



# STAFF REPORT

**TO: PLANNING COMMISSION**

**PREPARED BY: Dina Tasini, Contract Planner**

## GENERAL INFORMATION

**OWNER/APPLICANT:** Discovery Homes/ Jackie Seeno

**LOCATION:** 370 Muir Station Road

**GENERAL PLAN** **Existing:** APN# 162-263-006 (4.8 ac.), Residential 7-12 units per acre;  
(John Muir Parkway APN # 162- 263-009; (2 ac.) Open Space.  
Specific Area Plan):

**Proposed:** APN # 162-263-009, (2 ac) Residential 7-12 units per acre

**ZONING:** **Existing:** (all) R-40 (Single Family Residential, 40,000 sq. ft. min. lot size)  
**Proposed:** (all) R 3.5/PUD (Residential, 3,500 sq. ft. site area per unit/Planned Unit Development Overlay)

**ENVIRONMENTAL** The attached initial study evaluating this project's environmental impact was  
**REVIEW:** prepared and circulated as required by the California Environmental Quality Act (CEQA). The initial study found the project would not have a significant impact, with the proposed mitigation measures, and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared.

**PROPOSAL:** The applicant proposes to develop the site with 80 townhomes and 2 single-family residences on site totaling 6.83 acres.

**APPROVALS** THE PLANNING COMMISSION'S ACTION IS A RECOMMENDATION TO THE  
**REQUESTED** CITY COUNCIL, WHO WILL TAKE ACTION ON THE FOLLOWING ITEMS, AT A FUTURE HEARING, TO BE ANNOUNCED:  
a) Adoption of a Mitigated Negative Declaration;  
b) General Plan Amendment to "Residential: 7-12 Units/Gross Acre";  
c) Rezoning to R-3.5/PUD Overlay (Family Residential, minimum 3,500 square feet of site area per dwelling unit/Planned Unit Development Overlay);  
d) Approval of a PUD Plan, allowing exceptions to the normally required lot size, density, minimum yard requirements and maximum height and site coverage limitations R/3.5 District.  
e) Approval of a Vesting Tentative Map for a 82-unit Major Subdivision:

## RECOMMENDATION

Adopt the *Draft* resolution, recommending that the City Council adopt the Initial Study/ Mitigated Negative Declaration, and approval of GPA # 09-01, REZ # 09-01, PD #09-01 and Major Subdivision 9263, subject to the attached *Draft* Conditions of Approval.

## **PROJECT DESCRIPTION**

The applicant proposes to develop the approximate 6.8-acre site with 80 Townhomes and 2 single-family homes (refer to Site Plan and *Initial Study* provided). The units are to be individually owned as part of a common interest subdivision, and range in size from 1,431 square feet to 1,930 square feet and with the exception of two single-family homes measuring approximately 3,400 square feet. The units all have two car garages. The Common areas will include peripheral landscaping, along the perimeter of the site and interior, a tot lot, picnic area and grassy swales throughout the project site. Generally, the three level units provide two stories of conditioned interior space atop the garage level.

The site has moderately steep slopes rising from Muir Road and has been graded to provide a generally flat plateau on the site for storage of industrial items and/or vehicles decades ago. The site is unvegetated except for seasonal vegetation, and along the southern boundary where a hiking and horseback riding trail is located and is heavily vegetated with grasses and trees.

Metro PCS and AT&T wireless currently operate wireless antenna facilities on the site, and the project includes the relocation of its utility easements and equipment buildings to provide a common open space area within the southern portion of the project site.

## **SITE and CONTEXT DESCRIPTION**

The site is within an evolving suburban area, with a mixture of residential, commercial, and industrial uses in a somewhat "semi-rural" setting. To the NORTH (opposite side of Muir Station Road) is the railroad tracks and Highway 4. To the NORTHEAST is a shopping center and hotel. To the SOUTH and WEST are residential properties. Immediately to the SOUTH adjoining the site is a hiking and horseback riding trail and residential development. To the SOUTHWEST is a church. This context is more fully illustrated in the *Initial Study* provided.

## **APPLICABLE REGULATIONS**

In addition to the standards and criteria provided by the John Muir Parkway Specific Area Plan, and the familiar sections of the City's Zoning and Subdivision Regulations, the proposed project will be the first subdivision/planned unit development subject to the City's recently revised "Planned Unit Development (PUD)" regulations, which were adopted by the City Council in September 2010. The most significant changes from the previous Planned Unit Development (PUD) review processes are:

- The PUD is now an "overlay zoning district," to be either approved or denied by the City Council, after receiving a recommendation from the Planning Commission. (Previously, the PUD was approved by the Planning Commission as a Use Permit).
- All actions linked to the PUD, including but not limited to the General Plan amendment, rezoning of the underlying "base" zoning district (e.g. rezoning from R-40 to R/3.5) – as well as the Vesting Tentative Map – are also to be either approved or denied by the City Council, after receiving a recommendation from the Planning

Commission.

- Design Review Approval of architectural finishes may be deferred to separate Planning Commission action subsequent to PUD approval. This option was created, and the applicant has chosen this approach - as a means of focusing PUD review on the larger question of site planning, which includes but is not limited to: on-site circulation, building placement, building massing (e.g. height, width as would normally be determined by conventional zoning regulations) and provision open space/recreation space. Design Review Committee review of the site plan is required at this stage, and committee comments are discussed further in this report.

