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**REGULAR MEETING OF THE  
CITY OF CONCORD  
ZONING ADMINISTRATOR**

**9:00 a.m., Wednesday, January 25, 2012  
CITY COUNCIL CHAMBERS  
1950 Parkside Drive, Concord**

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**AGENDA**

**PUBLIC COMMENT PERIOD**

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

**HEARINGS:**

1. [Meadors Secondary Living Unit \(ZA 11-015\)](#) – Application for a Zoning Administrator Permit for a 1,000 sq. ft. secondary living unit at 4348 Rose Lane. The General Plan designation is Rural Residential; Zoning classification is R-20 (Single Family residential, 20,000 sq. ft. minimum lot size); APN 134-070-004. **Project Planner: Matt Diaz @ (925) 671-3154.**

**ADJOURNMENT**

**Next Zoning Administrator's Meeting:** February 8, 2012

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Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

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**REPORT TO ZONING ADMINISTRATOR**

DATE: January 25, 2012

**SUBJECT: MEADORS SECONDARY UNIT (ZA 11-015)**

**Recommendation:** Adopt Zoning Order No. 12-001, approving the Meadors Secondary Unit (ZA 11-015).

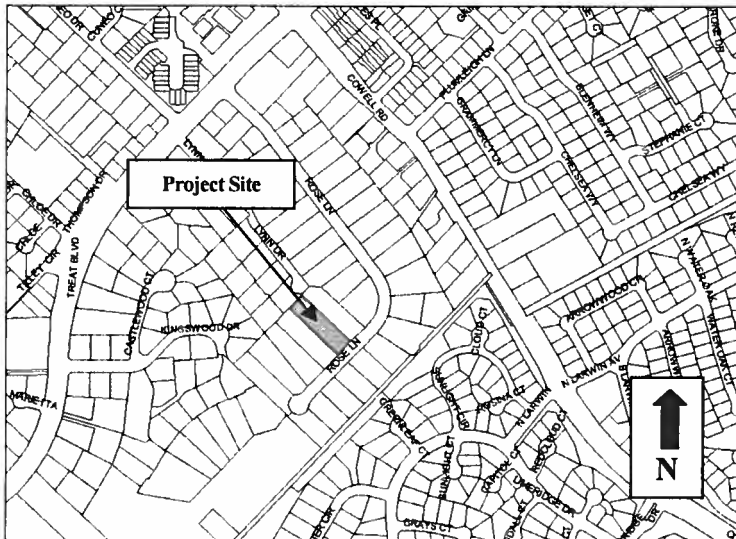
**I. Introduction**

**A. Application Request**

Application for a Zoning Administrator Permit to establish a 1,000 square foot secondary living unit at 4348 Rose Lane.

**B. Location**

The project site is located at 4348 Rose Lane; APN 134-007-004



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<b>C. Applicant</b> Crissi Matthews 108 Birmingham Ct. Discovery Bay, CA 94505	<b>Owner</b> Barbara Meadors 4348 Rose Lane Concord, CA 94518
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## II. Background

The City's Secondary Living Units Ordinance was adopted in 1982 pursuant to State law requiring cities to allow secondary living units on lots containing single family homes. The 1982 Ordinance set forth standards for secondary living units and required proposals to obtain a Zoning Administrator permit, with a public review hearing noticed to properties within 300 feet of the subject site.

In 2002, Assembly Bill 1866 (AB 1866) was enacted to require administrative approval (i.e., without public review hearing) of secondary living units that complied with all laws and standards adopted by cities to regulate secondary living units. AB 1866 also granted more flexibility for complying with second unit parking requirements by allowing parking to be located within the front setback area and as a tandem space. Consequently, the City amended its Ordinance in 2003 to 1) replace the Zoning Administrator permit requirement with an administrative permit, 2) eliminate restrictions on the use of tandem parking, and 3) allow second unit parking to be located within the front setback.

In February 2011, Barbara Meadors of 4348 Rose Lane filed an application to amend the Ordinance in conjunction with conceptual plans for an approximately 1,200 square foot, three-bedroom second unit for her extended family. When a municipal code amendment is initiated through an application, staff researches relevant regulations before proposing amendment language that it believes can be supported. As part of this research, staff surveyed regulations for second unit sizes of nearby jurisdictions. Based on this survey, staff proposed amending the Ordinance to allow secondary living units of up to 1,000 square feet and two bedrooms, subject to discretionary review approval. Ms. Meadors requested staff reconsider her initial proposal to allow second units up to 1,200 square feet and/or three bedrooms. Staff decided to conduct a study session with the Planning Commission for direction on the matter before proceeding with an amendment.

The study session was held on June 1, 2011. Valley Permit Services testified on behalf of Ms. Meadors to request the amendment allow second units up to 1,200 square feet and three bedrooms. After considering the testimony, the Commission indicated support for the proposal to allow second units up to 1,000 square feet and two bedrooms with a discretionary permit. The Commission also requested staff consider scaling the size of second units based on lot area or zoning, allowing up to three bedrooms within the 1,000 square foot limit, and requiring one off-street parking space per bedroom for second units. Following the study session, Ms. Meadors informed staff that she was willing to revise her plans, and requested staff process the amendment pursuant to the Commission's direction.

