occur under retained trees.

No mechanical excavation equipment within the tree canopy.

Building construction, sliding, painting and any finish work– Keep TPZ fencing intact. TPZ fencing may be removed at the time of final inspection.

Notes ACTIVITIES DURING CONSTRUCTION & DEMOLITION NEAR TREES

Soil disturbance or other injurious and detrimental activity within the Tree Protection Zone (TPZ) is prohibited unless approved by the Arborist based on a tree report. If an injurious event inadvertently occurs, or soil disturbance has been specifically conditioned for project approval, then the following mitigation is required:

A. Soil Compaction

If compaction of the soil occurs, it shall be mitigated as outlined in Soil Compaction Damage, Section E and/or Soil Improvement, Section 5.50.

If compaction of the soil occurs, it shall be mitigated as outlined in Soil Compaction Damage

B. Grading Limitations within the Tree Protection Zone

Grade changes outside of the TPZ shall not significantly alter drainage to the tree. Grade changes within the TPZ are not permitted.

Grade changes under specifically approved circumstances shall not allow more than 6-inches of fill soil added or allow more than 4-inches of existing soil to be removed from natural grade unless mitigated.

Grade fills over 6-inches or impervious overlay shall incorporate an approved permanent aeration system, permeable material or other approved mitigation.

Grade cuts exceeding 4-inches shall incorporate retaining walls or an appropriate transition equivalent.

C. Trenching, Excavation and Equipment Use

Trenching, excavation or boring activity within the TPZ is restricted to the following activities, conditions and requirements if approved by the Arborist. Mitigating measures shall include prior notification to and direct supervision by the Arborist.

1. Notification. Contractor shall notify the Arborist a minimum of 24 hours in advance of the activity in the TPZ.
2. Root Severance. Roots that are encountered shall be cut to sound wood and repaired. Roots 2- inches and greater must remain injury free.
3. Excavation. Any approved excavation, demolition or extraction of material shall be performed with equipment sitting outside the TPZ. Methods permitted are by hand digging, hydraulic or pneumatic air excavation technology. Avoid excavation within the TPZ during hot, dry weather.
If excavation or trenching for drainage, utilities, irrigation lines, etc., it is the duty of the contractor to tunnel under any roots 2-inches in diameter and greater.
Prior to excavation for foundation/footings/walls, grading or trenching within the TPZ, roots shall first be severed cleanly 1- foot outside the TPZ and to the depth of the future excavation. The trench must then be hand dug and roots pruned with a saw, sawzall, narrow trencher with sharp blades or other approved root pruning equipment.
4. Heavy Equipment. Use of backhoes, steel tread tractors or any heavy vehicles within the TPZ is prohibited unless approved by the Arborist. If allowed, a protective root buffer is required. The protective buffer shall consist of a base course of tree chips spread over the root area to a minimum of 6-inch depth, layered by 3/4-inch quarry gravel to stabilize 3/4-inch plywood on top. This buffer within the TPZ shall be maintained throughout the entire construction process.
Structural design. If injurious activity or interference with roots greater than 2-inches will occur within the TPZ, plans shall specify a design of special foundation, footing, walls, concrete slab or pavement designs subject to Arborist approval. Discontinuous foundations such as concrete pier and structural grade beam must maintain natural grade (not to exceed a 4-inch cut), to minimize root loss and allow the tree to use the existing soil.

E. Injury Mitigation

A mitigation program is required if the approved development will cause drought stress, dust accumulation or soil compaction to trees that are to be saved. To help reduce impact injury, one or more of the following mitigation measures shall be implemented and supervised by the project Arborist as follows:

1. Irrigation Program. Irrigate to wet the soil within the TPZ to a depth of 24-inches to 30-inches. Or, apply sub-surface irrigation at regular specified intervals by injecting on approximate 3-foot centers, 10- gallons of water per inch trunk diameter within the TPZ. Duration shall be until project completion or monthly until seasonal rainfall totals at least 8-inches of rain, unless specified otherwise by the project arborist.
2. Dust Control Program. During periods of extended drought, wind or grading, spray wash trunk, limbs and foliage to remove accumulated construction dust.
3. Soil Compaction Damage. Compaction of the soil is the largest killer of trees on construction sites due to suffocation of roots and ensuing decline of tree health. If a compaction event to the upper 12-inch soil horizon within the tree protection zone has or will occur by any means, then one or more of the of the following mitigation measures shall be implemented.

Type I Mitigation. If an approved paving, hardscape or other compromising material encroaches within the TPZ, an aeration system shall be designed by the project arborist and used within this area.

Type II Mitigation. If inadvertent compaction of the soil has occurred within the TPZ, the soil shall be loosened by one or more of the following methods to promote favorable root conditions: vertical mulching, soil fracturing, core-venting, radial trenching or other method approved by the Arborist.

Tree Maintenance:

Crown cleaning may be performed on remaining trees by removing deadwood only, to improve health and reduce potential wildland fire fuel loads.

All Tree maintenance to be performed by a Certified Arborist.



Chris Llata (925) 348-3319
ISA Certified Arborist WE 504
California Urban Forester 124

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
2. The Consultant will not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
3. Loss or alteration of any part of this report invalidates the entire report.
4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the Consultant.
5. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a stipulated result, a specified value, the occurrence of a subsequent event, nor upon any finding to be reported.
6. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.
7. Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. It is highly recommended that you follow the arborist recommendations; however, you may choose to accept or disregard the recommendations and/or seek additional advice.
8. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period of time. Likewise, remedial treatments performed cannot be guaranteed.
9. Any recommendations and/or performed treatments (including, but not limited to, pruning or removal) of trees may involve considerations beyond the scope of the arborist's services, such as property boundaries, property ownership, site lines, disputes between neighbors, and any other related issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist can then be expected to consider and reasonably rely on the completeness and accuracy of the information provided.
10. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. Trees carry risk. The only way to eliminate all risks associated with trees is to eliminate



Google map showing tree locations. Trees in Red are candidates for removal. Blue line is proposed TPZ fenceline.