## **STAFF ANALYSIS**

The applicant has worked well with staff to resolve many of the site plan issues and has met several times with the Design Review Committee to discuss the site plan and tentative map. Additional open spaces areas have been added to the interior of the project, to provide more active common open space than was originally proposed. The applicant has also, through the initial study process, agreed to a number of mitigation measures that will change future heights of buildings along the southern portion of the property. As stated above, the applicant will return to Design Review Committee and Planning Commission for Design Review approval in the future. Specific areas of discussion are outlined below:

### **TOPIC ONE – CHANGE IN GENERAL PLAN LAND USE DESIGNATION FOR A PORTION OF THE SITE FROM OPEN SPACE TO RESIDENTIAL - AND CONSISTENCY WITH THE GENERAL PLAN**

The southern portion of the site is designated open space, however through analysis of both the history of use of the site and policies set forth in the John Muir Parkway Specific Area Plan staff has found that residential use is appropriate. Staff provides the following, which is again more fully illustrated in the *Initial Study* provided:

The Martinez General Plan (John Muir Parkway Specific Area Plan (“SAP”) currently designates the northerly 4.8 acres of project site Residential, 7-12 units per gross acre, and the southerly 2 acres as Open Space. Notwithstanding the request to re-designate the Open Space area to Residential, the project is generally consistent with the SAP, in that higher density development is encouraged adjacent to the John Muir parkway (Policy 33.312) and that all developments shall be Planned Unit Developments (Policy 33.316)

The SAP also includes specific policy direction in regards to fitting higher density development into areas where there are existing single-family neighborhoods, such as Donaleen Court to the southwest of the subject site. Policy 33.319 (adopted 1987) states:

*When a proposed multiple family residential development is near an existing single family (or lower density multiple family) development, the Planning Commission shall require appropriate transition elements in the approved development plan, such as landscape buffering, building setbacks equal to or larger than those required in adjacent zone district, minimization of grade*

*differences to avoid visual impact and loss of privacy, different types of units which are more compatible with those existing on adjacent property, lower density zoning, assembly of small parcels into one large project for more design flexibility, provision of project access from collector streets rather than existing local residential streets, etc. In addition, all residential developments shall be subdivided into individual units and offered for sale to maximize the opportunity for owner-occupied housing in the area*

At the time the SAP was adopted in the 1970's, the southerly portion of the site was designated as "open space." This area serves as a buffer between the medium density residential uses envisioned to be along Muir Station Road and the California Hiking and Riding Trail to the south. In 1987, the City Council amended the SAP as currently depicted, increasing the areas designated for residential uses, and decreasing the area designated as open space. The split between the residential and open space areas as amended in 1987 appears to match the division between the projects two parcels (162-263-006 and 162-263 -009), and may have corresponded to the limit of grading at the time. As discussed above, most of the two parcels were previously graded to use as a storage lot. The two-acre parcel that is designated open space is partially graded and is part of the existing storage facility. Because of the southern portion's use as a storage facility and its graded configuration, this area as it currently appears has little or no scenic value. So as a function of the SAP's Land Use Map and existing conditions, the requested General Plan Amendment would be appropriate.

The potential conflict with the SAP policies is not with the proposed General Plan map amendment, but with the proposed site plan development on the portion of the site currently designated as "open space." The development plan places 35 to 40 foot tall buildings immediately adjacent to the California Hiking and Riding Trail, with only 30-40 foot areas for shrub plantings between the Trail and the buildings. While the graded 50% slope between the existing RV storage area and the existing Trail has no scenic value in and of itself, it's "unbuilt" status does fulfill the intent of the original open space designations, and Policy 33.341.B of the SAP's Open Space Policies, which states:

*Buffer and Trail way Open Space land which is intended to provide adequate visual and acoustic buffer, landscape amenity and a functional, well integrated trail system for walking, hiking, bicycle and equestrian use within the planning area and as a means of linking the planning area to adjacent neighborhoods, shopping and work areas.*

The proposed mitigation measures, which call for a reduction in building massing adjacent to the Trail, and the now proposed access to the Trail, work to make the proposed residential designation with the larger intent of the policies set forth in the John Muir Parkway Specific Area Plan.

## **TOPIC TWO- ZONING DESIGNATIONS AND PUD OVERLAY**

The site's current zoning designation, R-40 (one-family residential, 40,000 sq. ft. minimum lot size) is inconsistent with both the existing and proposed General Plan (John Muir Parkway Specific Area Plan) designation of "Residential 7-12 Units/Acre." The proposed designation of R 3.5/PUD overlay (Family Residential, 3,500 sq. ft. site area per unit, 4,000 sq. ft. minimum lot size) achieves consistency with the General Plan for a portion of the site that is not designated Open Space. The proposed site plan is generally consistent with the development standards of the R-3.5 District (including maximum density and minimum yards). The flexible standards of the PUD overlay are primarily needed for the parcelization of the individual "townhouse" units, with no individual side yards and lots of less than 4,000 sq. ft. in size.

In response to concern regarding the requested General Plan Amendment and Zone Change, staff reviewed the open space trails as a result, the applicant will be required to revise buildings designs of the two buildings that are proposed along the southern ridge above the trail to reduce height and step back from the trail. During future Design Review discussions the Design Review Committee will propose design solutions and provide the Planning Commission the opportunity to approve the Final Design Review package.

One of the potentially significant conflicts is the requested exception to the normally permitted maximum height limit of 25 ft. and two stories. While the two single family units at the site's summit are in compliance with this standard, the 80 multiple-family units are all three stories, with heights ranging from approximately 35' to 40'. Fortunately, the topography of the site can, in most cases, accommodate the added height without a negative impact, as most units are either against the much taller hill and/or not adjacent to homes and opens space areas. But as previously discussed future design review discussions will provide more information regarding the stepping down of two buildings, at least, along the ridge to lessen visual impacts. Once the design has been developed staff will be better able to determine if reduction in height is the solution to visual impacts or other solutions are necessary.

## **TOPIC THREE: ON SITE OPEN SPACE/PRIVATE AND COMMON RECREATIONAL SPACE**

The R-3.5 zoning district requires 500 square feet of Useable Open Space per unit (Title 22, Section 22.12.250). The definition section of the Zoning Ordinance (Chapter 22.04, Section 22.04.560) defines 'Useable Open Space' as outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, recreations, utility space, pedestrian access or landscaping. Such areas do not include front or street side yards. Typically in urban development useable outdoor space would be provided by a deck, ground-floor patio or fenced back yard.