Staff returned with a proposed amendment at the October 5, 2011 Commission hearing. The Commission considered testimony in support of the proposed amendment from Robert Frey, speaking on behalf of Barbara Meadors. No other public comment was received. After closing the public

hearing, the Commission unanimously recommended the City Council adopt an ordinance amending the Secondary Living Units Ordinance to allow secondary living units between 640 and 1,000 square feet and two bedrooms with a Zoning Administrator's permit.

On November 1, 2011 City Council agreed with the Planning Commission's recommendations and adopted Ordinance No. 11-10, amending the City's Zoning Ordinance, Chapter 122, Article III, Division 2 (R-6, R-7, R-7.5, R-8, R-10, R-12, R-15, R-20, R-40 Single-Family Residential Districts), Section 122-310, "Secondary Living Units."

On December 2, 2011 the applicants submitted a Zoning Administrator permit (ZA 11-015) to establish a 1,000 square foot secondary living unit at 4348 Rose Lane (Exhibit A). All submitted items were routed to other City departments for comments.

### **III. General Information**

#### **A. General Plan**

The General Plan designation of the subject property is Rural Residential (RR). This classification is intended for very low density residential development, at densities less than 2.5 units per net acre. Clustered development is preferred to maximize open space.

#### **B. Zoning**

The project is zoned R20 (residential with a minimum 20,000 square foot parcel size). A R20 zone is considered single family residential which is intended to provide locations for detached single-family houses on separate lots with normally incidental uses, as well as to provide for uses related to single-family residential areas. Certain provisions are also included which expand housing opportunities in the various districts. Minimum lot sizes and other characteristics are varied by single family district to provide a range of densities appropriate to topography, location, and preference of residents. These districts provide a broad variety of choices in available housing.

#### **C. CEQA Status**

This project is Categorical Exempt pursuant to CEQA Section 15303, Class 3, New Construction or Conversion of Small Structures with minor changes in use. Therefore, no additional environmental review is required.

#### **D. Site Description**

The project is located on a rectangular 0.74 acre (32,098 square feet) parcel fronting Rose Lane and slopes downward from north to south as drainage flows naturally towards the Lynn Court cul-de-sac at the rear of the site. The main residence is an existing 2,918 square foot "L-shaped" house along Rose Lane with a paved patio and swimming pool located behind the main structure. Located just behind the pool area are a covered pool pump station (listed as existing storage on Exhibit A) and an existing 405 square foot garden shed at the east property

line. There is evidence that the parcel contained a small orchard that is no longer in operation. There does not appear to be any heritage trees impacted by the proposed secondary unit; however the project will be conditioned should any heritage trees be impacted by the inclusion of the new unit.

**E. Surrounding Land Use**

	<b>Land Use</b>	<b>General Plan Designation</b>	<b>Zoning</b>
<b>North</b>	Single Family Housing	Low Density Residential (LDR)	Residential (R20)
<b>South</b>	Single Family Houses	Rural Residential (RR)	Residential (R20)
<b>East</b>	Single Family Housing	Rural Residential (RR)	Residential (R20)
<b>West</b>	Single Family Housing	Rural Residential (RR)	Residential (R20)

**IV. Detailed Project Description**

**A. Description of Business**

The applicant is applying for a Zoning Administrator Permit to establish a 1,000 square foot prefabricated secondary unit at the rear of an existing 2,918 square foot residence located at 4348 Rose Lane.

**B. Site Planning/Circulation/Parking**

The current plan illustrates an all-weather drive aisle and parking area for the secondary unit. The secondary unit will have access to the main structure's two covered parking areas and does comply with zoning code. Although the applicant has mentioned the inclusion of a detached garage at a later date, no details have been included with this application; therefore it is not approved with this resolution.

**C. Design/Architecture**

The proposed secondary unit is a prefabricated, single story structure, with a contemporary style and beige color scheme with a white trim. The floor plan contains a kitchen, bathroom, dining and living area, two bedrooms, and a covered porch at the main entrance.

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**V. Analysis/Discussion****A. General Plan Consistency**

The City's general plan is a "constitution" for development to guide actions that will strengthen Concord's existing neighborhoods. The General Plan designation of Rural Residential (RR) was meant for larger than average sized parcels with lower density housing. Although most of the parcels along Rose Lane are designated RR, a majority of the housing in the area are designed Low Density Residential (LDR).

The site is located within the General Plan sub-area designated as Lime Ridge. This area includes Inner Lime Ridge (northwest of Treat Boulevard), Middle Lime Ridge (between Treat Boulevard and Ygnacio Valley Road), and Upper Lime Ridge (south of Ygnacio Valley Road). There is significant low density residential development at the periphery of this subarea with a large portion designated as permanent open space owned by the City of Concord, abutting additional permanent open space owned by the City of Walnut Creek.

