



## MEMORANDUM

**TO: PLANNING COMMISSION**

**FROM: Albert Lopez, Deputy Community Development Director**

**DATE: October 9, 2007**

**RE: Extension request for applications (Use Permit #06-11, Variance #06-24, and Design Review #06-26 (Lots 1&2) and Use Permit #06-12, Variance #06-25, and Design Review #06-27 (Lots 3&4)) for two single family residences on vacant parcels at West Park Street (APN 372-154-003, -004, -005, -006).**

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The Planning Commission approved the projects on November 28, 2006, which expires one year from the approval date if a building permit has not been issued. The applicant has not yet submitted for a building permit and is requesting a year extension of the approvals. Specifically, the applicant is requesting a one year extension request to extend the approval of Use Permit #06-11, Variance #06-24, and Design Review #06-26 (Lots 1&2) and Use Permit #06-12, Variance #06-25, and Design Review #06-27 (Lots 3&4) for two single family residences exceeding the allowed 25 foot height limit and with less than required side yard setbacks on vacant parcels at West Park Street. The extended approval would be subject to the same conditions previously approved on November 28, 2006. There have been no proposed changes for the projects and the conditions on and around the properties have not changed in the last year (i.e. no new development, zoning designation, specific plans, etc.). Therefore staff believes that a one year approval extension is an appropriate and reasonable request.

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## STAFF REPORT

**TO:** PLANNING COMMISSION

**PREPARED BY:** Albert Lopez, Deputy Community Development Director

### GENERAL INFORMATION

**OWNERS/  
APPLICANTS:** Scott O'hara

**LOCATION:** Lots 1 & 2, Vacant corner parcel just southwest of Park Street @ West Park Street (APN 372-154-003 & 4)

**PROPOSAL:** Request for Design Review #06-26, Use Permit #06-11, and Variance #06-24 to allow the construction of a single family home exceeding the allowed 25 ft. height limit with less than required street side yard setback on a vacant corner parcel

**GENERAL PLAN:** Central Martinez Specific Area Plan, Residential Group 1, 7 units/acre

**ZONING:** R-6.0/ECD Single Family Residential/Environmental Conservation District

**ENVIRONMENTAL REVIEW:** Staff proposes that the Planning Commission find that this permit be categorically exempt from the requirements of CEQA. If the Planning Commission adopts this proposed finding, no further environmental review would be required by State law.

### RECOMMENDATION

Approve Design Review #06-26, Use Permit #06-11, and Variance #06-24 subject to the attached conditions of approval.

### CONTEXT and SITE DESCRIPTION

The subject property is located on a vacant corner lot on the downhill side of West Park Street. The area is an undeveloped rural hillside, currently improved with only a semi-paved roadway leading up to the site. The 10,648 square foot parcel slopes dramatically downward, and contains various small trees and shrubs. The lot is a corner parcel with an irregularly aligned street side lot line.

There are few homes in the immediate vicinity of the proposed home, although the adjacent lot is also planned for development with a single family home by the same applicant.

### **ZONING COMPLIANCE**

The project seeks three land use permits: a use permit for a height exception, a variance for a street sideyard setback, and design review for approval of a new home located on a lot in excess of 10% slope. The mixed use zone of ECD- Environmental Conservation District allows development on existing single family lots, and this project conforms to the district.

### **STAFF ANALYSIS**

The project site presents various challenges for the applicant, including site access, drainage, steep hillside slopes, and site design. Staff believes the project, as proposed with the conditions of approval has resolved these challenges, and a thorough analysis has occurred from both an aesthetic and technical standpoint.

To this end, the City held a neighborhood meeting on October 11<sup>th</sup> to discuss issues of importance to the immediate neighborhood, most notably drainage. The lack of appropriate drainage has been a major problem in the neighborhood for many years, with seasonal storms creating access problems and damaging property and improvements. The neighborhood meeting gave the applicant and city staff the opportunity to discuss both an interim drainage solution, as well as a long term solution for the entire neighborhood.

The interim drainage solution explained at the neighborhood meeting was that the applicant would not add additional water to the existing downhill flow, but would take a significant portion of the water draining from all new nonpermeable (roofs, driveways) surfaces and divert it into an existing pipe located near the project site. After extensive review of the drainage report submitted by the applicant, the City Engineer is satisfied that no net increase of water will result from this project. The attached conditions of approval include language to this effect.

In regards to the long term solution, it will require a coordinated effort between the City, the landowners of existing vacant lots, and new buyers of existing lots to participate in future special storm drain assessments, or an equivalent process, to pay for future storm drain improvements. The conditions of approval also require the applicant to participate in a future assessment district, and to pay a fair share of downstream drainage improvements.

### **Design Review**

As it relates to the Design Review portion of the application, the project has been to the Design Review Committee (DRC) and received their positive recommendation with a few minor project enhancements. The enhancements have been incorporated into the project where feasible. The applicant has constructed other homes in the immediate

area that have been well received, and the submitted plans indicate are that this project would be similarly finished with high quality exterior materials and finishes. Generally, the choice of material simulates natural materials such as horizontal wood siding and natural river rock, and blends in well with the rustic hillside environment in which the lots are located. There are few existing homes in the immediate area, and this project can set the context for future homes while supporting the City's efforts to encourage high quality design and use of materials.

Because of the unique topography and site location, the home is oriented at an angle to the street (see site plan) and this further adds interest to the home landscaping and adds curb appeal. The approach to the home is dramatic in that you see much of the rear, sides and front before arriving at the main driveway entrance. The choice of landscaping for the project selects from a range of drought tolerant and native plants, and utilizes an appropriate hierarchy from large scale trees such as native oaks, to small trees and shrubs (manzanita, sage and lavender) and low ground covers such as cotoneaster and manzanita. In combination with the stamped concrete paving at the driveway the result will be an attractive entrance with an inviting mix of landscaping features.

