



MEMORANDUM

TO: PLANNING COMMISSION

FROM: Corey Simon, Senior Planner

DATE: July 22, 2008

RE: **VALLEY VISTA II; 6-LOT SINGLE FAMILY SUBDIVISION, ALHAMBRA WAY;** Public Hearing to consider request for a two year extension of a previously approved Major Subdivision to develop 6 new single family residences on lots ranging from 6,000 to 11,009 sq. ft., and the following exceptions to the development standards of the R-6.0 Zoning District: A Use Permit to allow a building heights of 3 stories and up to 36 feet, where a maximum of 2 stories and 25 feet is typically allowed; and Variances to allow minimum front yards ranging from 3 feet to 5 feet where a minimum of 20 feet is typically required, and to permit less than the minimum required lot width, depth and side yards; and Design Review approvals; **FILES: Sub 8740, UP #04-18, VAR #04-15 and DR# 03-20.**

RECOMMENDATION:

Pursuant to the California Subdivision Map Act, and Martinez Municipal Code, grant a one-year extension of approval for subdivision 8740, and related entitlements for design of single family homes: Use Permit #04-18, Variance #04-15 and Design Review #03-20, subject to the conditions of approval as per the Planning Commission's approval of this project on July 13, 2004 (as revised on June 28, 2005, and given a 2-year extension on July 11, 2006). With the grant of the extension, approvals will expire on July 26, 2009, by which time the applicant must record the final subdivision map, obtain building permits and commence construction, or these approvals will expire. Under current State and City codes, tentative map approval may only be extended by 36 months from original approval; **NO ADDITIONAL EXTENSIONS CAN BE PERMITTED UNDER CURRENT REGULATIONS.**

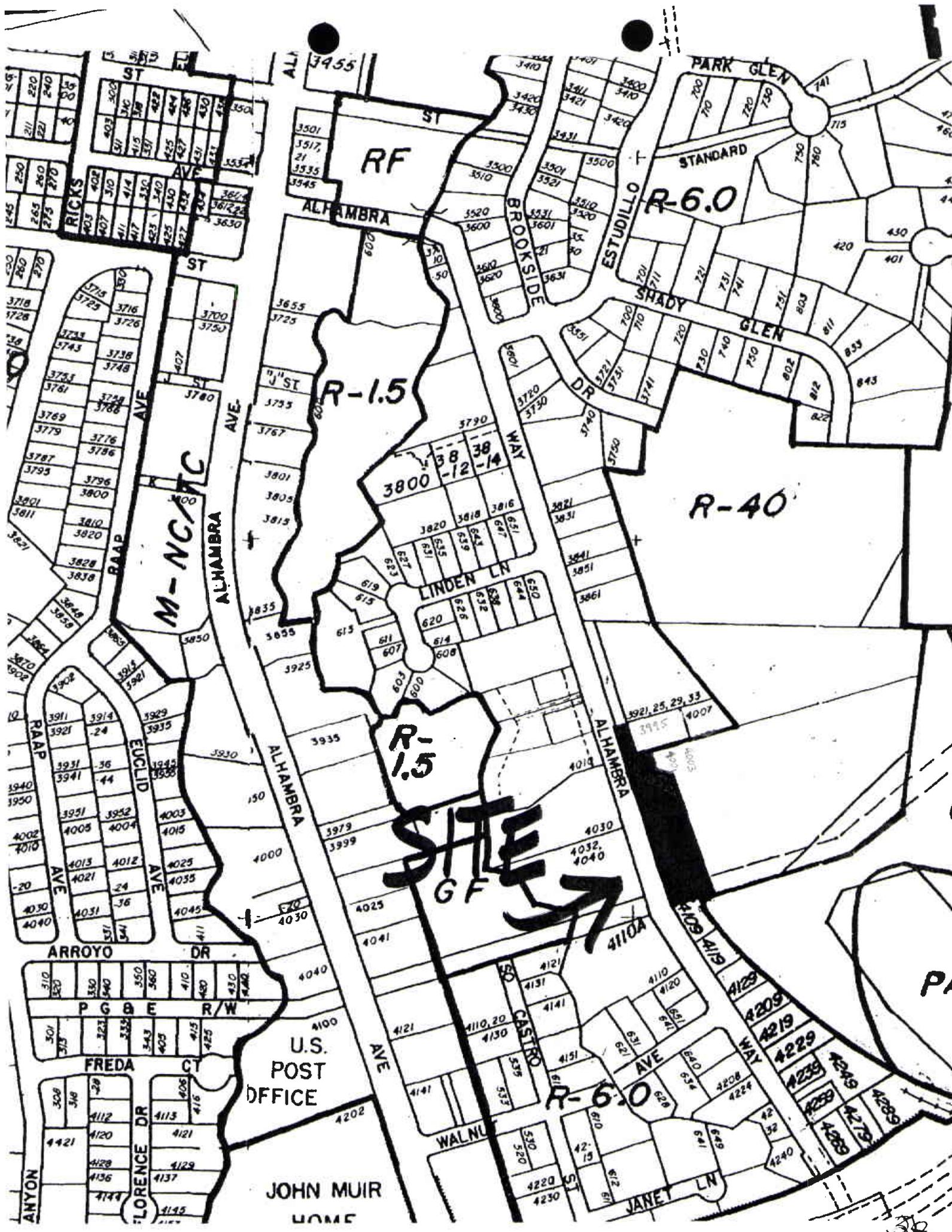
BACKGROUND and DISCUSSION:

On July 13, 2004, the Planning Commission approved the proposed subdivision and the architectural & front yard landscape designs for the 6 proposed single-family homes. The applicant has submitted for final plan, subdivision improvement (i.e. engineering infrastructure) and building permit plan review, but due to "current market conditions" the applicant has not completed the plan check process. As there has been no change to the regulations governing the project, or circumstances in the neighborhood, staff recommends granting the extension.

ATTACHMENTS

- Letter from applicant requesting extension
- Site Context Map
- Approved plans (excerpts - reduced)
- Conditions of Approval (DRAFT-with extension)

F:\Community Development\All Projects\MAJOR SUBDIVISIONS\Sub-8740 MS 553-3 LLA ValleyVista\ValleyVista2 EXT II PC RPT 2008 07 22.doc



RF

R-6.0

R-1.5

R-40

R-1.5

SITE
GF

R-6.0

U.S. POST OFFICE

JOHN MUIR HOME

M-NC/TC

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3517, 21
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ALHAMBRA

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PARK GLEN

STANDARD

SHADY GLEN

WALNUT

CASTRO

WALNUT

JANIN ASSOCIATES, INC.