The general plan does not specifically outline the intent of the RR designation; however it does mention the preservation of open space, natural features and aesthetics. It appears that the residential parcel at one time contained an on-site orchard that is no longer in operation. Based on the combined size of the main structure and secondary unit (3,918 square feet) and the parcel size of 32,098 square feet (12% coverage) it is unlikely the inclusion of the secondary unit will greatly impact the parcel's aesthetics and natural qualities due to the relatively small size compared to the size of the parcel. The project will also not hinder any agricultural activities since the on-site orchard is no longer in operation. Secondary units are intended for small residential purposes and will not greatly impact the density that currently allows 2.5 units per acre.

Since the proposed secondary unit will not impact the density allowed on site nor will it diminish the open space and natural characteristics of the Rural Residential area, it is concluded that addition of the secondary unit will not result in a conflict of use and will be consistent with the General Plan.

**B. Zoning Consistency**

Single-Family Residential Districts (R-6, R-7, R-7.5, R-8, R-10, R-12, R-15, R-20, and R-40) allow secondary units under 640 square foot to be processed administratively in accordance with both State Law and local development code. A recent zoning text amendment allows for secondary units between 640 and 1,000 square feet to be processed with the application of a Zoning Administrators permit. Section 122-53 (4) (a) states the Zoning Administrator shall not grant a permit unless it can be found that the use "will not, under the circumstances of the particular case be detrimental to the health, safety, peace, moral comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City."

The current application proposes the maximum size of 1,000 square feet and will be limited to two bedrooms. As mentioned in the General Plan analysis of this report, the total size of the

parcel is 32,098 square feet (0.74 acre) and the combined square footage of both structures (main residence and secondary unit) to be approximately 3,918 square feet (12% lot coverage). This is well below the maximum 25% lot coverage for a R20 zone and the project will be well within the setback and other development standards for single family residential. There are two existing nonconforming storage sheds that do not comply with the zoning code restricting accessory structures to one on-site; however this project will be conditioned to bring the site into conformance with the current code should the applicant request a garage or covered parking area in the future to service the secondary unit.

Since the proposed structure complies with the development standards of the zoning ordinance limiting its size and occupancy and is located on a larger than average parcel, it is highly unlikely that the secondary will negatively impact the aesthetic qualities, increase the density of the site nor be detrimental to the health, safety, peace, moral comfort, and general welfare of the persons residing or working in the neighborhood. Therefore, the proposed use is consistent with the zoning ordinance and the required findings for granting a zoning administrator permit can be made.

## **VI. Public Contact**

As mentioned in the background section of this report, numerous meetings and study sessions were conducted during the requested zoning text amendment application. A neighborhood meeting was held on March 29, 2011 with a subsequent Planning Commission hearing on October 5, 2011 and adoption by the City Council on November 1, 2011.


Although those meetings mentioned the proposed secondary unit within the original zoning text amendment application, the project's design was never reviewed in great detail since it was not formally included in the application. For the current submittal, the applicants expressed their belief that they have satisfied City guidelines for neighborhood meetings due to the fact the design is relatively unchanged since the one proposed at text amendment hearings. This is addressed in a January 12, 2012 letter from the applicant asking the City to waive additional neighborhood meetings (Exhibit B).

In addition, notification was mailed to all owners and occupants of the property within five-hundred (500) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

## **VII. Summary and Recommendations**

City staff believes the applicants' proposal is consistent with the City's general plan and zoning ordinance. In addition, the required zoning administrator permit finding can be made that the proposed structure will not be detrimental to the neighborhood and the general welfare of the City. Thus, staff recommends that the Zoning Administrator approve the Zoning Administrator Permit application (ZA 11-015).

Prepared by:   
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Contract Planner  
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[mdiaz@ci.concord.ca.us](mailto:mdiaz@ci.concord.ca.us)

Reviewed by:   
Carol Johnson, AICP  
Planning Manager  
(925) 671-3369  
[Carol.johnson@ci.concord.ca.us](mailto:Carol.johnson@ci.concord.ca.us)

Exhibits:

- A - Applicant's Statement and Project Plans dated December 2, 2011
- B - Barbara Meadors Letter to the Planning Division January 12, 2012
- C - Zoning Order Number 12-001



