



**REGULAR MEETING OF THE
CITY OF CONCORD
ZONING ADMINISTRATOR**

**9:00 a.m., Wednesday, October 28, 2015
CITY COUNCIL CHAMBERS
1950 Parkside Drive, Concord**

AGENDA

PUBLIC COMMENT PERIOD

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. **O'Brien Minor Subdivision and Variance** (PM 08-002, VA 08-005) – Application for a five year extension of a three-lot Minor Subdivision on a 0.69-acre site and a Variance for a 77-foot wide lot where 80 feet is required at 1269 La Vista Avenue. The General Plan designation is Low Density Residential; Zoning classification is RS8 (Single Family Residential, 8,000 sq. ft. minimum lot size); APN 132-050-029. For purposes of CEQA, a project is the activity to be undertaken, not the various individual government approvals – such as extensions – associated with the project. The proposed extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. Review of the project has occurred, that project has been approved, and no changes are being proposed. If the proposed extension is a project under CEQA it is subject to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment as the project has already been approved and this is merely a five year extension. In addition, no further environmental analysis is required because the project was and is classified as Categorically Exempt pursuant to Section 15315 Class 15 “Minor Land Divisions,” and none of the factors calling for subsequent environmental review are present, including under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as noted above, there are no changes being proposed and there is no new information is available which would trigger environmental review under any of the applicable criteria. Therefore no further environmental review is required. **Project Planner: Joan Ryan @ (925) 671-3370**

ADJOURNMENT

Next Zoning Administrator’s Meeting: November 11, 2015 – Cancelled
November 18, 2015 – Special Meeting

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3257, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.



REPORT TO ZONING ADMINISTRATOR

DATE: October 28, 2015

SUBJECT: O'BRIEN MINOR SUBDIVISION AND VARIANCE (PM 08-002) AND (VA 08-005)

Recommendation: Adopt Zoning Order No. 15-014 ZA approving a 5-year extension of the approval of the O'Brien Minor Subdivision (PM 08-002) and Variance (VA 08-005).

I. Introduction

A. Application Request

Application for a five year extension of the approval of a three-lot Minor Subdivision on a 0.69-acre site and a Variance for a 77-foot wide lot where 80 feet is required.

B. Location

The project site is located at 1269 La Vista Avenue; APN 132-050-029.



Vicinity Map

C. Applicant/ Owner

Kevin and Denise O'Brien
1269 La Vista Avenue
Concord, CA 94521
(925) 827-2652

II. Background

On November 12, 2008, the Zoning Administrator adopted Zoning Order No. 08-022 approving the O'Brien Minor Subdivision and Variance, subject to conditions of approval. The approval and permit are valid through November 12, 2015, due to a number of automatic extensions of the State of California, by which time the map was to be recorded. An extension of up to five years of the original approval can be requested pursuant to Section 17.20.060(b)3 of the Concord Municipal Code (CMC). In addition, Section 18.505.020(B)4 provides that "If the project approval includes the approval of a tentative map, which is subject to additional time extensions, all planning permit approvals shall be valid for the life of the tentative map. Thus, the variance would carry with any extension of the project approval.

On September 22, 2015, an application to extend the approval and variance for one year was filed (see Exhibit A). Section 17.20.060(b)3 was explained to the applicant and on October 5, the applicant amended their application via e-mail requesting the full five year extension, although they do not believe it will take them the full five years. The application was deemed complete on October 13, 2015. If granted, the extension will keep the tentative parcel map (Exhibit B) and permits previously approved, valid through November 12, 2020. The applicant expects to submit plans for final map approval in two years, but is requesting the full five years to ensure flexibility.

III. Discussion

Staff supports the extension and finds it necessary to allow the applicant additional time to prepare drawings for the project. The extension also meets the following required findings under Development Code Section 18.505.020B:

1. There are no changes to the approved project and it remains consistent with the Concord 2030 General Plan.
2. The findings under Zoning Order No. 08-022 approving the project remain valid (see Exhibit C).
3. As analyzed in November 2008, there are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

IV. CEQA¹ Status

The City of Concord originally approved the project on November 12, 2008. That approval included a determination that the project was classified as Categorical Exempt pursuant to Section 15315 Class 15 "Minor Land Divisions". No appeals were filed, and all statutes of limitations have expired.

For purposes of CEQA, a project is the activity to be undertaken, not the various individual government approvals – such as extensions – associated with the project. The proposed extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. Review of the project has occurred, that project has been approved, and no changes are being proposed. If the proposed extension is a project under CEQA it is subject to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment as the project has already been approved and this is merely a five year extension. In addition, no further environmental analysis is required because the project was and is classified as Categorical Exempt pursuant to Section 15315 Class 15 "Minor Land Divisions," and none of the factors calling for subsequent environmental review are present, including under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as noted above, there are no changes being proposed and there is no new information is available which would trigger environmental review under any of the applicable criteria. Therefore no further environmental review is required.

V. Public Contact

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VI. Summary and Recommendations

Staff concludes that an extension of the approval of the three-lot subdivision will have no impact on the surrounding neighborhood, is consistent with the General Plan, Zoning Ordinance, and Subdivision Ordinance with respect to land use and lot area. The three-foot variance for lot width for Parcels B and C is reasonable based on the substandard lot widths in the vicinity.

Based on the analysis contained in this report, staff recommends that the Zoning Administrator adopt Zoning Order No. 15-14ZA (Exhibit D) approving a five-year extension of the approval of the O'Brien Minor Subdivision (PM 08-002) and Variance (VA 08-005), subject to the attached conditions of approval, attached to Zoning Order No. 15-14ZA.

¹ California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq. and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations, all as amended (collectively, "CEQA").

Prepared by: _____


Joan Ryan, AICP
Senior Planner
(925) 671-3370
joan.ryan@cityofconcord.org

Exhibits:

- A – Applicant's Request for Extension
- B – Approved project plans, dated May 22, 2008
- C – Zoning Order Number 08-022
- D – Zoning Order Number 15-14 ZA

CITY OF CONCORD
PLANNING DIVISION
 PHONE: (925) 671-3152
 FAX: (925) 671-3381



Community & Economic
 Development Department
 1950 Parkside Drive, M/S 53
 Concord, CA 94519-2578
 www.cityofconcord.org

APPLICATION FORM

Date Received by Planning
9-22-15

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Preliminary Application | <input type="checkbox"/> Development Code Amendment | <input type="checkbox"/> Major Subdivision/Vesting Tentative Map | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Finding of Public Convenience | <input type="checkbox"/> Minor Exception | <input type="checkbox"/> Secondary Living Unit |
| <input type="checkbox"/> Animal Permit | <input type="checkbox"/> General Plan Amendment | <input checked="" type="checkbox"/> Minor Subdivision <u>Extension</u> | <input type="checkbox"/> Sidewalk Café |
| <input type="checkbox"/> Building Move | <input type="checkbox"/> Heritage Tree Nomination | <input type="checkbox"/> Minor Use Permit | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Hillside Development Use Permit | <input type="checkbox"/> Planned Development Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Condominium Conversion Use Permit | <input type="checkbox"/> Landscape Project Application | <input type="checkbox"/> Protected Tree Removal | <input type="checkbox"/> Vacation/Abandonment of Property Rights |
| <input type="checkbox"/> Design & Site Development Review | | <input type="checkbox"/> Pumpkin & Christmas Tree Sales | <input type="checkbox"/> Vendor Permit |
| | | <input type="checkbox"/> Reasonable Accommodation | <input type="checkbox"/> Wireless Communication Facility |

PROJECT INFORMATION:

PROJECT NAME: O'Brien Minor Subdivision 1 year extension request

PROJECT SITE ADDRESS/LOCATION: 1269 La Vista Ave, Concord CA ASSESSOR'S PARCEL NUMBER: 132-050-029-9-00

PROJECT DESCRIPTION (Provide brief description and submit a more detailed description as an attachment.):
Three lot Minor Subdivision (on a 0.69-acre site) Extension
Expires NOV 12, 2015

NOTE: All applicants are encouraged to hold a neighborhood meeting with nearby property owners and tenants early in the development review process. Planning Division staff will work with applicants to schedule the neighborhood meeting.