The project applicant has prepared an arborist report (attached) detailing which trees are to be saved and which are to be removed as part of this project. The project includes the planting of several new oaks to replace those removed, and the Design Review Committee suggested the applicant clump the trees together for a naturalistic appearance, as opposed to the formal configuration proposed by the applicant. Those changes were incorporated into the latest landscape plan.

#### Use Permit

The proposal requires the applicant receive approval of a use permit for exceeding the height limit on the property, from the allowed 25' to 29'-10". The request seems reasonable given the steep topography of the lot requiring the home to be constructed as close to the edge of pavement as possible to allow garage access, and the unique drainage requirements requiring the roof areas to drain towards the lot frontage. Because the lot is set away from other homes at the uppermost portion of the hill, the additional 4'-10" will not impact an adjacent property or otherwise be detrimental to the area and as such the findings for the use permit are reasonably made. Additional planting proposed by the Design Review Committee and incorporated into the project will also help to minimize impacts created from the additional height.

#### Variance

The project seeks approval of a variance to allow a less than required street-side side yard on a corner lot. The requirement for a two story home is 20', and the applicant is proposing 18'. Due to the steep topography and unique configuration of the corner lot, this reduced setback is reasonable and the needed findings can be supported by the unique circumstance not found on other R-6.0 single family lots.

Staff recommends approval of the project, and the draft resolution attached contains the

necessary findings for Planning Commission approval. The attached draft conditions of approval have been prepared, also for Planning Commission approval.

### **ATTACHMENTS**

Site Context Map and Photos  
Resolution PC 06-26 [DRAFT]  
Conditions of Approval [DRAFT]  
DRC comment sheets  
Tree preservation report

### **EXHIBITS**

Site and Architectural Plans  
Landscape plan

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CONDITIONS OF APPROVAL  
AS APPROVED BY PLANNING COMMISSION

Project Name: **O'Hara Residence (Lots 1 & 2)**

Location: **West Park Street (vacant property on West Park Street;  
APN: 372-154-003 & 4)**

I. Description of Permit

These conditions apply to and constitute the approval of Design Review #06-26, Use Permit #06-11, and Variance #06-24 design review for site plan, building elevations and landscaping. The submitted plans are approved for a 3,046 square foot single family home, plus garage.

II. Exhibits

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

EXHIBIT	RECEIVED ON	PREPARED BY	PAGES
Site and architectural plans	November 8 <sup>th</sup> , 2006	Steven Kubitschek	9
Landscape plan	"	HWA, Landscape Arch.	1
Tree preservation report	August 2 <sup>nd</sup> , 2006	John C. Traverso	6

All construction plans shall conform to these exhibits, expected as modified by these conditions. Where a plan or further information is required by these conditions, it is subject to review and approval by the Planning Division, Engineering Division and/or Building Department, or as noted.

III. Site Plan

A. Tree Preservation

All existing oak trees within the project boundaries shall be preserved, except where specifically designated for removal on approved site plan. The following procedures, as specified in tree report by John C. Traverso, Consulting Arborist, (dated August 1, 2006) are required:

1. All trees to be preserved shall be clearly indicated on the grading plan, site plan, composite plans and landscape plans.
2. All trees to be saved shall be fenced at the drip line with three-strand barbed wire or other approved fencing prior to grading and

construction activities. Prior to grading or construction, the developer's contractor shall request City inspection of fencing.

3. The developer shall follow the Arborist's protective measures to be taken, prior to, during and after construction, including on site inspection during excavation under drip lines of trees identified for preservation, and to prune and/or treat roots that might otherwise damage trees during excavation. Upon completion of construction, the arborist shall prepare a report outlining the further methods for tree protection if any are required.
4. Dead wood shall be pruned from existing trees.

B. Landscape Plan and Installation

1. Comply with Design Review Committee comments to create a grove appearance at rear and bottom of lot to imitate natural grove and screen rear of new home. Trees planted in this area shall be both deciduous and evergreen Oaks.
2. Avoid planting new trees in right of way.
3. Final landscape plans shall be reviewed and approved prior to issuance of building permit. The plan and installation shall:
  - a) Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
  - b) Use primarily drought-resistant plants.
  - c) Show all non-plant features: walls, patios, benches, lights, paths, pools, etc.
  - d) Include an irrigation plan.
  - e) Shrubs shall be minimum 5 gal. size.
  - f) Trees shall be at minimum 15 gal. size, unless larger sizes otherwise noted on approved plans and/or required as a condition of approval.
  - g) A minimum of 6 15 gallon size replacement oaks (*Quercus agrifolia* - coast live oak), and 4 15 gallon size *Quercus douglasii*, blue oaks, shall be provided as per approved landscape plan.

4. All landscaping as shown on approved plan shall be installed prior to Planning Division's Final Inspection for building occupancy, or as approved by Community Development Director. Occupancy of building prior to landscape installation may require use of bond and/or retention of bonds posted per requirement(s) of Engineering Division.

C. Landscape Walls and Fences

1. All fencing, retaining walls, barriers, etc., shall be shown on the site and landscape plan.
2. The maximum height for all walls, fences and/or fences on retaining walls shall be 6 feet, unless otherwise approved as shown on approved site plan. Fences off-set from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 foot each.
3. All retaining walls within the front yard shall have a textured finish and decorative color (e.g. "keystone" blocks). Final plans for building permit shall indicate material and color of walls, which is subject to staff approval.

D. Lighting

1. All exterior lighting shall be directed such that lights create as little off-site glare and nuisance as is feasible. All fixtures shall be glare-shielded.
2. Energy-saving fixtures shall be used.

E. Paving

Driveway shall be of a decorative (colored and stamped) concrete finish, or as approved by the City Engineer. Final plans for building permit shall indicate pattern and color of driveway, which is subject to staff approval.