# Architectural

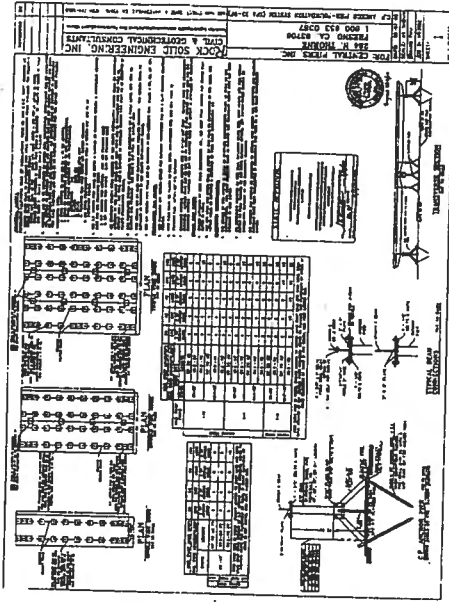
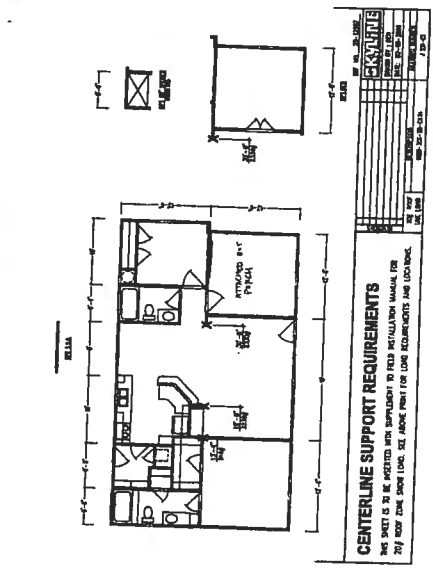
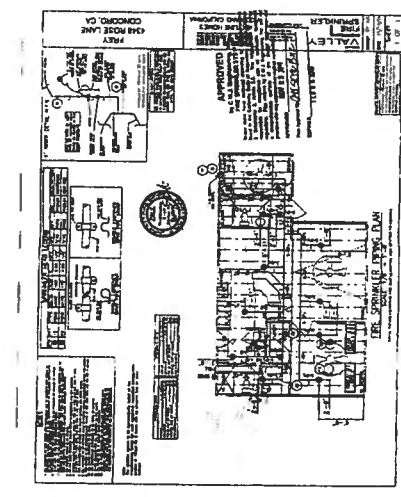
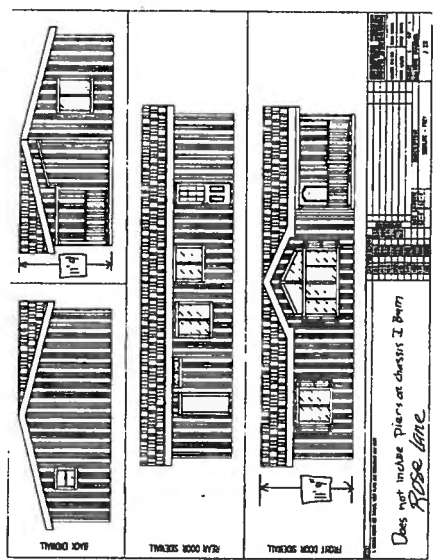
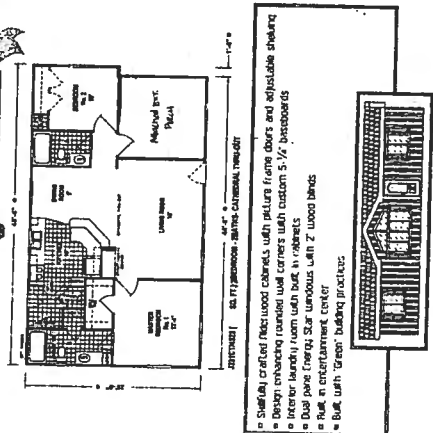
## PLAN

Architectural PLAN FOR  
**4348 ROSE LANE**  
 CONCORD, CALIFORNIA

### OWNER & CONTACT

PROPERTY ADDRESS  
 4348 ROSE LANE  
 CONCORD, CA 94520  
 LOT 26 OF TRAIL LANE TRACT, UNIT #1 & 2  
 FILED 05/12/88 IN TRACT 38-46-17  
 APT. 124-003-001  
 ARCHITECT: ARTHUR HANCOCK  
 1000 UNIVERSITY AVENUE, SUITE 100  
 PHOENIX, AZ 85024-1001

# BROOKSTONE



Barbara Meadors  
4348 Rose Lane  
Concord CA, 94518  
January 12, 2012

Matt Diaz  
Planning Department  
City of Concord  
1950 Parkside Dr  
Concord, CA 94519

Dear Matt:

I am requesting that the city waive its request for additional neighborhood meetings regarding the proposed secondary unit which is to be located on my property at 4348 Rose Lane Concord.

I have personally discussed the project with my immediate neighbors located on either side of my property. We have also had two public neighborhood meetings which were held at the city offices with senior planner Mr. Frank Abejo. Formal notices were issued to the neighbors by the city in accordance with its standard protocol for such notifications. Several neighbors attended and were given an overview of the proposed project, pictures of the proposed home, and a rough drawing showing location of the home on the property.

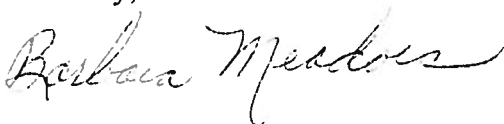
There were no negative objections to the project moving forward. The two primary topics that were raised had to do with access, and height of the home. Both issues were discussed with satisfactory answers.

In addition there has been one study session with the city planning commission and at least two public hearings on the ZTA as well as the proposed secondary unit itself were discussed. There were no negative comments or negative feedback from the public at those meetings.

And finally there was the full public city council meeting for the ZTA as well as our specific project that was approved and passed unanimously by the city council.

Please consider the above information in my request to waive any additional neighborhood meetings.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Meadors". The signature is written in black ink and is positioned below the word "Sincerely,".

Barbara Meadors



1 referenced as Attachment A, based on the following findings:

2 CEQA

3 1. The proposed project is Categorical Exempt from the requirements of CEQA under  
4 Class 3 “New Construction or Conversion of Small Structures.”

5 General

6 2. The proposed secondary unit is consistent with the City of Concord General Plan for low  
7 density development and densities with the Rural Residential designation.