APPLICANT'S CONTACT INFORMATION

PROPERTY OWNER'S CONTACT INFORMATION

NAME/COMPANY: <u>same as owner</u>	NAME/COMPANY: <u>Kevin & Denise O'Brien</u>
ADDRESS: _____	ADDRESS: <u>1269 La Vista Ave</u>
CITY, STATE: _____ ZIP: _____	CITY, STATE: <u>Concord CA</u> ZIP: <u>94521</u>
BUSINESS PHONE: _____ CELL: _____	BUSINESS PHONE: <u>925 821-2652</u> CELL: <u>925 300-2158</u>
FAX: _____ EMAIL: _____	FAX: <u>CRDKAS</u> EMAIL: <u>@techobrien.com</u>

Agent Authorization Note: If the Applicant is not the Property Owner, then the Property Owner must sign below to authorize the Applicant as his/her official representative.

I, _____, Owner, authorize _____ to act as the official representative on my behalf for this project and in all matters relating to this application. I have read and agree with all of the above (application must be signed by property owner).

Property Owner's Signature: [Signature] Date: 9/21/2015

FOR PLANNING DIVISION USE ONLY:

FILE NAME:			FEES	FIN. REV. CODE
FILE NUMBERS: <u>PL15000380</u>	APPLICATION RECEIVED BY:	GP DESIGNATION:	<u>438.00</u>	
ASSOCIATED FILES:	PLANNER: <u>LV</u>	ZONING: <u>LDR</u>	<u>344.00</u>	
	ENGINEER:	<u>R58</u>	<u>192.00</u>	<u>received</u>



PROJECT NAME: O'Brien Minor Subdivision & Variance FILE NUMBER: PM 08-002, VA 08-005
PLEASE INCLUDE ALL RELEVANT CONTACT INFORMATION

PROJECT MANAGER

CIVIL ENGINEER

NAME/COMPANY: <u>Kevin & Denise O'Brien</u>	NAME/COMPANY: <u>Fitch & Assoc</u>
ADDRESS: <u>1269 LA Vista Ave</u>	ADDRESS: <u>3330 Clayton Rd, suite E</u>
CITY, STATE: <u>Concord CA</u> ZIP: <u>94521</u>	CITY, STATE: <u>Concord CA</u> ZIP: <u>94519</u>
BUSINESS PHONE: <u>925 827-2652</u> CELL: <u>925 360-2158</u>	BUSINESS PHONE: <u>925 682-</u> CELL: <u>6234</u>
FAX: _____ EMAIL: <u>OKDKAS@Techobrien.com</u>	FAX: <u>(925) 682-5446</u> EMAIL: _____

ARCHITECT

LANDSCAPE ARCHITECT

NAME/COMPANY: _____	NAME/COMPANY: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE: _____ ZIP: _____	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____	FAX: _____ EMAIL: _____

OTHER

OTHER

NAME/COMPANY: _____	NAME/COMPANY: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE: _____ ZIP: _____	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____	FAX: _____ EMAIL: _____

I hereby authorize employees of the City of Concord to enter upon the subject property, as necessary, to inspect the premises and process this application.

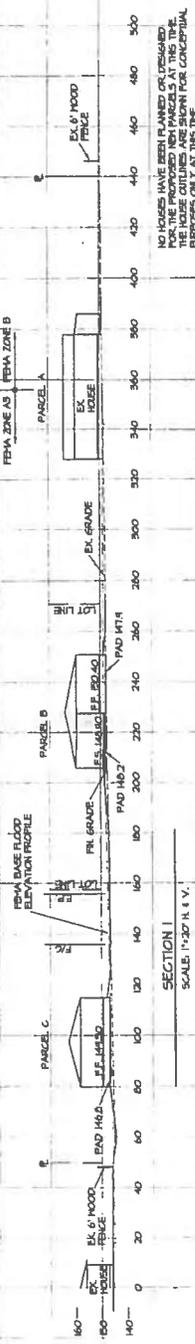
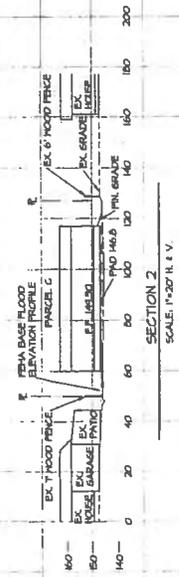
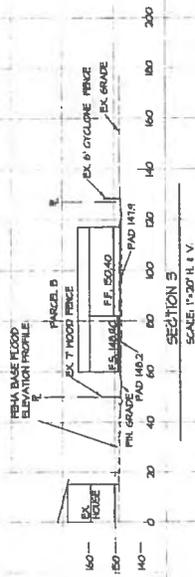
CERTIFICATION:

I hereby certify that the statements furnished above, and in the attached exhibits, present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

9/21/2015
Date:

[Signature]
Signature: Owner Authorized Agent

For: _____



NO HOUSES HAVE BEEN PLANNED OR DESIGNED FOR THE PROPOSED NEW PARCELS AT THIS TIME. THE HOUSES SHOWN ARE ONLY FOR CONCEPTUAL PURPOSES ONLY AT THIS TIME.

GAF GILBERT A. FITCH & ASSOCIATES, INC. SITE SECTIONS

CONTRACT NO. 48-5421
 PROJECT NO. 48-5421
 SHEET NO. 1215

SCALE: 1"=20' H. & V.
 DATE: 12/21/08
 DRAWN BY: J. W. BROWN
 CHECKED BY: J. W. BROWN
 PROJECT LOCATION: CONCORD, CALIFORNIA

REG. CIVIL ENGINEER NO. 48-5421
 LICENSED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA

REVISIONS	DESCRIPTIONS



1 property of privileges enjoyed by other properties in the vicinity and under identical zoning
2 classifications because there are up to 31 other lots in the immediate vicinity having lot widths less
3 than 80 feet.

4 7. The granting of such variance will not, under the circumstances of the particular
5 case, have a materially adverse effect on the health or safety of persons residing or working in the
6 neighborhood and will not, under the circumstances of the particular case, be materially detrimental to
7 public welfare or injurious to property or improvements in said neighborhood.

8 8. The approved variance, in this case, complies with the intent of zoning
9 regulations for lot area and depth. Future development of either parcel shall comply with all applicable
10 requirements.

11 Based on the above findings, the Zoning Administrator approved said application subject to
12 the attached Conditions of Approval, referenced as Attachment A.

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Frank Abejo
16 Zoning Administrator

17 Attachment:
18 A – Final Conditions of Approval
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ATTACHMENT A

FINAL

CONDITIONS OF APPROVAL

O'BRIEN MINOR SUBDIVISION AND VARIANCE

THIS SITE IS LOCATED AT 1269 LA VISTA AVENUE

APN 132-050-029

PERMIT DESCRIPTION

1. These conditions apply to and constitute the approval of O'Brien Minor Subdivision (*PM 08-002*) consisting of three individual parcels.
2. These conditions apply to and constitute the approval of a Variance (*VA 08-005*), to allow 77-foot wide lots where 80 feet is required.

