



STAFF REPORT

TO: PLANNING COMMISSION

PREPARED BY: Corey Simon, Senior Planner

GENERAL INFORMATION

OWNER/ APPLICANT: Mr. & Mrs. Paul Siva; Bill Hess, Designer

LOCATION: 4804 Northridge Road (vacant lot, between existing residence at 4816 Northridge Road and California Hiking and Riding Trail)

PROPOSAL: Construction of a new single-family residence on 1.3 acre parcel. The applicant is requesting design review approval, and approval of an exception to building height limitations to allow a maximum building height of approximately 26' where a maximum of 25' is permitted; and Design Review for building elevations and landscaping.

GENERAL PLAN: Residential; 0-6 units/acre

ZONING: RR-40 (Rural Residential - Single Family: 40,000 square foot minimum lot area)

ENVIRONMENTAL REVIEW: Staff proposes that the Planning Commission find that this permit be categorically exempt (CLASS 3 - Section 15303; New Single-family Residences) 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 Use Permit #08-13 and Design Review #08-24, subject to the attached conditions of approval.

CONTEXT and SITE DESCRIPTION

The vacant parcel is located in the rural residential neighborhood of "Muir Oaks," and is one of the few remaining vacant lots. The site is adjacent to California Hiking and Riding Trail (and access spur to Northridge Road), but development will not effect trail and access or substantially alter views from the trails. The parcel has a moderate but

relatively constant down slope from its highest point at Northridge Road's "cul-de-sac." The building site is just below the "ridge" and the eastern side, allowing all of the existing coast live oaks at the mid and lower slopes to be retained (refer to site context map and aerial photo attached).

PROJECT INTRODUCTION

The applicant proposes to construct a 3,372 square foot single-level residence. The residence and driveway would be within the upper one-third of the lot. The design for the residence is generally in a contemporary/bungalow-craftsman theme, with stucco walls, stone veneer accents, and broad hipped roofs. To help the structure blend into the natural setting, the house will have a medium beige body color and dark grey composite shingles. The Design Review Committee recommended approval of the plan as currently proposed, February 10, 2009. The Committee was generally supportive of the proposed plans (once revised after the Committee's first review), and recommended approval, as it appears to appropriately fit into rural residential context.

ZONING COMPLIANCE

The property is within the RR-40 (Rural Residential - Single Family: 40,000 square foot minimum lot area) Zoning District. The table below provides the code requirements applicable to the proposed development (an addition) on this lot. A "Y" in the table indicates conformance.

CRITERIA	MINIMUM REQUIRED OR (MAXIMUM ALLOWED)	PROPOSED	CONFORMITY
Front yard	25 feet	34 feet	Y
Rear yard	25 feet	200+ feet	Y
Side yard (northerly)	15 -25 feet*	25 feet	Y
Side yard (southerly)	15 -25 feet*	58½ feet	Y
Building height	(25'/Two story)	approx. 26'/one story above daylight basement	Use Permit Req'd
Site Coverage	(20%)	9.6%	Y

*Per the RR-40 standards, a 15' side yard is only allowed for structures up to 12' in height. For structures over 12' in height, additional yard area is normally required. In all R- Districts, an additional foot of side yard width is required for every additional 2 feet of building height over 12'. With a maximum height of 26', min side yards of 22', are required.

STAFF ANALYSIS

The applicant had originally proposed a "gabled end" roof design, with a maximum height of approximately 34' above grade. Based on input from neighbors and the Design Review Committee, the applicant replaced the gabled end roof design with hipped roofs (i.e. sloping roofs on all four sides of the house, as opposed to only two

sides), greatly reducing the visual mass of the structure. Due to the down-sloping topography of the lot, and shortened "ridge" length, the proposed structure would now only be approximately 26' above existing grade at its highest point; a nominal exception to the 25' height limit. Given the relatively large lots within the "Muir Oaks" neighborhood and sloped topography of the subject lot, the requested exception to the 25' height limit appears to allow a building that is wholly compatible with its context. It should also be noted that in working with the Design Review Committee, the applicant has refined the building's details, and added an appropriate level of re-vegetation/landscape plantings.