The proposed units have minimal private outdoor space provided by balconies of varying sizes but not exceeding about 40 sq. ft. in size. The site plan also includes an approximately 2,000 square feet area behind Buildings 2 and 3 that is designated for a tot lot. However, this area would be limited in its use and does not provide a recreation area for adults. In response the applicant has provided additional outdoor space within the southern portion of the site for picnics and gatherings, and has relocated the wireless antennae from the top of the hill in the rear of the residential units to an area to the north along the roadway and adjacent to parking. The relocation provides for additional passive open space. Approximately 3 acres of the site will remain unbuilt and will be landscaped as passive open space. These three acres meet the Zoning Ordinance's technical definition of Usable Open Space, and thus more than 500 square feet per unit will be provided.

#### **TOPIC FOUR – RELATIONSHIP TO NEIGHBORING USES**

Adjacent properties are commercial and single family residential. The project site has been underutilized for a number of years. The existing single-family residence located below the site along Muir Station Road will be impacted by the existence of residences along the ridge. However, through proper screening and leaving larger existing eucalyptus trees along the top of the ridge will assist in the screening. Due to the topography there will be an eight-foot retaining wall along the top of slope. During the future design review process staff will discuss the screening and visual aspects of the design of the patio areas and rear of the buildings. The existing commercial uses predominately to the east will serve as an excellent service center for the residents. In addition, this type of housing will be compatible with other apartment and hotel developments in the area.

The residential development to the south will be visually impacted in that the site is currently vacant and development of the site with three-story residence will change the view from some residences from the rear yards and along Donaleen Court. However, as previously stated staff will be working with the applicant and the Design Review Committee to design structures that are properly screened and whose massing has been decreased by stepping down of the structure along the hillside (above hiking and riding trail).

#### **TOPIC FIVE – DESIGN REVIEW COMMITTEE COMMENTS & SITE PLAN RECOMMENDATIONS**

The Design Review Committee met three times to review this project. This was an unusual process for the Committee, as the newly adopted Planned Development overlay language provides for approval of a PUD plan without Design Review approval of the building's architectural finishes. Staff presented a Tentative Map Plan and Landscape Plan, but individual building designs were not evaluated at this time.

The Design Review Committee was split on its recommendation, who's individual *comment sheets* with recommendations to the Planning Commission are attached. The issues that were discussed were density, views, access, parking, open space and access to adjacent commercial uses. There is still concern on the part of one committee member that the project is too dense and does not provide enough usable

open space or parking. The other two members are both concerned about design details, but generally support the site plan as proposed and ultimately recommended approval. Of the two in support, one recommends that the end units be dropped in height from 3- to 2-story, as a means of ameliorating the perception that the project is "too dense" without requiring site plan changes.

### **ATTACHMENTS**

- Site Vicinity Map
- Design Review Comments, May 23, 2012
- Letter from Contra Costa County Fire Protection Fire District, dated June 29, 2010
- Resolution, recommending approval to the City Council (Draft), with recommended Conditions of Approval

### **DOCUMENTS PROVIDED UNDER SEPARATE COVER**

*Initial Study*, with illustrations of existing land use designations and visual impacts

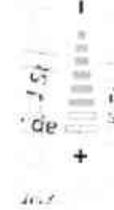
### **EXHIBITS**

- Vesting Tentative Map and landscape plans (dated as received, August 8, 2012)
- Reduction of Landscape site plan, annotated with amenities added at request of the Design Review Committee.

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Site





CITY OF MARTINEZ  
 DESIGN REVIEW COMMITTEE  
 COMMENT FORM

PROJECT: Laurel Knoll DATE: 5/23/12

REVIEW COMMENTS: I do not recommend approval or moving this project forward to the Planning Commission. Generally, the site design is too tight. The proposed landscape is not sufficient to provide adequate screening most of the planter areas between and around the buildings are too small, and cannot accommodate the trees. There is no entry landscaping that works with the walks/gate/fencing. Trees are blocking most of the street lighting. The entry gate will not work as shown. The bio-swale at the first corner of the street should be relocated.

DO YOU WISH TO SEE THIS PROJECT AGAIN AT DRC?  YES  NO  
Mailboxes are located within sight-lines. Turning radius do

not work. The cell equipment areas should be relocated to a less prominent location, not in the center common area.

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

1. play area and picnic areas have not been well-thought out - the spaces are too small to make the design work. All buildings
2. are proposed to be 3-story - the corner units should be reduced
3. down to 1 or 2 stories. The entry alleyway should be a
4. minimum of 20 ft wide for better lighting and planter spaces.
5. This project is not ready for any approval - the applicant is

trying to force too many units on a previous existing graded site that doesn't work together.

COMMITTEE MEMBER  
Brian Kilian



CITY OF MARTINEZ  
DESIGN REVIEW COMMITTEE  
COMMENT FORM

PROJECT: Discovery Home's DATE: 5/23/2012

REVIEW COMMENTS:

I'm ok with sending this to Design Reuse

If the end uses are lower in that

process.

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

COMMITTEE MEMBER

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CITY OF MARTINEZ  
DESIGN REVIEW COMMITTEE  
COMMENT FORM

PROJECT: Laurel Knoll DATE: 05.23.2012

REVIEW COMMENTS:  
All of my prior recommendations have been included.