EXHIBITS

3. The following exhibits are incorporated as conditions of approval, except where specifically modified by these conditions:

	Date Received By City	Prepared by	Sheet Number
Vesting Tentative Parcel Map	May 22, 2008	Gilbert A. Fitch & Associates, Inc.	1
Preliminary Grading Plan	May 22, 2008	Gilbert A. Fitch & Associates, Inc.	2
Site Sections	May 22, 2008	Gilbert A. Fitch & Associates, Inc.	3

All construction plans shall conform to these exhibits except as modified by these conditions. Where a plan or further information is required, it is subject to review and approval by the Planning Division, Building Division, and/or Engineering Services/Current Development Division as required. (PLNG, BLDG, ENGR)

GENERAL CONDITIONS

4. The following conditions of approval are the responsibility of the project applicant and shall be complied with prior to issuance of any construction permit unless noted otherwise. The

1 proposed development shall comply with the applicable requirements of Federal law, State
2 law, and the City of Concord Municipal Code. *(ENGR)*

- 3 5. Within 30 days of the date of the final approval or 30 days prior to submission of plans for any
4 permit or plan check, the applicant shall submit two sets of revised plans that incorporate all
5 revisions required by the conditions of approval, to the Planning Division for review and
6 approval. This submittal shall occur prior to filing an application for site demolition, grading,
7 construction, or other permit. *(PLNG)*
- 8 6. Prior to the issuance of a Building permit and prior to final building occupancy or subdivision
9 acceptance, an annotated copy of the Conditions of Approval noting how each condition has
10 been satisfied, shall be submitted to the Planning Division for review and approval. *(PLNG)*
- 11 7. The conditions of approval shall be listed on a plan sheet and attached to all sets of approved
12 plans (building, grading, and site work) A copy shall be kept at the job site and the applicant
13 shall ensure that all project contractors adhere to the approved plans and are aware of, and
14 abide by, the conditions. *(PLNG, BLDG, ENGR)*

11 **TREE PRESERVATION**

- 12 8. All existing trees within the project boundaries shall be preserved, except where specifically
13 designated for removal as part of an approved landscape or tree removal plan. *(PLNG)*

14 **IMPROVEMENTS**

- 15 9. Construct improvements, including but not limited to: a 16' wide traffic rated metal grate. The
16 grate shall be installed over the existing 2'-wide concrete V-ditch to provide site access. A
17 raised wheel stop shall be installed at each end of the grate to keep vehicles from driving into
18 the ditch. Construct conforms to existing improvements per approved improvement plans and
19 repair/replacement of deficient improvements as determined by the City Engineer. *(ENGR)*
- 20 10. Construct interior driveways serving Parcels B & C in accordance with the City of Concord
21 standards. *(ENGR)*
- 22 11. Prohibit parking on the private street. Paint curb red where no parking is allowed prior to
23 acceptance of improvements or the first occupancy, whichever comes first. *(ENGR)*
- 24 12. Construct all public and pedestrian facilities in accordance with the current Title 24 (Handicap
25 Access) and the current Americans with Disabilities Act (ADA), including driveways and curb
26 ramps. *(ENGR)*

24 **NOISE**

- 25 13. Noise producing site preparation and construction activities shall be limited to the days and
26 hours as set forth below:

27 **Monday through Friday 7:30 a.m. to 6:00 p.m.**

1 Construction on Saturdays requires prior approval by the Building, Engineering,
2 Neighborhood Services, and Planning Divisions. No construction on Sunday is permitted.

3 No changes to these construction hours will be allowed without the prior written consent of the
4 City. The applicant shall designate a contact person available during the evenings and on
5 weekends to respond to complaints and take appropriate action to reduce noise. **(BLDG,
ENGR, PLNG)**

6 CONSTRUCTION ACTIVITIES

- 7 14. Contact Engineering Services to arrange for a pre-construction meeting prior to the start of any
8 construction activity. **(ENGR)**
- 9 15. Construction equipment shall not be serviced at the site at any time. Between 6:00 p.m. and
10 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal
11 holidays, no deliveries shall be made to the site, no delivery vehicles (including gasoline
12 tanker trucks) shall enter the site. Delivery vehicles shall have their engines turned off during
13 unloading. **(BLDG, ENGR, PLNG)**
- 14 16. No equipment shall be stored or staging area be established on the streets. No equipment shall
15 be started before or after the specified hours of construction. **(ENGR, BLDG)**
- 16 17. Employ the quietest construction equipment available to the maximum extent practicable, to
17 muffle noise from construction equipment and keep all mufflers in good working order in
18 accordance with State law. **(BLDG, ENGR, PLNG) MM**
- 19 18. Implement the following measures during construction:
- 20 a. Gather all construction debris on a regular basis and place them in a dumpster or other
21 container that is emptied or removed on a weekly basis. When appropriate, use tarps on
22 the ground to collect fallen debris or splatters that could contribute to storm water
23 pollution.
 - 24 b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and
25 storm drains adjoining the project site. During wet weather, avoid driving vehicles off
26 paved areas.
 - 27 c. Broom sweep the public street pavement adjoining the project site on a daily basis.
28 Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - d. Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest
the downstream side of the site in order to preclude any debris or dirt from flowing into
the City storm drain system. Filter materials shall be maintained and/or replaced as
necessary to ensure effectiveness and to prevent street flooding. Dispose of filter
particles in an approved trash receptacle.
 - e. Create a contained and covered area on the site for the storage of bags, cement, paints,
flammable, oils, fertilizers, pesticides, or any other materials used on the site that have

1 the potential for being discharged to the storm drain system by being windblown or in
2 the event of a material spill.

3 f. Never clean items such as machinery, tools, and brushes or rinse containers in a street,
4 gutter, or storm drain.

5 g. Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash
6 water into street gutters or drains. **(ENGR, BLDG)**

7 19. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space
8 area, or street and that any such material stored on an adjoining site shall be completely
9 removed and the site cleaned prior to occupancy. **(ENGR, BLDG)**

10 20. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or
11 sleeping quarters on the construction site unless authorized for site security. **(ENGR, BLDG)**

12 21. There shall be no parking of construction equipment or construction worker's vehicles on
13 residential streets at any time; all vehicles shall be maintained on-site. **(ENGR, BLDG)**

14 22. Portable toilets used during construction shall be kept as far as possible from adjacent
15 properties and shall be emptied on a regular basis as necessary to prevent odor. **(ENGR,
16 BLDG)**

17 23. Identify truck routes for the import or export of cut/fill material and/or construction debris for
18 review and approval by the City Engineer prior to the issuance of permits. Repair any damage
19 to city streets (private and public) caused by activity associated with this project. **(ENGR)**

20 **CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS**

21 24. Submit two copies of preliminary title report, prepared within three months prior to plan
22 submittal. **(ENGR)**

23 25. The proposed buildings are within the 100-year floodplain Zone A3. At a minimum, comply
24 with the City of Concord Municipal Code requirements in establishing building finished floor
25 elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA
26 map, and shall show the finished floor elevations of the proposed buildings, 100-year Base
27 Flood Elevations (BFE), and building setback line per CMC. **(ENGR) CMC**

28 26. Design improvement plan in accordance with the City Standard Plans S-34 and S-36 for sight
distance, sidewalk, back up, fencing, geometrics at intersection and corner setback
requirements, and prior to the acceptance of improvements. Plans shall be subject to review
and approval by Engineering Services. **(ENGR)**

29 27. Obtain an encroachment permit from the City prior to performing any work within the public
30 right-of-way or public easements. **(ENGR) CMC**

1 **SUBDIVISIONS/SITE DEVELOPMENT PLANS**

- 2 28. The Vesting Tentative Parcel Map prepared by Gilbert Fitch & Associates and date stamped
3 received *May 22, 2008* by the Planning Division is not approved for construction. Submit
4 grading, erosion control and improvement plans prepared by a Registered Civil Engineer to
5 Engineering Services for review and approval prior to issuance of an Encroachment Permit
6 and Grading Permit. A Stormwater Control Plan will be required if the improvement plan
7 designs for 10,000 square feet or more impervious surface. *(ENGR)*
- 8 29. The Parcel Map shall be prepared by a qualified civil engineer or licensed land surveyor and
9 shall be subject to review and approval by Engineering Services. *(ENGR)*

8 **GRADING/EROSION CONTROL/GEOLOGIC**

- 9 30. Submit a geotechnical report with the Grading Plans and Building Plans, pursuant to CMC
10 Section 94-51 and Section 86-73 that addresses and provides recommendations for grading,
11 drainage, building foundations, and pavement structural sections. *(ENGR)*
- 12 31. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a
13 soils report prepared by a registered Geotechnical Engineer and receipt of a grading permit
14 approved by the City Engineer. *(ENGR)*
- 15 32. Grading on adjacent properties shall require written approval from the affected property
16 owners. *(ENGR)*
- 17 33. On-site finish grading work shall require drainage to be directed away from all building
18 foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward
19 approved drainage facilities or swales. Non-paved drainage swales shall have a minimum
20 slope of 1 percent. *(ENGR)*
- 21 34. The applicant's engineer shall inspect the finished grading and certify that it conforms to the
22 compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR) CMC*
- 23 35. Erosion control measures shall be implemented per plans approved by the City Engineer for all
24 grading work not completed before October 15th. At the time of approval of the improvement
25 and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil
26 Engineer shall be filed with the City Engineer. *(ENGR)*
- 27 36. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October
28 15th of any given year. If during grading work between October 15th and April 15th, a rain
forecast is determined, stop all grading work two (2) days before the rain forecast and
implement BMP's to insure that the site is protected from erosion. *(ENGR)*
37. Comply with the applicable provisions of the Grading Ordinance and the Storm Water
Management and Discharge Control Ordinance. *(ENGR) CMC*