Facing southeast looking towards street.



Facing north at edge of flat pad.

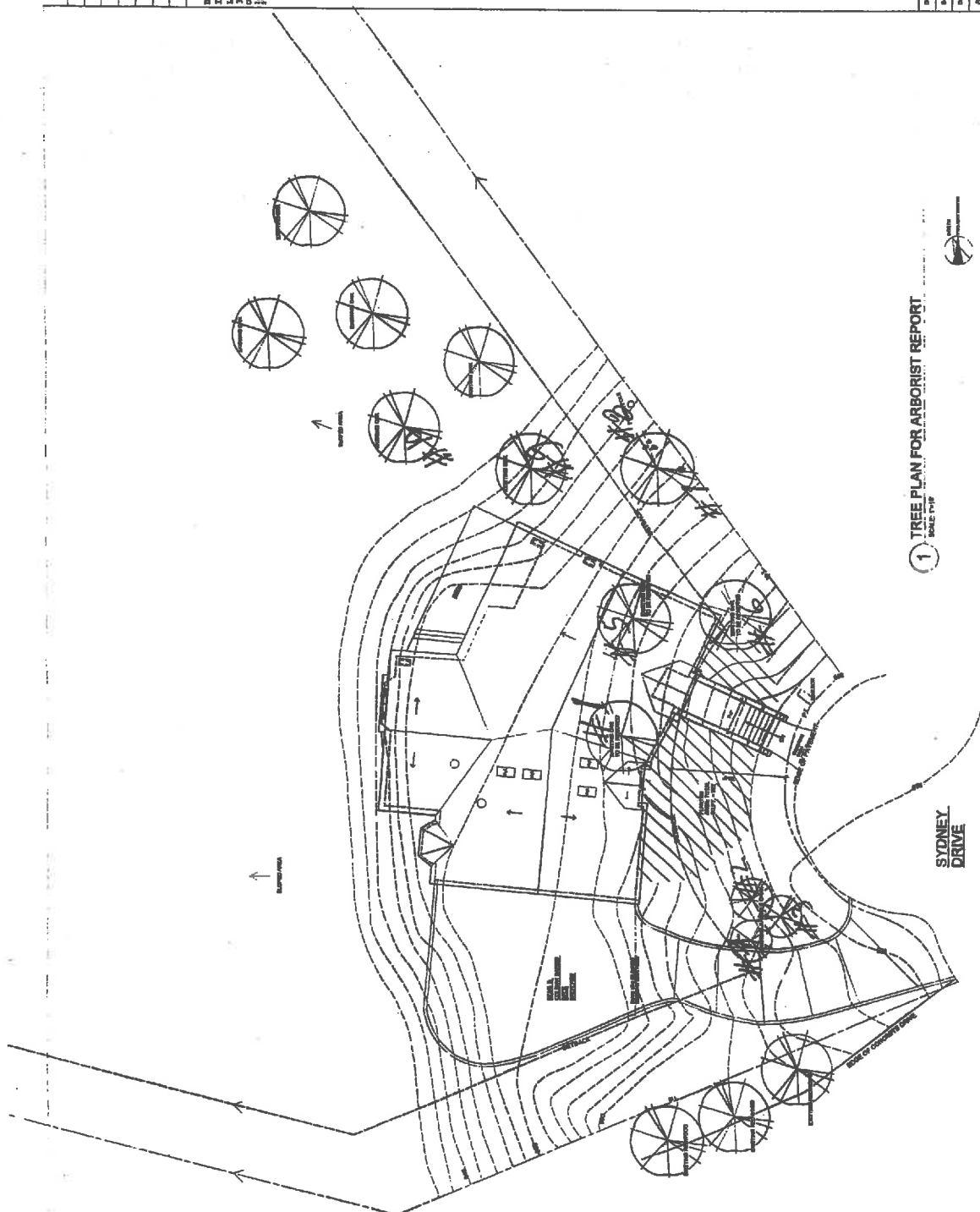


Facing northeast from middle of pad.

RASSAL RESIDENCE
200 SYDNEY DRIVE
ALAMO, CALIFORNIA 94507
APN: 188-12-014-8

Design by:
LXDdesign
Lisa Thompson
3021 Richmond Blvd
Oakland, CA 94611
lisa@lxdesignll.com
510.709.1194

**NEW
RESIDENCE**



Dec'd 6/5/14



GEOTECNIA

Consulting Geotechnical Engineers

2422 Providence Court
Walnut Creek, CA 94596
Phone/Fax: (925) 485-5650
Cell Phone: (510) 913-1067
E-Mail: Luis@geotecnia.com
Web Site: www.geotecnia.com

February 3, 2014

Mr. Ahmad Rassai
ARC Construction
P.O. Box 345
Walnut Creek, California 94597

(via e-mail at arrassai@gmail.com)

Subject: **Executive Summary of Geotechnical Study**
Proposed Single-Family Residence on Vacant Lot at 200 Sydney Drive
Alamo, California
Geotecnia Job No. 141444

Hi Mr. Rassai:

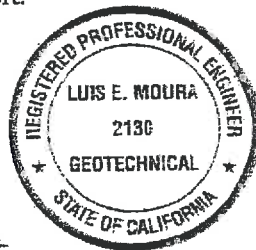
This letter presents an executive summary of my geotechnical study for the above-referenced project. The purpose of this executive summary is only to highlight some of the key findings of the study. For additional details, please refer to the enclosed geotechnical report dated February 3, 2014.

The main finding from my study is that the site is underlain by **favorable subsurface conditions** consisting of medium dense to dense fill and shallow bedrock. I recommend that the proposed building be supported on a combination of conventional **spread footings** and **drilled piers**. The enclosed report provides detailed recommendations for conventional spread footings, drilled piers, retaining walls, concrete slabs on grade, as well as other geotechnical recommendations for the proposed project.