8 3. The proposed project will not adversely affect the surrounding properties, which are either  
9 zoned for or developed with similar low density residential uses on large parcels.

10 4. The proposed project meets all the provisions of the City’s Zoning Code and the  
11 Secondary Unit Ordinance relating to uses.

12 5. The proposed project will not, under the circumstances of the particular case be  
13 detrimental to the health, safety, peace, moral comfort, and general welfare of the persons residing or  
14 working in the neighborhood of such proposed use or be detrimental or injurious to property and  
15 improvements in the neighborhood or to the general welfare of the City.

16  
17 Based on the above findings, the Zoning Administrator approved said application subject to  
18 the attached Conditions of Approval, referenced as Attachment A.

19  
20  
21 \_\_\_\_\_  
22 G. Ryan Lenhardt,  
Zoning Administrator

23 Attachment:

24 A – Conditions of Approval  
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**ATTACHMENT A**  
**DRAFT CONDITIONS OF APPROVAL**  
**MEADORS SECONDARY LICING UNIT**  
**ZA 11-015**  
**4348 ROSE LANE**  
**APN: 134-070-004**

**PERMIT DESCRIPTION**

1. These Conditions apply to and constitute approval of Zoning Administrators Permit (ZA 11-015) to establish a 1,000 square foot secondary living unit at 4348 Rose Lane.

Exterior building materials and colors shall be in substantial conformance with the approved plans as follows:

<b>Approved Colors and Materials</b>	<b>Manufacturer</b>	<b>Material/Color</b>
Body	James Hamie/ Cemplanic	Tumble Weed Trail
Trim	Cemplanic	Swiss Coffee
Window Frame	Kinro Vinyl	White
Roof Material	Owners Composition	Black
Other	Timbertech Deck	Grey

2. The following Exhibits, date stamped received by the City of Concord, on December 2, 2011, are approved and shall be incorporated as Conditions of Approval.

<b><u>Plan</u></b>	<b><u>Date Prepared</u></b>	<b><u>Prepared by</u></b>	<b><u>Sheet</u></b>
Site Plan	12/2/11	Hawkins & Associates	C-1
Floor Plan	12/2/11	Brookstone	A1

1 **GENERAL CONDITIONS**

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

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

- 13 4. Where a plan or further information is required, it is subject to review and approval by the  
14 applicable City Department/Division, as noted at the end of each Condition. The Division  
15 listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG,**  
16 **ENGR)**

- 17 5. The development/project shall comply with all applicable Federal and State laws and Concord  
18 Municipal Code (CMC) requirements. **(PLNG, BLDG, ENGR)**

- 19 6. Minor modifications that are found to be in substantial conformance with the approved plans  
20 such as colors, plant materials, or minor lot line adjustments, may be approved  
21 administratively. Major modifications shall be approved by the applicable decision making  
22 body. **(PLNG, ENGR)**

- 23 7. The Conditions of Approval shall be listed on a plan sheet that is included in the construction  
24 plan set (Grading, Utility, Landscape and Building Plans). **(PLNG, ENGR)**

- 25 8. Two annotated copies of the Conditions of Approval specifying how each applicable condition  
26 has been satisfied, shall be submitted as follows:

- 27 a. At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan  
28 check, whichever comes first.  
b. Prior to occupancy approval. **(PLNG, ENGR)**

9. The project site and area surrounding the site shall be fenced and maintained in a weed and  
litter free condition for the period prior to construction. **(BLDG, PLNG)**

10. The perimeter fence/wall shall be installed within two weeks from completion of site  
demolition or grading work in the area of the fence/wall. If the fence at an abutting residential  
property is planned for removal, or if an existing residential property does not have a fence, the  
replacement perimeter fence/wall shall be completed within two weeks from removal of the  
original fence, unless otherwise approved by the Planning Division. When necessary,

1 fence/wall should include landscaping as a visual buffer to protect the privacy of the  
2 surrounding residences. *(PLNG, ENGR)*

### 3 ARCHITECTURAL

- 4 11. Any future rooftop equipment (HVAC, meters, refrigeration equipment, plumbing lines,  
5 ductwork and transformers), shall not extend above the building parapet and/or screened from  
6 view on all sides with materials architecturally compatible with the main structure. Screening  
7 details shall be shown on the Building Plans and submitted for review and approval by the  
8 Planning Division, prior to the issuance of Building Permits and installed prior to occupancy  
9 approval. *(PLNG)*
- 10 12. Hardboard siding shall be installed per manufacturer's standards, true and plumb, with no two  
11 butt joints lined up one above the other, and butt joints secured in clips designed for this  
12 purpose. Any siding that does not meet this requirement shall be replaced. *(PLNG)*
- 13 13. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the  
14 color of the adjacent surface. *(PLNG)*
- 15 14. Fences and walls shall be a maximum height of three feet in required front yards and sight  
16 visibility triangles, and a maximum height of six feet on side and rear property lines. Fences  
17 off-set twenty four inches or greater from retaining walls shall be considered as separate  
18 structures. *(PLNG) CMC*