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

Site plan & landscape plans - OK

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  
Scott Watkins

4K

**Contra Costa County**



**Fire Protection District**

June 29, 2010

Ms. Jackie Seeno  
Discovery Builders, Inc.  
4061 Port Chicago Highway, Suite H  
Concord, CA 94520

**Subject:** The Town Homes at Laurel Knoll  
370 Muir Station Road, Martinez  
APN 162-263-006 and 009  
**CCCFPD Project No.:** 111150-PL

Dear Ms. Seeno:

We have reviewed the vesting tentative map application to establish an 82-lot residential subdivision at the subject location. The following is required for Fire District approval in accordance with the 2007 California Fire Code (CFC), the California Vehicle Code (CVC), and adopted ordinances and standards:

1. Roadways with a gradient exceeding 16% (i.e., the driveway to Lots 81 and 82) shall be constructed of grooved concrete per **approved** specifications and engineered to withstand a 44,000 pound traction load. Contact the Fire District for information regarding grooved concrete details and approved designs. Contra Costa County Ordinance 2007-47
2. Parking is prohibited within the minimum required dimensions of fire apparatus turnarounds and turnouts. Signs shall be posted or curbs painted red with the words **NO PARKING - FIRE LANE** clearly marked (503.3) CFC, Contra Costa County Ordinance 2007-47

Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words **NO PARKING - FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC, Contra Costa County Ordinance 2007-47

Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have **NO PARKING - FIRE LANE** signs posted, allowing for parking on one side only or curbs painted red with the words **NO PARKING - FIRE LANE** clearly marked. (503.3) CFC, Contra Costa County Ordinance 2007-47

3. Per the Alternate Method approval letter dated 7/25/08, in addition to posting "NO PARKING" signs or painting curbs red, a sign shall be posted at the entrance to the subdivision stating that parking is allowed in designated parking spaces only.

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4. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2000 GPM. Required flow must be delivered from not more than two (2) hydrants flowing simultaneously for a duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC
5. The developer shall submit three (3) copies of site improvement plans indicating hydrant locations, fire apparatus access, and "No Parking" identification for review and approval **prior to obtaining a building permit.** (501.3) CFC
6. ***Emergency apparatus access and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.*** (501.4) CFC

**Note:** A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.

7. Per the Alternate Method approval letter dated 7/25/08, all town homes within this subdivision, including the two (2) single-family homes on Lots 1 & 2, are required to be protected by an approved automatic fire sprinkler system; **including all garages, bathrooms, closets, and attic spaces.**
8. The developer shall submit three (3) copies of a 300-foot scale parcel map indicating approved fire hydrant locations, street names, and addresses to the Fire District for mapping purposes. These maps are required **prior to** Fire District signing for final improvement plans (Mylar)

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Ted Leach  
Fire Inspector

TL/cm

c: City of Martinez  
Community Development Department  
525 Henrietta Street  
Martinez, CA 94553

**RESOLUTION NO. PC 12-04 [DRAFT]**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ,  
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A MITIGATED  
NEGATIVE DECLARATION, AN AMENDMENT TO THE GENERAL PLAN AND  
ZONING MAP, ADOPTION OF A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY  
DISTRICT, AND APPROVAL OF A PUD PLAN AND VESTING TENTATIVE MAP  
FOR THE DEVELOPMENT OF UP TO 80 ATTACHED SINGLE FAMILY AND 2  
SINGLE FAMILY HOMES- PLANNED UNIT DEVELOPMENT ("LAUREL KNOLLS")  
ON 6.83 ACRE, PARCEL LOCATED AT 370 MUIR STATION ROAD  
(APN: 162-263-006 & 009)  
GPA #09-01, REZ #09-01, PUD #09-01, SUB#9263**

**WHEREAS**, the City of Martinez has received a request for a General Plan Amendment for approximately 2 acres of the project site from the (John Muir Parkway Specific Area Plan) designation of "Open Space" to "Residential: 7-12 Units/Gross Acre"; and to rezone the entire 6.83 acre site from R-40; (Single family residential, 40,000 sq. ft. minimum site area) to R-3.5/PUD overly (Family Residential, minimum 3,500 square feet per dwelling unit) Planned Unit Development Overlay; and PUD plan/Vesting Tentative Map for the construction of up to 80 attached single family development and 2 single family homes;

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) the City has conducted an Initial Study (Exhibit "A"), to address the project's potential impacts on the environment; and

**WHEREAS**, on the basis of said initial study a mitigated negative declaration has been prepared that states the proposal will not have a significant effect on the environment; and

**WHEREAS**, the Planning Commission of the City of Martinez held a duly noted public hearing on October 23, 2012, and listened to testimony from the public.

**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. That the Planning Commission hereby finds that on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the proposed mitigated negative declaration reflects the City's independent analysis and judgment. Furthermore, the Mitigated Negative Declaration, and proposed mitigation measures for said project is found to be complete and in compliance with CEQA and applicable CEQA guidelines and is hereby recommended to the City Council for approval.

3. General Plan Amendment #09-01 to be compatible with General Plan policies regarding the provision of additional housing opportunities, and thus in the public interest and therefore recommends its approval to the City Council. Furthermore, the proposed site plan preserves, as private open space with appropriate building setbacks and additional planting, the undeveloped slopes adjacent to the California Hiking and Riding trail, thus retaining the John Muir Specific Area Plan's policy for the preservation of scenic resources adjacent to the trail.
4. That the Planning Commission finds that Rezone #09-01 is recommended for approval to the City Council because it is necessary to establish and maintain consistency with the existing (approx. 4.8 acres) and proposed (approx. 2.0 acres) General Plan Land Use Designation of "John Muir Parkway Specific Area Plan - Residential: 7-12 Units/Gross Acre."
5. That in order to recommend approval of the Planned Unit Development (PUD) Overlay District and PUD plan, with the requested exceptions to the R-3.5 Zoning District that are being proposed with Subdivision #9263, the Planning Commission must make the following findings, which it hereby does:

- a. **The proposed PUD Plan development is in conformance with the applicable goals and policies of the general plan and any applicable specific plan;**

The John Muir Parkway Specific Area Plan (SAP) was adopted in the 1970's, the southerly portion of the site was designated as "open space." This area serves as a buffer between the medium density residential uses envisioned to be along Muir Station Road and the California Hiking and Riding Trail to the south. In 1987, the City Council amended the SAP as currently depicted, increasing the areas designated for residential uses, and decreasing the area designated as open space. The split between the residential and open space areas as amended in 1987 appears to match the division between projects two parcels (162-263-006 and 162-263 -009), and may have corresponded to the limit of grading at the time.