ATTACHMENTS

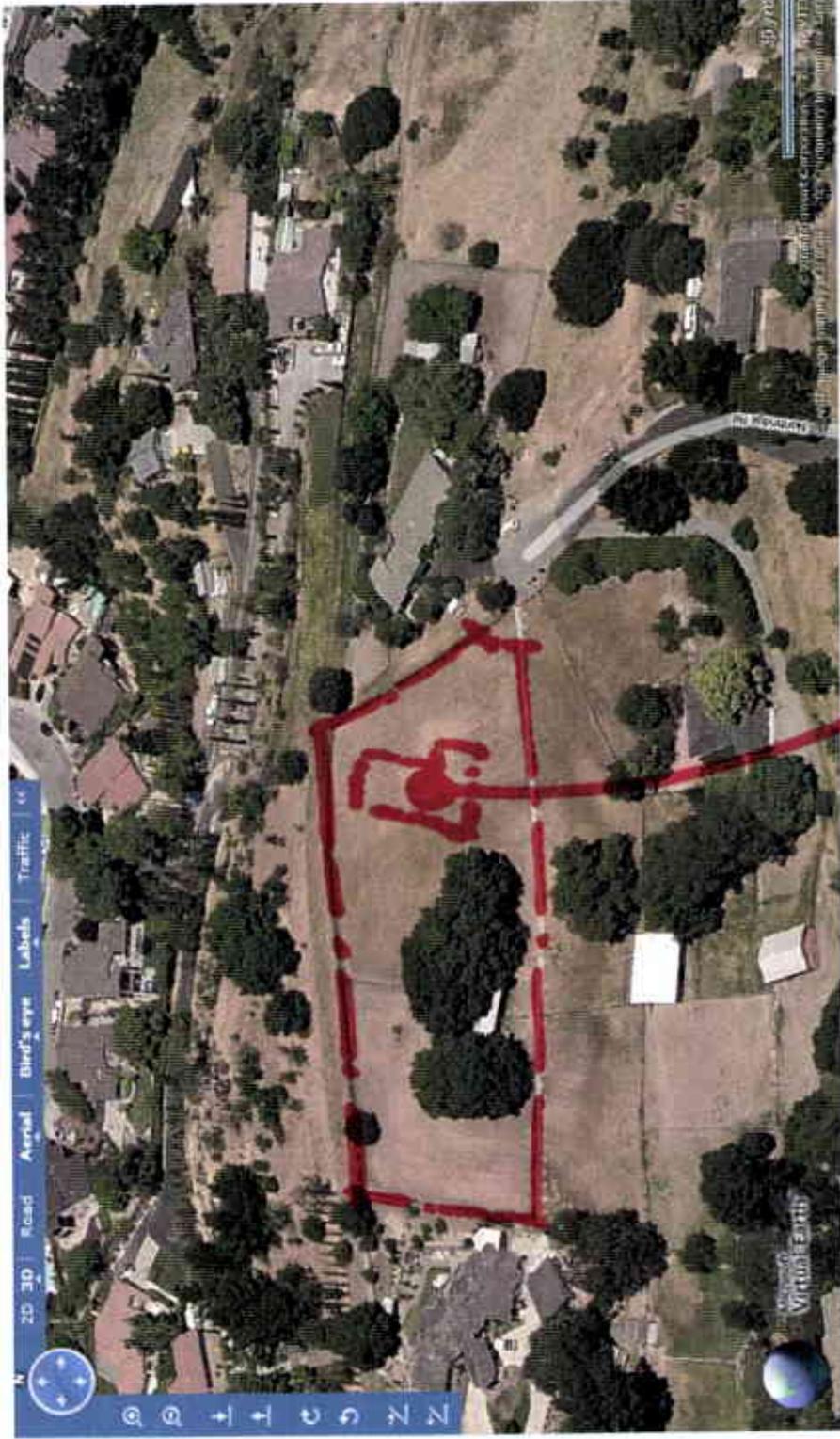
Site Context Map and Aerial Photo
Applicant's letter to Planning Commission
Original building proposal
Design Review Committee comments
Resolution PC 09-01[DRAFT]
Conditions of approval for UP 08-13 and DR 08-24 [DRAFT]