IV. Architectural

All exterior walls and all buildings within the project shall use compatible materials and colors, as shown on approved plans. Construction plans shall include indication of final siding materials, roofing material and color schemes, which are subject to staff approval.

V. Noise Control, Dust and Conditions for Construction Activity

- A. All construction activities shall conform to the City's Noise Control Ordinance, Chapter 8.34 of the Municipal Code: Construction activities are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 5

p.m. Saturday and Sunday. The permittee shall post a sign on the site notifying all workers of these restrictions.

- B. Contractors shall be required to employ the quietest construction equipment available, and to muffle noise from construction equipment and to keep all mufflers in good working order in accordance with State law.
- C. Adequate dust control measures shall be employed throughout all grading and construction periods. The Contractor shall regularly water areas that are exposed for extended periods to reduce wind erosion.
- D. Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, etc. coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All trucks to be covered.
- E. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- F. Access shall be maintained to all driveways at all times.
- G. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Developer shall be responsible for the repair of any damage to city streets (private and public) caused by the import or export of soils materials necessary for the project.
- H. Prior to construction, contractor shall contact city inspector for a pre-construction meeting. A construction program and schedule shall be submitted and reviewed by staff at the meeting. The program shall provide the contractor's name and contact information and a general description of the hours of construction, number of workers on site, and information on construction vehicles (location and duration of parking, quantity and type of vehicles, haul routes, etc).

VI. Agreements, Fees and Bonds

- A. All improvement agreements required in connection with said plans shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval and issuance of the building or grading permit, whichever comes first.
- B. All required fees and security deposits shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval and issuance of the Building, Encroachment, Grading, or Site Development permit, whichever comes first. The Deposit(s) shall be refunded to the applicant after the project is complete and accepted by the City.

- C. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable plan check fees, inspection, drainage impact fees and Impact Mitigation Fees for single family residence, which include but are not limited to: transportation facilities fees, park (in lieu of land dedication) fees, park and recreation facilities fees, cultural facilities fees, police facilities fees, as required by the Community Development Director. The final amount for the above fees shall be in accordance with the fee schedule in effect of time of payment.
- D. All fees, bonds and deposits required by City and other agencies having jurisdiction shall be paid prior to City approval of the Plans or issuance of the Site Development or Building Permit, whichever comes first.

VII. Grading

- A. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a soils report prepared by a registered Geotechnical Engineer and a Grading Permit approved by the City Engineer. The grading plans and soils report shall require review by the City's geotechnical consultant with all costs to be borne by the applicant.
- B. All recommendations made in the Soil Engineers report, (unless amended through the City's review) and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.
- C. The on-site finish grading shall require drainage to be directed away from all building foundations at a slope of 2 percent minimum to 20 percent maximum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. A minimum 4-ft. wide clear access shall be provided around each building.
- D. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.
- E. Erosion control measures shall be implemented per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.
- F. All graded slopes in excess of 5 ft. in height shall be hydroseeded or landscaped no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season.

- G. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
- H. All front yard landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems on each lot.
- I. The finished grading shall be inspected and certified by the developer's engineer that it is in conformance with the approved Grading Plan and Soils Report pursuant to the provisions of Title 15 of the Martinez Municipal Code.
- J. All existing trees shall be clearly indicated on the grading plan. Refer to Section III; *Site Plan* for tree preservation requirements.
- K. Any grading on adjacent properties will require written approval of those property owners affected.
- L. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.
- M. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.

#### VIII. Drainage

- A. Interim and future storm drain improvements downstream of the project:
  - a. Peak flow runoff from post development condition shall not exceed that of the existing peak flow, unless the runoff is conveyed downstream (without diversion) to adequate storm drainage facilities. All proposed onsite and offsite improvements that are necessary to satisfy this condition shall be subject to the City Engineer's review and approval.
  - b. If approved by the City Engineer, the applicant may temporarily utilize the existing 14-inch diameter storm drain pipe located near the intersection of Park Street and West Park Street to divert a portion of the runoff from impervious surfaces until such time when future storm drain facilities are installed at the intersection of Arriba Street and Robinson Street, or other nearby locations. Then, as required by the City Engineer, the applicant (or future lot owner) shall promptly disconnect and remove said temporary improvements and reconnect the storm drainage system to the new facilities. All improvements shall be done to the satisfaction of the City Engineer.
  - c. Additionally, the applicant shall pay their fair share toward future storm drain improvements downstream of the project. The amount shall be determined by the City Engineer prior to issuing any permits. If a special storm drain assessment district is created for the drainage area (covering the project's watershed area to Berrellesa Street), and

approved by the City Council, the owner shall agree to participate in such future special storm drain assessment district. If the assessment district is created and approved by the City Council, any amount paid to the City by the owner shall be credited against the amount ultimately determined by the City council as the owner's fair share under the assessment district proceedings. The owner's fair share will be determined by including all costs associated with the formation of the assessment district including designing, administering, and construction of the ultimate drainage system improvements. Owner shall agree to waive all rights to protest the formation of such assessment district.

- d. A deed restriction shall be recorded and run with the land, as required by the City Engineer, to insure future compliance with the above conditions.
  
- B. A hydrologic study shall be prepared and submitted to the City Engineer and Contra Costa County Flood Control District, when required, for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The developer shall make necessary upgrades to existing systems as required to the satisfaction of the City Engineer. Drainage area is defined as all that area draining into, and including, the area of the proposed development.
  
- C. All concentrated runoff shall be collected and conveyed to an approved storm drainage system. Existing slopes that have no additional discharge directed onto them or are not substantially regraded can remain as natural runoff.
  
- D. Applicant shall not increase storm water runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements shall be obtained prior to issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.
  
- E. The storm drain system shall be designed per City and County Flood Control District Standards to carry at least a 10-year storm. Furthermore, the system shall be designed to ensure that local streets remain passable during a 100-year storm.
  