957 Stow Lane, Lafayette, CA 94549
(925)934-8124 Voice
(925)937-3947 Fax

RECEIVED
JUL 11 2008
COMMUNITY DEV. DEPT.

July 11, 2008

Cory Simon
Community Development Dept.
City of Martinez
525 Henrietta St.
Martinez, CA 94553

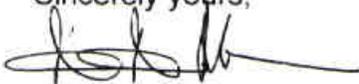
RE: Valley Vista II; Sub 8740, Use Permit #04-18, VAR #04-15 and Design Review #03-20

Dear Mr. Simon:

Due to the current economic conditions in the real estate sector, we have not been able to submit the final map for this subdivision. We ask that the City modify the conditions of approval to extend for one year the expiration of the approvals and permits (until July 26, 2009) for this subdivision.

We have included the extension application fee of \$975.00.
If you have any questions, please call.

Sincerely yours,



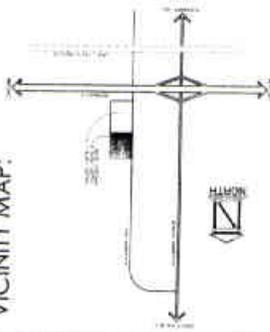
Andrew Morse, President

JANIN ASSOCIATES



VALLEY VISTA II - MARTINEZ, CA

VICINITY MAP:



NOTE:

PROJECT TEAM:

DEVELOPER:
JANIN ASSOCIATES - ANDREW MORSE
957 STOW LANE
LAFAYETTE, CA 94549
925.934.8124

ARCHITECT:
ARETE, INC. - GARY L. WHEELER
2289 BONIFACIO STREET
CONCORD, CA 94502
925.692.5888
925.692.5813 (FAX)

LANDSCAPE ARCHITECT:
HWA SITE DEVELOPMENT - ROSS WELLS
1070 CONCORD AVENUE SUITE 125
CONCORD, CA 94502
925.363.7288
925.363.7290 (FAX)

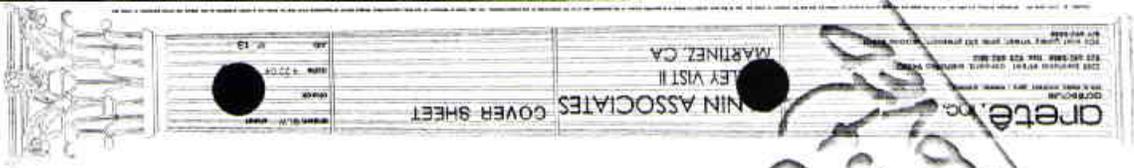
CIVIL ENGINEER:
FERVICO - ROBERT A. BOOTH JR.
1005 OAK STREET
CLAYTON, CA 94517
925.672.4590
925.672.2959 (FAX)

SHEET INDEX

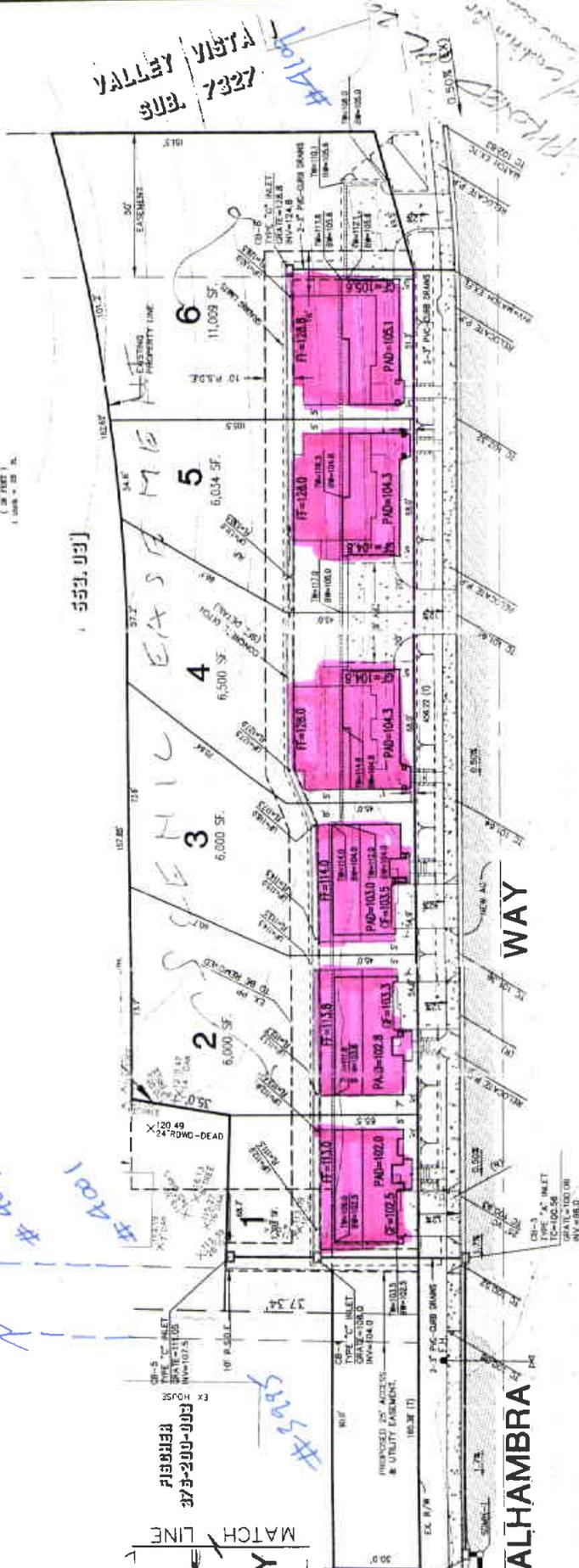
- | SHT. | DESCRIPTION |
|------|-----------------------------|
| A1.1 | PLAN 1A FLOOR/ROOF PLANS |
| A1.2 | PLAN 1B FLOOR/ROOF PLANS |
| A1.3 | PLAN 1C FLOOR/ROOF PLANS |
| A1.4 | PLAN 1A EXTERIOR ELEVATIONS |
| A1.5 | PLAN 1B EXTERIOR ELEVATIONS |
| A1.6 | PLAN 1C EXTERIOR ELEVATIONS |
| A2.1 | PLAN 2A FLOOR/ROOF PLANS |
| A2.2 | PLAN 2B FLOOR/ROOF PLANS |
| A2.3 | PLAN 2C FLOOR/ROOF PLANS |
| A2.4 | PLAN 2A EXTERIOR ELEVATIONS |
| A2.5 | PLAN 2B EXTERIOR ELEVATIONS |
| A2.6 | PLAN 2C EXTERIOR ELEVATIONS |