EXHIBITS

Site, Architectural and Landscape Plans

F:\Community Development\All Projects\RESIDENTIAL\Northridge Rd - 4804 Silva Rest\Silva-PC-RPT 2009.03.24.doc

SITE CONTEXT PHOTO



© Community Development Projects/RESIDENTIAL, Neukirchner, Inc. 4824 31st Street, Irvine, CA

SITE

CITY OF MARTINEZ
CITY COUNCIL
02-13-09



RE: NEW SINGLE FAMILY RESIDENCE FOR MR. AND MRS. P. SILVA
4804 NORTHRIDGE RD.

SUMMATION OF DESIGN REVIEW PROCESS

ORIGINAL DESIGN SUBMITTED APRIL OF '08
SUBSEQUENT MODIFICATIONS MADE WITH PLANNING
PERSONNEL SUGGESTIONS AND COMMENTS FROM DESIGN
REVIEW COMMITTEE HAVE RESULTED IN A NEW DESIGN VERY
CLOSE TO CITY REQUIREMENTS . THIS REDESIGN WAS
ACCOMPLISHED BY EXTENSIVE CHANGES , INCLUDING
GRADING, RETAINING WALL AND ENTIRE ROOF STRUCTURE AND
TYPE MODIFICATIONS. THIS HAS ,AGAIN, RESULTED IN A
FINISHED DESIGN VERY CLOSE TO CITY REQUIREMENTS (LESS
THAN ONE (1) FOOT VARIATION FROM 25' MAX. HEIGHT). WE
RESPECTFULLY ASK FOR APPROVAL OF THIS PROJECT.

THANK YOU

A handwritten signature in black ink, appearing to read "Wm. R. Hess".

WM. R. HESS - GEN. CONTRACTOR/DESIGNER



CITY OF MARTINEZ
DESIGN REVIEW COMMITTEE
COMMENT FORM

PROJECT: Silva Residence DATE: 1/13/09

REVIEW COMMENTS:

Resubmit plans to address hillside conditions.
Look at following contours, lowering house.

Design considerations - look @ window placement,
type of windows, composition of layout.
Provide 4 sided architecture - moulding, trim,
wainscot all around.

Provide revised landscape plan to coordinate w/
new plan. Add trees

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC?

YES
 NO

Have landscape plan stamped by a Land. Architect.
Keep drains outside of (E) Oak driplines.

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

1.

2.

Provide roof plans and floor plans.

3.

4.

2/10/09 - Recommend approval w/ changes

5.

as submitted.

Revise sheet 7 (utility plan) to
show correct drain line
around Oak tree.

COMMITTEE MEMBER

Brian Kilian



CITY OF MARTINEZ
 DESIGN REVIEW COMMITTEE
 COMMENT FORM

DATE: 1/13/2009

PROJECT: SILVA RESIDENCE

REVIEW COMMENTS:
 I COMMENTED APPLICANT FOR TRYING TO MINIMIZE GRADINGS ON SITE. HOWEVER, I DO RECOMMEND FOLLOWING REVISIONS:

- RE-LOOK @ HOUSE PLACEMENT, CONSIDER STEPPING HOUSE DOWN A LITTLE.
- RE-LOOK @ FRONT ELEVATION AND WINDOWS
- ENCLOSE FLOOR PLAN FOR 1ST FLOOR, AND BASEMENT.
- PROVIDE HIGHER LEVEL OF DETAILING THROUGHOUT DESIGN/ELEVATIONS.