### 16 TREE PRESERVATION

- 17 15. All existing trees within the project boundaries shall be preserved, except where specifically  
18 designated for removal on the approved landscape or tree removal plan. *(PLNG)*
- 19 16. Demolition, Grading, Utility, Landscape, and Building Plans shall show all Heritage trees to  
20 be preserved, with accurate trunk location, drip line, and existing grade. The Plans shall show  
21 the location and type of protective fencing, and the location of on-site construction materials  
22 storage. The protective fencing shall be installed and inspected prior to the issuance of any  
23 Demolition, Grading, or Building Permit. *(PLNG, ENGR, BLDG, PARKS)*

### 23 LIGHTING

- 24 17. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting,  
25 and street lights on the Site, Utility, Landscape, and Building Plans, prior to the issuance of  
26 any permits. The height and style of fixtures shall be shown. Energy-saving fixtures shall be  
27 used and noted on the plans. *(PLNG, ENGR, BLDG)*

1 **STREET IMPROVEMENTS**

- 2 18. Any trenching for underground utilities shall comply with the modified City standard Detail S-  
3 17 for pavement repair and possible slurry placement. *(ENGR)*

4 **CONSTRUCTION ACTIVITIES**

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

- 7 20. Implement a dust and construction noise control plan. Submit the plan to Engineering Services  
8 for review and approval prior to. *(ENGR)*

- 9 21. Construction equipment shall not be serviced at the site at any time. Between 6:00 p.m. and  
10 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal  
11 holidays, no deliveries shall be made to the site; no delivery vehicles (including gasoline  
12 tanker trucks) shall enter the site. Delivery vehicles shall have their engines turned off during  
unloading. *(BLDG, ENGR, PLNG)*

- 13 22. Employ the quietest construction equipment available, to muffle noise from construction  
14 equipment and keep all mufflers in good working order in accordance with State law. *(BLDG,*  
15 *ENGR, PLNG)*

- 16 23. Implement the following measures during construction:

- 17 a. Gather all construction debris on a regular basis and place them in a dumpster or other  
18 container that is emptied or removed on a weekly basis. When appropriate, use tarps on  
the ground to collect fallen debris or splatters that could contribute to storm water  
19 pollution.
- 20 b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and  
storm drains adjoining the project site. During wet weather, avoid driving vehicles off  
21 paved areas.
- 22 c. Broom sweep the public street pavement adjoining the project site on a daily basis.  
Caked-on mud or dirt shall be scraped from these areas before sweeping.
- 23 d. Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest  
the downstream side of the site in order to preclude any debris or dirt from flowing into  
24 the City storm drain system. Filter materials shall be maintained and/or replaced as  
necessary to ensure effectiveness and to prevent street flooding. Dispose of filter  
25 particles in an approved trash receptacle.
- 26 e. Create a contained and covered area on the site for the storage of bags, cement, paints,  
flammable, oils, fertilizers, pesticides, or any other materials used on the site that have  
27 the potential for being discharged to the storm drain system by being windblown or in  
the event of a material spill.
- 28 f. Never clean items such as machinery, tools, and brushes or rinse containers in a street,  
gutter, or storm drain.

- 1           g.     Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash  
2           water into street gutters or drains. **(ENGR, BLDG)**
- 3     24.     No equipment shall be started or staging area be established on the streets or the site before or  
4           after the specified hours of construction. **(ENGR, BLDG)**
- 5     25.     Ensure that no debris or construction scrap material is placed on any adjoining lot, open space  
6           area, or street, and that any such material stored on an adjoining site shall be completely  
7           removed and the site cleaned, prior to occupancy approval. **(ENGR, BLDG)**
- 8     26.     At no time shall campers, trailers, motor homes, or any other vehicle be used as living or  
9           sleeping quarters on the construction site unless authorized for site security. **(ENGR, BLDG)**
- 10    27.     There shall be no parking of construction equipment or construction worker's vehicles on  
11           residential streets at any time; all vehicles shall be maintained on-site. **(ENGR, BLDG)**
- 12    28.     Portable toilets used during construction shall be kept as far as possible from adjacent  
13           properties and shall be emptied on a regular basis as necessary to prevent odor. **(ENGR,**  
14           **BLDG)**
- 15    29.     Identify truck routes for the import or export of cut/fill material and/or construction debris for  
16           review and approval by the City Engineer prior to the issuance of permits. Repair any damage  
17           to city streets (private and public) caused by activity associated with this project. **(ENGR)**
- 18    30.     In the event of the encounter of subsurface materials suspected to be of an archaeological or  
19           paleontological nature, all grading and/or excavation shall cease, the find shall be left  
20           untouched, and the City Planning Division shall be immediately notified. The County Coroner  
21           and the Native American Heritage Commission shall also be notified and the procedures  
22           required in §15064.5 of CEQA shall be followed. This requirement shall be noted on the  
23           Grading and Building Plans, prior to issuance of permits. **(PLNG, ENGR, BLDG)**
- 24    31.     In the above event, retain a qualified professional archaeologist certified by the Register of  
25           Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to  
26           evaluate and make recommendations as to disposition, mitigation and/or salvage. The  
27           recommendation shall be implemented before work may proceed. The applicant shall be liable  
28           for all costs associated with the professional investigation and implementation. **(PLNG,**  
          **ENGR, BLDG)**