Please call me on my cell phone (510-913-1067) if you have any questions about this executive summary or the enclosed report.

Sincerely,
GEOTECNIA

Luis E. Moura, Principal
C.E., G.E., F.ASCE



[02/03/2014]

Enclosure: Geotechnical Report Dated February 3, 2014

**REPORT
GEOTECHNICAL STUDY
Proposed Single-Family Residence on Vacant Lot at
200 Sydney Drive
Alamo, California**

Prepared for:

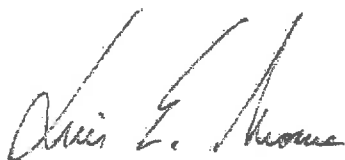
Mr. Ahmad Rassai
ARC Construction
P.O. Box 345
Walnut Creek, California 94597

February 3, 2014

Prepared by:

GEOTECNIA
Consulting Geotechnical Engineers
2422 Providence Court
Walnut Creek, California 94596-6454
(925) 465-5650

Project Number: 141444



Luis E. Moura, Principal
C.E., G.E., F.ASCE



[02/03/2014]

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FINDINGS

Site Description

The project site is the vacant downslope lot at 200 Sydney Drive in Alamo, California, at the approximate location shown on Plates 1 and 2. The site is on the west side of the cul-de-sac, and it includes a dirt access road connecting the cul-de-sac to a level bench located approximately 21 to 23 feet below the street level. The outboard (downslope) edge of this level bench is on fill materials, and the southeast corner of the level bench is on cut. The slope just south of the level bench appears to be a fill slope supporting the north end of the adjacent lot to the south. There were several trees on the subject slope at the time of our field exploration program.

Geology and Seismicity

The site is within the Coast Ranges Geomorphic Province, which includes the San Francisco Bay and the northwest-trending mountains that parallel the coast of California. These features were formed by tectonic forces resulting in extensive folding and faulting of the area. The oldest rocks in the area include sedimentary, volcanic, and metamorphic rocks of the Franciscan Complex, and sandstone, shale, and conglomerate of the Great Valley Sequence. These units are Jurassic to Cretaceous in age and form the basement rocks in the region.

A geologic map of the area reviewed for this study (Dibblee, 1980) shows the site being underlain by Miocene sandstone bedrock, with the layers (bedding) dipping favorably into the hillside. The nearest active fault trace is the Type-B Calaveras Fault, located about 1.1 miles (1.9 kilometers) southeast of the site. An inactive trace of the same fault is located about 0.4 mile (600 meters) northeast of the site. The nearest active Type-A fault is the Hayward Fault, located about 8.8 miles (14.2 kilometers) southwest of the site. The site is outside the Alquist-Priolo Earthquake Fault Zone but inside the Near-Source Zone (NSZ) associated with the Calaveras Fault (CDMG, 1997; and Dibblee, 1980).

Earth Materials

The subsurface conditions summarized below are based on data from the three borings drilled for this study. One of the borings was located on the dirt access road, and two of the borings were located near the outboard edge of the level bench, at the approximate locations shown on Plate 2. The horizons encountered are described in more detail below in stratigraphic order starting at the ground surface. Detailed descriptions of the materials encountered in the three borings are shown on Plates 3-5. The borings were backfilled with cement grout under the observation of the County inspector in accordance with the requirements of Drilling Permit #14B-1008.

We encountered a layer of medium dense to dense clayey sand with gravel from the ground surface in Borings B-2 and B-3, which we interpreted to be artificial fill. This layer was approximately 8 feet thick in Boring B-2 and 2.2 feet thick in Boring B-3. Samples of the soils

Other Geologic Hazards

It is our opinion that the potentials for liquefaction, lateral spreading, and seismic compaction are low at the site because no loose, saturated granular soils were encountered in the three borings drilled for this study. The potentials for landsliding, fault rupture, and earthquake shaking are discussed below.

Landsliding

A published landslide map of the site vicinity reviewed for this study did not show deep-seated landslides at the site (Saul, 1973). During our site reconnaissance, we did not observe evidence of deep-seated, active slope instability at the site or its immediate vicinity. Furthermore, the sandy fill at the site is medium dense to dense and the bedrock is relatively shallow, with a bedding orientation that is favorable compared with the slope inclination. Based on the above discussion, it is our opinion that the potential for slope instability at the site under both static and seismic conditions is low provided the recommendations in this report are implemented.

Fault Rupture

The subject property does not lie within the Alquist-Priolo Earthquake Fault (formerly Special Study) Zone associated with the Type-A Hayward Fault, as defined by the California Geological Survey (formerly the California Division of Mines and Geology); however, the site is inside the NSZ associated with the same fault. No faults are shown crossing the site on reviewed published maps, nor did we observe evidence of fault rupture during our study. Therefore, we conclude that the potential risk for damage to the planned improvements at the site due to surface rupture from faults is low.

Earthquake Shaking

Earthquake shaking results from the sudden release of seismic energy during displacement along a fault. During an earthquake, the intensity of ground shaking at a particular location will depend on a number of factors including the earthquake magnitude, the distance to the zone of energy release, and local geologic conditions. We expect that the site may be exposed to strong earthquake shaking during the life of the improvements since the site is inside the NSZ associated with the Calaveras Fault. The building code recommendations should be followed for reducing potential damage to the structure from earthquake shaking.

All temporary slopes, shoring design (if required), and underpinning/temporary support of existing structures to remain, as applicable, are the responsibility of the contractor. As discussed above, the actual inclination of recommended temporary slopes should be determined during construction based on the actual subsurface materials encountered. GEOTECNIA would be available to assist the contractor as required.