1 **UTILITIES**

- 2 38. All new utilities shall be constructed underground prior to issuance of certificate of occupancy.
3 *(ENGR)*
- 4 39. Any trenching for underground utilities shall comply with the City standard Detail S-17 for
5 pavement repair and possible slurry placement. *(ENGR)*
- 6 40. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current
7 sewer connection and service fees prior to occupancy. *(ENGR) CMC*
- 8 41. Comply with the City of Concord sewer design flow criteria and sewer construction
9 requirements of the Central Contra Costa Sanitary District. *(ENGR)*
- 10 42. Acquire a new sewer levy for parcel "B" & parcel "C". *(ENGR)*
- 11 43. Coordinate all facility adjustments, relocations, or additions to utility services with the
12 appropriate utility companies. *(ENGR)*
- 13 44. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility
14 equipment, vaults, irrigation control boxes, back flow prevention devices, and the like shall be
15 subject to approval by Planning and Engineering Services prior to the issuance of the first
16 project permit. Such equipment shall be painted forest green or a similar color and be screened
17 from view from the street by the building, landscaping, fencing, and/or an enclosure approved
18 by the Planning Division. *(ENGR, PLNG)*
- 19 45. Provide cable companies a set of approved site diagrams in electronic format showing the joint
20 trench layout for dry utilities for cable service to be provided to the site. *(ENGR)*

21 **DRAINAGE/STORMWATER C.3 REQUIREMENTS**

- 22 46. Per the Vesting Tentative Map the amount of impervious surface created or replaced does not
23 meet or exceed 10,000 sf. However, if during detailed design the amount of impervious
24 surface created or replaced meets or exceeds 10,000 sf., the applicant shall:
- 25 a. Prepare a Stormwater Control Plan in accordance with the current Contra Costa Clean
26 Water Program Stormwater C.3 Guidebook and have it certified by a registered civil
27 engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Stormwater Control Plan shall be registered in the State of
28 California and verify understanding of design of treatment measures for water quality
and groundwater protection principles applicable to the project site. *(ENGR)*
 - b. Construct site design features, pervious pavements, self-retaining areas, treatment
BMPs, permanent source control BMPs, and other features that control stormwater
flow and potential stormwater pollutants per the approved Stormwater Control Plan
prior to certificate of occupancy. *(ENGR)*

- 1 c. Prior to issuance of permits for building, site improvements, or landscaping, applicant
2 shall submit a permit application consistent with the applicant's approved Stormwater
3 Control Plan, and include drawings and specifications necessary for construction of site
4 design features, measures to limit directly connected impervious area, pervious
5 pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and
6 other features that control stormwater flow and potential stormwater pollutants. The
7 permit application shall include a completed "Construction Plan C.3 Checklist" as
8 described in the Stormwater C.3 Guidebook and a detailed draft Stormwater BMP
9 Operation and Maintenance Plan consistent with the general O&M plan included in the
10 applicant's approved Stormwater Control Plan. Guidelines for the preparation of
11 Stormwater BMP Operation and Maintenance Plans are in the current Stormwater C.3
12 Guidebook. *(ENGR)*
- 13 d. Prior to issuance of a Certificate of Occupancy, the applicant shall submit, for review
14 and approval by City, a final Stormwater BMP Operation and Maintenance Plan in
15 accordance with City of Concord guidelines. This O&M plan shall incorporate City
16 comments on the draft O&M plan and any revisions resulting from changes made
17 during construction. *(ENGR)*
- 18 e. Prior to issuance of a Certificate of Occupancy, the applicant shall execute any
19 agreements identified in the Stormwater Control Plan which pertain to the transfer of
20 ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of
21 stormwater treatment or hydrograph modification BMPs. *(ENGR)*
- 22 47. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
23 *(ENGR)*
- 24 48. Collect and convey surface runoff entering, and/or originating from the site to an adequate
25 downstream drainage facility. Submit hydrologic and hydraulic calculations for a 10-year
26 flood with the Improvement Plans to Engineering Services for review and approval. *(ENGR)*
- 27 49. Install City of Concord "No Dumping, Drains to Creek" curb marker (English and Spanish
28 version) on all catch basins. *(ENGR)*
50. Include erosion control/storm water quality measures in the final grading plan that specifically
address measures to prevent soil, dirt, and debris from entering the storm drain system. Such
measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation
fences and are subject to review and approval of the City Engineer and Director of Building
Inspection. If no grading plan is required, necessary erosion control/storm water quality
measures shall be shown on the site plan submitted for an on-site permit, subject to review and
approval of the Director of Building Inspection. The applicant shall be responsible for
ensuring that the contractor is aware of and implements such measures. *(ENGR, BLDG)*
51. Submit a Construction Best Management Practice (BMP) Program for review and approval by
the Engineering Development Services Department prior to issuance of a building and/or
grading permit. The general contractor and all subcontractors and suppliers of materials and
equipment shall implement these BMP's. Construction site cleanup and control of construction
debris shall also be addressed in this program. Failure to comply with the approved

1 construction BMP may result in the issuance of correction notices, citations, or a project stop
2 work order. *(ENGR)*

- 3 52. Ensure that the area surrounding the project such as the streets stay free and clear of
4 construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way
5 related to project construction. Areas that are exposed for extended periods shall be watered
regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular
basis. All trucks shall be covered. *(ENGR)*

6 **AGREEMENTS, FEES, BONDS**

7 53. Planning Fees:

8 a. Pay Condition Compliance fee per City Resolution, Fees and Charges for Various
9 Municipal Services, within 30 days of billing by the City. Said fee shall reimburse
10 Planning for staff work performed from the time of project approval to issuance of the
11 certificate of occupancy for implementation of the Conditions of Approval. If the initial
deposit is insufficient to cover actual costs, an additional deposit in an amount
determined by the Planning Manager will be required. *(PLNG)*

12 b. Prior to issuance of construction or building permits, the applicant shall pay a
13 Document Imaging Fee per City Resolution "Fees and Charges for Various Municipal
14 Services." Said fee shall reimburse the City for implementation of the Document
Imaging and File Retention programs. *(PLNG)*

- 15 54. A Private Road Maintenance Agreement was recorded for subdivision #8635. If property
16 owners of subdivision #8635 agree, the agreement may be amended to add parcels "B"
17 and "C" of Parcel Map #402-08. If agreement is reached to amend the existing agreement, the
amended agreement shall be recorded concurrently with the Parcel Map. *(ENGR)*

- 18 55. Enter into a Two-Year Improvement Agreement with the City agreeing to construct and
19 complete all improvements necessary to service the subdivision. The Agreement shall be
20 executed and submitted to the City prior to approval of the Parcel Map. As part of the
21 Agreement, provide securities acceptable to the City, guaranteeing construction of the required
improvements. *(ENGR)*

- 22 56. All required faithful performance bonds and labor materials bonds in an amount equal to 100
23 percent of the approved estimates of construction costs of improvements shall be submitted to
and approved by the City prior to approval of the Parcel Map or issuance of the building or
grading permit, whichever comes first. *(ENGR)*

- 24 57. All fees noted below are the fees currently in effect as of July 1, 2008 per the Resolution of
25 Fees and Charges. The fees and charges are reviewed annually as part of the budget public
26 hearing process. Fee adjustments are based on a number of factors and vary depending on the
type of fee:

27 **Service-based fees** are adjusted annually based on the San Francisco-San Jose-
28 Oakland Area Consumer Price Index;

1 **Improvement based fees** (also called impact fees) are adjusted annually based on
2 Engineering News Record Construction Cost Index (San Francisco Bay Area); and the
3 **Parkland Fee** is adjusted per Section 78-95 of the Concord Municipal Code.