*File Copy
Submittal
3/1/2014*

10/11 - 1.2014



VICINITY MAP
 SCALE: 1/8" = 100'



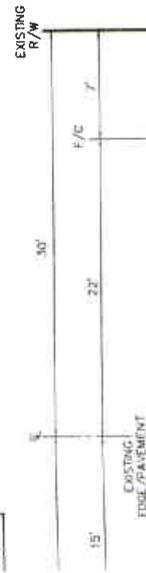
LEGEND

ABBRE

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BF	B
CB	C
CC	C
CP	C
ED	D
EA	E
FA	F
FF	F

SITE NOTES

- 1) SITE AREA: 0.89 ACRES (42,242 SF)
- 2) EXISTING LAND USES: VACANT
- 3) PROPOSED LAND USES: SINGLE FAMILY DETACHED
- 4) ASSESSOR'S PARCEL NO.: 379-310-001
- 5) EXISTING GENERAL PLAN: S D.U./ADRE
- 6) EXISTING ZONING: #1-6 (6,000 S.F. MIN.)



PROJECT
 1740

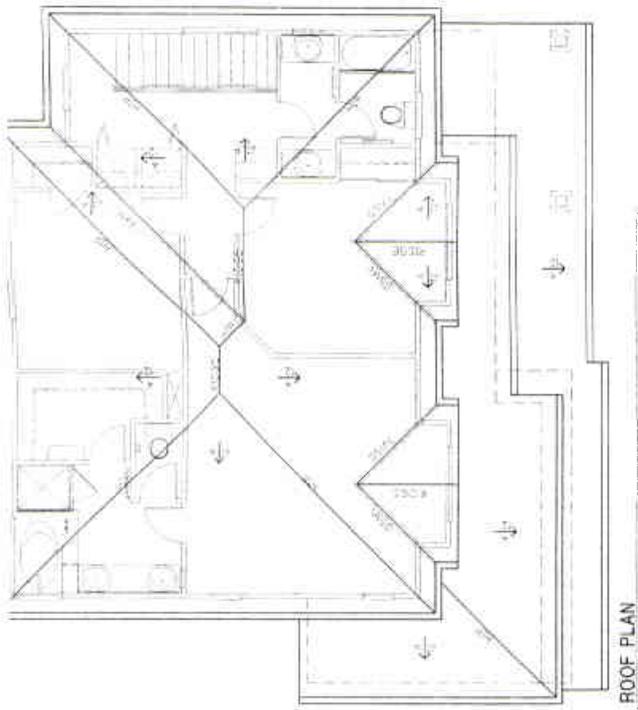
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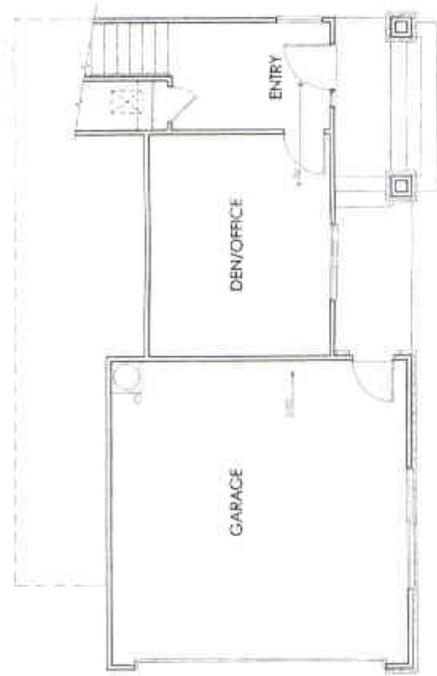
UPPER LEVEL FLOOR PLAN
1018 S.F.



MAIN LEVEL FLOOR PLAN
785 S.F.

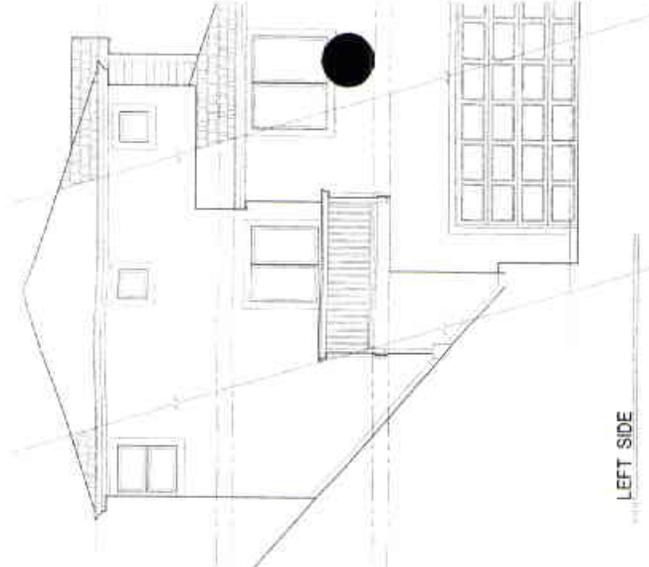


ROOF PLAN

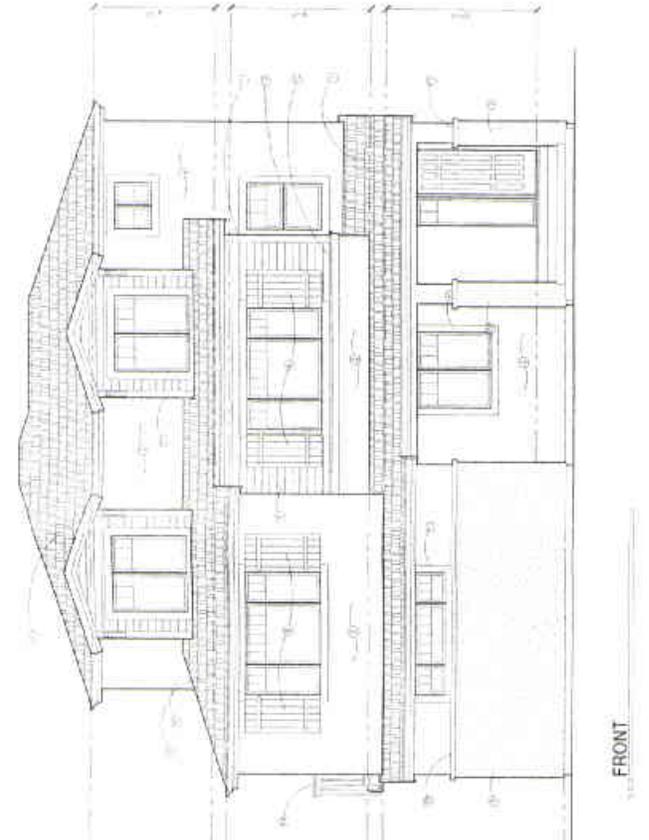


GROUND LEVEL FLOOR PLAN
320 S.F.