Material for Backfill

The in-situ earth materials may be re-used as backfill, provided they have no particles or lumps greater than 4 inches in largest dimension. If import backfill materials are used, they should have a plasticity index (PI) lower than 12, should have no lumps greater than 4 inches in largest dimension, and should preferably be granular soils (sand, gravel, or sand/gravel mixtures). Import backfill materials should be approved by the geotechnical engineer prior to use.

Compaction of Backfill

Backfills should be placed in level lifts not exceeding 8 inches in loose thickness. Each lift should be brought to at least the optimum moisture content and compacted to at least 90 percent relative compaction, in accordance with ASTM D1557. Backfills within 3 feet (vertically) of driveway concrete slabs or pavements should be compacted to 95 percent relative compaction.

Foundations

General

The portions of the proposed residence along the inboard side of the level bench may be supported on conventional spread footings, provided the footings are at least 10 feet away from the face of a downslope. The rest of proposed improvements should be supported on drilled piers. Alternately, the entire structures may be supported on drilled piers.

Spread Footings

The portion of the proposed residence along the inboard side of the existing bench may be supported on shallow spread footings, provided they are at least 10 feet away from the face of a downslope, measured at the ground surface. Spread footings should be at least 12 inches wide and extend at least 18 inches below the lowest adjacent finished grade. The geotechnical engineer should check the footing excavations, prior to placing any steel reinforcement, to evaluate the appropriate depth for the actual earth materials encountered.

Spread footings should be designed for maximum allowable soil contact pressures of 3,000 pounds per square foot (psf) for dead loads, 3,600 psf for dead plus sustained live loads, and 4,500 psf for total loads, including wind and seismic forces. We anticipate that footings

portion of the piers surrounded by the fill layer, and end bearing should be neglected. The weight of foundation concrete extending below grade should be disregarded for downward loads, but may be added to the skin friction capacity for uplift loads.

A passive equivalent fluid weight of 250 pcf may be used to estimate the maximum passive pressures acting against the piers. It may be assumed that those pressures would act over two pier diameters. However, we recommend that the actual lateral pier capacities be estimated based on the allowable lateral deflections at the tops of the piers, as discussed below.

Resistance to lateral loads will be provided by passive earth pressure against each pier and by the bending strength of the pier itself. The estimated lateral capacities and maximum moments in the piers are tabulated below as a function of the allowed deflection of the top of the pier assuming "free head" conditions, and that the piers are 16 inches in diameter and at least 13 feet long. The pier top lateral deflections for loads between the tabulated values may be interpolated from the values given. The tabulated data include a safety factor of 1.0 and depend on the allowable deflection at the top of the pier. For different pier diameters and depths, the lateral capacity as a function of lateral deflection will be different than the tabulated values.

Lateral Deflection (in.)	Lateral Load (kips)	Maximum Moment (ft-kips)
1/4	5	17
1/2	9	31
3/4	13	45
1	17	58

The estimated depths to the maximum moment and zero lateral deflection below the tops of the piers are 6 and 10 feet, respectively, assuming 16-inch-diameter piers at least 13 feet long.

In order to account for group effects, the lateral capacity of each pier should be reduced by multiplying it by a group reduction factor (GRF) that is a function of the number of piers in the group. We recommend the GRF values tabulated below, which assume that individual piers are spaced at least 3 pier widths center to center, as previously discussed.

Number of Piers in Group	GRF
2	0.9
3 to 5	0.8
6 to 9	0.7

If groundwater is encountered during pier shaft drilling, it should be removed by pumping, or the concrete must be placed by the tremie method. The tremie pipe should be extended to the bottom of the pier hole and kept below the top of the concrete in the hole as the hole is filled with concrete in order for the concrete to displace the water upward. If the pier holes are dry, the concrete should not be dropped more than 5 feet vertically to avoid segregation of the cement mix and the aggregate, which would weaken the concrete.

intersection should be designed for an additional horizontal thrust from a uniform pressure equivalent to one-third and one-half of the maximum anticipated surcharge load for active and at-rest conditions, respectively. For different types of surcharge loads, such as vehicular loads, we can provide the appropriate lateral surcharge pressures on retaining walls once the geometry and loading conditions are defined.

Seismic Loads

The building code calls for a geotechnical investigation that shall include "*a determination of lateral pressures on basement and retaining walls due to earthquake motions.*" Current methods being used, such as the Mononobe-Okabe or the Seed and Whitman methods, include either an inverted triangular distribution or a rectangular distribution for the seismic surcharge pressure. However, recent research indicates that there is no need to include a seismic surcharge pressure provided that (a) the walls are designed for the at-rest condition, and (b) the conventional factors of safety are applied to the wall design. Furthermore, extensive observations by international teams of seismic experts following recent large earthquakes such as the magnitude 7.9 (M7.9) Sichuan/China earthquake in 2008, the M7.4 Kocaeli/Turkey earthquake in 1999, the M7.3 Chi-Chi/Taiwan earthquake in 1999, the M7.2 Kobe/Japan earthquake in 1995, and the M6.7 Northridge/California earthquake in 1994 have not resulted in any documented failures of retaining walls that could be attributed to seismic surcharge pressures.

Based on our current understanding of the state-of-the-practice regarding seismic surcharge pressures, we recommend that (a) no seismic surcharge pressure be used if the walls are designed for the higher at-rest earth pressures, and (b) a uniform (rectangular) seismic surcharge pressure of 10 H psf (where H is the "free" wall height in feet above the finished grade in front of the wall) be used if the walls are designed for the lower active earth pressures.

Garage Slab-on-Grade Floor

If the garage will have a slab-on-grade floor, the bottom of the proposed garage slab-on-grade floor should be adequately waterproofed to reduce the potential for moisture penetration through the slab. The waterproofing could include special additives to the concrete mix to help make the concrete self-sealing in case minor cracks develop. The slab should be underlain by a capillary moisture break consisting of a minimum 15-mil-thick plastic membrane placed over at least 4 inches of clean, free-draining crushed rock or gravel graded such that 100 percent will pass the 1-inch sieve and none will pass the No. 4 sieve. The contractor should exercise extra caution to help protect the membrane from tears during construction. If necessary to protect the membrane from tears due to construction activities associated with placement of the steel reinforcement, two inches of sand could be placed over the membrane to help protect it from damage.