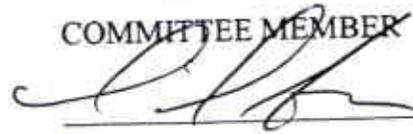
DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? YES NO

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

1. I RECOMMEND APPROVAL OF PROJECT. APPLICANT COMPLIED
2. WITH ORIGINAL COMMENTS. ONLY ADDITIONAL COMMENT
3. I HAVE ONE DESIGN IS FOR APPLICANT TO LOOK
4. @ PORCH & WINDOWS AT THE ENTRANCE CAN MAKE MORE
5. SYMMETRICAL. I DON'T NEED TO SEE PROJECT AGAIN.

2/10/09

COMMITTEE MEMBER


151810 FARIAS.



CITY OF MARTINEZ
DESIGN REVIEW COMMITTEE
COMMENT FORM

PROJECT: SILVA RESIDENCE DATE: 2/10/09

REVIEW COMMENTS:

1. NO COMMENTS AT THIS REVIEW

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? YES NO

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

- 1. No Comments
- 2.
- 3.
- 4.
- 5.

COMMITTEE MEMBER

Jim PASSAGLIA



CITY OF MARTINEZ
 DESIGN REVIEW COMMITTEE
 COMMENT FORM

PROJECT: SILVA RESIDENCE DATE: 1/13/09

REVIEW COMMENTS:
 CURRENT DESIGN NEEDS IMPROVEMENT. SITING & MASSING
 ARE AWKWARD & NOT WORKING WELL WITH THE HILLSIDE.
~~THE~~ SOUTH & WEST ELEV. ARE TOO MASSIVE & TALL.
 SOMEHOW THE HOUSE NEEDS TO BE BETTER INTEGRATED
 INTO HILLSIDE. ~~PLEASE~~ CONSIDER ROTATING OR FLIPPING
 THE PLAN ~~TO~~ AS WE DISCUSSED IN THE MEETINGS. PLEASE
 INCLUDE FLOOR PLANS OF ALL LEVELS, SITE PLAN WITH
 A ROOF PLAN & SHOWING STEPS, DECKS, ETC
 ALSO THINK THROUGH DETAILS, WINDOWS, ETC TO
 DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC? YES NO
IMPROVE OVERALL DESIGN

This project can be recommended for approval if the following conditions of approval are incorporated into the plans prior to Planning Commission hearing:

- 1.
- 2.
- 3.
- 4.
- 5.

COMMITTEE MEMBER

[Handwritten Signature]

RESOLUTION NO. PC 09-01 [DRAFT]

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
APPROVING USE PERMIT AND DESIGN REVIEW REQUESTS TO ALLOW A
SINGLE-FAMILY RESIDENCE, WITH AN EXCEPTION TO THE MAXIMUM
PERMITTED HEIGHT IN THE RR-40 ZONING DISTRICT, TO BE LOCATED ON A
VACANT 1.3 ACRE PARCEL LOCATED AT 4804 NORTHRIDGE ROAD
(APN: 162-070-016)
UP 08-13 and DR 08-24

WHEREAS, the City of Martinez has received a request for Use Permit and Design Review approvals to allow construction of a new single family residence with an exception to the maximum height limit of 25 feet; and

WHEREAS, the proposal is consistent with General Plan policies and with the land use designation which is Residential; 0-6 units/ acre; and

WHEREAS, the zoning applicable to the property is RR-40 (Rural Residential - Single Family: 40,000 square foot minimum lot area) which allows for single family structures with a Minimum Site Area of 40,000 sq. ft.; and

WHEREAS, the new single family residence is generally consistent with development standards of the RR-40 designation and the requirements for the granting of exceptions to those regulations where applicable; and

WHEREAS, the project is categorically exempt from the requirements of CEQA, under Sections 15303 CEQA Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 24, 2009, in regards to the said actions and has considered public testimony and all other substantial evidence in the record; and

