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## SPECIAL MEETING OF THE CITY OF CONCORD ZONING ADMINISTRATOR

9:00 a.m., Wednesday, November 30, 2016  
CITY COUNCIL CHAMBERS  
1950 Parkside Drive, Concord

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### 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. **Anthony Estates Minor Subdivision (PL16436)** – Application to extend the approval of a three-lot Minor Subdivision (PM 09-002) and Variance (VA 09-004) for lot width on a 1.61-acre site located at 1611 Ayers Road. The General Plan designation is Low Density Residential; Zoning classification is R-8 (Single Family Residential, 8,000 sq. ft. minimum lot size); APN 116-170-020. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15332 Class 32 “In-Fill Development Projects,” and therefore no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128.**

#### **ADJOURNMENT**

**Next Zoning Administrator’s Meeting:** December 14, 2016

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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) 671-3021, 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: November 30, 2016

**SUBJECT: ANTHONY ESTATES MINOR SUBDIVISION EXTENSION (PL16436)**

**Recommendation:** Adopt Zoning Order No. 16-09, granting a three-year extension of the approval for the Anthony Estates Minor Subdivision Parcel Map (PM 09-002) and Variance (VA 09-004).

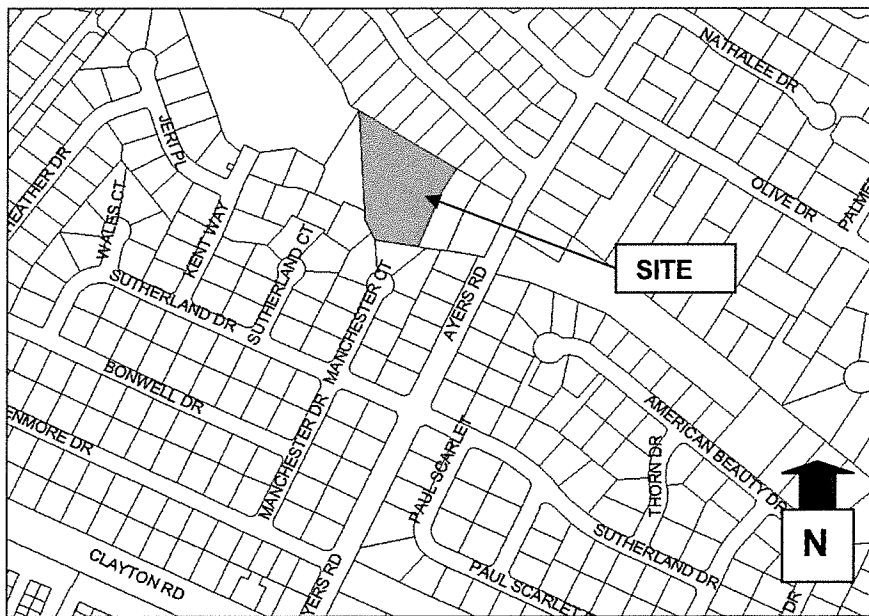
**I. Introduction**

**A. Application Request**

Application to extend the approval of a three-lot Minor Subdivision and Variance for lot width on a 1.61-acre site located at 1611 Ayers Road.

**B. Location**

The project site is located at 1611 Ayers Road; APN 116-170-020



**C. Applicant/Owner**  
Discovery Builders  
Attn: Jackie Seeno  
4061 Port Chicago Highway, Suite H  
Concord, CA 94520  
(925) 603-2616

**II. Background**

On August 25, 2010, the Zoning Administrator approved a Parcel Map for a three-lot subdivision and Variance for an exception to the required minimum lot width for a 1.61-acre site located at 1611 Ayers Road. Following an appeal of the Zoning Administrator's approval, and a subsequent appeal of a Planning Commission decision to uphold the Zoning Administrator approval, the project was ultimately approved by the City Council on November 30, 2010. A condition of project approval established an expiration date of November 30, 2012 for the Parcel Map and Variance.

Beginning in 2008, the California Legislator and Governor adopted statutes that automatically extended the expiration date of tentative maps to assist homebuilders during the state's economic downturn. In July 2011, Assembly Bill 208 (AB 208) was signed into law granting an automatic two-year extension for tentative maps that were valid on July 15, 2011, but that were scheduled to expire by January 1, 2014. Therefore, AB 208 automatically extended the approval of the Anthony Estates Tentative Parcel Map to November 30, 2014. In July 2013, Assembly Bill 116 (AB 116) was signed into law automatically granting a two-year extension for tentative parcel maps that were valid on July 11, 2013. The Anthony Estates Tentative Parcel Map approval was extended two additional years to November 30, 2016 under AB 116. The Anthony Estates Variance remains valid for the life of the Parcel Map in accordance with Development Code Section 18.505.020.

On August 1, 2016, Jackie Seeno filed an application to extend the approval of the Anthony Estates Parcel Map and Variance for three additional years through November 30, 2019. Ms. Seeno's written request, included as Attachment 1, states that "economic, development and market factors" have delayed commencement of the project.

The Zoning Administrator's review on this matter is limited to the request of extending the project approvals. Pursuant to Municipal Code Section 17.20.060, the Zoning Administrator may grant parcel map extensions for a period or periods totaling no more than five years.

**III. CEQA**

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. In-depth review of the Anthony Estates Minor Subdivision Parcel Map and Variance has occurred, the project has been approved, and no changes are being proposed.

**IV. Discussion**

Staff supports the extension and finds it reasonable to allow additional time for obtaining construction permits for the project. The extension also meets the following required findings under Development Code Section 18.505.020(B):

1. There are no changes to the approved project and it remains consistent with the Concord 2030 Urban and General Plan.

2. The findings under City Council Resolution No. 10-102 approving the project remain valid (see Attachment 2).
3. No changes are proposed to the approved project or to the provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) that were found to be adequate for the project; therefore, an extension of the subject approval would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety or welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district with regard to services and utilities that will be provided by or for the project.

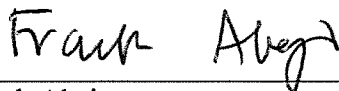
**V. Public Contact**

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 recommends the Zoning Administrator open the public hearing, consider the staff report, the applicant's presentation, public testimony, and any issues identified. Following testimony and discussion, staff recommends the Zoning Administrator adopt Zoning Order No. 16-09, granting a three-year extension of the Anthony Estates Minor Subdivision and Variance (PL16436 – PM, VA), subject to the findings and conditions of approval contained in ZA Order No. 16-09.

Prepared by:



Frank Abejo  
Principal Planner (Current Planning)  
(925) 671-3128  
fabejo@ci.concord.ca.us

**Attachments**

- 1 - Applicant's Extension Request dated August 1, 2016
- 2 - City Council Resolution No. 10-102
- 3 - Zoning Order No. 16-09
- 4 - City Council Approved Plans

**DISCOVERY BUILDERS INC  
4061 PORT CHICAGO HWY, SUITE H  
CONCORD, CA 94520**

August 1, 2016

City of Concord  
1950 Parkside Drive  
Concord, Ca 94519

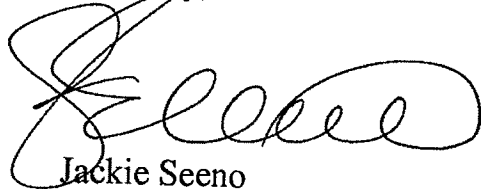
Attn: Frank Abejo

Re: Anthony Estates- 1611 Ayers Road (PM 09-002 & VA 09-004)

Dear Mr. Abejo,

Discovery Builders is requesting that the City of Concord extend the approval of the Anthony Estates Parcel Map and Variance for three years. At present, this approval will expire on November 30, 2016. We intend to build Anthony Estates, however various economic, development and market factors have delayed commencement of this project. We look forward to working with the City of Concord and developing this project in the future. Please let me know if you need additional information or have any questions. Thank you.

Sincerely,



Jackie Seeno

Cc: Louis Parsons

ORIGINAL

1                   **BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD**  
2                   **COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

3                   **A Resolution Denying an Appeal by John Sandusky**  
4                   **and Upholding the Approval for the Anthony Estates**  
5                   **Minor Subdivision (PM 09-002) and Variance (09-**  
6                   **004)**

Resolution No. 10-102

6                   **WHEREAS**, on October 16, 2009, Discovery Builders, Inc., submitted an application for a  
7                   three-lot Minor Subdivision Parcel Map (PM 09-002) and Variance (VA 09-004) from the required lot  
8                   width of 80 feet on a 1.61-acre site located at 1611 Ayers Road (APN 116-170-020); and

9                   **WHEREAS**, on August 5, 2010, the application (hereafter referred to as “Anthony Estates  
10                   Minor Subdivision”) was deemed complete for processing; and

11                   **WHEREAS**, staff determined that, pursuant to the provisions of the California Environmental  
12                   Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant  
13                   to Section 15332 Class 32 “In-Fill Development Projects,” and therefore no further environmental  
14                   review is required; and

15                   **WHEREAS**, the Zoning Administrator, after giving all public notices required by State law  
16                   and the Concord Municipal Code, held a duly noticed public hearing regarding Anthony Estates  
17                   Subdivision on August 25, 2010; and

18                   **WHEREAS**, on August 25, 2010, after considering testimony and information received at the  
19                   public hearing and the oral and written reports from staff, as well as other documents contained in the  
20                   record of proceedings relating to the project, the Zoning Administrator approved Anthony Estates  
21                   Minor Subdivision (ZA Order 10-11); and

22                   **WHEREAS**, on August 25, 2010, the Zoning Administrator approval for Anthony Estates  
23                   Minor Subdivision was appealed by John Sandusky (AP 10-003); and

24                   **WHEREAS**, the Planning Commission, after giving all public notices required by State law  
25                   and the Concord Municipal Code, held a duly noticed public hearing on October 20, 2010 on the  
26                   subject appeal; and

27                   **WHEREAS**, on October 20, 2010 the Planning Commission, after consideration of all  
28                   pertinent plans, documents and testimony, denied the appeal and upheld the approval for the Anthony

1 Estates Minor Subdivision (Resolution No. 10-18PC); and

2 **WHEREAS**, on October 28, 2010, John Sandusky appealed the decision of the Planning  
3 Commission decision to deny the appeal and uphold the approval for the Anthony Estates Minor  
4 Subdivision; and

5 **WHEREAS**, the City Council, after giving all public notices required by State law and the  
6 Concord Municipal Code, held a duly noticed public hearing on November 30, 2010, regarding the  
7 subject appeal; and

8 **WHEREAS**, on November 30, 2010, the City Council, after consideration of all pertinent  
9 plans, documents and testimony, declared their intent to deny the appeal and uphold the approval for  
10 the Anthony Estates Minor Subdivision.