- F. All public drainage facilities, which cross private lots and to be maintained by the City, shall require a 10-ft. minimum width storm drain easement. Said easements shall be recorded by separate document prior to City approval or

issuance of Building Permit, whichever comes first. Private drainage facilities shall be maintained by the Lot owner(s).

- G. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.
- H. The developer shall comply with Contra Costa County Flood Control District Design requirements.
- I. Fifteen (15) inch minimum RCP (reinforced concrete pipe) shall be used for all public storm drain lines and 12-inch minimum pipe shall be used for laterals and for private storm drain lines, unless otherwise approved by the City Engineer.

IX. NPDES Requirements

- A. Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
- B. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.

X. Street Improvements

- A. Pursuant to Chapter 12.30 of the Martinez Municipal Code sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property frontage. The developer shall construct and dedicate to the City the improvements within the City's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the City Engineer. All required public right of way dedication shall be complete prior to issuance of permits. All improvement shall be designed and constructed to the satisfaction of the City Engineer.
- B. All streets shall be paved and improved after utilities are installed in accordance with City of Martinez Standard Drawings and Design Guidelines. The ultimate street width shall be 28-ft. measured from curb face to curb face within a 40-ft. right-of-way and with sidewalk on one side of the street. The location of the pavement section within the right of way and sidewalk shall be subject to the City Engineer's approval. Sidewalk shall be 5 ft. wide as measured from the back of the curb.

The developer shall be responsible for installing a minimum of 20' wide pavement with curb, gutter and sidewalk along the frontage of the property, or widening the street to its ultimate width. Temporary 6-inch high AC berm shall be installed at edge of pavement, unless otherwise approved by the City Engineer.

- C. Paving design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 5.5 with a minimum 0.20 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base. Maximum street grade shall be 15 percent, unless otherwise approved by the City Engineer.
- D. Applicant shall comply with the Contra Costa County Fire Department District requirements for access and turnaround.
- E. All new utility distribution services on-site and off-site shall be installed underground.
- F. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
- G. A City Encroachment Permit is required for any work within the City Right-of-Way.
- H. All traffic control devices, including Stop signs, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.
- I. Where required by the City Engineer, street light(s) shall be installed at Developer's expense in accordance with plans approved by the City Engineer. Developer shall bear full costs of energizing and monthly utility charges until acceptance of improvements by the City.
- J. Street trees, if any, shall be planted in accordance with City standards. The species of tree shall be approved by the Parks Superintendent.
- K. The developer shall keep the adjoining streets free and clean of project dirt, mud, materials and debris during the construction period as is found necessary by the City Engineer.
- L. No permanent retaining walls are allowed within the public right of way unless otherwise approved by the City Engineer.

XI. Water System

- A. Water system facilities shall be designed to meet the requirements of the City's water service district and the fire flow requirements of the Contra Costa County Consolidated Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans.
- B. Water system connection, including installation of the water meter, shall be

made in accordance with Water District standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee schedule in effect at time of payment.

- C. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building.
- D. Direct water service connection to the existing 14-inch water transmission line in the street will not be allowed. Water service to the proposed residence shall be served from a new water main (Zone 2) in the street constructed at the expense of the developer, unless otherwise approved by the City Engineer. The applicant shall construct and dedicate to the City of Martinez all required improvements and easements for the water main extension to the satisfaction of the City Engineer.

XII. Sanitary Sewer System

- A. The applicant shall submit final drawings for required system connection to Central Contra Costa Sanitary District (CCCSD) for review, and submit application to CCCSD for wastewater service. All requirements of CCCSD shall be met before City approval of the improvement plans.

XIII. Other Requirements

- A. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.
- B. Design of all public improvements shall conform to the City of Martinez Design Guidelines, Standard Special Provisions, and Standard Drawings. Prior to preparation of improvement plans, the developer or his representative should contact the City's Engineering Development Review section of the Community Development Department.
- C. Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer, Community Development Director, and/or other agencies having jurisdiction for all improvements within the proposed development prior to issuance of a Building, Site, Grading or Encroachment Permit whichever comes first. Approved plans shall become the property of the City of Martinez upon being signed by the City Engineer and Community Development Director.
- D. Prior to City approval of the Plans, all fees, bonds, and deposits shall be paid and posted; all agreements shall be executed and all grading and improvement plans shall be approved by the City Engineer and Community Development Director. No construction shall take place until the issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.

- E. Prior to issuance of the building permit, the access to building sites shall be graded and improved to at least an all-weather surface condition, and operating fire hydrants shall be in place.
- F. All public improvements shall be completed and accepted by the City prior to issuance of certificate of occupancy on the dwelling unit.
- G. Prior to acceptance of improvements, offers of dedication, and release of bonds and deposits by the City, the City's record copies of the grading, site, and improvement plans shall be updated to show "As Built" conditions of the project. Said plans shall be prepared by the responsible Civil Engineer of work and shall reflect all changes made during the course of project construction. Grading and improvement plans shall be 24" x 36" in size.
- H. All on-site improvements not covered by the building permit including sidewalks, driveways, paving, sewers, drainage, curbs and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
- I. Building permits for retaining walls shall be obtained as follows:
  - 1. For major walls to be constructed during the mass-grading phase, obtain permit prior to issuance of the Grading Permit.
  - 2. For all other walls, obtain permit prior to issuance of Permits for structures on the respective lot.
- J. The minimum length for on-site driveways shall be in accordance with City code restrictions, but in no case shall they be less than 20 ft. as measured from the garage door to the street right-of-way, or access easement line, unless otherwise approved by the City Engineer.
- K. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- L. Approval by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, Sewage District, and the water agency of all improvements and buildings is required prior to City approval of construction plans.
- M. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

XIV. Validity of Permit and Approval

- A. Planning Commission approval is subject to appeal to the City Council within ten calendar days of the approval.