The slab should be adequately reinforced or structurally separated to reduce offsets and cracking caused by differential movement between slab sections and between foundations and slabs. Slabs that will not be covered with flooring should be provided with cold joints or crack control joints at a spacing of not more than 10 feet in each direction. The reinforcing steel should pass

details for the drain to check that it would perform similarly to a conventional backdrain as described above.

Water collected in retaining wall backdrains may be discharged by gravity through solid pipes or weep holes (as discussed above) to the ground surface since the volume of water is likely to be fairly small and insignificant compared to surface runoff.

Supplemental Services

We recommend that GEOTECNIA be retained to review the geotechnical aspects of the project plans, specifications, and structural calculations to evaluate if they are in general conformance with the intent of our geotechnical recommendations. In addition, we should be retained to observe the geotechnical aspects of construction, particularly site excavations, footing excavations (prior to placement of forms or steel reinforcement), drilled pier construction (both drilling and concrete placement), garage floor slab subgrade preparation, driveway subgrade preparation, retaining wall backfill placement and compaction, placement of subsurface drainage, and to perform appropriate field and laboratory testing.

If, during construction, subsurface conditions different from those encountered in the exploratory borings are observed, or appear to be present beneath excavations, we should be advised at once so that these conditions may be reviewed and our recommendations reconsidered. The recommendations made in this report are contingent upon our notification and review of the changed conditions.

If more than 18 months have elapsed between the submission of this report and the start of work at the site, or if conditions have changed because of natural causes or construction operations at or adjacent to the site, the recommendations of this report may no longer be valid or appropriate. In such case, we recommend that we review this report to determine the applicability of the conclusions and recommendations considering the time elapsed or changed conditions. The recommendations made in this report are contingent upon such a review.

These services are performed on an as-requested basis and are in addition to this geotechnical study. We cannot accept responsibility for conditions, situations, or stages of construction that we are not notified and retained to observe.

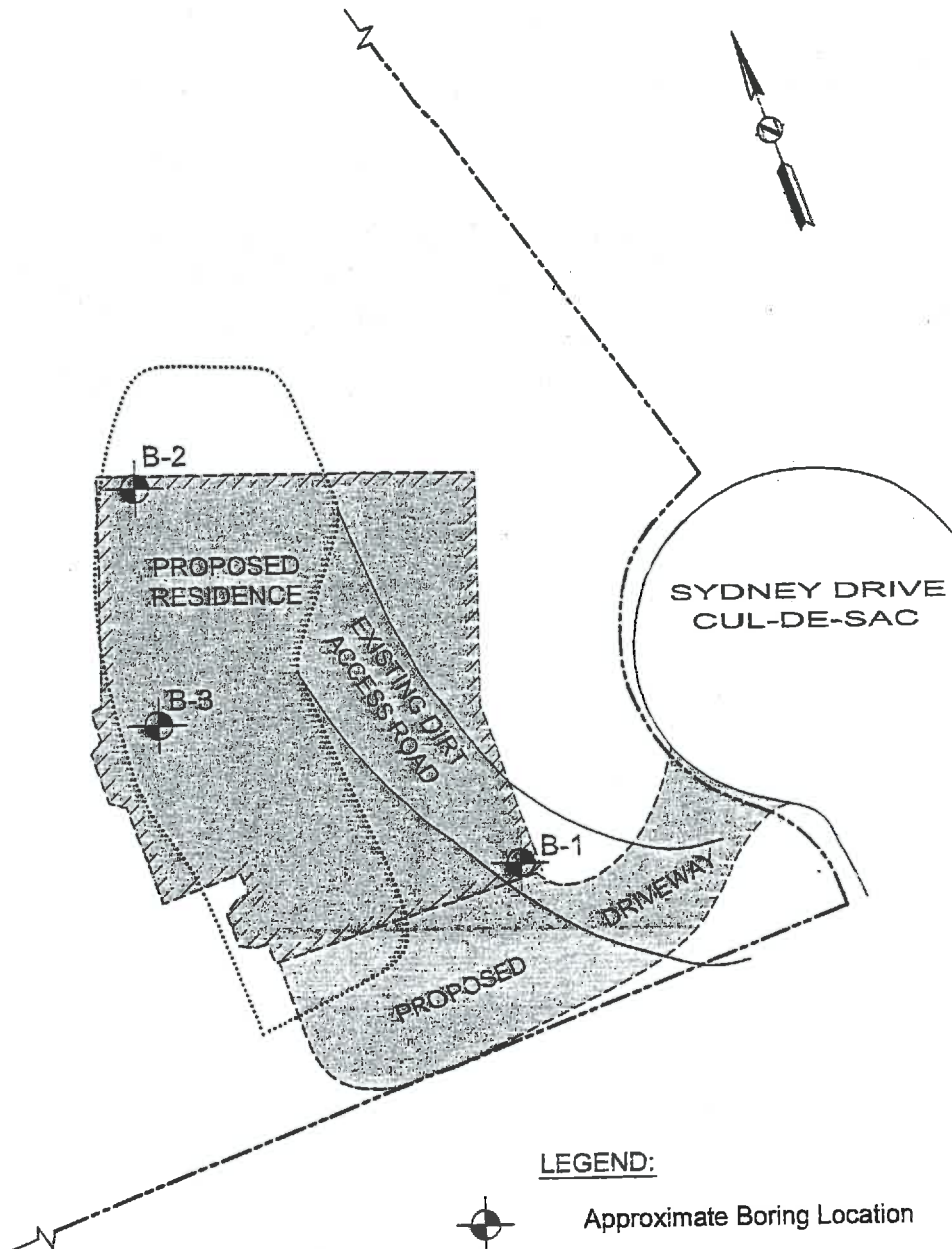
LIMITATIONS

This report has been prepared for the exclusive use of the owner (Mr. Ahmad Rassai), the project structural engineer (AMA Engineering), as well as their agents and consultants, for the proposed project described in this report. The recommendations in this report should not be applied to structures or locations other than those described in this report. If the proposed construction differs from what has been assumed in this report, our firm should be contacted to evaluate the applicability of the recommendations included in this report to the new scheme.