11 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**  
12 **RESOLVE AS FOLLOWS:**

13 **Section 1.** Denies the appeal and upholds the approval for the Anthony Estates Minor  
14 Subdivision, subject to the Conditions of Approval, Attachment A, of Planning Commission  
15 Resolution No. 10-18PC, as modified by Council action on November 30, 2010 as follows and  
16 incorporated herein by reference:

- 17 A. Condition 79 has been renumbered to Condition 79.a, which reads “Applicant shall  
18 maintain its portion of Mt. Diablo Creek in compliance with the City’s *Stream*  
19 *Corridor Study Management and Enhancement Program for Galindo and Mt. Diablo*  
20 *Creeks*”; and
- 21 B. A new Condition 79.b has been added which reads “Applicant shall use a Deed  
22 Restriction to notify future buyers of their obligation to adhere to the recommendations  
23 regarding “creek management” pursuant to the City’s *Stream Corridor Study*  
24 *Management and Enhancement Program for Galindo and Mt. Diablo Creeks* dated  
25 June 6, 2000, which encourages the removal of non-vegetative debris and garbage  
26 found in the portion of the creek located within their respective property boundaries.  
27 The wording of the Deed Restriction shall be to the satisfaction of the City Engineer.”

28 //

1           **Section 2.** The following additional findings also apply:

2           **CEQA**

- 3           1.       Approving the Parcel Map (PM 09-002) and the Variance (VA 09-004) will not have a  
4                   significant effect on the environment under CEQA, because it will not result in a  
5                   substantial or potentially substantial, adverse change in any of the physical conditions  
6                   within the area affected by the project, including land, air, water, minerals, flora, fauna,  
7                   ambient noise, and objects of historic and aesthetic significance. Specifically, among  
8                   other things, the City Council finds that neither approval will have a significant impact  
9                   on water conditions within the area affected by the project given that (a) the project  
10                  will not physically alter Mt. Diablo Creek, (b) the project will actually reduce existing  
11                  impervious surfaces and runoff rates, and (c) existing structures, which are constructed  
12                  in such a way as to divert the flow of water around them, will be removed and if  
13                  development is approved on the site in the future, it will be conditioned on the  
14                  construction of homes that will be vented to allow drainage flow through the site.
- 15          2.       Further, the Parcel Map and Variance are exempt from CEQA under the Infill  
16                  Development categorical exemption codified at 14 California Code of Regulations §  
17                  15332, because:
- 18           a.       the project is consistent with (1) the General Plan designation of Low Density  
19                   Residential (LDR), as it anticipates residential construction that will yield a  
20                   density of 4.28 units per net acre, which is within the range allowed in the LDR  
21                   parameters, (2) all applicable General Plan policies as, among other things, it  
22                   furthers General Plan Land Use (LU) Policy 1.3.1 to “[e]ncourage a variety of  
23                   housing types on infill development sites,” (3) the zoning district designation of  
24                   R-8, as each of the three resulting lots will exceed the minimum required 8,000  
25                   sq. ft. lot area of this district, and (4) applicable zoning regulations, as the width  
26                   of the three resulting lots would be the only factor that might otherwise be  
27                   inconsistent with zoning regulations, and section 122-211, *et seq.*, of the City’s  
28                   zoning ordinance provides that conditions such as deviating lot width may be



1 addressed through a variance, which may be granted in the event that “practical  
2 difficulties, unnecessary hardships, and results inconsistent with the general  
3 purpose of” the zoning ordinance, such as is the case here (see Findings 10-13  
4 below); and

5 b. the project is located entirely within Concord city limits, on a project site  
6 consisting of 1.61 acres (and thus within the five acre maximum allowed under  
7 the Infill Development exemption), and is substantially surrounded by urban  
8 uses, as the surrounding uses consist of residential dwellings on lots  
9 comparable in size to the lots created by the subdivision at issue and serviced  
10 by City streets; and

11 c. there is no evidence, nor has it even been suggested, that the project site has any  
12 value as a habitat for endangered, rare, or threatened species; and

13 d. the project will not result in any significant effects relating to traffic, noise, air  
14 quality, or water quality, given that (1) the number of residential dwellings  
15 anticipated by the applicant (three) is equal to the number of dwellings that will  
16 be demolished at the project location, and thus traffic will not be measurably  
17 increased, and (2) no evidence has been put forward to suggest there will be any  
18 resulting noise, air quality, or water quality effects as a result of approving the  
19 Parcel Map and/or Variance; and

20 e. the project site will be adequately served by all required utilities and public  
21 services, which currently serve the dwellings adjacent to the project site.

22 3. This project is not subject to any of the general exceptions to CEQA’s Categorical  
23 Exemptions set forth in 14 Cal. Code of Regs. § 15300.2(a)-(c) because:

24 a. appellant has not offered substantial evidence that there is a reasonable  
25 possibility of a significant effect on the environment due to unusual  
26 circumstances. On the contrary, the record demonstrates that approving the  
27 Parcel Map and Variance will actually reduce existing impervious surfaces and  
28 runoff rates that currently contribute to water flow across the site, among other

1 things;

- 2 b. there will be no significant cumulative impacts from projects of the same type  
3 that will result, as there are no other projects of the same type to consider; and  
4 c. the project will not have impacts on a uniquely sensitive environment.

5 **Appeal Findings**

- 6 3. The project complies with flood management and creek regulations, including the  
7 City's Floodplain Management Ordinance and the National Flood Insurance Program  
8 (NFIP), as among other things, FEMA has determined that the project site is within a  
9 floodplain, not a floodway, per a FEMA Letter of Map Revision issued in May 2008,  
10 and future development plans for Anthony Estates Subdivision will be reviewed to  
11 ensure compliance with standards for constructing within a floodplain.  
12 4. The project's design will not obstruct or impede safe ingress and egress of emergency  
13 vehicles, service vehicles, and vehicle access in general, as is demonstrated by, among  
14 other things, the October 13, 2010, correspondence to that effect from Concord  
15 Disposal Service to applicant.

16 **General**

- 17 5. The project will result in a density of 4.28 units per net acre, which is consistent with  
18 the density allowed by the site's designation of Low Density Residential in the 2030  
19 Concord Urban Area General Plan.  
20 6. The project will not be detrimental to the health, safety and general welfare of persons  
21 residing or working in the neighborhood of such project, insomuch as it consists of  
22 further residential use consistent with the extant use in the neighborhood, and it will  
23 not measurably increase the traffic flow generated from the project site.  
24 7. The project will not be injurious or detrimental to property or improvements in the  
25 neighborhood in that the proposed subdivision is in substantial conformance with R-8  
26 lot standards and the Subdivision Ordinance, and will be conditioned to ensure that  
27 future development of the lots comply with R-8 standards related to setbacks, height,  
28 and lot coverage for residential development.

1 8. Plans for the development on each parcel will be reviewed under a separate Design  
2 Review application.

3 9. Any Heritage Tree proposed for removal as a result of future development will be  
4 reviewed under a separate Tree Removal permit.

5 **Variance Findings**

6 10. The site's irregular size, shape, topography, location, and surroundings are a special  
7 circumstance that do not apply generally to other R-8 zoned properties in the vicinity,  
8 which are, among other things, more uniform in shape, more easily accessible, and  
9 enjoy greater respective buildable lot area.

10 11. Granting the variance will not adversely affect the health or safety of persons residing  
11 or working in the neighborhood of the property, and will not be materially detrimental  
12 to the public welfare or injurious to property or improvements in the neighborhood, as  
13 it will only allow the site to be used for purposes entirely consistent with the existing  
14 residential use of the neighborhood.

15 12. Granting the variance will not confer any special privileges inconsistent with the  
16 limitations on other properties in the vicinity, but will instead, allow the site to be used  
17 in a manner that is harmonious with the use of surrounding parcels, which are  
18 residential in nature.

19 13. Declining to allow the project applicant a variance in this circumstance would result in  
20 an unnecessary hardship as the applicant would be deprived of the same privileges as  
21 others within the zoning district without the variance. This is because, without a  
22 variance, the applicant would be left in possession of a site that met the minimum  
23 buildable lot area required for parcels within this zoning district, but which could not  
24 be developed to the same extent as nearby parcels without a variance because of the  
25 site's unique configuration, location, and surroundings.