NOW, THEREFORE, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based
2. The proposed maximum building height of approximately 26' requires the approval of a Use Permit allowing an exception to the maximum permitted 25 foot height limit of the RR-40 Zoning District. To approve the Use Permit, the Planning Commission must make the following findings, which it hereby does:
 - a. **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed residence with a maximum height of 26' is to be located in a rural residential area of minimum 1 acre lots, assuring the nominal increase in height will not negatively affect neighboring properties. The design of the proposed residence places the hipped roof peak with the

26' height at the center of the building, achieving the intent of the height limitations by lowering the apparent height that will be viewed from off-site. Furthermore, the distance between the proposed structure and any neighboring structure makes the proposed increase in building height inconsequential in how the building will be perceived from the limited possible off-site views.

- b. **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The context of the proposed structure is that of a rural residential area, and the proposed increase in height allows for a structure "in scale" with the expansive setting. The massing and colors of the proposed building adequately minimize the possible visual intrusion of a structure in its setting.
 - c. **The proposed conditional use will comply with each of the applicable provisions of this title.** The proposed building's design complies with all other applicable provisions including Design Review criteria.
3. In order to approve the Design Review application for the proposed units, the Commission must make the following findings, which it hereby does:
- a. **The project complies with all other applicable provisions of the Martinez Municipal Code involving the physical development of buildings, structures and property, including use restrictions,** in that the development standards for the RR-40 District are generally complied with, and where applicable, the applicant standards for the granting exceptions to those standards are met.
 - b. **The project provides a desirable surrounding for the occupants and neighbors,** in that the proposed residence is designed as to minimize visual intrusion into the open space setting. The building's massing and colors echo the hill form and natural earth tone colors, limiting its visibility from off-site.
 - c. **The project has a harmonious relationship with existing and proposed neighboring development,** in that the home is comparable in size to that of others in the neighborhood, and with the majority of the lot remaining undeveloped, maintains the "rural residential" character.
 - d. **The palette of exterior colors is harmonious and architecturally compatible with the surrounding environment,** in that earth tone stucco and stone accents, with a dark composite shingle roof, will blend into the landscape.
 - e. **A limited number of materials is used on the exterior of the project,** in that only stucco siding and stone wainscoting and accent details are proposed.

- f. **The project has exterior lighting appropriately designed with respect to convenience, safety, and effect on occupants as well as neighbors, in that as a single family home, only minimal exterior lighting is proposed.**
- g. **Effectively concealing work areas, both inside and outside of buildings, in the case of non-residential facilities. (Not applicable.)**
- h. **Undergrounding all utility boxes unless it can be shown that they can be effectively screened from the view of the general public. (No utility boxes are proposed as part of the project.)**
- i. **Designing the type and location of planting with respect to the preservation of specimen and landmark trees, water conservation as set forth in Chapter 22.35, and maintenance of all planting, in that there are several protected oak trees and existing trees will be retained.**
- j. **Establishing a circulation pattern, parking layout and points of ingress and egress (both vehicular and pedestrian), designed to maximize pedestrian safety and convenience and to minimize traffic congestion resulting from the impediment of vehicular movement. When applicable, access for handicapped individuals should be considered. (Not applicable or needed for proposed project.)**
- k. **Ensuring that all signs be designed so that they are in scale with the subject development, and will not create a traffic hazard. Emphasis is placed upon the identification of the use or building rather than the advertising of same. (No advertising is proposed with the project.)**
- l. **Views are substantially preserved from nearby properties, in that the proposed residence is set below the ridgeline, limiting its visibility from off-site. The building's mass is appropriately subdued with hipped roofs and dark earth tone colors.**

NOW, BE IT FURTHER RESOLVED that the Planning Commission approves UP 08-13 and DR 08-24 subject to conditions of approval, incorporated herein by this reference

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 24th day of March, 2009:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: _____
Frank Kluber
Planning Commission Chair

Corey M. Simon
Senior Planner

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CONDITIONS OF APPROVAL
AS APPROVED BY PLANNING COMMISSION

NOTE: Changes and additions to Standard City conditions are in **boldface type**

Project Name: Silva Residence
Site Location: 4804 Northridge Road (APN 162-070-016)