APPENDIX A

List of Plates

Plate 1	-	Site Location Map
Plate 2	-	Boring Location Map
Plates 3-5	-	Logs of Borings B-1 through B-3
Plate 6	-	Soil Classification Chart and Key to Test Data
Plate 7	-	Engineering Geology Rock Terms

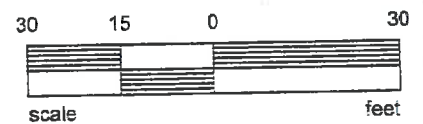


LEGEND:


-  Approximate Boring Location
-  Property Line
-  Approximate Limits of Level Bench
-  Approximate Limits of Proposed Residence and Driveway

REFERENCES:

1. Site Plan & Roof Plan, Rassal Residence, 200 Sydney Drive, Alamo, California 94507, Prepared by LT Design, Dated 11/26/13, Sheet A1.
2. Topo Survey for Charlotte Clifford, Lot 48 and Portion Lot 47, Tract 2838, filed 7-6-60 in 78 M 25, Contra Costa County, California, Prepared by Milano Surveying, dated 4/26/85.



GEOTECNIA
Consulting Engineers

Job. No: 141444
Appr: 
Drwn: LPDD
Date: FEB 2014

BORING LOCATION MAP

Proposed New Single-Family Residence at
200 Sydney Drive
Alamo, California

PLATE

2

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: 3.5-inch flight auger ELEVATION: 647' **	
							LOGGED BY: LEM START DATE: 1-23-14	
						0	CLAYEY SAND WITH GRAVEL (SC), brown, medium dense to dense, dry, with rock fragments	
		8	102	20	31	1		
					23	2		
						3		
					35	4	grading to dense	
	9		107	18		5		
					37	6		
						7		
					64	8	grading to very dense	
					50/4"	8.8	FILL	
							SANDSTONE, brown, firm, friable, highly weathered	

Bottom of Boring B-2 at a depth of 8.8 feet.
No free groundwater encountered at time of drilling.
Backfilled with cement grout.

- * Converted to equivalent standard penetration blow counts.
- ** Existing ground surface at time of investigation estimated using the topographic survey map referenced on Plate 2.

GEOTECNIA
Consulting Engineers

Job No: 141444

Appr: 

Drwn: LPDD

Date: FEB 2014

LOG OF BORING B-2

Proposed New Single-Family Residence at
200 Sydney Drive
Alamo, California

PLATE

4

MAJOR DIVISIONS					TYPICAL NAMES
COARSE GRAINED SOILS More than Half > #200 sieve	GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW		WELL GRADED GRAVELS, GRAVEL-SAND
			GP		POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM		SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES
			GC		CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES
	SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES	SW		WELL GRADED SANDS, GRAVELLY SANDS
			SP		POORLY GRADED SANDS, GRAVELLY SANDS
		SANDS WITH OVER 12% FINES	SM		SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES
			SC		CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES
FINE GRAINED SOILS More than Half < #200 sieve	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML		INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL		INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
			OL		ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		MH		INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS
			CH		INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH		ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
	HIGHLY ORGANIC SOILS		Pt		PEAT AND OTHER HIGHLY ORGANIC SOILS

UNIFIED SOIL CLASSIFICATION SYSTEM

		Shear Strength, psf	
		Confining Pressure, psf	
Consol	Consolidation	Tx	2630 (240) Unconsolidated Undrained Triaxial
LL	Liquid Limit (in %)	Tx sat	2100 (575) Unconsolidated Undrained Triaxial, saturated prior to test
PL	Plastic Limit (in %)	DS	3740 (960) Unconsolidated Undrained Direct Shear
PI	Plasticity Index	TV	1320 Torvane Shear
Gs	Specific Gravity	UC	4200 Unconfined Compression
SA	Sieve Analysis	LVS	500 Laboratory Vane Shear
■	Undisturbed Sample (2.5-inch ID)	FS	Free Swell
■	2-inch-ID Sample	EI	Expansion Index
■	Standard Penetration Test	Perm	Permeability
☒	Bulk Sample	SE	Sand Equivalent

KEY TO TEST DATA

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Consulting Engineers

Job No: 141444

Appr: 
Drwn: LPDD

Date: FEB 2014

SOIL CLASSIFICATION CHART AND KEY TO TEST DATA

Proposed New Single-Family Residence at
200 Sydney Drive
Alamo, California

PLATE

6

APPENDIX B

List of References

1. California Division of Mines and Geology (CDMG), 1997, *Active Fault Near-Source Zones*, Department of Conservation, Sheet E-17, Scale ¼ inch = 1 kilometer.
2. Dibblee, T.W., Jr., 1980, *Preliminary Geologic Map of the Las Trampas Ridge Quadrangle, Alameda and Contra Costa Counties, California*, United States Geological Survey Open-File Report 80-545, Scale 1:24,000.
3. Jennings, C.W., 1996, *Preliminary Fault and Geologic Map, State of California*, California Division of Mines and Geology (CDMG), Scale 1:750,000.
4. Soil Conservation Service, 1973, *Soil Survey of Contra Costa County, California*, United States Department of Agriculture, Sheet 40, Scale 1:24,000.
5. United States Geological Survey (USGS), _____, *Java Ground Motion Parameter Calculator, Version 5.1.0*, Earthquake Hazards Program.