26 **Measure J**

27 The project meets or exceeds the performance standards outlined in the City of Concord's  
28 General Plan and is therefore compliant with Measure "J".

1           **Section 3.** This resolution shall become effective immediately upon its passage and adoption.

2           **PASSED AND ADOPTED** by the City Council of the City of Concord on November 30, 2010,

3 by the following vote:

4 **AYES:**           Councilmembers - H. Allen, L. Hoffmeister, M. Peterson, W. Shinn, G. Bjerke

5 **NOES:**           Councilmembers - None

6 **ABSTAIN:**       Councilmembers - None


7 **ABSENT:**       Councilmembers - None

8           **I HEREBY CERTIFY** that the foregoing Resolution No. 10-102 was duly and regularly  
9 adopted at a regular joint meeting of the City Council and the Redevelopment Agency of the City of  
10 Concord on November 30, 2010.

11  
12  
13 

14 Mary Rae Lehman, CMC  
City Clerk

15 **APPROVED AS TO FORM:**

16  
17   
18 Craig Labadie  
City Attorney

## ZA ORDER NO. 16-09

OFFICE OF THE ZONING ADMINISTRATOR  
CITY OF CONCORD  
GRANTING AN EXTENSION OF AN APPROVAL FOR  
A PARCEL MAP AND VARIANCE

Applicant/Owner: Discovery Builders

Project Title: Anthony Estates Minor Subdivision (PM 09-002) and Variance (VA 09-002)

Property Address: 1611 Ayers Road

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**WHEREAS**, on November 30, 2010, the City Council adopted Resolution No. 10-102, approving a tentative parcel map for the Anthony Estates Minor Subdivision (PM 09-002) for a three-lot subdivision, and Variance (VA 09-004) from the required lot width of 80 feet, for a 1.61-acre site located at 1611 Ayers Road, Concord (APN 116-170-020); and

**WHEREAS**, the City Council's approval and permit was valid through November 30, 2012, unless construction was started on the project driveway or an extension of the approval date was granted; and

**WHEREAS**, in July 2011, the approval of the Anthony Estates Minor Subdivision was automatically extended to November 30, 2014, with the adoption of Assembly Bill 208 by the California Legislator and Governor; and

**WHEREAS**, in July 2013, the approval of the Anthony Estates Minor Subdivision was automatically extended to November 30, 2016, with the adoption of Assembly Bill 116 by the California Legislator and Governor; and

**WHEREAS**, in accordance with Concord Development Code Section 18.505.020, the Anthony Estates Variance, approved by City Council in connection with the Parcel Map, shall remain valid for the life of the Parcel Map; and

**WHEREAS**, on August 1, 2016, Discovery Builders file an application to extend the approval of the Anthony Estates Minor Subdivision Parcel Map and Variance for three additional years, as allowed by Development Code Section 18.505.020 and Concord Municipal Code Section 17.20.060; and

**WHEREAS**, the Zoning Administrator, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on November 30, 2016 on the

1 requested extension; and

2       **WHEREAS**, the Zoning Administrator considered testimony and information received at the  
3 public hearing and the oral and written reports from City staff dated November 30, 2016, as well as  
4 other documents contained in the record of proceedings relating to the proposed project, which are  
5 maintained at the offices of the City of Concord Planning Division; and

6       **WHEREAS**, on November 30, 2016, the Zoning Administrator, after consideration of all  
7 pertinent plans, documents and testimony, declared its intent to grant a three-year extension of the  
8 approval for the Anthony Estates Minor Subdivision Parcel Map and Variance.

9       **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Zoning Administrator  
10 does hereby approve a three-year extension of the approval for the Anthony Estates Minor  
11 Subdivision Parcel Map and Variance, subject to the Conditions of Approval contained herein as  
12 Exhibit A, and further makes the following findings:

13       CEQA

14       1.       For purposes of CEQA, a project is the activity to be undertaken, not the various  
15 individual government approvals – such as extensions – associated with the project. The proposed  
16 extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. In-  
17 depth review of the Anthony Estates Minor Subdivision Parcel Map and Variance has occurred, the  
18 project has been approved, and no changes are being proposed.

19       Extension Findings

20       2.       There are no changes to the approved project and it remains consistent with the  
21 Concord 2030 Urban and General Plan.

22       3.       The findings under City Council Resolution No. 10-102 approving the project remain  
23 valid and are hereby incorporated by reference.

24       4.       No changes are proposed to the approved project or to the provisions for public  
25 services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) that were found to be  
26 adequate for the project; therefore, an extension of the subject approval would not endanger,  
27 jeopardize, or otherwise constitute a hazard to the public health, safety or welfare, or be injurious to  
28 the property or improvements in the vicinity and applicable zoning district with regard to services and

1 utilities that will be provided by or for the project.

2 Extension Approval

3 5. The Zoning Administrator hereby extends the approval of the Anthony Estates Minor  
4 Subdivision Parcel Map (PM 09-002) and Variance (VA 09-004) through November 30, 2019, subject  
5 to the Conditions of Approval contained herein as Exhibit A.

6 Effective Date

7 6. In accordance with City of Concord Municipal Code Section 18.500.080, approvals or  
8 other decisions of the Zoning Administrator shall become effective on the 11<sup>th</sup> calendar following the  
9 date the decision is rendered, if no appeal is filed.

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11  
12 Michael Cass  
13 Zoning Administrator

14 Exhibits:

15 A – Final Conditions of Approval  
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1 **EXHIBIT A**

2 **FINAL CONDITIONS OF APPROVAL**

3 **ANTHONY ESTATES MINOR SUBDIVISION (PM 09-002, VA 09-004)**

4 **Applicant/Owner: Discovery Builders, Inc.**

5 **Project Name: Anthony Estates Minor Subdivision**

6 **PERMIT DESCRIPTION**

- 7  
8 1. These Conditions of Approval apply to and constitute the approval of a **Tentative Parcel Map (PM 09-002)** consisting of three individual parcels with the following development standards:

Lot	Gross Area	Net Area	Lot Width (avg.)	Lot Depth
1	19,962 s.f.	10,605 s.f.	65-107 ft. (85 ft.)	>85 ft.
2	21,550 s.f.	9,531 s.f.	55-100 ft. (77.5 ft.)	>85 ft.
3	28,498 s.f.	10,468 s.f.	62-101 ft. (81.5 ft.)	>85 ft.

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14 2. These Conditions of Approval apply to and constitute the approval of a **Variance (VA 09-004)** from the lot width requirement of 80 feet and allow lot widths ranging from 55 to 65 feet.

15 **GENERAL CONDITIONS**

- 16  
17 3. The following exhibits are incorporated as conditions of approval, except where specifically modified by these conditions:

	Prepared on	Prepared by	Sheet Number
Title Sheet	March 2010	Kimley-Horn and Associates	1
Existing Conditions	March 2010	Kimley-Horn and Associates	2
Tentative Parcel Map	July 2010	Kimley-Horn and Associates	3
Cross Sections	July 2010	Kimley-Horn and Associates	4

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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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26 4. The building envelopes shown on the Parcel Map are for illustrative purposes only and are not approved under this permit. Future development shall comply with the following standards of R-8 zoning and shall be approved through a separate Design Review application process through the Planning Division prior to the issuance of any permits: **(PLNG)**



Standard	Required
Front Yard	20 feet minimum
Side Yard	5 ft. + 10 ft. minimums
Rear Yard	20 feet minimum
Building Height	30 ft. maximum from existing grade
Off-street Parking	Two covered parking spaces per unit; minimum one covered parking

5. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:
- a. Prior to Construction.
  - b. With the submittal of Grading, Improvement, Landscape, or Building Plans.
  - c. Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
  - d. On going during Construction.
  - e. Prior to Approval of the Parcel Map.
  - f. Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. **(PLNG, BLDG, ENGR)**

6. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG, ENGR)**
7. The development/project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. **(PLNG, BLDG, ENGR)**
8. Minor modifications that are found to be in substantial conformance with the approved plans such as minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. **(PLNG, ENGR)**
9. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). **(PLNG, ENGR)**
10. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:
- a. At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
  - b. Prior to occupancy approval. **(PLNG, ENGR)**
11. For projects that abut residential uses, the perimeter fence/wall shall be commenced within three weeks from completion of site demolition or grading work in the area of the fence/wall. If the fence at an abutting residential property is planned for removal, or if an existing residential property does not have a fence, the replacement perimeter fence/wall shall be

1 commenced within three weeks from removal of the original fence, unless otherwise approved  
2 by the Planning Division. *(PLNG, ENGR)*

3 12. Prior to final approval of the new driveway, applicant shall consult with the post office and  
4 property owners of 1613 and 1615 Ayers Road to identify an acceptable alternative location  
5 for the existing mailboxes adjacent to the driveway entrance at Ayers Road. The cost of  
6 relocating the mailboxes shall be borne entirely by the applicant. *(PLNG/ENGR)*

7 13. Prior to submitting plans for the new driveway, applicant shall work with the property owner  
8 of 1613 Ayers Road to identify an acceptable alternative location for the utility pole within the  
9 25-foot access easement, unless otherwise required by Contra Costa County Fire Protection  
10 District. *(PLNG)*