I. Description of Permit

These conditions apply to and constitute the approval of:

- A. Use Permit 08-13 to allow a building height of up to approximately 26', where a maximum of 25' is typically allowed; and
- B. Design Review 08-14 to approve of the proposed site plan, and design of proposed residence 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
Site and Civil Plans	Feb 13, 2009	Isakson & Assoc. Inc	2
Architectural Plans		Bill Hess, Designer	6
Landscape Plans		Environmental Foresight, Inc, Landscape Architecture	4

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 as shown on the Planting Plan by Environmental Foresight, Landscape Architecture, dated February 13, 2009. The following procedures shall be required:

- 1. **All trees to be preserved shall be clearly indicated on the grading plan, site plan 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.
3. Exact drain-line location shall be located as to minimize tree damage, as shown on Landscape and Utility plans dated February 13, 2009.
4. Dead wood shall be pruned from existing trees.

B. Landscape Plan

Final landscape plans, based on Landscape and Irrigation Plans prepared by Environmental Foresight dated February 13, 2009 shall be submitted as part of building permit application. The plan shall:

1. Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
2. Use primarily drought-resistant plants.
3. Show all non-plant features: walls, patios, benches, lights, paths, pools, etc.
4. Include an irrigation plan.
5. Shrubs shall be minimum 5 gal. size.
6. Trees shall be at minimum 15 gal. size, unless larger sizes otherwise noted on approved plans and/or required as a condition of approval.

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. All retaining walls adjacent to access drive/court shall be of "Keystone" style construction, or have a decorative masonry "stone" veneer finish, with decorative trim cap (to match finishes on house), or equal as approved by staff. Fences off-set from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 foot each.

D. Landscape Installation

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.

E. Lighting

1. All exterior lighting shall be directed downward and inward as to minimize "light pollution" that otherwise would be disruptive when viewed from off-site. All fixtures shall be glare-shielded.
2. Energy-saving fixtures shall be used.

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.

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. No equipment shall be started or delineation take place on the streets before or after the specified operations hours.
- C. 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.
- D. 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.
- E. 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.

- F. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- G. Access shall be maintained to all driveways at all times.

VI. Agreements, Fees and Bonds

- A. All required fees, bonds, deposits and agreements in connection with the project shall be submitted to and approved by City and/or other agencies having jurisdiction prior to City approval or issuance of the Building, Encroachment, Grading, or Site Development permit, whichever comes first.
- B. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable fees and deposits for a single family residential development, including plan check fees, inspection, drainage impact fees and development 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.
- C. All fees and deposits required by other agencies having jurisdiction shall be paid prior to City approval or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.

VII. Grading

- A. The limit of grading activities shall generally be contained within the area shown on the conceptual grading plan. Any proposed expansion of the area to be graded or addition of drainage infrastructure (due to needs for geotechnical mitigation) is subject to approval by the Community Development Director, who may refer the request to the Planning Commission if the requested change could appear to be visually significant.
- B. 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.
- C. 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.
- D. 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.

- E. 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.
- F. 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.
- G. 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.
- H. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
- I. Landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems.
- J. 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.
- K. All existing trees shall be clearly indicated on the grading plan. Refer to Section III; Site Plan 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.
- O. No retaining walls shall be installed in the public right of way or existing easement(s) unless otherwise approved by the City Engineer.**
- P. No grading shall be performed on existing easement, or public right of way, unless otherwise approved by the City Engineer.**

VIII. Drainage

- A. A hydrologic study shall be prepared and submitted to the City Engineer for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The developer engineer shall also submit calculations to verify the capacity and the adequacy of the existing storm drain system downstream of the project. The developer shall make necessary upgrade to the existing system(s) 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.
- B. All concentrated runoff shall be collected and conveyed to an approved storm drainage system or natural drainage stream. Existing slopes that have no additional discharge directed onto them or are not substantially regraded can remain as natural runoff. Where drainage to be discharged into existing storm drain system on adjacent properties, the Applicant shall secure all required storm drain easement(s) and permit(s) to the satisfaction of the City Engineer.
- 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 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. 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. 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. All offsite private storm drains shall require a 10-ft. wide (minimum) private storm drain easement(s). The developer shall obtain such easements at his own expense. Said easement(s) shall be recorded by separate document(s) and submitted to the City prior to City approval or issuance of Building Permit, whichever comes first.
- F. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.