GEOTECNIA

Project Number: 141444

Vacant Lot at 200 Sydney Drive, Alamo

February 3, 2014

Page D-1

APPENDIX D

Distribution

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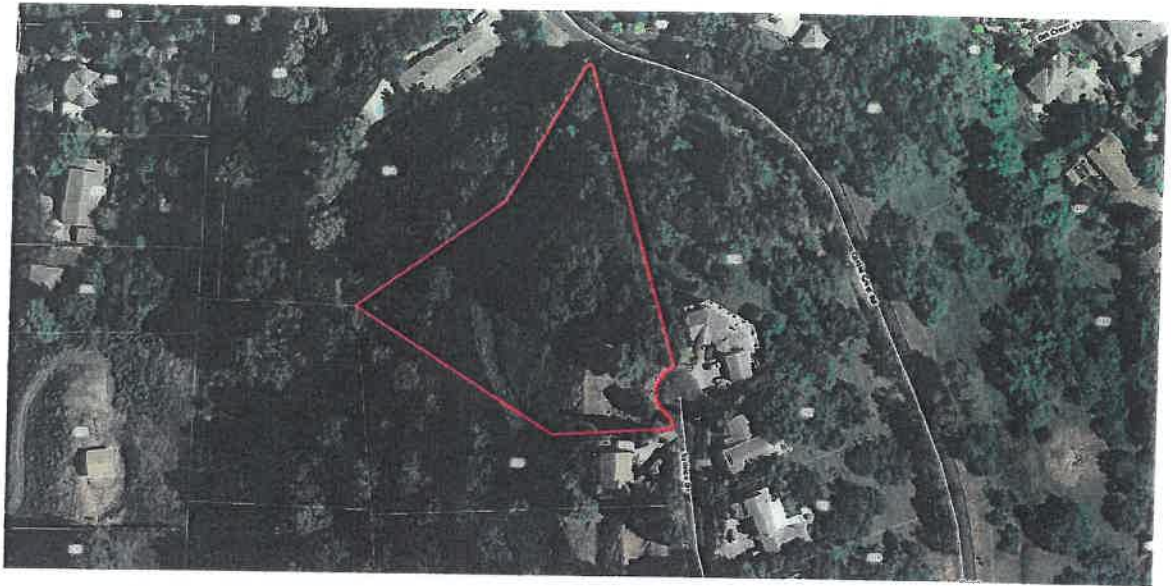
Walnut Creek, California 94596

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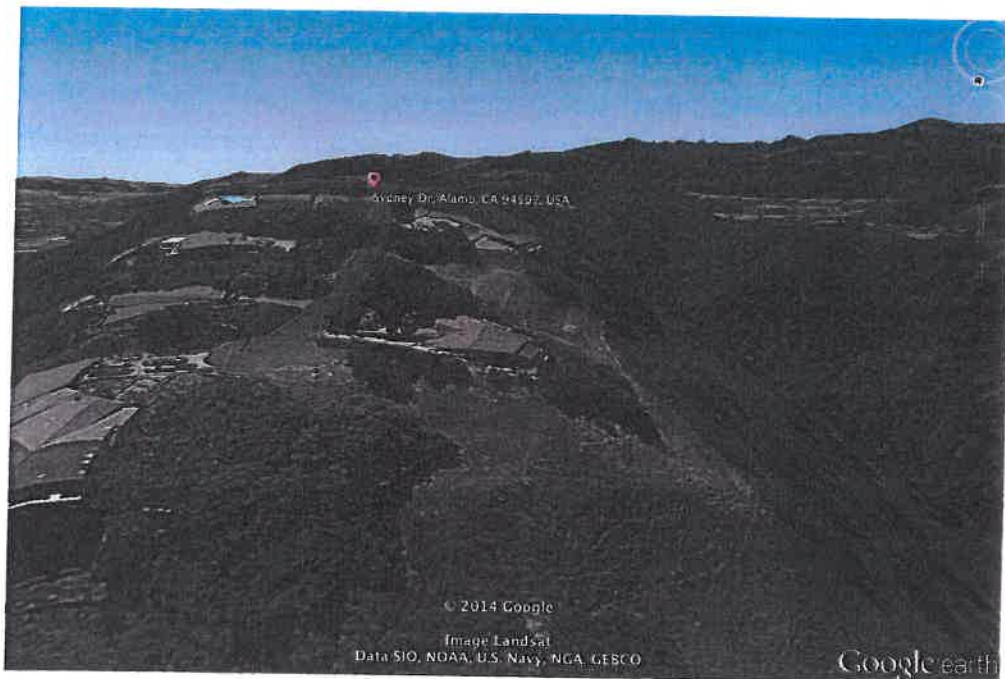
Photos