11 14. Applicant shall work with adjacent property owner(s) to protect and maintain existing trees,  
12 shrubs, or other vegetation on adjacent properties. Except for landscaping located within the  
13 proposed 20-foot driveway, any vegetation on adjacent properties that is damaged, destroyed,  
14 or removed by construction activities shall be replaced with like or comparable plant material  
15 as approved by the property owner(s) and the Planning Division, prior to the City accepting  
16 the driveway. *(PLNG)*

17 15. The storage of recreational vehicles at each home shall be consistent with the City's Ordinance  
18 regulating such vehicles. *(PLNG)*

#### 19 **DESIGN REVIEW**

20 16. Development of the lots shall be reviewed and approved through a separate Design Review  
21 application prior to an application for any construction permits. *(PLNG)*

22 17. The Design Review application shall address site lighting and building lighting to ensure that  
23 it is provided for safety and installed in a manner that is glare shielded and directed away from  
24 adjacent properties and right-of-ways. No pole-mounted light fixtures and/or excessively  
25 bright lights shall be permitted outside of the approved building envelope. *(PLNG)*

#### 26 **TREE PRESERVATION**

27 18. Any Heritage Tree proposed for removal requires approval of a Tree Removal permit prior to  
28 removal. *(PLNG)*

19 19. Demolition, Grading, Utility, Landscape, and Building Plans shall show all Heritage trees to  
20 be preserved, with accurate trunk location, drip line, and existing grade. The Plans shall show  
21 the location and type of protective fencing, and the location of on-site construction materials  
22 storage. The protective fencing shall be installed and inspected prior to the issuance of any  
23 Demolition, Grading, or Building Permit. *(PLNG, ENGR, BLDG, PARKS)*

24 20. The existing Valley Oak (*Quercus lobata*) located within the access easement in front of 1615  
25 Ayers Road shall be preserved. Plans for the new driveway shall be reviewed by the  
26 consulting arborist prior to the issuance of a permit to construct the driveway. The arborist

1 shall ensure the plans incorporate the recommendations contained in the July 20, 2010 letter  
2 from Ed Brennan, consulting arborist. *(PLNG)*

3 21. The consulting arborist shall conduct site inspections during grading and construction of the  
4 driveway, and may require additional measures to protect the trees to be preserved, including  
stopping construction activities, if necessary. *(PLNG)*

5 22. One year after completion and acceptance of the driveway by the Planning Division and  
6 Engineering Division, the consulting arborist shall evaluate the Oak tree's health, vigor and  
7 acclimation to the new environment. If the tree is found to be in poor condition, the arborist  
8 shall identify measures to restore the tree's health. If the tree can't be restored, replacement  
9 trees shall be required at a ratio and size consistent with the value of the damaged tree, but no  
less than a minimum ratio of three to one 36-inch box trees or as otherwise determined by the  
City. *(PLNG, ENGR)*

### 10 **STREET IMPROVEMENTS**

11 23. Construct driveway improvements for the private drive that will access the three new parcels  
12 and the properties at 1613 and 1615 Ayers Road. The driveway improvements shall include,  
13 but are not limited to: driveway reconstruction; pavement replacement on Ayers Road on the  
14 project side; pavement widening of Ayers Road on the project side; concrete valley gutter;  
storm drainage system; conforms to existing improvements; and repair/replacement of  
deficient frontage improvements as determined by the City Engineer, prior to occupancy or  
acceptance of improvements. *(ENGR)*

15 24. The applicant shall ensure that adequate vehicle and pedestrian access to 1613 and 1615 Ayers  
16 Road is maintained during the construction phase of the project and shall provide written  
17 notice to the affected neighbors at least **24 hours** ahead of time or longer if feasible. *(PLNG)*

18 25. Install slurry seal on Ayers Road on the project side from edge of pavement to street  
19 centerline, after completion of utility undergrounding and frontage improvements, prior to the  
acceptance of improvements. *(ENGR)*

20 26. Any trenching for underground utilities shall comply with the modified City standard Detail S-  
21 17 for pavement repair and possible slurry placement. *(ENGR)*

22 27. Prohibit parking on private lane. Paint curb face with red and install "No Parking" signs  
23 where no parking is allowed, prior to acceptance of improvements or the first occupancy,  
whichever comes first. *(ENGR)*

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

### 26 **NOISE**

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

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

2           Construction on Saturdays may be allowed only upon prior approval by the Building,  
3           Engineering, and Planning Divisions. No changes to these construction hours shall be allowed  
4           without the prior written consent of the City. A contact person shall be available during all  
5           construction activities in the evening and on weekends to respond to complaints and take  
6           actions necessary to reduce noise. *(BLDG, ENGR, PLNG)*

6           **CONSTRUCTION ACTIVITIES**

7           30.     Contact Engineering Services to arrange for a pre-construction meeting prior to issuance of  
8           Grading or Building Permits, whichever comes first. *(ENGR)*

9           31.     The applicant shall coordinate temporary utility outages associated with the construction of the  
10           project with the applicable utility provider(s) and provide written notice to affected neighbors  
11           at least **24 hours** ahead of time or longer if feasible. *(PLNG)*

12           32.     Implement a dust and construction noise control plan. Submit the plan to Engineering Services  
13           for review and approval prior to. *(ENGR)*

14           33.     Construction equipment shall not be serviced at the site at any time. Between 6:00 p.m. and  
15           7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal  
16           holidays, no deliveries shall be made to the site; no delivery vehicles (including gasoline  
17           tanker trucks) shall enter the site. Delivery vehicles shall have their engines turned off during  
18           unloading. *(BLDG, ENGR, PLNG)*

19           34.     Employ the quietest construction equipment available, to muffle noise from construction  
20           equipment and keep all mufflers in good working order in accordance with State law. *(BLDG,*  
21           *ENGR, PLNG)*

22           35.     Implement the following measures during construction:

23           a.     Gather all construction debris on a regular basis and place them in a dumpster or other  
24           container that is emptied or removed on a weekly basis. When appropriate, use tarps on  
25           the ground to collect fallen debris or splatters that could contribute to storm water  
26           pollution.

27           b.     Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and  
28           storm drains adjoining the project site. During wet weather, avoid driving vehicles off  
29           paved areas.

30           c.     Broom sweep the public street pavement adjoining the project site on a daily basis.  
31           Caked-on mud or dirt shall be scraped from these areas before sweeping.

32           d.     Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest  
33           the downstream side of the site in order to preclude any debris or dirt from flowing into  
34           the City storm drain system. Filter materials shall be maintained and/or replaced as  
35           necessary to ensure effectiveness and to prevent street flooding. Dispose of filter  
36           particles in an approved trash receptacle.

- 1 e. Create a contained and covered area on the site for the storage of bags, cement, paints,  
2 flammable, oils, fertilizers, pesticides, or any other materials used on the site that have  
3 the potential for being discharged to the storm drain system by being windblown or in  
4 the event of a material spill.
- 5 f. Never clean items such as machinery, tools, and brushes or rinse containers in a street,  
6 gutter, or storm drain.
- 7 g. Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash  
8 water into street gutters or drains. **(ENGR, BLDG)**
- 9 36. No equipment shall be started or staging area be established on the streets or the site before or  
10 after the specified hours of construction. **(ENGR, BLDG)**
- 11 37. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space  
12 area, or street, and that any such material stored on an adjoining site shall be completely  
13 removed and the site cleaned, prior to occupancy approval. **(ENGR, BLDG)**
- 14 38. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or  
15 sleeping quarters on the construction site unless authorized for site security. **(ENGR, BLDG)**
- 16 39. To the extent possible, there shall be no parking of construction equipment or construction  
17 worker's vehicles on residential streets at any time; all vehicles shall be maintained on-site.  
18 **(ENGR, BLDG)**
- 19 40. Portable toilets used during construction shall be kept as far as possible from adjacent  
20 properties and shall be emptied on a regular basis as necessary to prevent odor. **(ENGR,  
21 BLDG)**
- 22 41. Identify truck routes for the import or export of cut/fill material and/or construction debris for  
23 review and approval by the City Engineer prior to the issuance of permits. Repair any damage  
24 to city streets (private and public) caused by activity associated with this project. **(ENGR)**
- 25 42. In the event of the encounter of subsurface materials suspected to be of an archaeological or  
26 paleontological nature, all grading and/or excavation shall cease, the find shall be left  
27 untouched, and the City Planning Division shall be immediately notified. The County Coroner  
28 and the Native American Heritage Commission shall also be notified and the procedures  
required in §15064.5 of CEQA shall be followed. This requirement shall be noted on the  
Grading and Building Plans, prior to issuance of permits. **(PLNG, ENGR, BLDG)**
43. In the above event, retain a qualified professional archaeologist certified by the Register of  
Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to  
evaluate and make recommendations as to disposition, mitigation and/or salvage. The  
recommendation shall be implemented before work may proceed. The applicant shall be liable  
for all costs associated with the professional investigation and implementation. **(PLNG,  
ENGR, BLDG)**