4 The fees become effective as of the date set forth in Exhibit A of Resolution No. 78-6042,
5 Fees and Charges for Various Municipal Services, as most recently amended and approved by
6 the City Council. Persons interested in how a particular fee is calculated should contact the
7 City Department administering the fee or the Finance Department. *(ENGR)*

8 58. Encroachment Permit Application: *(ENGR)*

- 9 a. Pay the Filing Fee at the time of submittal of permit application, improvement plans,
10 and supporting documents to City Engineering Services for review. The current fee is
11 \$85.
- 12 b. Provide a restoration security before issuance of the Encroachment Permit. The
13 security shall be in an amount sufficient to restore existing public improvements to a
14 serviceable condition should development improvement activity cause damage. The
15 amount of the security shall be determined by, and be in a form acceptable to the City
16 Engineer.
- 17 c. Provide a \$2,000 cash deposit to cover condition compliance costs within 30 days
18 following approval of the Tentative Map. The deposit will be placed in a refundable
19 account. Mitigation Monitoring costs will be charged to this deposit over the life of the
20 project mitigation requirements. Any unused funds will be returned at project
21 completion. If the initial deposit is insufficient to cover actual costs, an additional
22 deposit in an amount determined by the City Engineer will be required.

23 59. Grading Permit Application: *(ENGR)*

- 24 a. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee
25 is determined based on cubic yardage of cut and fill combined, or at the hourly rate of
26 \$169 if hourly rate is used.
- 27 b. Provide a \$5,000 cash deposit for erosion control prior to issuance of grading permit.
28 The deposit will be placed in a refundable account. Any unused funds will be returned
29 at project completion. If the initial deposit is insufficient to cover actual costs, an
30 additional deposit in an amount determined by the City Engineer will be required.
- 31 c. Pay Stockpile and Erosion Control Monitoring fee prior to issuance of grading permit.
32 The Stockpile and Erosion Control Monitoring fee is currently \$20.00 per calendar day
33 and is collected for the life of the grading permit activity.

34 60. Parcel Map Application: *(ENGR)*

- 35 a. Pay the Parcel Map review fee at the time of submittal of Parcel Map documents to
36 Engineering Services for review. Current fee is estimated to be \$2,197 (based on three
37 parcels), plus additional review time at \$169/hour if required.

- 1
- 2 b. Pay the Parcel Map filing fee prior to approval of Parcel Map. The current fee is \$1,690.
- 3
- 4 c. Pay the Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The current fee is estimated to be \$5,070 (based on three parcels), plus additional review time at \$169/hour if required.
- 5
- 6 d. Pay the construction inspection fee prior to issuance of any construction permits. The current fee is based on 9% of the estimated cost of constructing the required improvements to support the subdivision.
- 7
- 8 e. Pay the Drainage Acreage Fee prior to approval of Parcel Map. The current fee is \$3,010/acre (Area 90).
- 9
- 10 f. Pay the Parkland Fee less possible credit prior to approval of Parcel Map. The current fee is \$15,098 per living unit (on 9/1/2009 this fee increases to \$16,691 per living unit) for Low Density Designation. The Parkland Fee will be based on 2-lots.
- 11
- 12 g. Pay new parcel fee of \$338 per parcel prior to the approval of the Parcel Map. The new parcel fee will be based on 3-lots.
- 13
- 14 h. Provide a \$500 deposit for archiving permanent records prior to approval of the Parcel Map. Actual fees will be charged following completion of work.
- 15
- 16 i. Provide a \$1,500 deposit for specialty inspections prior to approval of the Parcel Map.
- 17 61. Sewer Connection Permit: *(ENGR)*
- 18 a. Pay Sanitary Sewer connection fee. The current sewer connection fee is \$4,447 per single-family dwelling unit and shall be paid prior to approval of the Parcel Map.
- 19
- 20 b. Pay the current sewer service fee prior to the approval of the Parcel Map as set forth in the Resolution of Fees and Charges. The current fee is \$294 per year and is pro-rated by the month that connection is made. *(ENGR)*
- 21

22 62. Traffic Mitigation Fee: *(ENGR)*

23 Pay Offsite Street Improvement Program, (OSIP), fee less possible fee credit. The OSIP Fee shall be the fee in effect at the time the building permit application is filed and is accepted as being substantially complete by the Building Division. The current OSIP Fee is \$5,736 based on two units and shall be paid prior to issuance of any Building Permit. *(ENGR)*

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25

26 **OTHER/MISCELLANEOUS**

- 27 63. Comply with the requirements of the Contra Costa County Health Department for the abandonment of any existing septic tanks or wells. *(ENGR) CMC*
- 28

1 64. Comply with the requirements of the Contra Costa Fire Protection District. Submit complete
2 sets of plans and specifications to the Fire District for review and approval at:

3 Contra Costa County Fire Protection District
4 2010 Geary Road
5 Pleasant Hill, CA 94523

6 Plan review fees will be assessed at that time. The City is not responsible for the collection of
7 fees or enforcement of requirements imposed by the Fire District. *(CCCFIRE) CMC*

8 65. Applicant and/or subdivider shall defend, indemnify and hold harmless the City, its agents,
9 officials and employees from any claim, action or proceeding brought by a third party to set
10 aside, annul, attack or otherwise void the approval of the (vesting) tentative map, final map or
11 parcel map by the Zoning Administrator, Planning Commission, and/or the City Council,
12 which action is brought within the time period provided for in Government Code section
13 66499.37. The City shall promptly notify the applicant/subdivider of any claim, action or
14 proceeding against the City of Concord and that the City will cooperate fully in the defense.
15 *(PLNG)*

16 66. The permit and approval shall expire in *two* years from the date on which they became
17 effective unless a Parcel Map is recorded within that time. The effective date of the permit and
18 approval is *November 12, 2008 (PLNG)*

19 67. A request for a time extension from the expiration date of *November 12, 2010* can be
20 considered if an application with required fee is filed at least 45 days before the original
21 expiration date (otherwise a new application is required). A public hearing will be required for
22 all extension applications, except those involving only Design Review. Extensions are not
23 automatically approved. Changes in conditions, City policies, surrounding neighborhood, and
24 other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*
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1 required because the project was and is classified as Categorically Exempt pursuant to Section 15315
2 Class 15 “Minor Land Divisions,” and none of the factors calling for subsequent environmental
3 review are present, including under Public Resources Code Section 21166 and CEQA Guidelines
4 Section 15162 because, as noted above, there are no changes being proposed and there is no new
5 information is available which would trigger environmental review under any of the applicable
6 criteria. Therefore, no further environmental review is required.

7 **NOW, THEREFORE, BE IT RESOLVED** that the Zoning Administrator does hereby
8 approve the 5-year extension of the Minor Subdivision and Variance subject to the attached
9 Conditions of Approval referenced in Attachment A, based on the following findings:

10 1. For purposes of CEQA, a project is the activity to be undertaken, not the
11 various individual government approvals – such as extensions – associated with the project. The
12 proposed extension is not a project within the meaning of Section 15378 of the State CEQA
13 Guidelines. Review of the project has occurred, that project has been approved, and no changes are
14 being proposed. If the proposed extension is a project under CEQA it is subject to the exemption
15 contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no
16 possibility of a significant effect on the environment as the project has already been approved and this
17 is merely a five year extension. In addition, no further environmental analysis is required because the
18 project was and is classified as Categorically Exempt pursuant to Section 15315 Class 15 “Minor
19 Land Divisions,” and none of the factors calling for subsequent environmental review are present,
20 including under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because,
21 as noted above, there are no changes being proposed and there is no new information is available
22 which would trigger environmental review under any of the applicable criteria. Therefore no further
23 environmental review is required.

24 2. The subject proposal and variance is consistent with the City of Concord
25 General Plan, which designates the site as Low Density Residential.

26 3. The subject proposal will not adversely affect the surrounding properties, which
27 are either zoned for or developed with similar uses.

28 4. The proposed project meets all the provisions of the City’s Development Code

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relating to uses.

5. There are special circumstances applicable to the property including shape, and location.

6. The strict application of the City's Development Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications because there are up to 31 other lots in the immediate vicinity having lot widths less than 80 feet.

7. The granting of such variance will not, under the circumstances of the particular case, have a materially adverse effect on the health or safety of persons residing or working in the neighborhood and will not, under the circumstances of the particular case, be materially detrimental to public welfare or injurious to property or improvements in said neighborhood.