The two-acre parcel that is designated open space is partially graded and is part of the existing storage facility. Because of the southern portion's use as a storage facility and its graded configuration, this area as it currently appears has little or no scenic value. The proposed PUD is in keeping with the applicable policies of the General Plan in this area because it provides for density in the northern portion of the site and leaves a buffer and less density in the area adjacent to residential development to the South.

- b. **The proposed PUD Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities;**

The proposed plan development is immediately adjacent to a shopping centers and in walking distance to existing restaurants, a movie theater and bus routes. In addition the area is largely developed except for this site, therefore all utilities are existing.

- c. **Streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development;**

The existing streets are improved to carry vehicular traffic from this site. There will be required improvements to provide for additional pedestrian activity from the site and improved access to and from the site.

- d. **The proposed PUD Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title;**

The site is a 6.8 acre site and is well suited for development of this type. The property is largely vacant with no permanent structures. Although it has been improved with some utilities and graded to accommodate the existing RV storage that occupies the site. All proposed development can be accommodated on the site.

- e. **The proposed PUD Plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications;**

The requested exceptions to height limitations will allow the buildings to be three stories by placing the required 2-car garage parking underneath most of the 2-story units, thus allowing for a more effective use of the sloping site. The waiving of internal yard setback requirements will allow for the clustering of units, thus providing a better environment, with larger common landscape/passive recreation areas, than what would otherwise be possible. A more traditional development would not provide for the same densities. The density at this site is appropriate since it is an infill site adjacent to existing commercial development and existing roadways allowing housing opportunities for single, elderly and first time homeowners to locate in Martinez adjacent to freeways, public transit and commercial services.

- f. **The location, access, density/building intensity, size and type of uses proposed in the PUD Plan are compatible with the existing and future land uses in the surrounding neighborhood.**

This is an infill site one that lends itself to the proposed type and density of development. It is compatible with existing development in the area because it will provide a housing opportunity site in an area largely dominated by

commercial allowing for a development population that can easily be served and its residents have access to commercial services and transportation in close proximity.

6. Notwithstanding exceptions to the aforementioned zoning regulations, for which the above Planned Unit Development findings were made, the Planning Commission finds the proposal substantially conforms to the requested R-3.5 Zoning District, the State Subdivision Map Act, and Title 21 ("Subdivisions") of the Martinez Municipal Code, and hereby recommends that the City Council approve the Vesting Tentative Map for Major Subdivision #9225
7. All the findings contained above are part and parcel of this Resolution and are incorporated herein by this reference.

**NOW, BE IT FURTHER RESOLVED** that the Planning Commission recommends to the City Council the Adoption of the proposed Mitigated Negative Declaration, and approval of an amendment to the General Plan and Zoning Map, adoption of a Planned Unit Development (PUD) overlay district, and approval of a PUD plan and vesting tentative map for the development of a up to 80 attached single family and 2 single family homes, with the attached 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 23<sup>rd</sup> day of October 2012:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: \_\_\_\_\_  
Corey M. Simon  
Senior Planner/Clerk Pro Tem

CONDITIONS OF APPROVAL

**DRAFT**

AS REVIEWED BY PLANNING COMMISSION  
AND RECOMMENDED TO CITY COUNCIL

**Project Name: "Laurel Knolls" (Sub. 9263)**

**Site Location: Laurel Knolls; APN: 162-263-006 &009**

I. Description of Permit

These conditions apply to and constitute the approval of:

A. Planned Development #09-01 consisting of up to 80 attached single-family (townhome) units and 2 single family residences on a 6.83 acre site, the Planned Development overlay allows for exceptions to development standards normally set forth in the R-3.5 Zoning District. The following exceptions to normal the R-3.5 Zoning District development standards are allowed by this permit:

- i. Height: up to 40' above natural grade and 35' from finished grade, where a maximum of 25' above natural grade is normally permitted
- ii. Front and Side yards: Encroachment of retaining walls and fences with heights up to 8' feet into minimum required yards, when maximum permitted height is 3.5'

And, exceptions to minimum site area, yard and coverage requirements to allow creation of up to 80 attached single lots within the common interest Planned Unit Development, ranging in size from approximately 700 to 1,000 sq. ft. in size.

B. These conditions apply to and constitute the approval of Vesting Tentative Subdivision Map No. 9263 consisting of up to 82 residential lots, and common landscape, drainage and access parcels and/or easements

II. Exhibits and Environmental Documentation

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

EXHIBIT	DATE RECEIVED	PREPARED BY	PAGES
Vesting Tentative Map/ Development Plan Sub 9263	August 8, 2012	BKF Engineering	6
Landscape Plans	August 8, 2012	Landscape Architectural/Design Services	3
Landscape Amenity	August 8, 2012	Landscape Architectural/Design Services	1

All construction plans, including but not limited to the final map, improvement/grading plans and construction plans for the individual units shall conform to these exhibits, except as modified by these conditions, and shall incorporate all mitigation measures identified in the adopted Initial Study and Mitigated Negative Declaration. 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. Special Requirements for Final Approval and Recordation of Subdivision 9263

A. REQUIRED SITE PLAN CHANGES:

The final map, improvement plans, design review approval and/or final building permit plans shall incorporate the following modifications to the plans otherwise hereby approved:

1. To reduce the vertical massing of Building 8 when viewed from Donaleen Court below, the maximum height of this building shall be reduced from 3 stories to 2½ stories and from 37' to 32. To further deemphasize the building's height; no more than 50% of the shed roof facing Donaleen Court may include dormers for the building's third level. All such dormers, if any are proposed for the rear elevation of the building, shall have hipped rather than gabled roofs. **(Mitigation Measure Aesthetics 1 and Land Use and Planning 1)**
2. The applicant shall augment the architectural detailing of Building 1's elevations that are adjacent to Muir Station Road and the entry drive to better integrate this structure into the existing visual context and architectural quality of Muir Station Road and State Highway 4.