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

- 2 44. Submit two copies of preliminary title report, prepared within three months prior to plan  
3 submittal. *(ENGR)*
- 4 45. The proposed buildings are within the 100-year floodplain Zone *(AE)*. At a minimum, comply  
5 with the City of Concord Municipal Code requirements in establishing building finished floor  
6 elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA  
7 map, and shall show the finished floor elevations of the proposed buildings, 100-year Base  
8 Flood Elevations (BFE), and building setback line per CMC. *(ENGR) CMC*
- 9 46. The Improvement Plans shall show improvements in front of project property including but  
10 not limited to: drainage improvements, curb, gutter and sidewalk per City Standard Detail S-  
11 10, and driveway construction per City Standard Detail S-14 and repair/replacement of  
12 deficient frontage improvements in front of project property as determined by the City  
13 Engineer. Any unusable existing driveway shall be replaced with standard curb, gutter, and  
14 sidewalk per S-10 above. Any trenching for utility installation shall comply with the modified  
15 City Standard Detail S-17 for pavement repair and possible slurry placement. *(ENGR)*
- 16 47. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer  
17 improvements and details for curb, gutter, sidewalk, and driveway construction. *(ENGR)*
- 18 48. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight  
19 distance, sidewalk, back up, fencing, geometrics at intersection and corner setback  
20 requirements, prior to the acceptance of improvements. Plans shall be subject to review and  
21 approval by Engineering Services. *(ENGR)*
- 22 49. Obtain an encroachment permit from the City prior to performing any work within the public  
23 right-of-way or public easements. *(ENGR) CMC*

24 **SUBDIVISIONS/SITE DEVELOPMENT PLANS**

- 25 50. The Vesting Tentative Parcel Map prepared by and date stamped received July 21, 2010 by the  
26 Planning Division is not approved for construction. Submit grading, erosion control,  
27 improvement, stormwater pollution prevention plans (SWPPP), and stormwater control plans  
28 prepared by a Registered Civil Engineer to Engineering Services for review and approval prior  
to issuance of an Encroachment Permit and Grading Permit. *(ENGR)*
51. The Parcel Map shall be prepared by a qualified civil engineer or licensed land surveyor and  
shall be subject to review and approval by Engineering Services. *(ENGR)*
52. Approved street names shall be shown on the Parcel Map prior to recordation of the map.  
*(ENGR, PLNG)*

**GRADING/EROSION CONTROL/GEOLOGIC**

53. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed  
across active faults. A licensed geologist must prepare an evaluation and written report. If an

1 active fault is found, a structure for human occupancy cannot be placed over the trace of the  
2 fault and must be set back from the fault (generally 50 feet). **(ENGR)**

3 54. Submit a geotechnical report with the Grading Plans and Building Plans, pursuant to CMC  
4 Section 94-51 and Section 86-73 that addresses and provides recommendations for grading,  
5 drainage, walls, building foundations, and pavement structural sections. **(ENGR)**

6 55. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a  
7 soils report prepared by a registered Geotechnical Engineer and receipt of a grading permit  
8 approved by the City Engineer. The grading plans and soils report shall require review by the  
9 City's Geotechnical consultant with all costs to be borne by the applicant. **(ENGR)**

10 56. Contour grading techniques shall be employed throughout the project to achieve a more  
11 natural appearance, even where this will increase the amount of grading. Tops of cuts or toes  
12 of fills adjacent to existing public rights-of-way or easements shall be set back two feet  
13 minimum from said rights-of-way and easements. All cut-and-fill slopes in excess of five feet  
14 in height shall be rounded both horizontally and vertically. **(ENGR)**

15 57. Grading on adjacent properties shall require written approval from the affected property  
16 owners. **(ENGR)**

17 58. 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 59. 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 60. Erosion control measures shall be implemented per plans approved by the City Engineer for all  
24 grading work seasonally appropriate. At the time of approval of the improvement and/or  
25 grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall  
26 be filed with the City Engineer. **(ENGR)**

27 61. All graded slopes and stockpiles of loose soil shall have seasonally appropriate erosion control  
28 measures. If during grading work between October 15<sup>th</sup> and April 1st, a rain is forecast, stop  
all grading work two (2) days before the rain forecast and implement BMP's to insure that the  
site is protected from erosion unless otherwise approved by City Engineer. **(ENGR)**

62. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plan  
(SWPPP), and Stormwater Control Plans to Engineering Services for review and approval  
prior to the issuance of grading, encroachment, and building permits. **(ENGR) CMC**

63. Comply with the applicable provisions of the Grading Ordinance and the Storm Water  
Management and Discharge Control Ordinance. **(ENGR) CMC**

64. Design improvements 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

1 requirements, prior to the acceptance of improvements. Plans shall be subject to review and  
2 approval by Engineering Services. **(ENGR) CMC**

3 65. Provide a geotechnical report that provides guidelines, structural section and any subdrainage  
4 requirements for the pervious surface road. The maintenance of the pervious road shall be  
included in the Private Road Maintenance Agreement.

5 66. Designate the private street as a required fire access lane with parking prohibited on the private  
6 street at all times. Signs and/or curb striping shall be installed according to the regulations  
7 established by the Contra Costa County Fire Protection District, the Concord Police  
8 Department, and Engineering Services. The signs shall include, the Police Department  
telephone number and a notification that a citation may be issued for the violation with vehicle  
removal at the owner's expense. **(ENGR, UFC)**

9 **UTILITIES**

10 67. New electrical transformers shall be placed underground or screened from view. **(PLNG,**  
11 **ENGR)**

12 68. No above ground utility facilities/structures shall be located within the public right-of-way  
13 except for existing utilities outside the project lots. No new above ground utilities will be  
installed in public right of way. **(ENGR)**

14 69. The City will not accept maintenance of forced sewer main that will be serving the building  
15 laterals. The installation and maintenance of each forced main will be the sole responsibility of  
each individual parcel. **(ENGR)**

16 70. All new utilities for the project lots shall be constructed underground prior to issuance of  
17 certificate of occupancy pursuant to CMC Section 110-93. **(ENGR)**

18 71. Comply with the City of Concord sewer design flow criteria and sewer construction  
19 requirements of the Central Contra Costa Sanitary District. **(ENGR)**

20 72. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans  
21 stamped and signed by a Registered Civil Engineer for review. **(ENGR)**

22 73. Coordinate all facility adjustments, relocations, or additions to utility services with the  
appropriate utility companies. **(ENGR)**

23 74. Utility areas, electrical and gas meters shall be architecturally screened from view. **(PLNG)**

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25 75. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility  
26 equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention  
27 devices, and the like shall be subject to approval by Planning and Engineering Services prior  
28 to the issuance of the Grading or Building Permit, whichever comes first.. All such equipment  
shall be screened from view either architecturally or by landscaping and painted forest green or  
other approved color as approved by the Planning Division. Any changes to the approved



1 utility plans, including location or screening details shall be reviewed and approved by the  
2 Planning Division. **(PLNG, ENGR)**

3 76. Provide cable companies a set of approved site diagrams in electronic format showing the joint  
4 trench layout for dry utilities for cable service to be provided to the site. **(ENGR)**

5 77. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current  
6 sewer connection and service fees prior to occupancy. **(ENGR) CMC**

7 78. Submit proof acceptable to Engineering Services that all work within the existing private  
8 waterline easement(s) are reviewed and approved by the easement owner of record. **(ENGR)**

### 8 **DRAINAGE/STORMWATER C.3 REQUIREMENTS**

9 79. Applicant shall maintain its portion of Mt. Diablo Creek in compliance with the City's  
10 "*Stream Corridor Study Management and Enhancement Program for Galindo and Mt. Diablo  
11 Creeks*". **(PC/ENGR)**

12 80. Applicant shall work with Engineering Services staff on options to lessen the existing ponding  
13 condition within the project frontage limits at Ayers Road. **(PC/ENGR)**

14 81. Stormwater Control Plan shall be certified by a registered civil engineer, and by a registered  
15 architect or landscape architect as applicable. Professionals certifying the Stormwater Control  
16 Plan shall be registered in the State of California and submit verification of training, on design  
17 of treatment measures for water quality, not more than three years prior to the signature date  
18 by an organization with stormwater treatment measure design expertise (e.g., a university,  
19 American Society of Civil Engineers, American Society of Landscape Architects, American  
20 Public Works Association, or the California Water Environment Association), and verify  
21 understanding of groundwater protection principles applicable to the project site (see Provision  
22 C.3.i of Regional Water Quality Control Board Order R2 2009-0074). **(ENGR)**

23 82. Prior to issuance of permits for building, site improvements, or landscaping, applicant shall  
24 submit a permit application consistent with the applicant's approved Stormwater Control Plan,  
25 and include drawings and specifications necessary for construction of site design features,  
26 measures to limit directly connected impervious area, pervious pavements, self-retaining areas,  
27 treatment BMP's, permanent source control BMP's, and other features that control stormwater  
28 flow and potential stormwater pollutants. The permit application shall include a completed  
"Construction Plan C.3 Checklist" as described in the Stormwater C.3 Guidebook (page 36),  
and a detailed draft Stormwater BMP Operation and Maintenance Plan consistent with the  
general O&M plan included in the applicant's approved Stormwater Control Plan. Guidelines  
for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F  
of the Stormwater C.3 Guidebook. **(ENGR)**

83. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall  
submit, for review and approval by City, a final Stormwater BMP Operation and Maintenance  
Plan in accordance with City of Concord guidelines. This O&M plan shall incorporate City  
comments on the draft O&M plan and any revisions resulting from changes made during  
construction. **(ENGR)**