LEFT SIDE



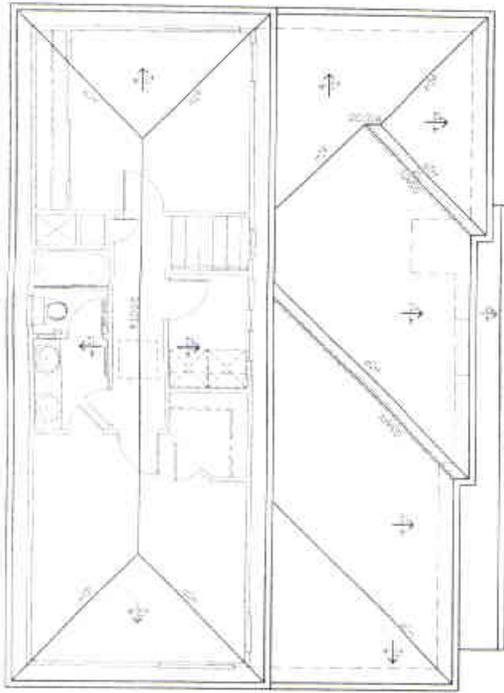
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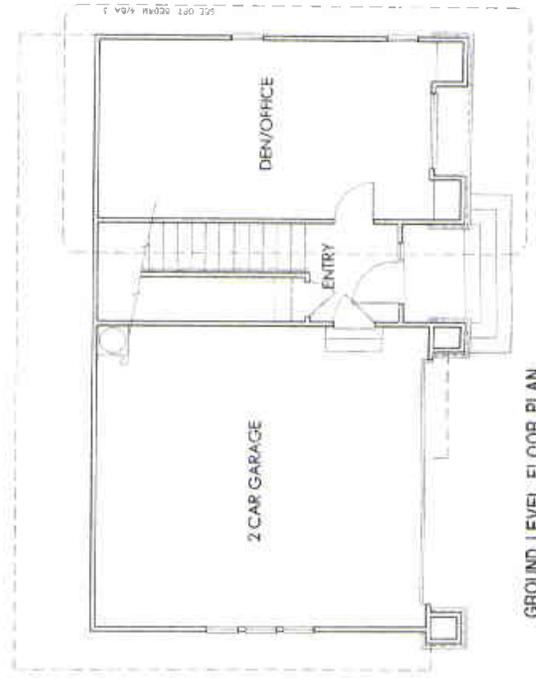
REAR

EXT. MATERIALS:

1. BRICKS - COMMON
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4. BRICKS - HARDWARE STORE
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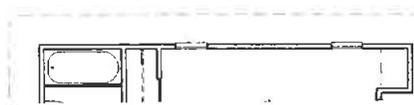
UPPER LEVEL FLOOR PLAN
588 S.F.



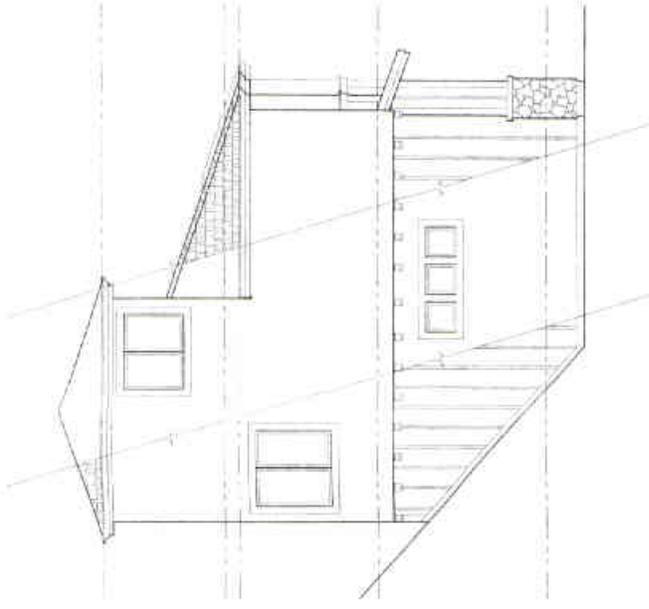
GROUND LEVEL FLOOR PLAN
422 S.F.



MAIN LEVEL FLOOR PLAN
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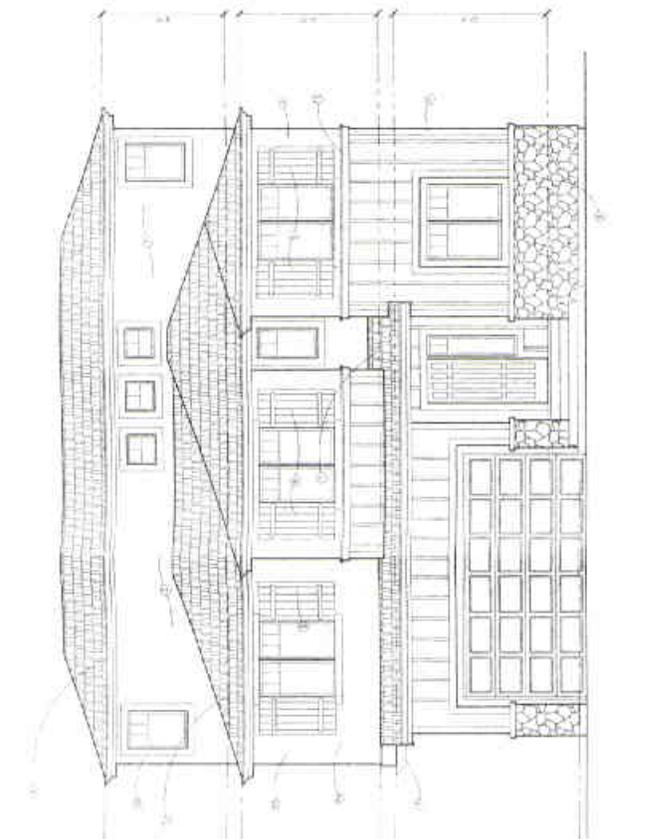