- G. The developer shall comply with Contra Costa County Flood Control District Design requirements.
- H. 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.
- I. **The location of the outfall drainage pipe and the design shall be approved by the City Engineer prior to issuing a site development permit.**

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. To the maximum extent practicable, as determined by the City Engineer, drainage from paved surfaces shall be routed through grassy swales, buffer strips or sand filters prior to discharge into the storm drain system.
- C. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.
- D. Developer shall comply with the State Water Resources Control Board requirements for a construction NPDES permit. For projects one (1) acre or larger, developer shall comply with the State Water Resources Control Board requirements, NPDES permit, for construction.

X. Street and Driveway Improvements

- A. Pursuant to Chapter 12.30 of the Martinez Municipal Code, street frontage improvement is required. **Street pavement shall be constructed, repaired and/or replaced along the entire property frontage (to centerline of the street). If the existing pavement 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, it shall be removed and replaced 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.
- C. All new utility distribution services on-site and off-site shall be installed underground.
- D. A City Encroachment Permit is required for any work within the City Right-of-Way.

- E. Private Driveway: On-site driveways shall be in accordance with City code and standards. The minimum width of the private driveway shall be 16 feet, with a maximum 20 percent grade unless otherwise approved by the City Engineer. Driveway shall also comply with the Contra Costa County Fire Protection District requirements.
- F. **Access to California Hiking and Riding Trail shall be maintained at all times. No grading, installing structures, landscaping that obstruct access or temporary storage of materials and equipments shall be allowed within the existing easement unless otherwise approved by the City Engineer.**
- G. 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.
- H. 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.

XI. Water System

- A. Water system facilities shall be designed to meet the requirements of the City's 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 the 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.

XII. Sanitary Sewer System

- A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the responsible Sanitary District. All requirements of that District shall be met before 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, all fees and security 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 issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- 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. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.
 - M. Approval of grading plans, improvement plans and building plans shall be required by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, the Sanitary District and the Water District prior to City approval of construction plans and issuance of any permits.

XIV. Validity of Permit and Approval

- A. Planning Commission approval is subject to: (i) appeal to the City Council within ten calendar days of the approval, and, if applicable (ii) the City Council's approval of the requested rezoning and/or general plan amendment.
- 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 March, 24, 2009.**
- C. The time extension of the **expiration date, March 24, 2010**, 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, Mr. & Mrs. Paul Silva, shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a subdivision or other development which action is brought within the time period provided for in Government Code Section 66499.37; provided, however, that subdivider's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the subdivider or permittee of any said claim, action, or proceeding and the City's full cooperation in subdivider's or permittee's defense of said claims, actions, or proceedings.
- F. The permittee, Mr. & Mrs. Paul Silva 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 City Council's [or Planning Commission's] decision to approve Use Permit # 08-13 and Design Review # 08-24, 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 Mr. & Mrs. Paul Silva, the City, and/or the parties initiating or bringing such action.
- G. Mr. & Mrs. Paul Silva 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 Mr. & Mrs. Paul Silva 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.
- H. In the event that a claim, action or proceeding described in Subsection G, above, is brought, the City shall promptly notify Mr. & Mrs. Paul Silva 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 Mr. & Mrs. Paul Silva 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 be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with Mr. & Mrs. Paul Silva 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 Mr. & Mrs. Paul Silva 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.

- I. Mr. & Mrs. Paul Silva shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- J. 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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