Required improvements, or equivalent, shall include: a) replacing the chain link fencing with decorative wood "board on board" fencing with masonry accent posts, b) integrating the rear balconies into the main structure with stucco posts, iron metal railings and roofs matching those of the main structure and c) added shutters and wood accents (comparable to those shown on the front elevations) to the rear and side elevations. **(Mitigation Measure Aesthetics 2)**

3. To reduce the visual mass of Building 7 when viewed from the EBRPD's California Hiking and Riding Trail, this building shall not exceed a maximum height of 30' above the access road (with all floors at or above the access road grade), and shall provide a minimum 40' setback from the southerly property line, maintaining a tree planting strip of no less than 20 feet wide that is clear of any planting limitations from the adjacent pipeline easement and the building's roof overhang. The final landscape plan shall include an informal cluster of large evergreen trees that, upon maturity, will fully screen the building's lower levels from the Trail. **(Mitigation Measure Aesthetics 3 Land Use and Planning 1)**
4. To mitigate the increased east bound left turn maneuvers at Muir Station Road and Center Ave. The applicant shall either: a) as part of the project's improvement plans, include improvements to the traffic signal at the Center Avenue & Muir Station Road/Muir Road intersection, providing split phases for the eastbound and westbound traffic, with a left turn arrow to be mounted on the existing overhead signal heads, or b) provide fair share funds for these traffic mitigation improvement, above standard traffic mitigation fees, in an amount to be determined by the City Engineer. **(Mitigation Measure Traffic 1)**
5. To reduce the potential hazards from the constrained maneuvering room and limited line-of-sight in the vicinity of Units 19 and 73, the site plan shall be modified and the access drive realigned, so that a WB-40 vehicle can safely negotiate these two curves to the satisfaction of the City Engineer. **(Mitigation Measure Traffic: 2)**
6. The applicant shall, as part of the project's improvement plans, provide a storm drain system to collect and convey storm water runoff to adequate downstream facilities (Alhambra Creek), to the satisfaction of the City Engineer. **(Mitigation Measure Utilities 1)**. Unless otherwise approved by the City Engineer, the collected runoff shall be conveyed to the creek via underground storm drain system located adjacent to the southerly edge of existing pavement on Muir Station Road. The trench shall be covered with a 4' wide

asphalt section (min. 0.3' AC over 0.67' AB) and berm to intercept local runoff for the hill side.

7. The applicant shall provide a sidewalk with a minimum 8' wide clearance within the Muir Station Road ROW, between project entry up to the adjacent Shopping Center entry, to enhance pedestrian use and safety from the project into the shopping center property. Final sidewalk design and location subject to review and approval by Planning staff and City Engineer.
- B. Final storm water management plan shall be reviewed and approved by the City Engineer. If, after review of final storm water management plan, it is necessary to enlarge "Bio-retention" areas for compliance with storm water treatment requirements ("C.3") modifications to the site plan to accommodate these changes shall not include further encroachment of retaining walls into street-side yard areas, significant increases in wall height and/or loss of landscape areas; and if additional site area is required for above changes regarding street width and C.3 requirements, lots may be deleted to prove the required bio retention area(s). Refer to NPDES section for additional information and requirements.
  - C. The developer shall establish a Homeowners' Association (hereinafter referred to as the "HOA") for the purpose that includes but is not limited to the maintenance of the access and landscape easements and/or parcels as described on the Vesting Tentative Map. The HOA shall be responsible for all exterior maintenance, including repainting of buildings, inspection and maintenance of private improvements such as: private storm drain system, storm water management plan facilities (C.3 requirements), landscaping and irrigation system, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, and private utilities. The HOA shall also responsible for inspection, maintenance, and reporting plan for the storm water management plans required by the Contra Costa County Clean Water Program -C.3 requirements. Final configuration of the easements, wording of the implementing CC & R's and "owner's statements" on final map subject to approval of the City Attorney, Community Development Director and City Engineer.
  - D. 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. The CC & R's shall include the following restrictions on the uses of garages:
    1. That garages always be kept sufficiently clear so as to permit the parking of 2 motor vehicles in addition to any incidental household storage.

2. That carport and guest parking spaces be used solely for the parking of operable vehicles. Storage of any other kind is prohibited.
  3. Residents shall use their assigned garages or carports to capacity before using guest or on-street parking.
- E. As required by Map Act, Final Subdivision Map shall be prepared by licensed Land Surveyor or qualified Civil Engineer. Regardless of whether any discrepancies between the boundary locations and/or site area as shown on tentative and final maps, the developer is required to maintain the maximum permitted density, all required minimum setbacks, bio retention areas, site amenities (etc.) as shown on the Tentative Map/PUD plan. If necessary, units may be deleted to preserve consistency with the PUD plan, as required by Planning staff and City engineer.

IV. Site Plan

A. Lighting

1. Building plans and landscaping plans shall show all exterior lighting: walkways, driveway areas, recreational areas, etc. Height and style shall be shown.
2. 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.
3. Energy-saving fixtures shall be used.

V. Architectural

- A. All exterior and roof mounted utility and meter boxes, and mechanical equipment shall be screened from public view. Equipment and screening shall be shown on final construction plans and subject to staff review and approval. The existing cell site located in close proximity to the internal roadway shall be screened. Screening materials shall be approved by the Planning Department.