8. The approved variance, in this case, complies with the intent of zoning regulations for lot area and depth. Future development of either parcel shall comply with all applicable requirements.

Based on the above findings, the Zoning Administrator approved said application subject to the attached Conditions of Approval, referenced as Attachment A.

Frank Abejo
Zoning Administrator

Attachment:
A – Conditions of Approval

1 **ATTACHMENT A**

2
3 **DRAFT**

4
5 **CONDITIONS OF APPROVAL**

6
7 **O'BRIEN MINOR SUBDIVISION AND VARIANCE**

8 **THIS SITE IS LOCATED AT 1269 LA VISTA AVENUE**

9 **APN 132-050-029**

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12 **PERMIT DESCRIPTION**

- 13 1. These conditions apply to and constitute the approval of O'Brien Minor Subdivision (*PM 08-002*) consisting of three individual parcels.
- 14
- 15 2. These conditions apply to and constitute the approval of a Variance (*VA 08-005*), to allow 77-foot wide lots where 80 feet is required.

16 **EXHIBITS**

- 17 3. The following exhibits are incorporated as conditions of approval, except where specifically
- 18 modified by these conditions:

	Date Received By City	Prepared by	Sheet Number
Vesting Tentative Parcel Map	May 22, 2008	Gilbert A. Fitch & Associates, Inc.	1
Preliminary Grading Plan	May 22, 2008	Gilbert A. Fitch & Associates, Inc.	2
Site Sections	May 22, 2008	Gilbert A. Fitch & Associates, Inc.	3

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22
23 *All construction plans shall conform to these exhibits except as modified by these conditions. Where a plan or further information is required, it is subject to review and approval by the Planning Division, Building Division, and/or Engineering Services/Current Development Division as required. (PLNG, BLDG, ENGR)*

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25
26 **GENERAL CONDITIONS**

- 27 4. The following conditions of approval are the responsibility of the project applicant and shall
- 28 be complied with prior to issuance of any construction permit unless noted otherwise. The

1 proposed development shall comply with the applicable requirements of Federal law, State
2 law, and the City of Concord Municipal Code. *(ENGR)*

3 5. Within 30 days of the date of the final approval or 30 days prior to submission of plans for any
4 permit or plan check, the applicant shall submit two sets of revised plans that incorporate all
5 revisions required by the conditions of approval, to the Planning Division for review and
6 approval. This submittal shall occur prior to filing an application for site demolition, grading,
7 construction, or other permit. *(PLNG)*

8 6. Prior to the issuance of a Building permit and prior to final building occupancy or subdivision
9 acceptance, an annotated copy of the Conditions of Approval noting how each condition has
10 been satisfied, shall be submitted to the Planning Division for review and approval. *(PLNG)*

11 7. The conditions of approval shall be listed on a plan sheet and attached to all sets of approved
12 plans (building, grading, and site work) A copy shall be kept at the job site and the applicant
13 shall ensure that all project contractors adhere to the approved plans and are aware of, and
14 abide by, the conditions. *(PLNG, BLDG, ENGR)*

15 **TREE PRESERVATION**

16 8. All existing trees within the project boundaries shall be preserved, except where specifically
17 designated for removal as part of an approved landscape or tree removal plan. *(PLNG)*

18 **IMPROVEMENTS**

19 9. Construct improvements, including but not limited to: a 16' wide traffic rated metal grate. The
20 grate shall be installed over the existing 2'-wide concrete V-ditch to provide site access. A
21 raised wheel stop shall be installed at each end of the grate to keep vehicles from driving into
22 the ditch. Construct conforms to existing improvements per approved improvement plans and
23 repair/replacement of deficient improvements as determined by the City Engineer. *(ENGR)*

24 10. Construct interior driveways serving Parcels B & C in accordance with the City of Concord
25 standards. *(ENGR)*

26 11. Prohibit parking on the private street. Paint curb red where no parking is allowed prior to
27 acceptance of improvements or the first occupancy, whichever comes first. *(ENGR)*

28 12. Construct all public and pedestrian facilities in accordance with the current Title 24 (Handicap
Access) and the current Americans with Disabilities Act (ADA), including driveways and curb
ramps. *(ENGR)*

NOISE

13. Noise producing site preparation and construction activities shall be limited to the days and
hours as set forth below:

Monday through Friday 7:30 a.m. to 6:00 p.m.

1 Construction on Saturdays requires prior approval by the Building, Engineering,
2 Neighborhood Services, and Planning Divisions. No construction on Sunday is permitted.

3 No changes to these construction hours will be allowed without the prior written consent of the
4 City. The applicant shall designate a contact person available during the evenings and on
5 weekends to respond to complaints and take appropriate action to reduce noise. (*BLDG,*
ENGR, PLNG)

6 CONSTRUCTION ACTIVITIES

- 7 14. Contact Engineering Services to arrange for a pre-construction meeting prior to the start of any
8 construction activity. (*ENGR*)
- 9 15. Construction equipment shall not be serviced at the site at any time. Between 6:00 p.m. and
10 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal
11 holidays, no deliveries shall be made to the site, no delivery vehicles (including gasoline
12 tanker trucks) shall enter the site. Delivery vehicles shall have their engines turned off during
13 unloading. (*BLDG, ENGR, PLNG*)
- 14 16. No equipment shall be stored or staging area be established on the streets. No equipment shall
15 be started before or after the specified hours of construction. (*ENGR, BLDG*)
- 16 17. Employ the quietest construction equipment available to the maximum extent practicable, to
17 muffle noise from construction equipment and keep all mufflers in good working order in
18 accordance with State law. (*BLDG, ENGR, PLNG*) *MM*
- 19 18. Implement the following measures during construction:
- 20 a. Gather all construction debris on a regular basis and place them in a dumpster or other
21 container that is emptied or removed on a weekly basis. When appropriate, use tarps on
22 the ground to collect fallen debris or splatters that could contribute to storm water
23 pollution.
 - 24 b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and
25 storm drains adjoining the project site. During wet weather, avoid driving vehicles off
26 paved areas.
 - 27 c. Broom sweep the public street pavement adjoining the project site on a daily basis.
28 Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - d. Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest
the downstream side of the site in order to preclude any debris or dirt from flowing into
the City storm drain system. Filter materials shall be maintained and/or replaced as
necessary to ensure effectiveness and to prevent street flooding. Dispose of filter
particles in an approved trash receptacle.
 - e. Create a contained and covered area on the site for the storage of bags, cement, paints,
flammable, oils, fertilizers, pesticides, or any other materials used on the site that have

1 the potential for being discharged to the storm drain system by being windblown or in
2 the event of a material spill.

3 f. Never clean items such as machinery, tools, and brushes or rinse containers in a street,
4 gutter, or storm drain.

5 g. Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash
6 water into street gutters or drains. *(ENGR, BLDG)*

7 19. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space
8 area, or street and that any such material stored on an adjoining site shall be completely
9 removed and the site cleaned prior to occupancy. *(ENGR, BLDG)*

10 20. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or
11 sleeping quarters on the construction site unless authorized for site security. *(ENGR, BLDG)*

12 21. There shall be no parking of construction equipment or construction worker's vehicles on
13 residential streets at any time; all vehicles shall be maintained on-site. *(ENGR, BLDG)*

14 22. Portable toilets used during construction shall be kept as far as possible from adjacent
15 properties and shall be emptied on a regular basis as necessary to prevent odor. *(ENGR,
16 BLDG)*

17 23. Identify truck routes for the import or export of cut/fill material and/or construction debris for
18 review and approval by the City Engineer prior to the issuance of permits. Repair any damage
19 to city streets (private and public) caused by activity associated with this project. *(ENGR)*

20 **CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS**

21 24. Submit two copies of preliminary title report, prepared within three months prior to plan
22 submittal. *(ENGR)*

23 25. The proposed buildings are within the 100-year floodplain Zone A3. At a minimum, comply
24 with the City of Concord Municipal Code requirements in establishing building finished floor
25 elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA
26 map, and shall show the finished floor elevations of the proposed buildings, 100-year Base
27 Flood Elevations (BFE), and building setback line per CMC. *(ENGR) CMC*

