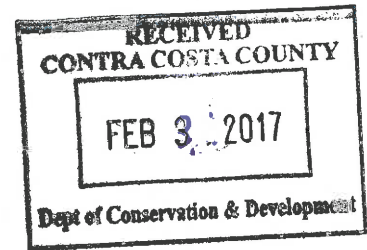


**APPEAL OF**

**APPLICANT / TIMOTHY REIMERS**



**Meta Housing Corporation**



February 2, 2017

Contra Costa County  
Department of Conservation and Development  
30 Muir Rd, Martinez, CA 94553  
Attention: Sean Tully

**Re: Notice of Appeal of Conditions of Approval File No. DP15-3023**

Dear Mr. Tully:

On December 6, 2016, the Contra Costa County Planning Commission (“County”) recommended the addition of the following condition of approval for Permit DP15-3023 (the “New Condition”):

*“Prior to CDD stamp-approval of plans for issuance of building or grading permits, the applicant shall submit revised plans showing that the foundation pad elevations and/or rough grade elevation of the project site will be at or below that of the abutting properties.”*

Applicant requests that the New Condition be revised as noted below to further clarify the New Condition:

*“At least 45 days prior to CDD stamp-approval of plans for issuance of building or grading permits, the applicant shall submit revised plans showing that the foundation pad for Building B1, parking surface (1st floor) for Building D1, perimeter surface parking, and other related improvements along the northern, northeastern, and eastern property lines of the project site shall either be the same elevation as that of the adjacent properties to the north and northeast or the height of the building will be no higher than the maximum allowable height (45’) as calculated above grade from the nearest adjacent property boundary line.”*

*Rationale*

The New Condition as currently written is open to a variety of interpretations due to the steep 4’ slope of the project site at Building B1 area (see attachment A – Building B1 – Site Plan). The requested clarification language will insert a measurable height metric that will achieve the intended goal of the not having an inordinately tall building while at the same time allowing for reasonable constructability in congruence with the natural slope of the project site.

*Background*

Low-rise multifamily residential housing in California is typically constructed as a wood-frame structure on a concrete slab-on-grade foundation. This is the anticipated structural system for

the proposed structures as a part of the Bay Point Family Apartments project. For this system to work, a single slab elevation is used for the building. The slab elevation is set by the highest adjacent grade of the structure; this allows stormwater to drain away from the slab on all sides, in compliance with the California Building Code.

For Building B1, the south end of the building closest to the driveway connection to Port Chicago Highway is the highest adjacent grade and is used to establish the slab elevation. The north end of Building B1 is approximately 4-feet lower than the south end, creating a vertical offset that is achieved with the use of a retaining wall (see attachment B – Building B1 – Site Plan).

*Proposed Solution*

The proposed language clarification with the 45' height restriction allows for an optimal project design for the residences without requiring an unwieldy 4' step up or buried design structure. Furthermore, Civil Engineering has confirmed that this is the most efficient design and best addresses the challenges of the sloped surface. Lastly, it accomplishes the intended purpose of limiting the height to below the max height level for the project at all points along the adjacent property boundary line.

Please feel free to contact me at 310-575-3543 x107 or Scott Nakaatari at 310-575-3543 x112 should you have any further questions.