Permit: Design Review #06-26, Use Permit #06-11, and Variance #06-24

- B. All permits and approvals shall expire in one year from the date on which they became effective (unless extended under C) unless either: (i) a building permit is obtained and construction begun within the one year time period or (ii) if the approvals include the approval of a subdivision, the Tentative Map and all concurrently approved permits or approvals shall expire in two years from the date on which they became effective (unless extended under C) and providing that the Final Map or Parcel Map has been filed with the City Engineer within the two year time period. The *effective date* of the subject permit and approval is the day on which any contingency (created by requiring an action of the City Council on a rezone, general plan amendment and/or the filing of an appeal) is removed. Unless an appeal is filed, the *effective date* of the permit and approval is November 28th, 2006.
- C. The time extension of the expiration date, November 28th, 2007, of a permit or approval 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.
- D. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
- E. The permittee, Scott O'Hara, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission's decision to approve Design Review #06-26, Use Permit #06-11, and Variance #06-24. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by Scott O'Hara, the City, and/or the parties initiating or bringing such action.

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## STAFF REPORT

**TO:** PLANNING COMMISSION  
**PREPARED BY:** Albert Lopez, Deputy Community Development Director

### GENERAL INFORMATION

**OWNERS/  
APPLICANTS:** Scott O'hara  
**LOCATION:** Lots 3 & 4, Vacant interior parcel just southwest of Park Street @  
West Park Street (APN 372-154-005 & 6)  
**PROPOSAL:** Request for Design Review #06-27, Use Permit #06-12, and  
Variance #06-25 to allow the construction of a single family home  
exceeding the allowed 25 ft. height limit with less than required  
side yard setback on a vacant parcel  
**GENERAL PLAN:** Central Martinez Specific Area Plan, Residential Group 1,  
7 units/acre  
**ZONING:** R-6.0/ECD Single Family Residential/Environmental  
Conservation District  
**ENVIRONMENTAL  
REVIEW:** Staff proposes that the Planning Commission find that this permit  
be categorically exempt from the requirements of CEQA. If the  
Planning Commission adopts this proposed finding, no further  
environmental review would be required by State law.

### RECOMMENDATION

Approve Design Review #06-27, Use Permit #06-12, and Variance #06-25 subject to  
the attached conditions of approval.

### CONTEXT and SITE DESCRIPTION

The subject property is located on a vacant interior lot on the downhill side of West Park  
Street. The area is an undeveloped rural hillside, currently improved with only a semi-  
paved roadway leading up to the site. The 10,838 square foot parcel slopes  
dramatically downward, and contains various small trees and shrubs.

There are few homes in the immediate vicinity of the proposed home, although the adjacent lot is also planned for development with a single family home by the same applicant.

### **ZONING COMPLIANCE**

The project seeks three land use permits: a use permit for a height exception, a variance for a sideyard setback, and design review for approval of a new home located on a lot in excess of 10% slope. The mixed use zone of ECD- Environmental Conservation District allows development on existing single family lots, and this project conforms to the district.

### **STAFF ANALYSIS**

The project site presents various challenges for the applicant, including site access, drainage, steep hillside slopes, and site design. Staff believes the project, as proposed with the conditions of approval has resolved these challenges, and a thorough analysis has occurred from both an aesthetic and technical standpoint.

To this end, the City held a neighborhood meeting on October 11<sup>th</sup> to discuss issues of importance to the immediate neighborhood, most notably drainage. The lack of appropriate drainage has been a major problem in the neighborhood for many years, with seasonal storms creating access problems and damaging property and improvements. The neighborhood meeting gave the applicant and city staff the opportunity to discuss both an interim drainage solution, as well as a long term solution for the entire neighborhood.

The interim drainage solution explained at the neighborhood meeting was that the applicant would not add additional water to the existing downhill flow, but would take a significant portion of the water draining from all new impervious (roofs, driveways) surfaces and divert it into an existing pipe located near the project site. After extensive review of the drainage report submitted by the applicant, the City Engineer is satisfied that no net increase of water will result from this project. The attached conditions of approval include language to this effect.

In regards to the long term solution, it will require a coordinated effort between the City, the landowners of existing vacant lots, and new buyers of existing lots to participate in future special storm drain assessments, or an equivalent process, to pay for future storm drain improvements. The conditions of approval also require the applicant to participate in a future assessment district, and to pay a fair share of downstream drainage improvements.

#### **Design Review**

As it relates to the Design Review portion of the application, the project has been to the Design Review Committee (DRC) and received their positive recommendation with a few minor project enhancements. The enhancements have been incorporated into the project where feasible. The applicant has constructed other homes in the immediate area that have been well received, and the submitted plans indicate are that this project

would be similarly finished with high quality exterior materials and finishes. Generally, the choice of material simulates natural materials such as horizontal wood siding and natural river rock, and blends in well with the rustic hillside environment in which the lots are located. There are few existing homes in the immediate area, and this project can set the context for future homes while supporting the City's efforts to encourage high quality design and use of materials.

The choice of landscaping for the project selects from a range of drought tolerant and native plants, and utilizes an appropriate hierarchy from large scale trees such as native oaks, to small trees and shrubs (manzanita, sage and lavender) and low ground covers such as cotoneaster and manzanita. In combination with the stamped concrete paving at the driveway the result will be an attractive entrance with an inviting mix of landscaping features.

The project applicant has prepared an arborist report (attached) detailing which trees are to be saved and which are to be removed as part of this project. The project includes the planting of several new oaks to replace those removed, and the Design Review Committee suggested the applicant clump the trees together for a naturalistic appearance, as opposed to the formal configuration proposed by the applicant. Those changes were incorporated into the latest landscape plan.