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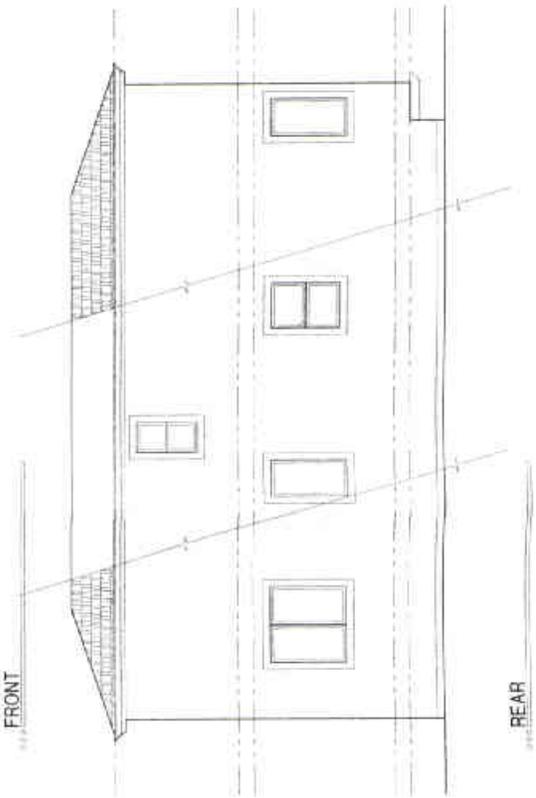


LEFT SIDE

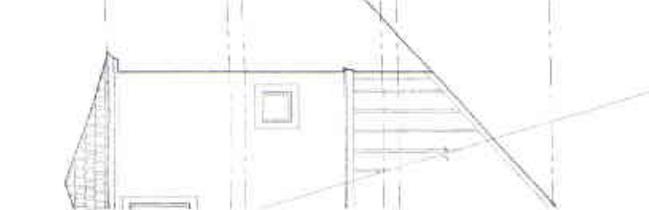
EXT. MATERIALS	
1.	MATERIAL DESIGNATION
2.	DESCRIPTION
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4.	MANUFACTURER
5.	TYPE
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8.	INSTALLATION
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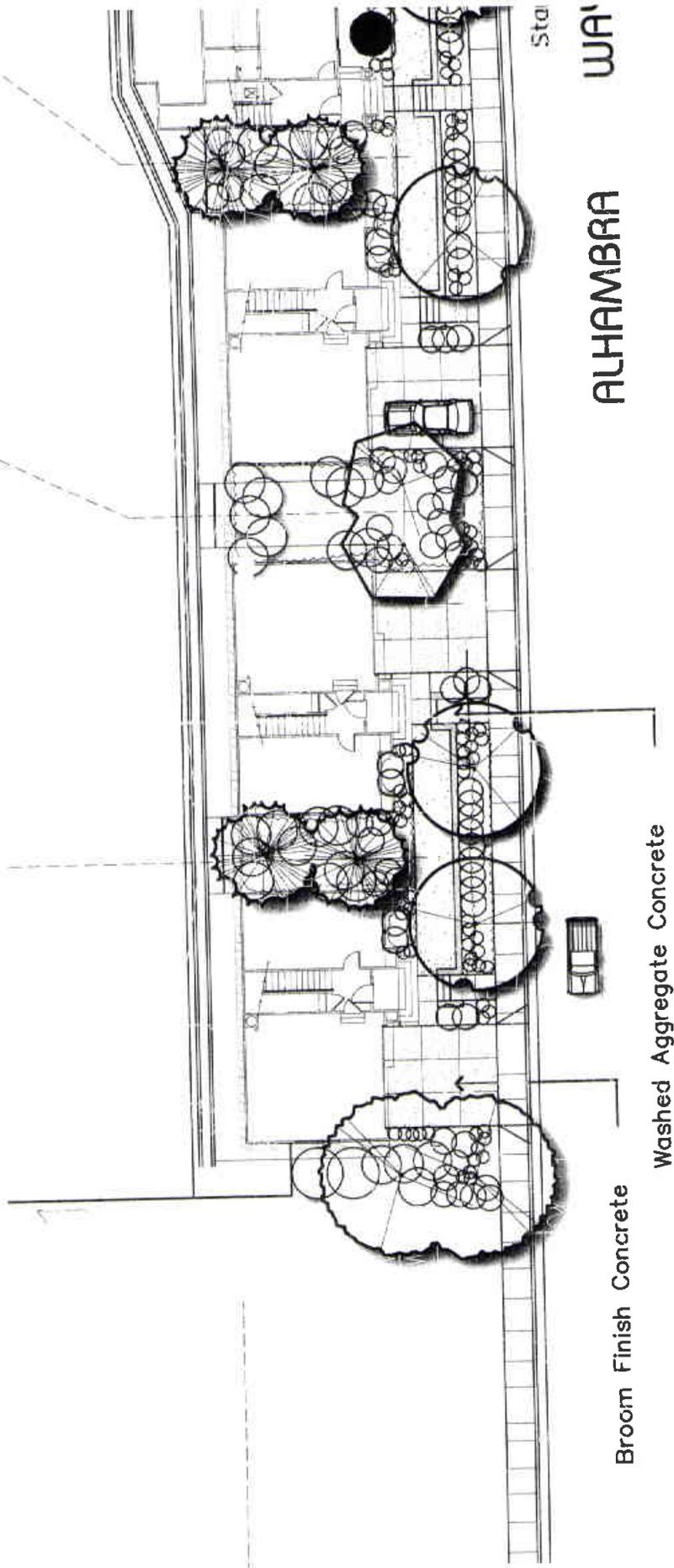


FRONT



REAR





Valley Vista II

Preliminary Landscape Plan

10' to Wall Footing

15' Right of Way

-A'

4

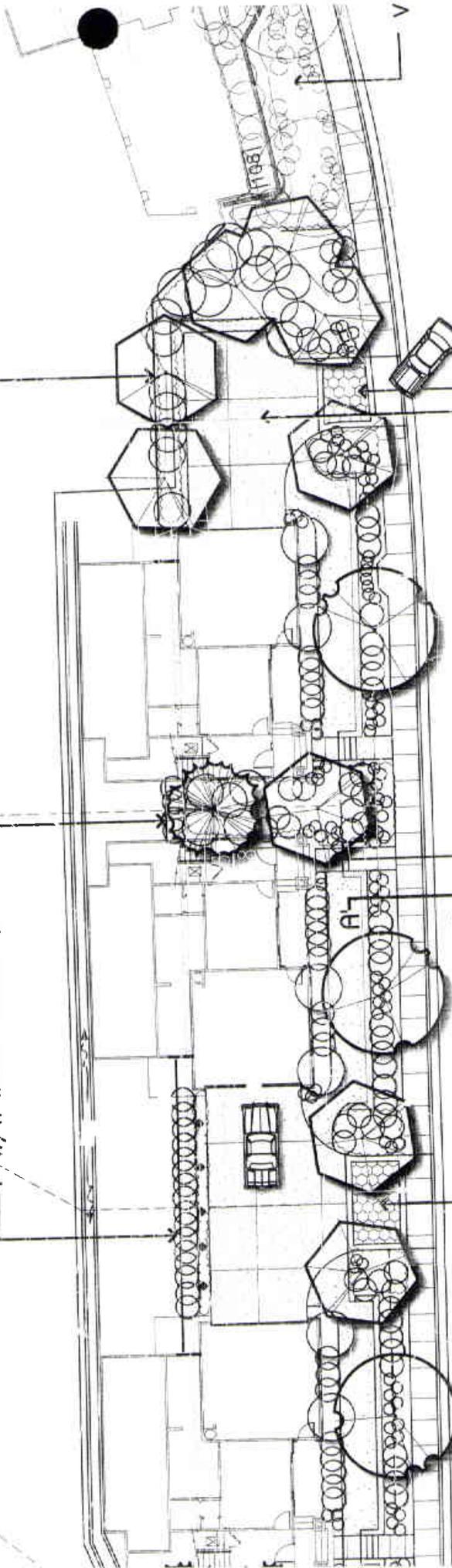
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4' W/W Mesh Fence, Typ.