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84. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMP's. **(ENGR)**
  85. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner. **(ENGR)**
  86. Collect and convey all stormwater entering, and/or originating from, the site to an adequate downstream drainage facility. Submit a detailed hydrologic and hydraulic study including calculations for a 100-year flood as well as a capacity study accounting for off site sources with the Improvement Plans to Engineering Services for review and approval. **(ENGR)**
  87. Submit proof of filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board and submit a Stormwater Pollution Prevention Plan (SWPPP) with the Grading and Improvement Plans to Engineering Services for review, and approval prior to issuance of the grading permit. **(ENGR)**
  88. Implement a long term Stormwater Control Plan (SWCP) prior to occupancy. The long term SWCP shall be incorporated into the Declaration of Covenants, Codes and Restrictions (CC&R's). The SWCP shall include post-construction stormwater management controls (and maintenance schedules if applicable) such as minimizing the amount of directly connected impervious surface area, constructing concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter. **(ENGR)**
  89. Install City of Concord "No Dumping, Drains to Creek" curb marker (English and Spanish version) on all catch basins. **(ENGR)**
  90. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary Sewer District. **(ENGR)**
  91. If not covered by the General Construction Permit 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 construction BMP may result in the issuance of correction notices, citations, or a project stop work order. **(ENGR)**
  92. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way 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)**

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93. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection. *(ENGR)*

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**SOLID WASTE/RECYCLING**

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94. Comply with Concord Municipal Code Chapter 82, Solid Waste, Article V, Construction and Demolition (C&D) Waste Recycling, Sections 82-114 through 82-126, as applicable. *(BLDG)*

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**AGREEMENTS, FEES, BONDS**

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**All fees noted below are the fees in effect at the time of the original approval. The fees shall be adjusted according to the most recent 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.**

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95. Provide a \$2,500 cash deposit to cover Condition Compliance costs at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Staff's time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to recordation of the Parcel Map. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the Project Planner will be required (per City Resolution, Fees and Charges for Various Municipal Services). This deposit will also be used to cover the Document Imaging Fee per City Resolution "Fees and Charges for Various Municipal Services" to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to issuance of Grading or Building Permits *(PLNG)*

96. All onsite storm drain and sanitary sewer systems are to be privately maintained by each individual parcel. The maintenance requirements of the sewer and stormdrain shall be included in the Private Road Maintenance Agreement. The Private Road Maintenance agreement shall stipulate a maintenance responsibility to owners and cost recovery for reimbursement to City of Concord, to be paid by owners of the three parcels if an emergency repair, done by the City, should occur. *(ENGR)*

97. Enter into a Maintenance Agreement acceptable to the City prior to the approval of Parcel Map, agreeing to provide for proper maintenance of the private street outside of the public street right of way, street lights and other privately maintained improvements pursuant to CMC Section 94-33. *(ENG)*

98. Enter into a Subdivision Agreement with the City agreeing to construct and complete all improvements necessary to service the subdivision. The Agreement shall be executed and submitted to the City prior to approval of the Parcel Map or issuance of a Building or Grading Permit, whichever comes first. As part of the Agreement, provide securities acceptable to the City, guaranteeing construction of the required improvements. *(ENGR)*

1 99. All required securities in an amount equal to 100 percent of the approved estimates of  
2 construction costs of improvements shall be submitted to and approved by the City and other  
3 agencies having jurisdiction prior to approval of the Parcel Map or issuance of the Building or  
4 Grading Permit, whichever comes first. *(ENGR)*

5 100. All improvement agreements required in connection with said plans shall be submitted to and  
6 approved by the City and other agencies having jurisdiction over said project prior to approval  
7 of the Parcel Map or issuance of the building or grading permit, whichever comes first.  
8 *(ENGR)*

9 101. All fees noted below are the fees currently in effect per the Resolution of Fees and Charges.  
10 The fees are adjusted annually by City Council action every June and new fees become  
11 effective on July 1. *(ENGR)*

12 102. Encroachment Permit Application:

- 13 a. Pay the Filing Fee at the time of submittal of permit application, improvement plans  
14 and supporting documents to City Engineering Services for review. The current fee is  
15 \$90.00.
- 16 b. Provide a restoration security before issuance of the Encroachment Permit. The  
17 security shall be in an amount sufficient to restore existing public improvements to a  
18 serviceable condition should development improvement activity cause damage. The  
19 amount of the security shall be determined by, and be in a form acceptable to the City  
20 Engineer.
- 21 c. Provide a \$2,000 cash deposit to cover Condition Compliance costs at the time of  
22 submittal of plans and documents to Engineering Services for review. The deposit will  
23 be placed in a refundable account. Condition Compliance costs will be charged to this  
24 deposit over the life of the project permit. Any unused funds will be returned at project  
25 completion. If the initial deposit is insufficient to cover actual costs, an additional  
26 deposit in an amount determined by the City Engineer will be required. *(ENGR)*

27 103. Grading Permit Application:

- 28 a. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee  
is determined based on cubic yardage of cut and fill combined, or at the hourly rate of  
\$190.00 if the hourly rate is used.
- b. Provide a \$2,000 cash deposit for erosion control prior to issuance of grading permit.  
The deposit will be placed in a refundable account. Any unused funds will be returned  
at project completion. If the initial deposit is insufficient to cover actual costs, an  
additional deposit in an amount determined by the City Engineer will be required.
- c. Pay stockpile and erosion control monitoring fee prior to issuance of grading permit.  
The stockpile and erosion control monitoring fee is currently \$21.00 per calendar day  
and is collected for the life of the grading permit activity. *(ENGR)*

1 104. Parcel Map Application:

- 2 a. Pay the Parcel Map review fee at the time of submittal of Parcel Map documents to  
3 Engineering Services for review. Current fee is estimated to be \$2,470.00 (based on 3  
4 parcels), plus additional review time at \$190.00/hour if required.
- 5 b. Pay the Improvement Plan review fee at the time of submittal of Improvement Plans  
6 and supporting documents to Engineering Services for review. The current fee is  
7 estimated to be \$5,700.00 (based on 3 parcels), plus additional review time at  
8 \$190.00/hour if required.
- 9 c. Pay the construction inspection fee prior to issuance of any construction permits. The  
10 current fee is based on 9% of the estimated cost of constructing the required  
11 improvements to support the subdivision.
- 12 d. There is no fee established for this drainage area Per Resolution 09-15.
- 13 e. Per Resolution 09-15 the Parkland shall be paid prior to certificate of occupancy for  
14 each individual parcel. The fee will be the current fee per City Resolution, Fees and  
15 Charges for Various Municipal Services at the time of building permit issuance for  
16 each individual parcel.
- 17 f. Pay new street monument fee of \$380.00 per monument, prior to approval of the Parcel  
18 Map.
- 19 g. Pay new parcel fee of \$380.00 per parcel prior to the approval of the Parcel Map.
- 20 h. Pay acceptance of improvements fee of \$1900.00 prior to scheduling items for action  
21 by City Council.
- 22 i. Provide a \$1000.00 deposit for archiving permanent records prior to approval of the  
23 Parcel Map. Actual fees will be charged following completion of work.
- 24 j. Provide a \$2,000 deposit for specialty inspections prior to issuance of any construction  
25 permit. **(ENGR)**

26 105. Sewer Connection Permit:

- 27 a. Per Resolution 09-15, the Sanitary Sewer connection fee shall be paid prior to  
28 certificate of occupancy for each individual parcel. The fee will be the current fee per  
City Resolution, Fees and Charges for Various Municipal Services at the time of  
building permit issuance for each individual parcel.
- b. Per Resolution 09-15 the current sewer service fee shall be paid prior to certificate of  
occupancy for each individual parcel. The fee will be the current fee per City  
Resolution, Fees and Charges for Various Municipal Services at the time of building  
permit issuance for each individual parcel. **(ENGR)**

106. Traffic Mitigation Fee:

Per Resolution 09-15 the Offsite Street Improvement Program (OSIP) fee shall be paid prior to  
certificate of occupancy for each individual parcel. The fee will be the current fee per City  
Resolution, Fees and Charges for Various Municipal Services at the time of building permit  
issuance for each individual parcel. **(ENGR)**

1 **OTHER/MISCELLANEOUS**

2 107. Contact local postal authorities to get their requirements for mail facilities for the project. The  
3 design and location of mail receptacles shall be reviewed and approved by the Planning  
4 Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of  
5 Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to  
6 occupancy approval. *(PLNG)*

7 108. The compliance with the requirements of the Contra Costa County Health Department for the  
8 abandonment of existing septic tanks or wells shall be the sole responsibility of each adjacent  
9 parcel property owner. *(ENGR) CMC*

10 109. Comply with the requirements of the Contra Costa Fire Protection District. Submit complete  
11 sets of plans and specifications to the Fire District for review and approval at:

12  
13 Contra Costa County Fire Protection District  
14 2010 Geary Road  
15 Pleasant Hill, CA 94523