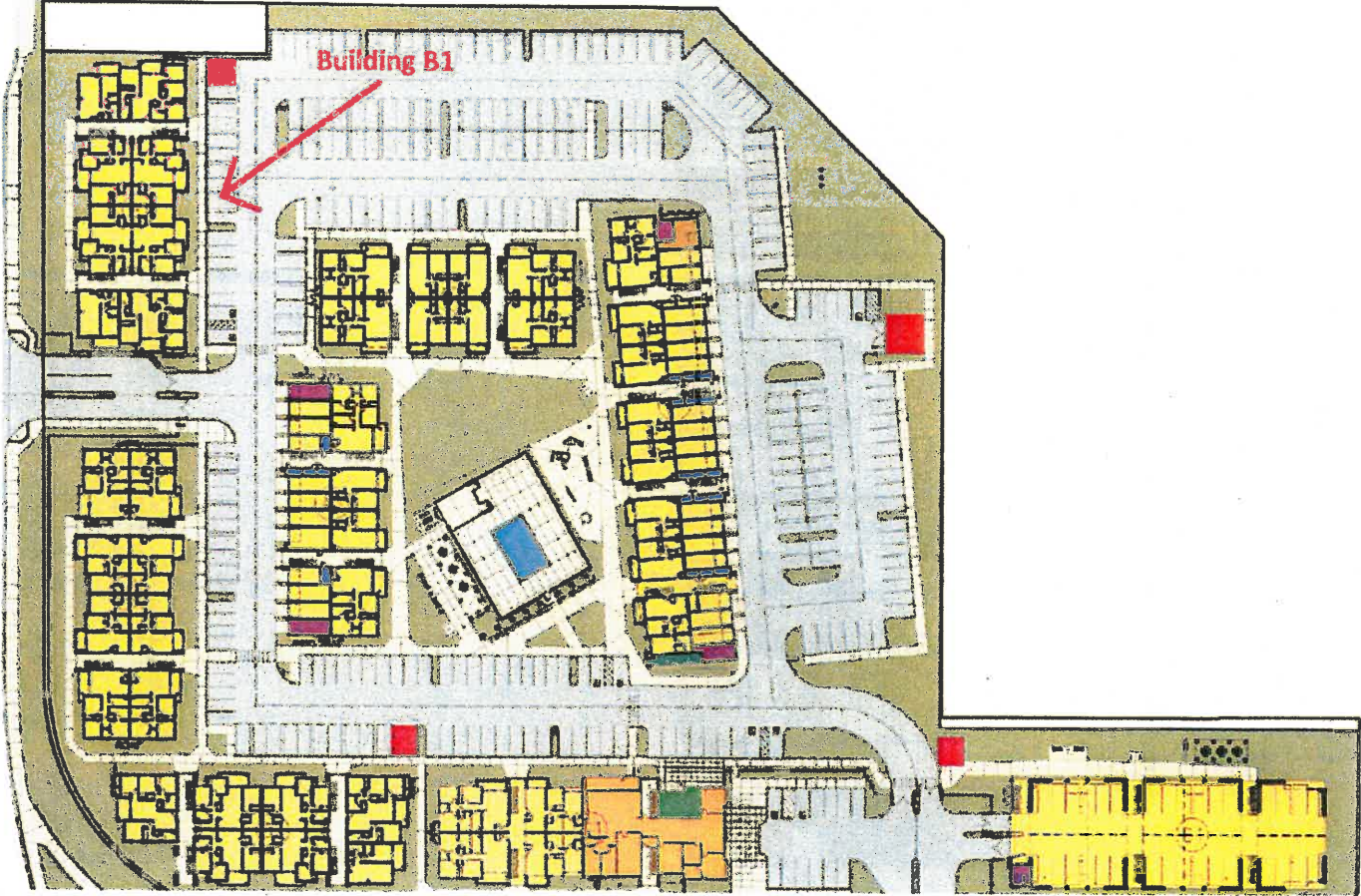
Sincerely,



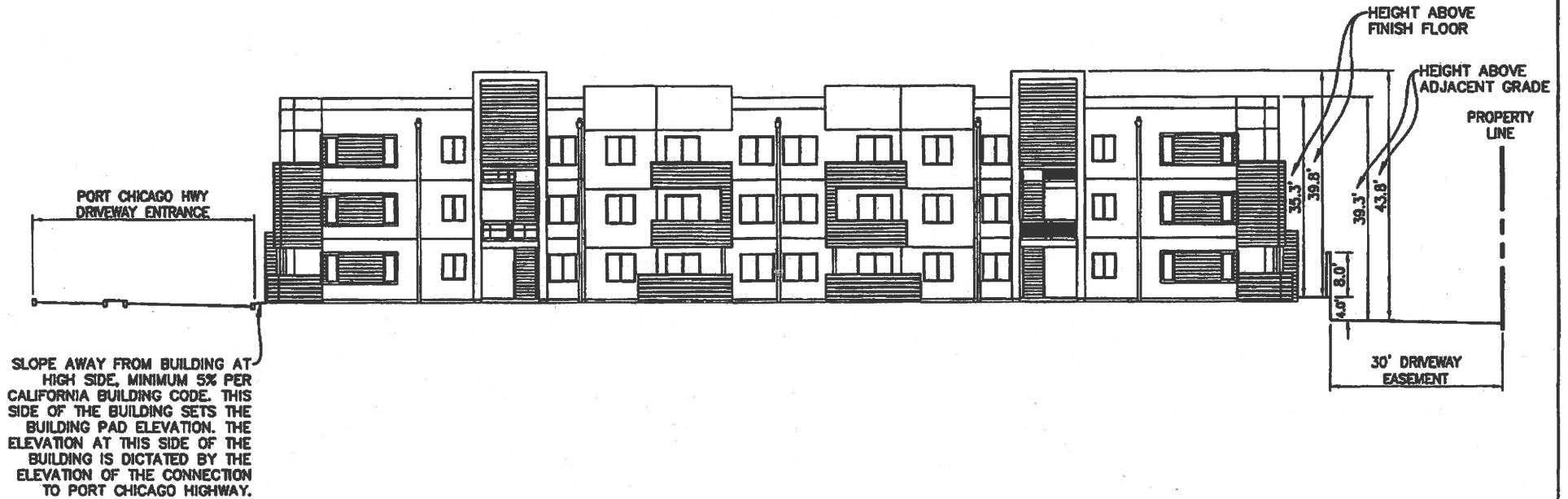
Kasey Burke  
President – Meta Housing Corporation  
VP – Bay Point Family Apartments, LLC

Attachment A: Building B1 – Site Plan  
Attachment B: Building B1 – Grading Section

Attachment A: Building B1 – Site Plan



Attachment B: Building B1 - Grading Section



**kpff**

45 Fremont Street, 28th Floor  
San Francisco, CA 94105  
415.989.1004 | kpff.com

**BUILDING B1 GRADING SECTION**

BAY POINT FAMILY APARTMENTS  
NOT TO SCALE  
SHEET 1 OF 1

JOB NUMBER: 115508

DATE: 2017-01-19



2049 Century Park East, Suite 2900, Los Angeles, CA 90067 (310) 556-1801

CONTRA COSTA

2016 DEC 16 PM 12:40

APPLICATION & PERMIT CENTER

December 16, 2016

Timothy J. Reimers  
(310) 203-5316  
treimers@polsinelli.com

*Via Hand Delivery*

Contra Costa County  
Department of Conservation and Development  
30 Muir Rd  
Martinez, CA 94553  
Attention: Sean Tully

**Re: Notice of Appeal of Conditions of Approval  
File No. DP15-3023**

Dear Mr. Tully:

This firm represents Baypoint Family Apartments, LLC (“Applicant”) in connection with Applicant’s submission of its preliminary and final development plan for the construction of a new 193-unit apartment complex. This letter is sent on Applicant’s behalf.

On December 6, 2016, the Contra Costa County Planning Commission (“County”) recommended the addition of the following condition of approval for Permit DP15-3023 (the “New Condition”):

“Prior to CDD stamp-approval of plans for issuance of building or grading permits, the applicant shall submit revised plans showing that the foundation pad elevations and/or rough grade elevation of the project site will be at or below that of the abutting properties.”

Applicant requests that the New Condition be revised as noted below in order to clarify that Applicant is not required to rough grade the *entire project site* to that of the abutting properties.

“Prior to CDD stamp-approval of plans for issuance of building or grading permits, the applicant shall submit revised plans showing that the ~~foundation pad elevations and/or~~ rough grade elevation **along the project boundary area** of the project site will be at or below that of the abutting properties **along that project boundary area.**”

Please accept this letter as notice of Applicant’s appeal of the New Condition. Enclosed please find a check in the amount of \$125.00 made payable to Contra Costa County.

Sincerely,

Timothy J. Reimers

[polsinelli.com](http://polsinelli.com)

Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Nashville New York Phoenix  
St. Louis San Francisco Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California