5' Wood Fence



Stamped Concrete

Washed Aggregate Concrete

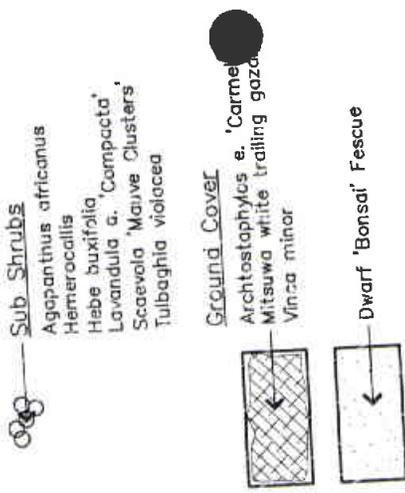
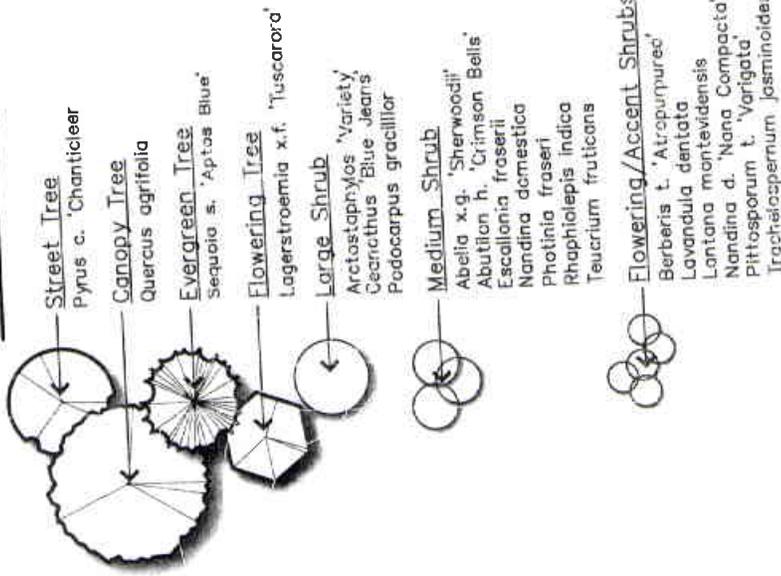
Broom Finish Concrete

Stamped Concrete

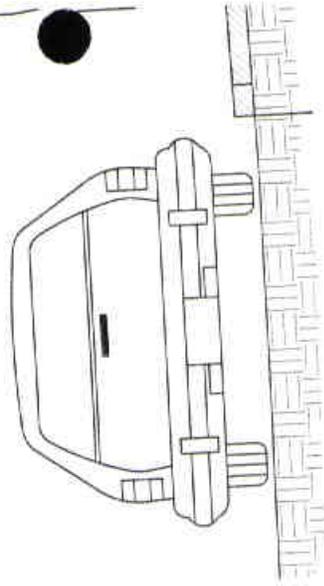
WAY

Martinez, California

Planting Legend



- 15-Gal**
 CHANTICLEER PEAR
- 24"-Box**
 COAST LIVE OAK
- 15-Gal**
 COAST REDWOOD
- 24"-Box**
 GRAPE MYRTLE
- 15-Gal**
 MANZANITA
 WILD LILAC
 FERN PINE
- 5-Gal**
 SHERWOOD ABELIA
 FLOWERING MAPLE
 ESCALLONIA
 HEAVENLY BAMBOO
 PHOTINIA
 INDIA HAWTHORN
 BUSH GERMANDER
- 5-Gal**
 RED LEAF BARBERRY
 FRENCH LAVENDER
 LANTANA
 DWARF HEAVENLY BAMBOO
 VARIGATED PITOSPORUM
 STAR JASMINE



CONDITIONS OF APPROVAL **[DRAFT]**
 AS APPROVED BY PLANNING COMMISSION

NOTE: changes in expiration dates due to extension are in **boldface type**

Project Name: Janin Associates Major Subdivision (Sub 8740)

Site Location: Vacant 0.97 acre lot located between 3995 and 4109 Alhambra Way (APN: 376 200-010)

I. Description of Permit

These conditions apply to and constitute the approval of:

- A. Major Subdivision No. 8740 to subdivide a .98 acre parcel (as adjusted by LLA 03-03) into 6 single-family lots; and
- B. Use Permit 04-18 to allow building heights of 3 stories and up to 36 feet, where a maximum of 2 stories and 25 feet is typically allowed; and
- C. Variance 03-15 to permit lots with less than the minimum lot width and depth required in the R-6.0 Zoning District, and to allow minimum front yards ranging from 3 feet to 5 feet where a minimum of 20 feet is typically required, and minimum side yards of 5' where 10' is typically required.
- D. Design Review 03-20 to approve of the proposed design of proposed residences and landscaping.

II. Exhibits

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

EXHIBIT	DATE RECEIVED	PREPARED BY	PAGES
Tentative Map for Sub 8740 (labeled as "sheet 3 of 3" of "Valley Vista II" - sub 8740/MS 553-03 submittal)	June 1, 2004	Permco Engineering	1
Architectural Plans	June 1, 2004	Arete, Inc.	13
Landscape Plans	July 7, 2004	HWA Site Development	1

All plans, including but not limited to the final map, improvement/grading plans and construction plans for the individual units 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.