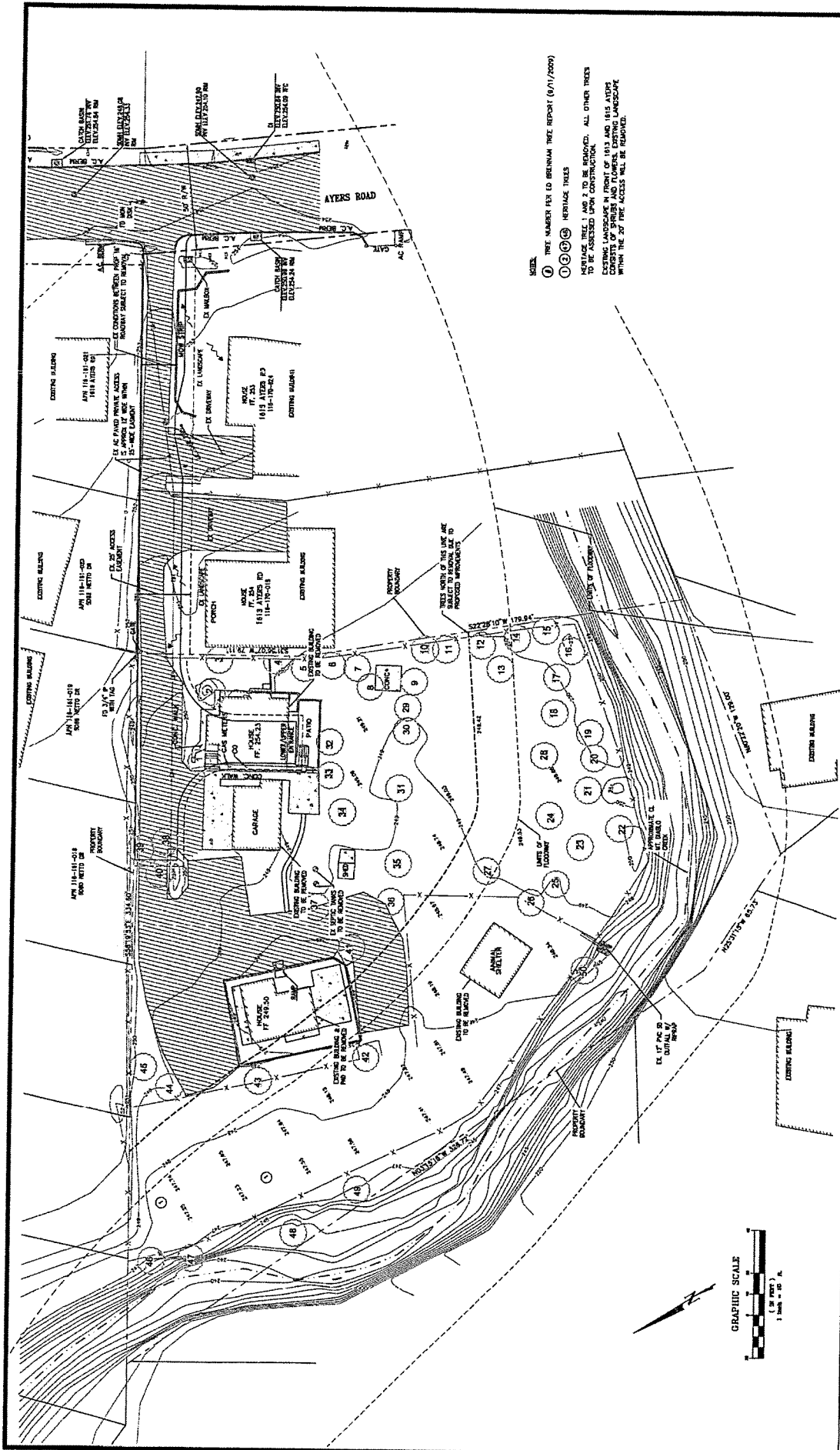
16 Plan review fees are assessed at that time. The City is not responsible for the collection of fees  
17 or enforcement of requirements imposed by the Fire District. *(CCCFIRE)*

18 110. Applicant and/or subdivider shall defend, indemnify and hold harmless the City, its agents,  
19 officials and employees from any claim, action or proceeding brought by a third party to set  
20 aside, annul, attack or otherwise void the approval of the Parcel Map by the Zoning  
21 Administrator, which action is brought within the time period provided for in Government  
22 Code section 66499.37. The City shall promptly notify the applicant/subdivider of any claim,  
23 action or proceeding against the City of Concord and that the City will cooperate fully in the  
24 defense. *(PLNG)*

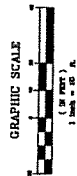
25 111. The permit and approval shall expire in ~~two~~ **three** years from the date on which ~~they became~~  
26 **the extension approval becomes** effective, unless ~~a three-year term~~ **an additional two-year**  
27 **extension** is permitted pursuant to the Subdivision Map Act and/or other statute as determined  
28 by staff, unless construction permits are obtained and work begun on the driveway  
improvements. The effective date of the ~~permit and extension~~ approval is *November 30,*  
*2010 2016.* *(PLNG)*

A request for a time extension from the expiration date of *November 30, 2012 2019* can be  
considered if an application with required fee is filed at least 45 days before the original  
expiration date (otherwise a new application is required) A public hearing will be required for  
all extension applications, except those involving only Design Review. Extensions are not  
automatically approved. Changes in conditions, City policies, surrounding neighborhood, and  
other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*





1 TREE NUMBER PER TO BERTHMAN TREE REPORT (8/11/2009)  
 2 HERITAGE TREES  
 HERITAGE TREES 1 AND 2 TO BE REMOVED. ALL OTHER TREES  
 TO BE PRESERVED UPON CONSTRUCTION.  
 EXISTING LANDSCAPE IN FRONT OF 1813 AND 1815 AYERS  
 DRIVE TO BE PRESERVED TO MAINTAIN EXISTING LANDSCAPE  
 WITHIN THE 20' TREE ACCESS ZONE TO BE PRESERVED.



**Kimley-Horn  
and Associates, Inc.**  
 220 17th Street, Suite 220  
 Concord, California 94520  
 Tel. No. (925) 825-0711 © 2010  
 Fax No. (925) 825-0714



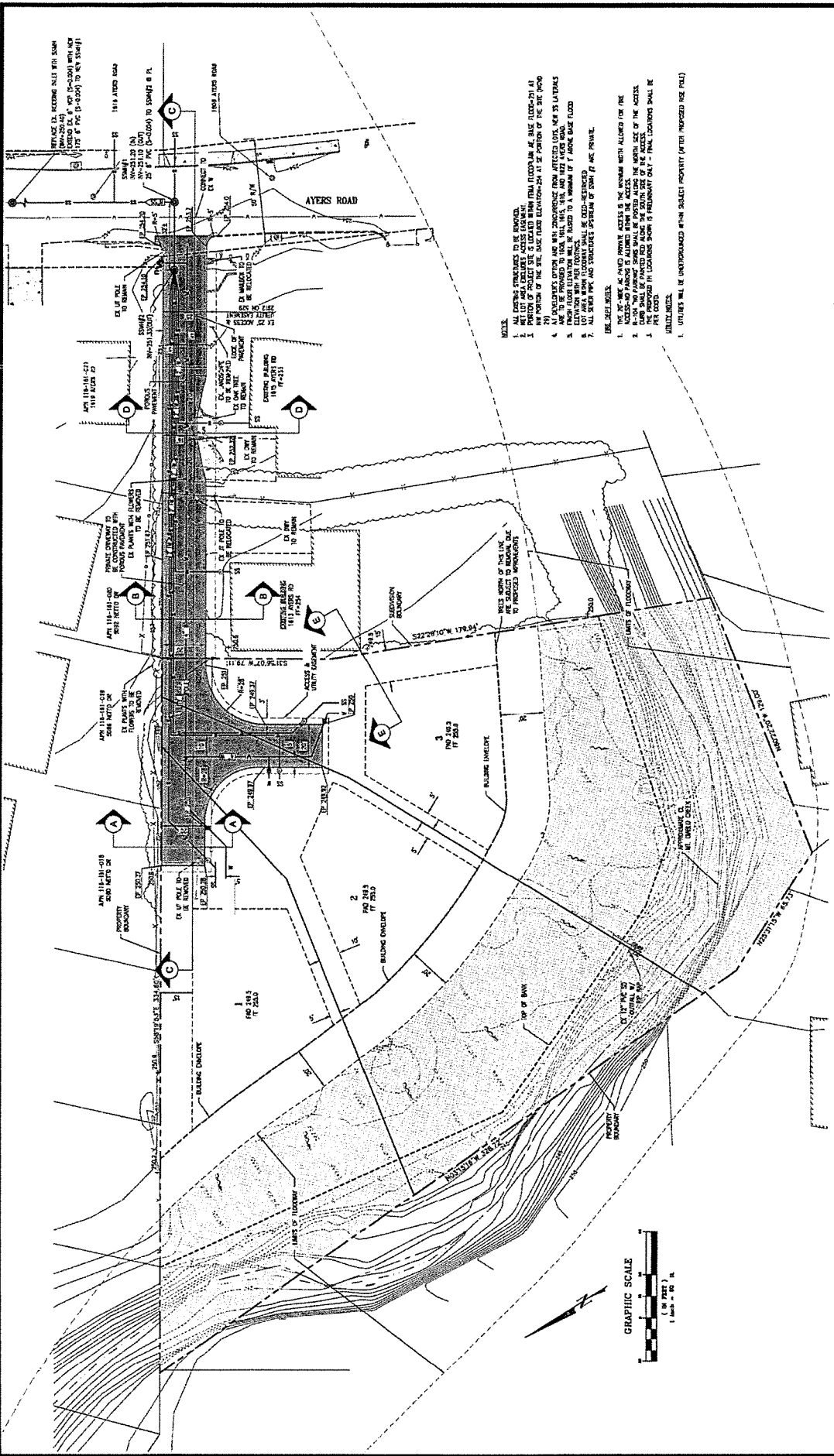
CIVIL ENGINEER  
 FELICIA C. DEAN  
 No. 43288, Exp. 03/31/2013  
 CHECKED BY: FCD  
 DESIGNED BY: KGT  
 DRAWN BY: KGT