#### Use Permit

The proposal requires the applicant receive approval of a use permit for exceeding the height limit on the property, from the allowed 25' to 29'-11" at its highest point. The request seems reasonable given the steep topography of the lot requiring the home to be constructed as close to the edge of pavement as possible to allow garage access, and the unique drainage requirements requiring the roof areas to drain towards the lot frontage. Because the lot is set away from other homes at the uppermost portion of the hill, the additional 4'-11" will not impact an adjacent property or otherwise be detrimental to the area and as such the findings for the use permit are reasonably made. Additional planting proposed by the Design Review Committee and incorporated into the project will also help to minimize impacts created from the additional height.

#### Variance

The project seeks approval of a variance to allow a less than required side yard. The requirement for a two story home is 10', and the applicant is proposing 8'. Due to the steep topography of the lot, this reduced setback is reasonable and the needed findings can be supported by the unique circumstance not found on other R-6.0 single family lots.

Staff recommends approval of the project, and the draft resolution attached contains the necessary findings for Planning Commission approval. The attached draft conditions of approval have been prepared, also for Planning Commission approval.

## **ATTACHMENTS**

Site Context Map and Photos  
Resolution PC 06-27 [DRAFT]  
Conditions of Approval [DRAFT]  
DRC comment sheets  
Tree Preservation Report

## **EXHIBITS**

Site and Architectural Plans  
Landscape plan

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CONDITIONS OF APPROVAL  
AS APPROVED BY PLANNING COMMISSION

Project Name: **O'Hara Residence (Lots 3 & 4)**

Location: **West Park Street (vacant interior property on West Park Street;  
APN: 372-154-005 & 6)**

I. Description of Permit

These conditions apply to and constitute the approval of Design Review #06-27, Use Permit #06-12, and Variance #06-25, for site plan, building elevations and landscaping. The submitted plans are approved for a 2,732 square foot single family home, plus garage.

II. Exhibits

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

EXHIBIT	RECEIVED ON	PREPARED BY	PAGES
Site and architectural plans	November 8 <sup>th</sup> , 2006		10
Landscape plan	"	HWA, Landscape Arch.	1
Tree preservation report	August 2 <sup>nd</sup> , 2006	John C. Traverso	6

All construction plans shall conform to these exhibits, expected as modified by these conditions. Where a plan or further information is required by these conditions, it is subject to review and approval by the Planning Division, Engineering Division and/or Building Department, or as noted.

III. Site Plan

A. Tree Preservation

All existing oak trees within the project boundaries shall be preserved, except where specifically designated for removal on approved site plan. The following procedures, as specified in tree report by John C. Traverso, Consulting Arborist, (dated August 1, 2006) are required:

1. All trees to be preserved shall be clearly indicated on the grading plan, site plan, composite plans and landscape plans.

2. All trees to be saved shall be fenced at the drip line with three-strand barbed wire or other approved fencing prior to grading and construction activities. Prior to grading or construction, the developer's contractor shall request City inspection of fencing.
3. The developer shall follow the Arborist's protective measures to be taken, prior to, during and after construction, including on site inspection during excavation under drip lines of trees identified for preservation, and to prune and/or treat roots that might otherwise damage trees during excavation. Upon completion of construction, the arborist shall prepare a report outlining the further methods for tree protection if any are required.
4. Dead wood shall be pruned from existing trees.

B. Landscape Plan and Installation

1. Comply with Design Review Committee comments to create a grove appearance at rear and bottom of lot to imitate natural grove and screen rear of new home. Trees planted in this area shall be evergreen Oaks.
2. Avoid planting new trees in right of way.
3. Final landscape plans shall be reviewed and approved prior to issuance of building permit. The plan and installation shall:
  - a) Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
  - b) Use primarily drought-resistant plants.
  - c) Show all non-plant features: walls, patios, benches, lights, paths, pools, etc.
  - d) Include an irrigation plan.
  - e) Shrubs shall be minimum 5 gal. size.
  - f) Trees shall be at minimum 15 gal. size, unless larger sizes otherwise noted on approved plans and/or required as a condition of approval.
  - g) A minimum of 4 15 gallon size replacement oaks (*Quercus agrifolia* - coast live oak) shall be provided as per approved landscape plan. A minimum of 4 15 gallon size replacement

oaks (*Quercus douglasii* – blue oak) shall be provided as per approved landscape plan.

4. All landscaping as shown on approved plan shall be installed prior to Planning Division's Final Inspection for building occupancy, or as approved by Community Development Director. Occupancy of building prior to landscape installation may require use of bond and/or retention of bonds posted per requirement(s) of Engineering Division.

C. Landscape Walls and Fences

1. All fencing, retaining walls, barriers, etc., shall be shown on the site and landscape plan.
2. The maximum height for all walls, fences and/or fences on retaining walls shall be 6 feet, unless otherwise approved as shown on approved site plan. Fences off-set from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 foot each.
3. All retaining walls within the front yard shall have a textured finish and decorative color (e.g. "keystone" blocks). Final plans for building permit shall indicate material and color of walls, which is subject to staff approval.

D. Lighting

1. All exterior lighting shall be directed such that lights create as little off-site glare and nuisance as is feasible. All fixtures shall be glare-shielded.
2. Energy-saving fixtures shall be used.

E. Paving

Driveway shall be of a decorative (colored and stamped) concrete finish, or as approved by the City Engineer. Final plans for building permit shall indicate pattern and color of driveway, which is subject to staff approval.

IV. Architectural

All exterior walls and all buildings within the project shall use compatible materials and colors, as shown on approved plans. Construction plans shall include indication of final siding materials, roofing material and color schemes, which are subject to staff approval.