APPROVED BY PLANNING COMMISSION
 MODIFIED BY PLANNING COMMISSION
 EXTENSION APPROVED BY PLANNING COMMISSION
 EXTENSION APPROVED BY PLANNING COMMISSION **[DRAFT]**

July 13, 2004
 June 28, 2005
 July 11, 2006
 July 22, 2008

III. Special Requirements for Final Approval and Recordation of Major Subdivision 8740

- A. The applicant shall complete, and file with the Contra Costa County Recorder's Office, all required documents and transfer deeds for the approved Lot Line Adjustment between Holben and Janin Associates (LLA 03-03) prior to recordation of the final map for the subject major subdivision, or as approved by the City Engineer.
- B. A "scenic easement" shall be provided over all areas east of the proposed Private Storm Drain Easement (P.S.D.E.) and over all parts of Lot 6 within the 50' wide P. G. & E. easement (other than P.S.D.E. and driveway areas). The owner's statement on the final map shall describe the proposed "Scenic Easement" as listed below. Final configuration of the scenic easement and wording of the owner's statement subject to approval of the Community Development Director and City Engineer:
- i. The easement shall be a non-exclusive private easement for the purpose of preserving the designated undeveloped hillside areas as privately owned and maintained open space.
 - ii. Development rights shall be ceded to the City of Martinez for the purpose of prohibiting: the erection of structures and obscuring fencing, grading, paving, tree removal and outdoor storage of vehicles or similar items.
 - iii. Limited landscape improvements, including but not limited to open wire or open rail fencing, additional planting and decks not exceeding 30" in height may be permitted subject to the approval of the City of Martinez Planning Commission, or designee.
 - iv. Each individual lot owner is solely responsible for maintenance of the property within the scenic easement, including but limited to weed abatement as mandated by the Contra Costa Fire Protection District, or designee.
- C. The Planning Commission shall review project, and receive update from builder and staff of project's final grading/geotechnical plans, prior to City Council action on Final Map, Grading and Subdivision Improvement plans. **[Condition added by Planning Commission when approving extension of expiration date on July 11, 2006.]**

IV. Site Plan

A. 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.

B. Parking and Driveways

1. Decorative paving shall be provided for all driveways as shown on approved landscape plan.

V. Architectural

A. In general, all exterior walls and all buildings within the project shall use compatible materials and colors, which shall be approved by the City.

B. Where applicable, construction plans shall include:

1. Consistent wood trim of all exterior doors and windows.
2. Window frames and doors shall be color coordinated to match the building.
3. Composition shingles shall be architecturally laminated style; minimum weight of 280 lbs./square shall be used.
4. Final color schemes, for staff review for constancy with Design Review approval.
5. Screening from view of all exterior and roof mounted utility and meter boxes, and mechanical equipment. Equipment and screening shall be shown on final construction plans.

VI. Landscaping, Fences and Tree Preservation

A. The developer is required to landscape all front and side yard areas (adjacent to Alhambra Way, driveway areas and between units) as conceptually shown on the approved landscape plan. This required landscaping shall be installed prior to final building permit inspection for each unit, and be permanently maintained with an automatic irrigation system. Final landscape plans shall be reviewed and approved prior to issuance of building permit(s) for the individual units. The plan(s) shall:

1. Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
2. Incorporate a variety of plant materials and other features (texture, size, seasonal color, etc.).
3. Use primarily drought-resistant plants.

4. Show all non-plant features: benches, lights, paths, pools, etc.
5. Include an irrigation plan.
6. Provide a continuous ground cover with complete coverage within 3 years, specifying one gallon size plants with maximum 3' triangular spacing (or equivalent density as approved by Planning staff).
7. Shrubs within the front yard shall be minimum 5 gal. size and drought tolerant.
8. Fences:
 - a. All fencing, retaining walls, barriers, etc., shall be installed by the developer, and shall be shown on the site and landscape plan.
 - b. The maximum height for all walls, fences and/or fences on retaining walls shall be 6 feet, except for the retaining walls for driveway courts and perpendicular to the side yards of the proposed units – and which shall not exceed the heights as shown on the approved tentative map and shall be of a decorative/textured C.M.U., or alternate as approved by Planning and Engineering Staff.

B. Tree Preservation

All existing trees within the project boundaries shall be preserved, except where specifically designated on the approved tentative Map for removal. Any other tree removal shall be permitted only upon approval by the Planning Division. The following procedures shall be 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, or as approved by the City. No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the drip line of any tree to be saved.
3. The Developer shall provide for future preservation and maintenance of the trees to be preserved within the scenic easement. These guidelines shall be contained in the CC&R's for subdivisions and/or

recorded as a deed restriction. The deed restriction shall require maintenance of the tree in accordance with requirements in the CC&R's.

VII. 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. No equipment shall be started or delineation take place on the streets before or after the specified operations hours.
- C. The site shall be fenced with locked gates at 7 p.m.. The gates shall remain locked until 7:00 am. Contractors shall not arrive at the site prior to the opening of the gates.
- D. A site-specific, sound mitigation study shall be performed to reduce sound levels to meet the following criteria for year 2000 noise contours:
 - 1. Indoor noise levels not to exceed 45 d_{BA} CNEL.
 - 2. Private outdoor noise levels not to exceed 60 d_{BA} CNEL.
- E. 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.
- F. 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.
- G. 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.
- H. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- I. Access shall be maintained to all driveways at all times.

- J. There shall be no parking of construction equipment or construction worker's cars on residential streets at any time.
- K. 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.
- L. Prior to construction, contractor shall contact city inspector for a pre-construction meeting. Haul route shall be from.

VIII. Common Interest Easements

- A. CC & R's are required for this project, and shall include agreements for private maintenance of all fencing, landscaping, private storm drain facilities, shared driveways and the scenic easement.
- B. Project CC & R's shall be submitted for City review and approval with the final map and improvement plans. The CC & R's shall contain a clause giving the City the right, but not the duty, to enforce the CC & R's.

IX. 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 of the Final Map or issuance of the Building, Encroachment, Grading or Site development permit, whichever comes first.
- B. All required faithful performance bonds and labor materials bonds in penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading, or Site Development permit, whichever comes first.
- C. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable fees and deposits including plan check fees, inspection, drainage impact fees and Impact Mitigation Fees. Impact fees 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 and deposits required by other agencies having jurisdiction shall be paid prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.

X. 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.
- 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 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. Where applicable, the grading and finished lot pads shall meet or exceed the requirements of a 100-year (1 percent) flood zone.
- K. All existing trees shall be clearly indicated on the grading plan. Refer to Section VI Landscaping for tree preservation requirements.
- L. Any grading on adjacent properties will require written approval of those property owners affected.
- M. 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.
- N. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.