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

- 2 32. Submit two copies of preliminary title report, prepared within three months prior to plan  
3 submittal. **(ENGR)**
- 4 33. The Improvement Plans shall show frontage improvements including but not limited to:  
5 drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway  
6 construction per City Standard Detail S-14 and repair/replacement of deficient frontage  
7 improvements as determined by the City Engineer. Any unusable existing driveway shall be  
8 replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility  
9 installation shall comply with the modified City Standard Detail S-17 for pavement repair and  
10 possible slurry placement. **(ENGR)**
- 11 34. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer  
12 improvements and details for curb, gutter, sidewalk, and driveway construction. **(ENGR)**

13 **GRADING/EROSION CONTROL/GEOLOGIC**

- 14 35. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed  
15 across active faults. A licensed geologist must prepare an evaluation and written report. If an  
16 active fault is found, a structure for human occupancy cannot be placed over the trace of the  
17 fault and must be set back from the fault (generally 50 feet). **(ENGR)**
- 18 36. Submit a geotechnical report with the Grading Plans and Building Plans, pursuant to CMC  
19 Section 94-51 and Section 86-73 that addresses and provides recommendations for grading,  
20 drainage, walls, building foundations, and pavement structural sections. **(ENGR)**
- 21 37. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a  
22 soils report prepared by a registered Geotechnical Engineer and receipt of a grading permit  
23 approved by the City Engineer. The grading plans and soils report shall require review by the  
24 City's Geotechnical consultant with all costs to be borne by the applicant. **(ENGR)**
- 25 38. Contour grading techniques shall be employed throughout the project to achieve a more  
26 natural appearance, even where this will increase the amount of grading. Tops of cuts or toes  
27 of fills adjacent to existing public rights-of-way or easements shall be set back two feet  
28 minimum from said rights-of-way and easements. All cut-and-fill slopes in excess of five feet  
in height shall be rounded both horizontally and vertically. **(ENGR)**
39. Grading on adjacent properties shall require written approval from the affected property  
owners. **(ENGR)**

- 1 40. On-site finish grading work shall require drainage to be directed away from all building  
2 foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward  
3 approved drainage facilities or swales. Non-paved drainage swales shall have a minimum  
4 slope of 1 percent. **(ENGR)**
- 5 41. The applicant's engineer shall inspect the finished grading and certify that it conforms to the  
6 compaction and elevations shown on the Grading Plan and Soils Report. **(ENGR) CMC**
- 7 42. Erosion control measures shall be implemented per plans approved by the City Engineer for all  
8 grading work not completed before October 15<sup>th</sup>. At the time of approval of the improvement  
9 and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil  
10 Engineer shall be filed with the City Engineer. **(ENGR)**
- 11 43. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October  
12 15<sup>th</sup> of any given year. If during grading work between October 15<sup>th</sup> and April, a rain forecast  
13 is determined, stop all grading work two (2) days before the rain forecast and implement  
14 BMP's to insure that the site is protected from erosion. **(ENGR)**
- 15 44. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plan  
16 (SWPPP), and Stormwater Control Plans to Engineering Services for review and approval  
17 prior to the issuance of grading, encroachment, and building permits. **(ENGR) CMC**
- 18 45. Comply with the applicable provisions of the Grading Ordinance and the Storm Water  
19 Management and Discharge Control Ordinance. **(ENGR) CMC**
- 20 46. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight  
21 distance, sidewalk, back up, fencing, geometrics at intersection, and corner setback  
22 requirements, prior to the acceptance of improvements. Plans shall be subject to review and  
23 approval by Engineering Services. **(ENGR) CMC**
- 24 47. Designate the private access streets as a required fire access lane thereby prohibiting parking  
25 on both sides of the street at all times. Signs and/or curb striping shall be installed according to  
26 the regulations established by the Contra Costa County Fire Protection District, the Concord  
27 Police Department, and Engineering Services. The signs shall include, the Police Department  
28 telephone number and a notification that a citation may be issued for the violation with vehicle  
removal at the owner's expense. **(ENGR, UFC)**
48. Include erosion control/storm water quality measures in the final grading plan that  
specifically address measures to prevent soil, dirt, and debris from entering the storm drain  
system. Such measures may include, but are not limited to, hydroseeding, hay bales,  
sandbags, and siltation fences and are subject to review and approval of the City Engineer and  
Director of Building Inspection. If no grading plan is required, necessary erosion

1 control/storm water quality measures shall be shown on the site plan submitted for an on-site  
2 permit, subject to review and approval of the Director of Building Inspection. The applicant  
3 shall be responsible for ensuring that the contractor is aware of and implements such  
measures. *(ENGR, BLDG)*

4 49. The general contractor and all subcontractors and suppliers of materials and equipment shall  
5 implement Construction Best Management Practice (BMP's). Construction site cleanup and  
6 control of construction debris shall also be addressed in this program. Failure to comply with  
construction BMP's may result in the issuance of correction notices, citations, or a project  
7 stop work order. *(ENGR, BLDG)*