V. Noise Control, Dust and Conditions for Construction Activity

- A. All construction activities shall conform to the City's Noise Control Ordinance, Chapter 8.34 of the Municipal Code: Construction activities are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 5 p.m. Saturday and Sunday. The permittee shall post a sign on the site notifying all workers of these restrictions.
- B. Contractors shall be required to employ the quietest construction equipment available, and to muffle noise from construction equipment and to keep all mufflers in good working order in accordance with State law.
- C. Adequate dust control measures shall be employed throughout all grading and construction periods. The Contractor shall regularly water areas that are exposed for extended periods to reduce wind erosion.
- D. Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, etc. coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All trucks to be covered.
- E. Speeds of construction equipment shall be limited to 10 miles per hour. This includes equipment traveling on local streets to and from the site.
- F. Access shall be maintained to all driveways at all times.
- G. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Developer shall be responsible for the repair of any damage to city streets (private and public) caused by the import or export of soils materials necessary for the project.
- H. Prior to construction, contractor shall contact city inspector for a pre-construction meeting. A construction program and schedule shall be submitted and reviewed by staff at the meeting. The program shall provide the contractor's name and contact information and a general description of the hours of construction, number of workers on site, and information on construction vehicles (location and duration of parking, quantity and type of vehicles, haul routes, etc).

VI. Agreements, Fees and Bonds

- A. All improvement agreements required in connection with said plans shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval and issuance of the building or grading permit, whichever comes first.
- B. All required fees and security deposits shall be submitted to and approved by

City and other agencies having jurisdiction prior to City approval and issuance of the Building, Encroachment, Grading, or Site Development permit, whichever comes first. The Deposit(s) shall be refunded to the applicant after the project is complete and accepted by the City.

- C. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable plan check fees, inspection, drainage impact fees and Impact Mitigation Fees for single family residence, which include but are not limited to: transportation facilities fees, park (in lieu of land dedication) fees, park and recreation facilities fees, cultural facilities fees, police facilities fees, as required by the Community Development Director. The final amount for the above fees shall be in accordance with the fee schedule in effect of time of payment.
- D. All fees, bonds and deposits required by City and other agencies having jurisdiction shall be paid prior to City approval of the Plans or issuance of the Site Development or Building Permit, whichever comes first.

VII. Grading

- A. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a soils report prepared by a registered Geotechnical Engineer and a Grading Permit approved by the City Engineer. The grading plans and soils report shall require review by the City's geotechnical consultant with all costs to be borne by the applicant.
- B. All recommendations made in the Soil Engineers report, (unless amended through the City's review) and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.
- C. The on-site finish grading shall require drainage to be directed away from all building foundations at a slope of 2 percent minimum to 20 percent maximum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. A minimum 4-ft. wide clear access shall be provided around each building.
- D. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.
- E. Erosion control measures shall be implemented per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.

- F. All graded slopes in excess of 5 ft. in height shall be hydroseeded or landscaped no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season.
- G. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
- H. All front yard landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems on each lot.
- I. The finished grading shall be inspected and certified by the developer's engineer that it is in conformance with the approved Grading Plan and Soils Report pursuant to the provisions of Title 15 of the Martinez Municipal Code.
- J. All existing trees shall be clearly indicated on the grading plan. Refer to Section III; *Site Plan* for tree preservation requirements.
- K. Any grading on adjacent properties will require written approval of those property owners affected.
- L. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.
- M. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.

#### VIII. Drainage

- A. Interim and future storm drain improvements downstream of the project:
  - a. Peak flow runoff from post development condition shall not exceed that of the existing peak flow, unless the runoff is conveyed downstream (without diversion) to adequate storm drainage facilities. All proposed onsite and offsite improvements that are necessary to satisfy this condition shall be subject to the City Engineer's review and approval.
  - b. If approved by the City Engineer, the applicant may temporarily utilize the existing 14-inch diameter storm drain pipe located near the intersection of Park Street and West Park Street to divert a portion of the runoff from impervious surfaces until such time when future storm drain facilities are installed at the intersection of Arriba Street and Robinson Street, or other nearby locations. Then, as required by the City Engineer, the applicant (or future lot owner) shall promptly disconnect and remove said temporary improvements and reconnect the storm drainage system to the new facilities. All improvements shall be done to the satisfaction of the City Engineer.



- F. All public drainage facilities, which cross private lots and to be maintained by the City, shall require a 10-ft. minimum width storm drain easement. Said easements shall be recorded by separate document prior to City approval or issuance of Building Permit, whichever comes first. Private drainage facilities shall be maintained by the Lot owner(s).
- G. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.
- H. The developer shall comply with Contra Costa County Flood Control District Design requirements.
- I. Fifteen (15) inch minimum RCP (reinforced concrete pipe) shall be used for all public storm drain lines and 12-inch minimum pipe shall be used for laterals and for private storm drain lines, unless otherwise approved by the City Engineer.

IX. NPDES Requirements

- A. Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
- B. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.

X. Street Improvements

- A. Pursuant to Chapter 12.30 of the Martinez Municipal Code sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property frontage. The developer shall construct and dedicate to the City the improvements within the City's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the City Engineer. All required public right of way dedication shall be complete prior to issuance of permits. All improvement shall be designed and constructed to the satisfaction of the City Engineer.
- B. All streets shall be paved and improved after utilities are installed in accordance with City of Martinez Standard Drawings and Design Guidelines. The ultimate street width shall be 28-ft. measured from curb face to curb face within a 40-ft. right-of-way and with sidewalk on one side of the street. The location of the pavement section within the right of way and sidewalk shall be subject to the City Engineer's approval. Sidewalk shall be 5 ft. wide as measured from the back of the curb.

The developer shall be responsible for installing a minimum of 20' wide

pavement with curb, gutter and sidewalk along the frontage of the property, or widening the street to its ultimate width. Temporary 6-inch high AC berm shall be installed at edge of pavement, unless otherwise approved by the City Engineer.

