

**REVISED FINDINGS  
AND CONDITIONS OF  
APPROVAL**

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #DP16-3037;  
TAMBRI HEYDEN & DAVID MONTALBO (APPLICANT & OWNER) AND CLARENCE  
LEHMAN (APPELLANT) AS APPROVED BY THE BOARD OF SUPERVISORS ON MARCH  
21, 2017**  
**COUNTY PLANNING COMMISSION ON JANUARY 11, 2017**

**FINDINGS**

**I. Growth Management Findings**

1. Traffic: Policy 4-c under the Growth Management Program (GMP) of the County General Plan requires a traffic impact analysis be conducted for any project is estimated to generate 100 or more AM or PM peak hour trips. The proposed project is not expected to generate excessive peak-hour trips, and a traffic impact analysis is not required.
2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. New water service is required to accommodate the project. The property is located within the City of Martinez Sphere of Influence (SOI), and within the City's water service area. LAFCO has approved the out of agency service request for water service subject to terms and conditions which include submitting an application to LAFCO for the annexation of the subject parcel to the city of Martinez. The applicant must provide proof that they have complied with LAFCO requirements prior to obtaining a building permit.
3. Sanitary Sewer: The GMP requires that new development demonstrate adequate sanitary sewer quantity and quality is provided. The project falls within the jurisdiction of the Mountain View Sanitary District (MVSD). The site has an existing 8-inch sewer main and will require a new sewer lateral connection and a new sewer cleanout and check valve. The applicant is required to obtain approval from the District prior to any building permit issuance.
4. Fire Protection: Fire protection standards under the GMP require that a fire station be within one and one-half miles of the development in urban, suburban and central business district areas. The closest fire station to the subject property is the Contra Costa Fire Department, Station #124, located at ~~1240 Shell Avenue, less than 0.5 mile away. Additionally, 521 Jones Street, approximately 1.6 miles away. While the subject property is not located within one and one-half miles from a fire station,~~ the proposed project has been reviewed by the Contra Costa Fire Protection District, and is required to obtain approval from the District prior to obtaining any building permit

issuance.

5. Public Protection: Public protection standards under the GMP require that a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained. The proposed residence at this site would not induce a significant population increase within the County that would equal or exceed 1,000 persons. Therefore, the proposed project will not increase the sheriff or support facility requirements for the area.
6. Parks & Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The proposed single-family residence at the project site would not induce a significant population increase within the County that would equal or exceed 1,000 people. Therefore, the proposed project would not increase park and recreation facility requirements for the area.
7. Flood Control & Drainage: The Flood Control and Drainage section of the GMP provides standards for “major new development” and for development in flood-prone areas. No portion of the subject property is located within a 100-year flood area, as determined by the Federal Emergency Management Agency. Further, the project does not involve the removal, construction, or alteration of any dams or levees within the County. Therefore, further analysis in relation to increased flood risks as a result of the proposed project is not required.

The project may impact drainage patterns at the site and will increase the total amount of impervious surface area for the site. At the time of application for a building permit, the Building Inspection Division will review the proposal for compliance with drainage standards. In addition, projects of a certain scale are also subject to review by the Public Works Department for compliance with C.3 standards.

## **II. Small Lot Design Review**

Prior to issuance of a building permit on a substandard lot, the Zoning Administrator must review the dwelling’s compatibility with and impact on the surrounding neighborhood in terms of the following:

- A. Location: Lots within the neighborhood were created with similar lot areas and dimensions. Most lots are substandard in size ranging from 4,300 – 7,800 square feet with homes on Sierra Avenue concentrated near the front property line. The new single-family residence will be located 20 feet away from the front property

line, 5 feet from both side property lines, and approximately 55 feet away from the rear property line, meeting all dimensional requirements for the R-6 zoning district, with no variances required for the project.

- B. Size: Currently, a two car garage sits on the property. The project includes demolishing the garage and constructing a new 1,825 square-foot residence with a 462 square-foot garage and an 88 square-foot covered front porch. Residences within the neighborhood range in size ranging from 610 – 2,207 square feet. The new residence will fall within the neighborhood’s total livable square footages and is therefore compatible with the neighborhood.
- C. Height: The new residence is two-stories and will measure 26 feet 9 inches tall. Residences within the neighborhood are one and two-story residences ranging in various heights; therefore, the residence is compatible with the surrounding neighborhood.
- D. Design: The new residence will have a ranch style design and will be finished with wood panel siding, composition asphalt shingled roof, and vinyl windows. The neighborhood consists of various lot configurations and residences that were constructed between the early 1900s and 1950s. The neighborhood consists of a diverse mix of architectural designs such as bungalow, cottage, minimal traditional, and ranch, consisting of wood panel siding, stucco siding, brick veneer accents, flat and pitched roofs, tile and asphalt shingled roofs. Therefore, the design of the new residence will be compatible with the eclectic designs found in the area.