28 26. Design improvement plan in accordance with the City Standard Plans S-34 and S-36 for sight
distance, sidewalk, back up, fencing, geometrics at intersection and corner setback
requirements, and prior to the acceptance of improvements. Plans shall be subject to review
and approval by Engineering Services. *(ENGR)*

29 27. Obtain an encroachment permit from the City prior to performing any work within the public
right-of-way or public easements. *(ENGR) CMC*

1 **SUBDIVISIONS/SITE DEVELOPMENT PLANS**

- 2 28. The Vesting Tentative Parcel Map prepared by Gilbert Fitch & Associates and date stamped
3 received *May 22, 2008* by the Planning Division is not approved for construction. Submit
4 grading, erosion control and improvement plans prepared by a Registered Civil Engineer to
5 Engineering Services for review and approval prior to issuance of an Encroachment Permit
6 and Grading Permit. A Stormwater Control Plan will be required if the improvement plan
7 designs for 10,000 square feet or more impervious surface. *(ENGR)*
- 8 29. The Parcel Map shall be prepared by a qualified civil engineer or licensed land surveyor and
9 shall be subject to review and approval by Engineering Services. *(ENGR)*

10 **GRADING/EROSION CONTROL/GEOLOGIC**

- 11 30. Submit a geotechnical report with the Grading Plans and Building Plans, pursuant to CMC
12 Section 94-51 and Section 86-73 that addresses and provides recommendations for grading,
13 drainage, building foundations, and pavement structural sections. *(ENGR)*
- 14 31. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a
15 soils report prepared by a registered Geotechnical Engineer and receipt of a grading permit
16 approved by the City Engineer. *(ENGR)*
- 17 32. Grading on adjacent properties shall require written approval from the affected property
18 owners. *(ENGR)*
- 19 33. On-site finish grading work shall require drainage to be directed away from all building
20 foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward
21 approved drainage facilities or swales. Non-paved drainage swales shall have a minimum
22 slope of 1 percent. *(ENGR)*
- 23 34. The applicant's engineer shall inspect the finished grading and certify that it conforms to the
24 compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR) CMC*
- 25 35. Erosion control measures shall be implemented per plans approved by the City Engineer for all
26 grading work not completed before October 15th. At the time of approval of the improvement
27 and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil
28 Engineer shall be filed with the City Engineer. *(ENGR)*
36. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October
15th of any given year. If during grading work between October 15th and April 15th, a rain
forecast is determined, stop all grading work two (2) days before the rain forecast and
implement BMP's to insure that the site is protected from erosion. *(ENGR)*
37. Comply with the applicable provisions of the Grading Ordinance and the Storm Water
Management and Discharge Control Ordinance. *(ENGR) CMC*

1 **UTILITIES**

- 2 38. All new utilities shall be constructed underground prior to issuance of certificate of occupancy.
3 *(ENGR)*
- 4 39. Any trenching for underground utilities shall comply with the City standard Detail S-17 for
5 pavement repair and possible slurry placement. *(ENGR)*
- 6 40. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current
7 sewer connection and service fees prior to occupancy. *(ENGR) CMC*
- 8 41. Comply with the City of Concord sewer design flow criteria and sewer construction
9 requirements of the Central Contra Costa Sanitary District. *(ENGR)*
- 10 42. Acquire a new sewer levy for parcel "B" & parcel "C". *(ENGR)*
- 11 43. Coordinate all facility adjustments, relocations, or additions to utility services with the
12 appropriate utility companies. *(ENGR)*
- 13 44. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility
14 equipment, vaults, irrigation control boxes, back flow prevention devices, and the like shall be
15 subject to approval by Planning and Engineering Services prior to the issuance of the first
16 project permit. Such equipment shall be painted forest green or a similar color and be screened
17 from view from the street by the building, landscaping, fencing, and/or an enclosure approved
18 by the Planning Division. *(ENGR, PLNG)*
- 19 45. Provide cable companies a set of approved site diagrams in electronic format showing the joint
20 trench layout for dry utilities for cable service to be provided to the site. *(ENGR)*

21 **DRAINAGE/STORMWATER C.3 REQUIREMENTS**

- 22 46. Per the Vesting Tentative Map the amount of impervious surface created or replaced does not
23 meet or exceed 10,000 sf. However, if during detailed design the amount of impervious
24 surface created or replaced meets or exceeds 10,000 sf., the applicant shall:
- 25 a. Prepare a Stormwater Control Plan in accordance with the current Contra Costa Clean
26 Water Program Stormwater C.3 Guidebook and have it certified by a registered civil
27 engineer, and by a registered architect or landscape architect as applicable.
28 Professionals certifying the Stormwater Control Plan shall be registered in the State of
California and verify understanding of design of treatment measures for water quality
and groundwater protection principles applicable to the project site. *(ENGR)*
 - b. Construct site design features, pervious pavements, self-retaining areas, treatment
BMPs, permanent source control BMPs, and other features that control stormwater
flow and potential stormwater pollutants per the approved Stormwater Control Plan
prior to certificate of occupancy. *(ENGR)*

- 1 c. Prior to issuance of permits for building, site improvements, or landscaping, applicant
2 shall submit a permit application consistent with the applicant's approved Stormwater
3 Control Plan, and include drawings and specifications necessary for construction of site
4 design features, measures to limit directly connected impervious area, pervious
5 pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and
6 other features that control stormwater flow and potential stormwater pollutants. The
7 permit application shall include a completed "Construction Plan C.3 Checklist" as
8 described in the Stormwater C.3 Guidebook and a detailed draft Stormwater BMP
9 Operation and Maintenance Plan consistent with the general O&M plan included in the
10 applicant's approved Stormwater Control Plan. Guidelines for the preparation of
11 Stormwater BMP Operation and Maintenance Plans are in the current Stormwater C.3
12 Guidebook. *(ENGR)*
- 13 d. Prior to issuance of a Certificate of Occupancy, the applicant shall submit, for review
14 and approval by City, a final Stormwater BMP Operation and Maintenance Plan in
15 accordance with City of Concord guidelines. This O&M plan shall incorporate City
16 comments on the draft O&M plan and any revisions resulting from changes made
17 during construction. *(ENGR)*
- 18 e. Prior to issuance of a Certificate of Occupancy, the applicant shall execute any
19 agreements identified in the Stormwater Control Plan which pertain to the transfer of
20 ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of
21 stormwater treatment or hydrograph modification BMPs. *(ENGR)*
- 22 47. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
23 *(ENGR)*
- 24 48. Collect and convey surface runoff entering, and/or originating from the site to an adequate
25 downstream drainage facility. Submit hydrologic and hydraulic calculations for a 10-year
26 flood with the Improvement Plans to Engineering Services for review and approval. *(ENGR)*
- 27 49. Install City of Concord "No Dumping, Drains to Creek" curb marker (English and Spanish
28 version) on all catch basins. *(ENGR)*
50. Include erosion control/storm water quality measures in the final grading plan that specifically
address measures to prevent soil, dirt, and debris from entering the storm drain system. Such
measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation
fences and are subject to review and approval of the City Engineer and Director of Building
Inspection. If no grading plan is required, necessary erosion control/storm water quality
measures shall be shown on the site plan submitted for an on-site permit, subject to review and
approval of the Director of Building Inspection. The applicant shall be responsible for
ensuring that the contractor is aware of and implements such measures. *(ENGR, BLDG)*
51. Submit a Construction Best Management Practice (BMP) Program for review and approval by
the Engineering Development Services Department prior to issuance of a building and/or
grading permit. The general contractor and all subcontractors and suppliers of materials and
equipment shall implement these BMP's. Construction site cleanup and control of construction
debris shall also be addressed in this program. Failure to comply with the approved

1 construction BMP may result in the issuance of correction notices, citations, or a project stop
2 work order. (*ENGR*)

- 3 52. Ensure that the area surrounding the project such as the streets stay free and clear of
4 construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way
5 related to project construction. Areas that are exposed for extended periods shall be watered
6 regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular
7 basis. All trucks shall be covered. (*ENGR*)

6 **AGREEMENTS, FEES, BONDS**

7 53. Planning Fees:

- 8 a. Pay Condition Compliance fee per City Resolution, Fees and Charges for Various
9 Municipal Services, within 30 days of billing by the City. Said fee shall reimburse
10 Planning for staff work performed from the time of project approval to issuance of the
11 certificate of occupancy for implementation of the Conditions of Approval. If the initial
12 deposit is insufficient to cover actual costs, an additional deposit in an amount
13 determined by the Planning Manager will be required. (*PLNG*)
- 14 b. Prior to issuance of construction or building permits, the applicant shall pay a
15 Document Imaging Fee per City Resolution "Fees and Charges for Various Municipal
16 Services." Said fee shall reimburse the City for implementation of the Document
17 Imaging and File Retention programs. (*PLNG*)

- 18 54. A Private Road Maintenance Agreement was recorded for subdivision #8635. If property
19 owners of subdivision #8635 agree, the agreement may be amended to add parcels "B"
20 and "C" of Parcel Map #402-08. If agreement is reached to amend the existing agreement, the
21 amended agreement shall be recorded concurrently with the Parcel Map. (*ENGR*)

- 22 55. Enter into a Two-Year Improvement Agreement with the City agreeing to construct and
23 complete all improvements necessary to service the subdivision. The Agreement shall be
24 executed and submitted to the City prior to approval of the Parcel Map. As part of the
25 Agreement, provide securities acceptable to the City, guaranteeing construction of the required
26 improvements. (*ENGR*)

- 27 56. All required faithful performance bonds and labor materials bonds in an amount equal to 100
28 percent of the approved estimates of construction costs of improvements shall be submitted to
and approved by the City prior to approval of the Parcel Map or issuance of the building or
grading permit, whichever comes first. (*ENGR*)

57. All fees noted below are the fees currently in effect as of July 1, 2008 per the Resolution of
Fees and Charges. The fees and charges are reviewed annually as part of the budget public
hearing process. Fee adjustments are based on a number of factors and vary depending on the
type of fee:

Service-based fees are adjusted annually based on the San Francisco-San Jose-
Oakland Area Consumer Price Index;

1 **Improvement based fees** (also called impact fees) are adjusted annually based on
2 Engineering News Record Construction Cost Index (San Francisco Bay Area); and the
3 **Parkland Fee** is adjusted per Section 78-95 of the Concord Municipal Code.

4 The fees become effective as of the date set forth in Exhibit A of Resolution No. 78-6042,
5 Fees and Charges for Various Municipal Services, as most recently amended and approved by
6 the City Council. Persons interested in how a particular fee is calculated should contact the
7 City Department administering the fee or the Finance Department. (*ENGR*)

8 58. Encroachment Permit Application: (*ENGR*)

- 9 a. Pay the Filing Fee at the time of submittal of permit application, improvement plans,
10 and supporting documents to City Engineering Services for review. The current fee is
11 \$85.
- 12 b. Provide a restoration security before issuance of the Encroachment Permit. The
13 security shall be in an amount sufficient to restore existing public improvements to a
14 serviceable condition should development improvement activity cause damage. The
15 amount of the security shall be determined by, and be in a form acceptable to the City
16 Engineer.
- 17 c. Provide a \$2,000 cash deposit to cover condition compliance costs within 30 days
18 following approval of the Tentative Map. The deposit will be placed in a refundable
19 account. Mitigation Monitoring costs will be charged to this deposit over the life of the
20 project mitigation requirements. Any unused funds will be returned at project
21 completion. If the initial deposit is insufficient to cover actual costs, an additional
22 deposit in an amount determined by the City Engineer will be required.

23 59. Grading Permit Application: (*ENGR*)

- 24 a. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee
25 is determined based on cubic yardage of cut and fill combined, or at the hourly rate of
26 \$169 if hourly rate is used.
- 27 b. Provide a \$5,000 cash deposit for erosion control prior to issuance of grading permit.
28 The deposit will be placed in a refundable account. Any unused funds will be returned
29 at project completion. If the initial deposit is insufficient to cover actual costs, an
30 additional deposit in an amount determined by the City Engineer will be required.
- 31 c. Pay Stockpile and Erosion Control Monitoring fee prior to issuance of grading permit.
32 The Stockpile and Erosion Control Monitoring fee is currently \$20.00 per calendar day
33 and is collected for the life of the grading permit activity.

34 60. Parcel Map Application: (*ENGR*)

- 35 a. Pay the Parcel Map review fee at the time of submittal of Parcel Map documents to
36 Engineering Services for review. Current fee is estimated to be \$2,197 (based on three
37 parcels), plus additional review time at \$169/hour if required.

- 1
- 2 b. Pay the Parcel Map filing fee prior to approval of Parcel Map. The current fee is \$1,690.
- 3
- 4 c. Pay the Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The current fee is estimated to be \$5,070 (based on three parcels), plus additional review time at \$169/hour if required.
- 5
- 6 d. Pay the construction inspection fee prior to issuance of any construction permits. The current fee is based on 9% of the estimated cost of constructing the required improvements to support the subdivision.
- 7
- 8 e. Pay the Drainage Acreage Fee prior to approval of Parcel Map. The current fee is \$3,010/acre (Area 90).
- 9
- 10 f. Pay the Parkland Fee less possible credit prior to approval of Parcel Map. The current fee is \$15,098 per living unit (on 9/1/2009 this fee increases to \$16,691 per living unit) for Low Density Designation. The Parkland Fee will be based on 2-lots.
- 11
- 12 g. Pay new parcel fee of \$338 per parcel prior to the approval of the Parcel Map. The new parcel fee will be based on 3-lots.
- 13
- 14 h. Provide a \$500 deposit for archiving permanent records prior to approval of the Parcel Map. Actual fees will be charged following completion of work.
- 15
- 16 i. Provide a \$1,500 deposit for specialty inspections prior to approval of the Parcel Map.

17 61. Sewer Connection Permit: *(ENGR)*

- 18 a. Pay Sanitary Sewer connection fee. The current sewer connection fee is \$4,447 per single-family dwelling unit and shall be paid prior to approval of the Parcel Map.
- 19
- 20 b. Pay the current sewer service fee prior to the approval of the Parcel Map as set forth in the Resolution of Fees and Charges. The current fee is \$294 per year and is pro-rated by the month that connection is made. *(ENGR)*
- 21

22 62. Traffic Mitigation Fee: *(ENGR)*

23 Pay Offsite Street Improvement Program, (OSIP), fee less possible fee credit. The OSIP Fee shall be the fee in effect at the time the building permit application is filed and is accepted as being substantially complete by the Building Division. The current OSIP Fee is \$5,736 based on two units and shall be paid prior to issuance of any Building Permit. *(ENGR)*

24

25

26 **OTHER/MISCELLANEOUS**

- 27 63. Comply with the requirements of the Contra Costa County Health Department for the abandonment of any existing septic tanks or wells. *(ENGR) CMC*
- 28

1 64. Comply with the requirements of the Contra Costa Fire Protection District. Submit complete
2 sets of plans and specifications to the Fire District for review and approval at:

3 Contra Costa County Fire Protection District
4 2010 Geary Road
5 Pleasant Hill, CA 94523

6 Plan review fees will be assessed at that time. The City is not responsible for the collection of
7 fees or enforcement of requirements imposed by the Fire District. *(CCCFIRE) CMC*

8 65. Applicant and/or subdivider shall defend, indemnify and hold harmless the City, its agents,
9 officials and employees from any claim, action or proceeding brought by a third party to set
10 aside, annul, attack or otherwise void the approval of the (vesting) tentative map, final map or
11 parcel map by the Zoning Administrator, Planning Commission, and/or the City Council,
12 which action is brought within the time period provided for in Government Code section
13 66499.37. The City shall promptly notify the applicant/subdivider of any claim, action or
14 proceeding against the City of Concord and that the City will cooperate fully in the defense.
15 *(PLNG)*

16 66. The permit and approval shall expire in *two* years from the date on which they became
17 effective unless a Parcel Map is recorded within that time. The effective date of the permit and
18 approval is *November 12, 2020 (PLNG)*

19 67. A request for a time extension from the expiration date of *November 12, 2020* can be
20 considered if an application with required fee is filed at least 45 days before the original
21 expiration date (otherwise a new application is required). A public hearing will be required for
22 all extension applications, except those involving only Design Review. Extensions are not
23 automatically approved. Changes in conditions, City policies, surrounding neighborhood, and
24 other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*