- C. Paving design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 5.5 with a minimum 0.20 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base. Maximum street grade shall be 15 percent, unless otherwise approved by the City Engineer.
- D. Applicant shall comply with the Contra Costa County Fire Department District requirements for access and turnaround.
- E. All new utility distribution services on-site and off-site shall be installed underground.
- F. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
- G. A City Encroachment Permit is required for any work within the City Right-of-Way.
- H. All traffic control devices, including Stop signs, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.
- I. Where required by the City Engineer, street light(s) shall be installed at Developer's expense in accordance with plans approved by the City Engineer. Developer shall bear full costs of energizing and monthly utility charges until acceptance of improvements by the City.
- J. Street trees, if any, shall be planted in accordance with City standards. The species of tree shall be approved by the Parks Superintendent.
- K. The developer shall keep the adjoining streets free and clean of project dirt, mud, materials and debris during the construction period as is found necessary by the City Engineer.
- L. No permanent retaining walls are allowed within the public right of way unless otherwise approved by the City Engineer.
- M. Frontage improvement on West Park Street: Due to existing conditions complete frontage improvement along West Park Street may not be practical if adjacent lot(s) are not developed in a timely manner. If requested by the applicant and approved by the City Engineer, portion of the frontage improvements may be deferred. Deferring the improvements will require the

applicant to enter into a deferred improvement agreement with the City for designing and constructing future street frontage improvements at a future date as determined by the City Engineer. The applicant shall be responsible for all expenses associated with designing and constructing such improvements including, but not limited to, plan check and inspection fees in accordance with the City's latest fee schedule at the time of issuance of the construction permit (s). The improvement plans shall be designed by a registered civil engineer in accordance with the City standard requirements, City Standard Details and Specifications, and in compliance the Municipal Code at the time of issuance of the construction permits.

XI. Water System

- A. Water system facilities shall be designed to meet the requirements of the City's water service district and the fire flow requirements of the Contra Costa County Consolidated Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans.
- B. Water system connection, including installation of the water meter, shall be made in accordance with Water District standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee schedule in effect at time of payment.
- C. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building.
- D. Direct water service connection to the existing 14-inch water transmission line in the street will not be allowed. Water service to the proposed residence shall be served from a new water main (Zone 2) in the street constructed at the expense of the developer, unless otherwise approved by the City Engineer. The applicant shall construct and dedicate to the City of Martinez all required improvements and easements for the water main extension to the satisfaction of the City Engineer.

XII. Sanitary Sewer System

- A. The applicant shall submit final drawings for required system connection to Central Contra Costa Sanitary District (CCCSD) for review, and submit application to CCCSD for wastewater service. All requirements of CCCSD shall be met before City approval of the improvement plans.

XIII. Other Requirements

- A. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.

- B. Design of all public improvements shall conform to the City of Martinez Design Guidelines, Standard Special Provisions, and Standard Drawings. Prior to preparation of improvement plans, the developer or his representative should contact the City's Engineering Development Review section of the Community Development Department.
- C. Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer, Community Development Director, and/or other agencies having jurisdiction for all improvements within the proposed development prior to issuance of a Building, Site, Grading or Encroachment Permit whichever comes first. Approved plans shall become the property of the City of Martinez upon being signed by the City Engineer and Community Development Director.
- D. Prior to City approval of the Plans, all fees, bonds, and deposits shall be paid and posted; all agreements shall be executed and all grading and improvement plans shall be approved by the City Engineer and Community Development Director. No construction shall take place until the issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.
- E. Prior to issuance of the building permit, the access to building sites shall be graded and improved to at least an all-weather surface condition, and operating fire hydrants shall be in place.
- F. All public improvements shall be completed and accepted by the City prior to issuance of certificate of occupancy on the dwelling unit.
- G. Prior to acceptance of improvements, offers of dedication, and release of bonds and deposits by the City, the City's record copies of the grading, site, and improvement plans shall be updated to show "As Built" conditions of the project. Said plans shall be prepared by the responsible Civil Engineer of work and shall reflect all changes made during the course of project construction. Grading and improvement plans shall be 24" x 36" in size.
- H. All on-site improvements not covered by the building permit including sidewalks, driveways, paving, sewers, drainage, curbs and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
- I. Building permits for retaining walls shall be obtained as follows:
  - 1. For major walls to be constructed during the mass-grading phase, obtain permit prior to issuance of the Grading Permit.
  - 2. For all other walls, obtain permit prior to issuance of Permits for structures on the respective lot.
- J. The minimum length for on-site driveways shall be in accordance with City

code restrictions, but in no case shall they be less than 20 ft. as measured from the garage door to the street right-of-way, or access easement line, unless otherwise approved by the City Engineer.

- K. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- L. Approval by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, Sewage District, and the water agency of all improvements and buildings is required prior to City approval of construction plans.
- M. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

XIV. Validity of Permit and Approval

- A. Planning Commission approval is subject to appeal to the City Council within ten calendar days of the approval.
- B. All permits and approvals shall expire in one year from the date on which they became effective (unless extended under C) unless either: (i) a building permit is obtained and construction begun within the one year time period or (ii) if the approvals include the approval of a subdivision, the Tentative Map and all concurrently approved permits or approvals shall expire in two years from the date on which they became effective (unless extended under C) and providing that the Final Map or Parcel Map has been filed with the City Engineer within the two year time period. The *effective date* of the subject permit and approval is the day on which any contingency (created by requiring an action of the City Council on a rezone, general plan amendment and/or the filing of an appeal) is removed. Unless an appeal is filed, the *effective date* of the permit and approval is November 28, 2006.
- C. The time extension of the expiration date, November 28, 2007, of a permit or approval 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.
- D. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
- E. The permittee, Scott O'Hara, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or

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employees to attack, set aside, void, or annul the Planning Commission's decision to approve Design Review #06-27, Use Permit #06-12, and Variance #06-25. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by Scott O'Hara, the City, and/or the parties initiating or bringing such action.

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