## **CONDITIONS OF APPROVAL**

### **Development Plan Approval**

1. A Development Plan to demolish an existing two-car garage and construct a new single-family residence is APPROVED as generally shown and based on the following:
  - Plans received on August 9, 2016, by the Department of Conservation and Development, Community Development Division (CDD)
2. Any deviation from this approval shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan permit. In such case, a public hearing will be necessary.

### **Water Service (LAFCO Annexation)**

3. The applicant and/or City of Martinez shall submit an application to LAFCO for the annexation of the subject parcel to the City of Martinez no later than January 13, 2017.

Prior to the issuance of building permits, the applicant shall provide proof to the Zoning Administrator that they have complied with LAFCO requirements as they relate to water service to the site.

### **Indemnification**

4. Prior to issuance of grading or building permits, whichever occurs first, the applicants shall deliver an indemnification agreement between the applicant and Contra Costa County requiring the application to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related claims or litigating regarding the County's actions in reviewing or approving this development plan application (County File No. DP16-3037). The Deputy Director of the Department of Conservation and Development, Community Development Division is authorized to review and approve the indemnification agreement on behalf of the County.

### **Landscaping**

5. Any new landscaping shall comply with the State Model Water Efficiency Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies.
6. Prior to the pruning and/or topping of the existing trees located on the adjacent parcel, 1049 Sierra Avenue, the project proponents must obtain a licensed arborist to be present on-site during these activities.
  - a) A copy of the executed contract between the property owner and arborist shall be provided to the Community Development Division.
  - b) The expenses associated with all required arborist services shall be borne by the developer and/or property owner.

7. As a courtesy, please immediately provide a copy of the grading plans to the resident at 1006 Sierra Avenue and any other interested party who request from the Project proponent.

### **Application Costs**

8. This application is subject to an initial deposit of \$1,000.00, 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 you owe additional fees, a bill will be sent to you shortly after permit issuance.

### **Construction Restrictions and Requirements**

9. The applicant shall comply with the following restrictions and requirements, which shall be stated on the face of the construction drawings:
  - A. Except as otherwise stated below, construction activities are limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on the calendar dates that the following State and Federal holidays are observed:

- 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 date the state and federal holidays occur, please visit the following websites:

Federal Holidays: <http://www.opm.gov/fedhol>

California Holidays: [http://www.edd.ca.gov/payroll\\_taxes/State\\_Holidays.htm](http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm)

- B. Transport of heavy equipment and trucks is limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M., and is prohibited on weekends and the aforementioned State and Federal holidays.
  - C. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties. This shall be communicated to project-related contractors.
  - D. Construction equipment and materials shall be stored onsite to the maximum extent practicable.
  - E. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
  - F. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
  - G. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers that are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
10. As a courtesy, please immediately provide a copy of the grading plans to the resident at 1006 Sierra Avenue and any other interested party who request from the Project proponent.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT DP16-3037**

11. The applicant should be permitted access at the locations shown on the approved site/development plan (i.e. one access point/ one driveway).
12. The applicant will need to obtain an encroachment permit from the Application and Permit Center for construction of the driveway or other improvements within the right-of-way of Sierra Avenue per Title 10.
13. The applicant shall provide sight distance at the intersection of the private driveway with Sierra Avenue in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.
14. The applicant is required to collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. Given the project scope involves lot drainage, grading would be the one to review the lot drainage plan.



**ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCES AND OTHER REGULATIONS THAT MAY BE APPLICABLE TO THE PROJECT.**

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, 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 90<sup>th</sup> 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. This project may be subject to the requirements of the following agencies:

- Department of Conservation and Development, Building Inspections Division
- Mountain View Sanitary District
- Contra Costa Fire Protection District
- City of Martinez
- LAFCO

The applicant is strongly encouraged to review these agencies' requirement prior to continuing with the project.