XI. Drainage

- A. 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. Drainage area is defined as all that area draining into, and including, the area of the proposed development.
- B. 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.
- C. 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 filing of Final Map or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.
- D. 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. Passable is defined as one 10-ft. travel lane in each direction, pavement free of water runoff. The developer shall install a drainage system to ensure passability. Should the runoff due to the proposed development

contribute incrementally to an existing flooding problem, then the developer may be required to contribute funds for his proportional share of future drainage system costs as required by the City Engineer.

- E. The Developer shall provide adequate storm drain facilities on the east side of Alhambra Way to intercept the gutter flows from this subdivision as well as drainage areas outside the subdivision as required by the City Engineer. This may include constructing new storm drain facilities along Alhambra Way to the existing curb and gutter at the southerly property line of this subdivision as required by 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. Private storm drain facilities to be maintained by an Association of Homeowners or by individual lot owners shall be contained within 10-ft. private drainage reserves. Said easements and/or reserves shall be delineated on the Final Map or recorded by separate document prior to City approval of the Final Map or issuance of Building Permit, whichever comes first.
- 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.

XII. 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.
- C. For projects one (1) acre or larger, developer shall comply with the State Water Resources Control Board requirements for a construction NPDES permit and shall maintain a Storm Water Pollution Plan at the job site and provide the City with a copy of same.
- D. Development shall include adequate accessible and convenient areas for collecting and loading recyclable materials, to the satisfaction of the City

Engineer, in conformance with the California Integrated Waste Management Board Recycling Ordinance.

- E. Developer shall comply with the State Water Resources Control Board requirements for a construction NPDES permit.

XIII. 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 repair any damaged sidewalk, curb and gutter, relocate existing driveways, and 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. The existing street structural section shall be removed and replaced along the frontage of the property to the centerline of the street if the existing structural section is cracked or damaged in any way, or if the street structural section is determined by the City Engineer to be inadequate for the intended traffic. All improvements 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. Alhambra Way shall be widened approximately 12 feet as measured from the existing edge of the concrete pavement to the proposed face of curb. The proposed face of curb shall be constructed parallel to the existing right-of-way at an offset distance of 15 feet unless otherwise approved by the City Engineer. New curb, gutters and sidewalks shall be constructed on the east side of Alhambra Way along the entire frontage of the property. Sidewalks shall be 5 ft. wide as measured from the back of the curb.
- 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 7.0 with a minimum 0.30 ft. AC pavement section over a minimum 0.5 ft. Class 2 aggregate base. Maximum street grade shall be 15 percent.
- D. No retaining walls shall be constructed within the right-of-way unless otherwise approved by the City Engineer. If retaining walls are approved by the City Engineer, an encroachment agreement will be required for these walls.
- 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. Street names for public and private streets are subject to the approval by the Community Development Department and the Fire District. One street shall be named after a past mayor of Martinez as assigned by the City Engineer.
- J. All private access drives for four dwelling units or less shall provide a minimum 20 ft. unobstructed paved width within a 25 ft. right-of-way, with a maximum 20 percent grade and approved provisions for the turning around of Police Department and Fire Department apparatus.
- K. Street lights shall be installed on Alhambra Way 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 Council.
- L. Street trees shall be planted in accordance with City standards. The species of tree shall be approved by the Parks Superintendent.
- M. 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.

XIV. Water System

- A. Water system facilities shall be designed to meet the requirements of the responsible water service agency 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 appropriate 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. Provide fire hydrant(s) as required by the Fire Department.

XV. Sanitary Sewer System

- A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the Central Contra Costa Sanitary District. All requirements of that District shall be met before approval of the improvement plans.

XVI. 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 filing of the Final Map or 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 Final Map, 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 recordation of the Final Map and issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.
- E. If more than one unit is to be recorded on the area of the Tentative Map, master plans for the water mains, sanitary sewers, and storm sewers must be approved prior to the submittal of an improvement plan. The master plans are subject to review with any requested time extension of approval of the Tentative Map.
- F. The developer shall comply with all the mitigation measures listed in the

approved Final Environmental Impact Report prepared for this project. The Community Development Director shall interpret the mitigation measures and furnish the developer with specific improvements to be installed.

- G. Prior to issuance of the first 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.
- H. Prior to issuance of the first certificate of occupancy, the public improvements including streets, sewers, storm drains, street lights, and traffic signs required for access to the sites of that phase of the project shall be completed. All public improvements shall be completed and accepted by the City prior to issuance of certificate of occupancy on final dwelling unit in the project.
- I. 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. The as built plans and final map shall be provided in 4 mil photo mylars and in the form of electronic files compatible with AutoCAD release 14.
- J. 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.
- K. 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.
- L. The minimum length for on-site driveways shall be in accordance with City code restrictions, but in no case shall they be less than 18 ft. as measured from the garage door to the back of sidewalk unless otherwise approved by the City Engineer. Driveway approaches and profiles shall conform to City Standard Details S-6 and CC203 respectively.
- M. Any existing water wells on the property shall be filled and sealed off or

otherwise disposed of as directed by the City Engineer.

- N. 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.
- P. Final Map and/or CC & R's clearly showing lot numbers and property lines shall be submitted with building permit applications. Final Map shall be 18" x 26" in size.
- Q. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

XVII. 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 [JULY 26, 2004] (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 an appeal, rezone and/or general plan amendment) is removed.
- C. ~~The time extension of the expiration date, July 26, 2006, 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. Final extension of expiration date to July 26, 2009, approved by the Planning Commission on July 22, 2006. No additional extensions are permitted by State Map Act or City Subdivision Code. [DRAFT]~~
- 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, Janin Associates/Andrew Morse, 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 Major Subdivision 8740, UP 04-18, VAR 04-15 and DR 03-20, and any environmental document approved in connection therewith. 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 Janin Associates/Andrew Morse, the City, and/or the parties initiating or bringing such action.
- F. Janin Associates/Andrew Morse shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of, or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Negative Declaration), if made necessary by said legal action and if Janin Associates/Andrew Morse desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
- G. In the event that a claim, action or proceeding described in Subsection E, above, is brought, the City shall promptly notify Janin Associates/Andrew Morse of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that Janin Associates/Andrew Morse is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with Janin Associates/Andrew Morse in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where Janin Associates/Andrew Morse has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the applicant.
- H. Janin Associates/Andrew Morse shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.

- I. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirement, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

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APPROVED BY PLANNING COMMISSION
MODIFIED BY PLANNING COMMISSION
EXTENSION APPROVED BY PLANNING COMMISSION
EXTENSION APPROVED BY PLANNING COMMISSION *[DRAFT]*

July 13, 2004
June 28, 2005
July 11, 2006
July 22, 2008