VI. Landscaping, Walls and Fences

- A. Final landscape plans shall be prepared by a licensed landscape architect, on the grading plan as a base map and shall be submitted for review and

approval by the City at the same time grading and improvement plans are submitted. Final plans must receive City approval prior to filing of the Final Map or issuance of building or grading permits, whichever comes first. All exterior and roof mounted utility and meter boxes, and mechanical equipment shall be screened from public view. Equipment and screening shall be shown on final construction plans and subject to staff review and approval. The existing cell site located in close proximity to the internal roadway shall be screened. Screening materials shall be approved by the Planning Department.

1. All exterior retaining walls within landscape areas shall have "split-face" block, "keystone" or similar textured treatment with decorative trim cap. Final wall designs subject to staff approval.
2. Design and fixtures of and for the tot lot and picnic area are subject to the review and approval of Planning staff and the City Engineer.
3. Permanent project/neighborhood identification signage may be placed at the entryway and shall be subject to Design Review approval.
4. Protect planting areas adjacent to alley with minimum 6" high concrete curbs or equivalent.
5. Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
6. Specify shrubs of minimum 5-gallon size
7. Provide either lawn or a continuous ground cover with complete coverage within 3 years.
8. Show all non-plant features: benches, lights, arbors, mail box areas paths, etc.
9. Include an irrigation plan.
10. 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 unless as otherwise shown on approved plans. Fences off-set from retaining walls 18 inches

or greater shall be considered separate structures with a maximum height of 6 foot each.

B. Tree Preservation

1. All trees to be preserved shall be clearly indicated on the grading plan, site plan, composite plans and landscape plans.
2. All trees to be saved shall be fenced at the drip line with three-strand barbed wire or other approved fencing prior to grading and construction activities. Prior to grading or construction, the developer's contractor shall request City inspection of fencing.
3. Dead wood shall be pruned from existing trees.
4. If during construction, the developer wished to remove the trees, Planning staff shall approve a modified landscape plan with replacement trees prior to tree's removal.

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 including delineation and stating/warning of vehicles 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. **Lane closures shall be limited to 9:00 a.m. to 4:00 p.m. Monday through Friday on Muir Station Road.** The permittee shall post a sign on the site notifying all workers of these restrictions.
- B. 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.
- C. Based on the site-specific sound mitigation study conducted for this project, sound levels shall be reduced to meet the following criteria for year 2000 noise contours:
  1. Indoor noise levels not to exceed 45 d<sub>BA</sub> CNEL.
  2. Private outdoor noise levels not to exceed 65 d<sub>BA</sub> CNEL.
- D. 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.

- E. 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.
- F. 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.
- G. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- H. Access shall be maintained to all driveways at all times.
- I. There shall be no parking of construction equipment or construction worker's cars on residential streets at any time.
- J. 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.
- K. Prior to construction, contractor shall contact city inspector for a pre-construction meeting. Haul route shall be submitted for review and approval by the building and engineering departments for approval.

VIII. 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, deposits and traffic signal cost contribution as required by the Community Development Director in accordance with the City's fee schedule, the City's Municipal Code, and these conditions of the project's approval. The fees include: Plan check and inspection fees, drainage fees,

transportation facilities fees, park (in lieu of land dedication) fees, park and recreation facilities fees, cultural facilities fees, and police facilities fees. 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.

IX. 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. 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.
- D. 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.
- E. 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.
- F. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
- G. All front yard landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems on each lot.

- H. 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.
  - I. All existing trees shall be clearly indicated on the grading plan. Refer to Section V Landscaping for tree preservation requirements.
  - J. Any grading on adjacent properties will require written approval of those property owners affected.
  - K. 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.
  - L. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.
- X. 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 by 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. Existing slopes that have no additional discharge directed onto them or are not substantially re-graded 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. Parking areas, streets and on-site drainage shall be collected and conveyed to an approved storm drainage facility. When approved by the City Engineer, drainage may be conveyed under the sidewalk and discharged through the curb in accordance with City standards. Drainage shall be directed to a concrete curb and gutter whenever practical.
- 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.

XI. 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. Trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage.

- E. All areas used for washing, steam cleaning, maintenance, repair or processing shall have impermeable surfaces and containment berms, roof covers, recycled water wash facilities, and shall discharge into the sanitary sewer, as approved by the City Engineer.
- F. A parking lot sweeping program, as approved by the City Engineer, shall be implemented which at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
- G. For projects one (1) acre or larger, developer shall comply with the State Water Resources Control Board requirements, NPDES permit, for construction. The Developer shall be responsible for preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) for the project. A copy of the SWPPP and the Notice of Intent and WDID shall be submitted to the City prior to issuing permits for construction. The SWPPP and The WDID shall be kept at the job site during construction.
- H. Developer shall comply with the requirements of Provision C.3 of the State Regional Water Resources Control Board NPDES Permit as applicable to this project. This project shall be designed and constructed to comply with C.3 requirements for flow-control and treatment measures in accordance with the current edition of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook.
  - a. Prior to the issuance of building, grading, or site development permits, the applicant shall submit a complete stormwater control plan with the operation and maintenance plan for review and approval by the City Engineer. All required documents and agreements shall be submitted and executed prior to issuing permits for construction.
  - b. The construction improvement plans with all required calculations, and specifications for the stormwater control facilities shall be submitted to the City for review and approval. These plans and specifications shall include, but not limited to, grading plan, drainage plans, detail drawings for the proposed facilities, proposed and existing structures, piping, subdrains, landscaping and irrigation plans. The plans shall include a watershed map showing the tributary areas to each facilities and the proposed surface improvement. The locations of the roof drain downspouts shall be shown of the plans. The plans shall also be reviewed and approved by the project soil engineer and the City's geotechnical consultant (if deemed necessary by the City Engineer) prior to City approval of the plans.
  - c. The owner(s)/HOA, in perpetuity, shall be responsible for the ongoing operation and maintenance of the C.3 storm water control facilities (including reporting) at his/their own expense. Prior to City approval of

the plans and issuance of permits, the owner(s) shall execute all required agreements to insure proper operation and maintenance of the facilities. The agreement will run with the land and include, but not limited to, provision for transfer of ownership and long-term operating and maintenance of the facilities, providing the City and other regulatory agencies the right of entry to perform periodic inspections to insure compliance with requirements, as per the CCCCWP, C.3 Guidebook.