FILE #VR14-1021 PHOTOS

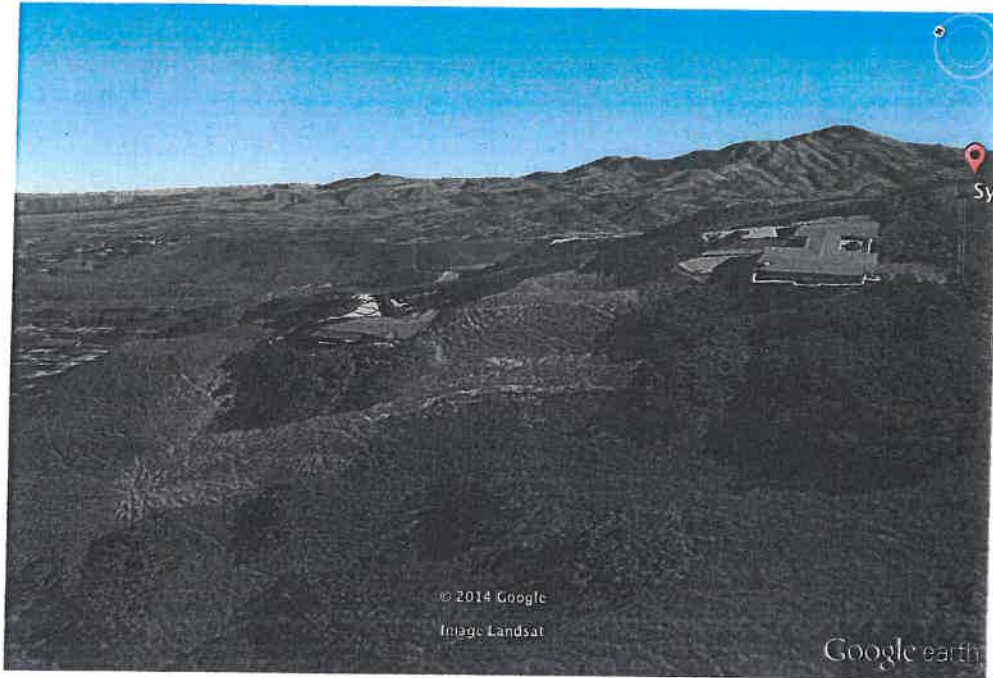
A. Aerial View of Subject Property (North is Up)



B. Google Earth Aerial Imagery of Topography (Looking South; Vacant Lot at Bottom is Subject Lot – 200 Sydney Drive)



- C. Google Earth Aerial Imagery of Topography (Looking East; Vacant Lot at Left is Subject Lot – 200 Sydney Drive))



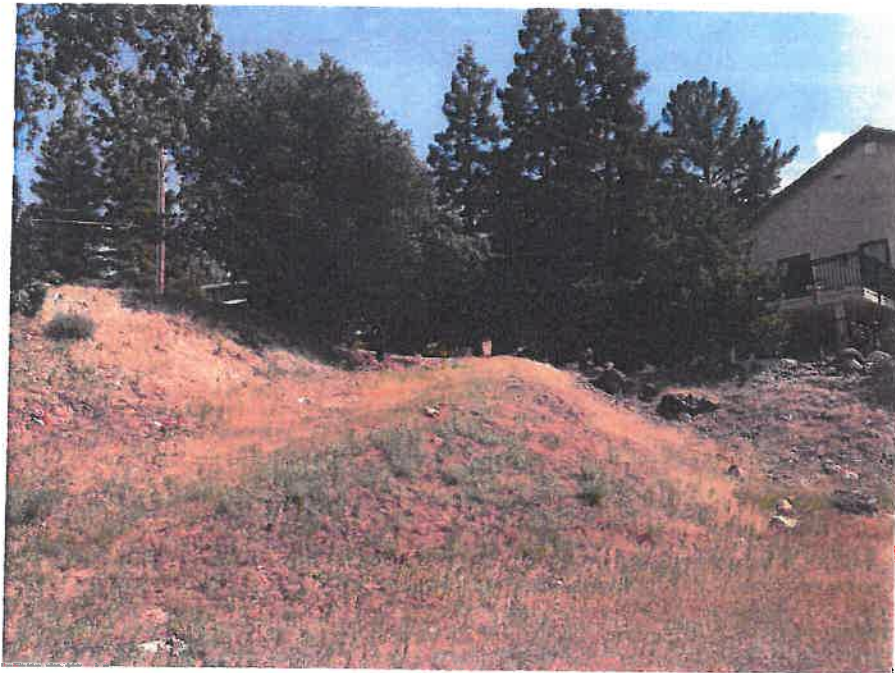
- D. View of Rough Graded Slope to Building Pad on South Side (Looking West – Subject Lot)



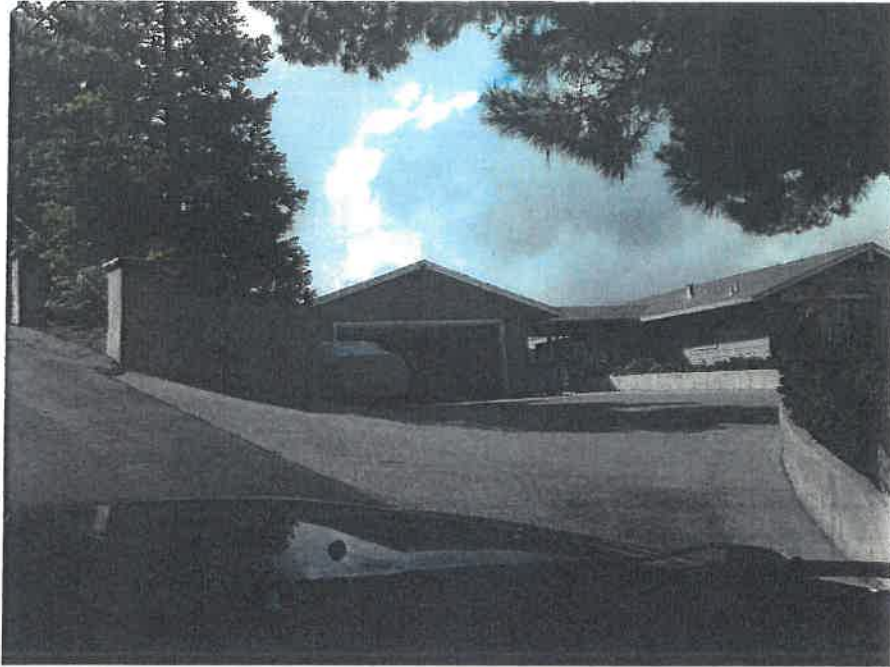
E. View of 206 Sydney Drive House from Building Pad (Looking South– Subject Lot)



F. View of Rough Graded Slope from Building Pad (Looking Southeast– Subject Lot)



G. View 218 Sydney Drive with Garage at Variance (Looking South)



H. View 206 Sydney Drive with Retaining Wall at Variance (Looking South)