8 50. The construction of the building structure's roof leaders and parking area shall comply with  
9 Best Management Practices and be reviewed and approved by the Engineering Department.  
All new roof drain leaders shall not be connected to storm drain system. *(ENGR, BLDG)*

10 **UTILITIES**

11 51. No above ground utility facilities/structures shall be located between the face of curb and back  
12 of sidewalk in the public right-of-way. *(ENGR)*

13 52. All new utilities shall be constructed underground prior to issuance of certificate of occupancy.  
14 *(ENGR)*

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

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

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

21 **SOLID WASTE/RECYCLING**

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

24 **AGREEMENTS, FEES, BONDS**

25 57. Provide a \$1,000 cash deposit to cover Condition Compliance costs, at the time of submittal of  
26 plans and documents to Engineering Services or the Building Division for plan check. Staff's  
27 time will be charged to this deposit for work performed to implement the Conditions of  
28 Approval, from the time of project approval to occupancy approval. The deposit will be placed

1 in a refundable account and any unused funds will be returned upon completion. If the initial  
2 deposit is insufficient to cover actual costs, an additional deposit in an amount determined by  
3 the Project Planner will be required (per City Resolution, Fees and Charges for Various  
Municipal Services). *(PLNG)*

4 58. Pay a Document Imaging Fee per City Resolution "Fees and Charges for Various Municipal  
5 Services" to reimburse the City for implementation of the Document Imaging and File  
Retention programs, prior to issuance of Grading or Building Permits. *(PLNG)*

6  
7 59. All fees noted below are the fees currently in effect per the Resolution of Fees and Charges.  
8 The fees are adjusted annually by City Council action every June and new fees become  
effective on July 1. *(ENGR)*

9 60. Grading Permit Application:

10 a. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee  
11 is determined based on cubic yardage of cut and fill combined, or at the hourly rate of  
\$181.00 if the hourly rate is used.

12 b. Provide a \$2,000 cash deposit for erosion control prior to issuance of grading permit.  
13 The deposit will be placed in a refundable account. Any unused funds will be returned  
at project completion. If the initial deposit is insufficient to cover actual costs, an  
additional deposit in an amount determined by the City Engineer will be required.

14 c. Pay stockpile and erosion control monitoring fee prior to issuance of grading permit.  
15 The stockpile and erosion control monitoring fee is currently \$22.00 per calendar day  
and is collected for the life of the grading permit activity. *(ENGR)*

16  
17 61. Sewer Connection Permit:

18 a. Pay Sanitary Sewer connection fee. The current sewer connection fee is \$2,701.00 per  
single-family dwelling unit and shall be paid prior to certificate of occupancy.

19 b. Pay the current sewer service fee prior to certificate of occupancy as set forth in the  
20 Resolution of Fees and Charges. The current fee is \$162 per year and is pro-rated by  
the month that connection is made. *(ENGR)*

21 62. Traffic Mitigation Fee:

22 Pay the Offsite Street Improvement Program (OSIP) fee. The OSIP fee shall be the fee in  
23 effect at the time of approval. The current OSIP fee is \$ 1,583 per secondary living unit and  
shall be paid prior to certificate of occupancy. *(ENGR)*

24 **OTHER/MISCELLANEOUS**

25 63. All active building code violations onsite must be completed and/or closed to the satisfaction  
26 of the City of Concord building division prior to occupancy of the secondary unit. *(PLNG)*

27 64. All plans shall reflect only what will be constructed at the time of submittal and any  
28 construction not covered under state mandates shall comply with all 2010 California Building,

1 Plumbing, Mechanical, Energy, Fire, Green Building and Residential Codes. Since the  
2 proposed garage and accessory structures does not meet current city standards for size and  
amount, it is not approved with this application. **(BLG)**

3 65. The secondary unit shall have no more than two bedrooms and comply with all provisions of  
4 the City's Zoning Ordinance. **(PLNG)**

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

8  
9 67. Contact the Geographic Information Systems (GIS) Technician, in the Information  
10 Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the  
11 Contra Costa Fire Protection District for their approval, prior to issuance of a Building Permit.  
**(PLNG)**

12 68. Comply with the requirements of the Contra Costa County Health Department for any  
13 abandonment of existing septic tanks or wells. **(ENGR) CMC**

14 69. Comply with the requirements of the Contra Costa Fire Protection District. Submit 3 complete  
15 sets of plans and specifications to the Fire District for review and approval at:

16 Contra Costa County Fire Protection District  
17 2010 Geary Road  
18 Pleasant Hill, CA 94523  
19

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

22  
23 70. Applicant shall defend, indemnify and hold harmless the City, its agents, officials, and  
24 employees from any claim, action or proceeding brought by a third party to set aside, annul,  
attack or otherwise void the permit. **(PLNG)**

25  
26 71. The permit and approval shall expire in (one) year from the date on which they became  
27 effective unless construction permits are obtained and work has begun. All permits approved  
28 concurrently with a Tentative Map shall be valid for the life of the map. The effective date of  
the permit and approval is **(January 25, 2012)**. **(PLNG)**

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72. A request for a time extension from the expiration date of *(January 25, 2013)* can be considered if an application with required fee is filed at least 45 days before the original expiration date (otherwise a new application is required) A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*