- d. Stormwater control plan and the operation and maintenance plan shall be included as a part of the CC&R (or other approved document) for this development.
- e. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit as built drawings of the stormwater control facilities, including any updates. All required agreements must be executed and recorded.
- I. Garbage dumpster shall be accessible to garbage trucks and provided with a roof cover.
- J. 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.

XII. Street Improvements

- A. Frontage Improvement: 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 replace 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 improvement shall be designed and constructed to the satisfaction of the City Engineer.
- B. All streets shall be paved and improved after utilities are installed in accordance with City of Martinez Standard Drawings and Design Guidelines and the Approved plans.

C. Public Roads:

1. Muir Station Road: To be improved to collector street standards. 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 structural section shall be designed to a T.I. of 7.0 with a minimum 0.30 ft. AC pavement section over a minimum 1.0 ft. Class 2 aggregate base. Maximum street grade shall be 15 percent (or matching existing slope). All required right of way shall be dedicated to the City of Martinez on the Final Map as required by the City Engineer. A 5 feet wide sidewalk (adjacent to the curb), as measured from back of curb, shall be installed along the entire frontage of the property.

D. Private Interior Roads:

Paving design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 5.5 with a minimum 0.25 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base. Private streets within the project shall provide a minimum 20 ft. unobstructed paved width (except for Drive "C"), with a maximum 15 percent grade unless otherwise approved by the City Engineer. Private streets shall also provide for approved provisions for the turning around of Police Department and Fire Department apparatus.

Private streets shall be located within the common area or private access easement(s). Unless otherwise approved by the City Engineer, a 4' wide (minimum) private sidewalk shall be installed within the common area (or easement). Prior to approval of the Final Map and the plans, the developer shall demonstrate, to the satisfaction of the City Engineer, that the proposed clearances between the street and garage is sufficient for safe travel. If additional space is required to accommodate access, the distances between the garage doors and the streets would be increased thereby increasing the driveway width.

- E. Valley gutters shall not be used to provide drainage across any through street or intersection, unless otherwise approved by the City Engineer.
- F. All new utility distribution services on-site and off-site shall be installed underground. Existing poles and overhead wires along the frontage of the property shall be undergrounded (or relocated above ground) as approved by the City Engineer. If utilities are to be relocated above, ground, the City may require the insulation of conduit for potential future undergrounding.
- G. Sidewalk pipe drains shall be installed on either side of the driveway and

shall conform to City Standard No. S-13.

- H. A City Encroachment Permit is required for any work within the City Right-of-Way.
- I. 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.
- J. Street names for public and private streets are subject to the approval by the Community Development Department and the Fire District.
- K. Street lights shall be installed at Developer's expense in accordance with plans approved by the City Engineer. Developer shall bear full costs of energizing and monthly utility charges until acceptance of improvements by the City Council. Street lights shall be installed along the frontage of Muir Station Road. The location and design is subject to the City Engineer approval.
- 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.

XIII. Water System

- A. Water system facilities shall be designed to meet the requirements of the City of Martinez Water Department 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. Any required offsite easements shall be obtained at the developer own expense.
- B. Water system connection, including installation of the water meter, shall be made in accordance with the Water Department 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, and appropriately screened with suitable material.

XIV. Sanitary Sewer System

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

XV. 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 Mitigated Negative Declaration 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.
- 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 width of the Subdivision's entry access road on Muir Station shall be 36 feet unless otherwise approved by the City Engineer.
- N. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- O. Proposed tot lot design and equipment shall be submitted for review and approval.
- P. All required offsite easements that is necessary to complete the improvement of this project shall be obtained by the developer, at his own sole expense, and submitted to the City prior to approval of the Final Map.
- Q. Where existing onsite utility easements and facilities are to be removed, located or abandoned, the developer shall be responsible for securing all

necessary approvals from the owner(s) of the easements and facilities prior to approval of the Final Map.

- R. Approval by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, Sewage District, water agency, and State Department of Fish & Game of all improvements and buildings is required prior to City approval of the grading and improvement plans, and the issuance of any permits.
- S. 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.
- T. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

XVI. Validity of Permit and Approval

- A. The tentative map, and Planned Unit Development approvals integral to the map, shall expire on \_\_\_\_\_ (24 months from Planning Commission or City Council approval date, whichever is later.) unless:
  - 1. The final map, the Improvement plans and all required documents are filed with City Engineer prior to the expiration date;
  - 2. Or if an application for extension with all required fees are received prior to the expiration date as state in item B below.
- B. Extension of the tentative map approval: Extension(s) shall be in accordance with the City's Municipal Code and Subdivision Map Act requirements. Tentative map extension can be considered upon receiving an application with required fee prior to the expiration date of the approved Tentative Map. If the tentative map is expired a new application is required. A public hearing will be required for all extension applications. 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.
- C. 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.
- D. The permittee, Discovery Homes, 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 recommend approval PUD 09-01, Major Subdivision 9263, 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 Discovery Homes, the City, and/or the parties initiating or bringing such action.

- E. Discovery Homes 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 Discovery Homes 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.
- F. In the event that a claim, action or proceeding described in Subsection E, above, is brought, the City shall promptly notify Discovery Homes 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 Discovery Homes 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 Discovery Homes 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 Discovery Homes 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.
- G. Discovery Homes shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- H. 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

**PERMITS: PUD 09-01 and Sub 9263**

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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