No.	DATE	BY	REFERENCE

ANTHONY ESTATES  
 TENTATIVE PARCEL MAP  
 EXISTING CONDITIONS  
 CONCORD CALIFORNIA

SCALE: 1"=40'  
 HOR. VERT. N/A  
 DATE: 08/20/10  
 SHEET NO. 2 OF 4





- NOTES:**
1. ALL EXISTING STRUCTURES TO BE REMOVED.
  2. EX. 201, EX. 202 AND EX. 203 ARE TO BE REMOVED FROM THE PROJECT SITE AS LOCATED WITHIN FLOODWAY AS BASE FLOOD-FRAT AT THE PORTION OF THE SITE SHOWN WITHIN FLOODWAY AS BASE FLOOD-FRAT.
  3. ALL EXISTING UTILITIES TO BE REMOVED.
  4. ALL EXISTING UTILITIES TO BE REMOVED FROM THE PROJECT SITE AS LOCATED WITHIN FLOODWAY AS BASE FLOOD-FRAT AT THE PORTION OF THE SITE SHOWN WITHIN FLOODWAY AS BASE FLOOD-FRAT.
  5. EXISTING UTILITIES TO BE REMOVED FROM THE PROJECT SITE AS LOCATED WITHIN FLOODWAY AS BASE FLOOD-FRAT AT THE PORTION OF THE SITE SHOWN WITHIN FLOODWAY AS BASE FLOOD-FRAT.
  6. ALL EXISTING UTILITIES TO BE REMOVED FROM THE PROJECT SITE AS LOCATED WITHIN FLOODWAY AS BASE FLOOD-FRAT AT THE PORTION OF THE SITE SHOWN WITHIN FLOODWAY AS BASE FLOOD-FRAT.
  7. ALL EXISTING UTILITIES TO BE REMOVED FROM THE PROJECT SITE AS LOCATED WITHIN FLOODWAY AS BASE FLOOD-FRAT AT THE PORTION OF THE SITE SHOWN WITHIN FLOODWAY AS BASE FLOOD-FRAT.
- GENERAL NOTES:**
1. THE PROJECT SHALL BE CONSIDERED AS A PRIVATE ACCESS TO THE FLOODWAY AS BASE FLOOD-FRAT.
  2. ACCESS TO FLOODWAY SHALL BE MAINTAINED AT ALL TIMES.
  3. THE PROJECT SHALL BE CONSIDERED AS A PRIVATE ACCESS TO THE FLOODWAY AS BASE FLOOD-FRAT.
  4. THE PROJECT SHALL BE CONSIDERED AS A PRIVATE ACCESS TO THE FLOODWAY AS BASE FLOOD-FRAT.
  5. THE PROJECT SHALL BE CONSIDERED AS A PRIVATE ACCESS TO THE FLOODWAY AS BASE FLOOD-FRAT.
  6. THE PROJECT SHALL BE CONSIDERED AS A PRIVATE ACCESS TO THE FLOODWAY AS BASE FLOOD-FRAT.
  7. THE PROJECT SHALL BE CONSIDERED AS A PRIVATE ACCESS TO THE FLOODWAY AS BASE FLOOD-FRAT.

**CIVIL ENGINEER**  
FELICIA C. DEAN  
NO. 42,000, EXP. 12/31/2025  
CHECKED BY: FCD  
DESIGNED BY: KGT  
DRAWN BY: KGT

**SCALE:** 1" = 40'  
DATE: JAN 2010  
**SHEET NO.** 3 of 4

**ANTHONY ESTATES**

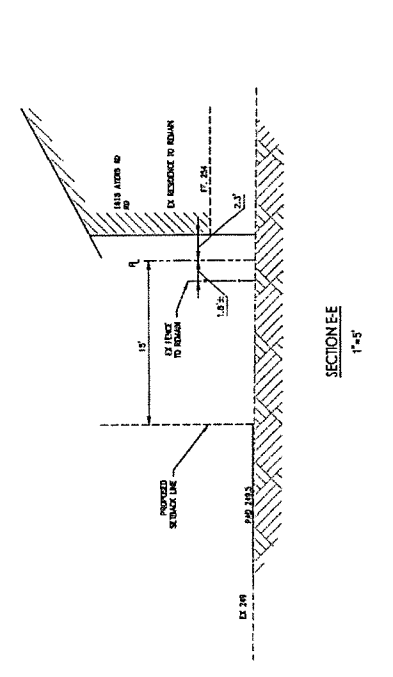
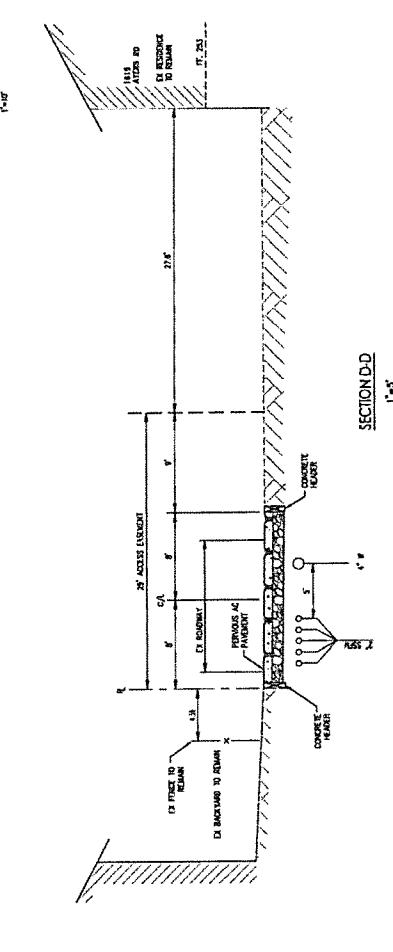
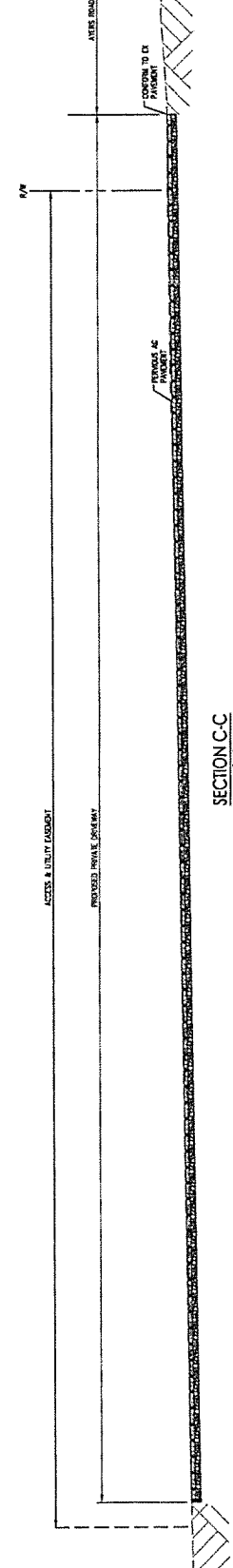
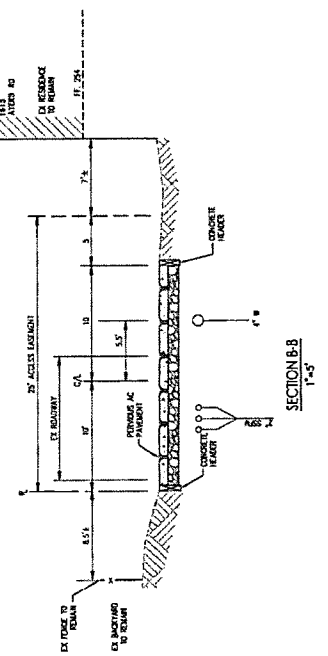
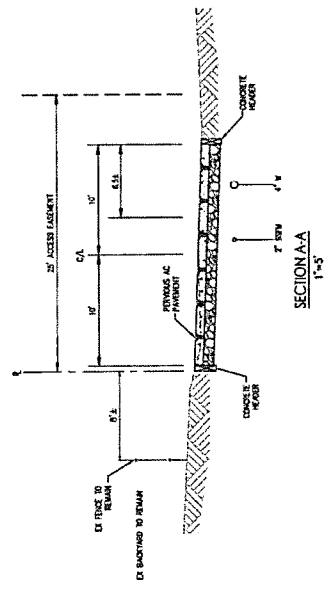
**TENTATIVE PARCEL MAP**

CONCORD    CONTRA COSTA    CALIFORNIA

**Kimley-Horn and Associates, Inc.**  
545 37th Street, Suite 200  
Oakland, California 94612  
Tel: (510) 832-5911  
Fax: (510) 832-0714

**GRAPHIC SCALE**  
(1" = 40')  
1 inch = 40 feet

CROSS SECTIONS



 655 15th Street, Suite 1730 Concord, California 94027 Tel: No. (925) 251-0711 Fax: No. (925) 251-0714	ANTHONY ESTATES TENTATIVE PARCEL MAP CROSS SECTIONS CONTRA COSTA CALIFORNIA	SCALE: HORIZ. N/A VERT. N/A DATE: 10/28/2010	SHEET NO. 4 OF 4
		CIVIL ENGINEER FELICIA C. DEAN REG. NO. 52881, EXP. 12/31/2012	CHECKED BY: FCO DESIGNED BY: KGT DRAWN BY: KGT