



MEMORANDUM

TO: ZONING ADMINISTRATOR

FROM: Corey Simon, Senior Planner

DATE: December 14, 2016

RE: **CHRIST LUTHERAN CHURCH; 4-LOT MINOR SUBDIVISION, 2370 HARBOR VIEW DRIVE:** Public Hearing to consider a request for a one-year extension of a previously approved Minor Subdivision to allow a 4½ acre parcel to be subdivided into 4 lots; one church parcel of approximately 2.3 acres, and 3 new single-family residential parcels ranging in size from approximately .4 acre to 1 acre. Approval of the applicant's request would extend the expiration of the current approvals to December 19, 2017 **FILES: Minor Subdivision MS #552-06.**

BACKGROUND and DISCUSSION:

On December 19, 2007, the Zoning Administrator approved the proposed subdivision. The Church never intended to act as a "developer," but had instead hoped that a developer would do the required infrastructure improvements (i.e. private drives, utilities and church parking lot), allowing for the development of three (3) new single family residents with the church retaining its buildings, yards and parking lot. While such maps are normally given a two (2) year period before they expire, the economic downturn that followed the "mortgage finance crisis" of 2008 lead the State to approve four (4) *mandatory* map extensions – extending the subject map's expiration to December 19, 2016. The applicant has now submitted a request for a one (1) year *discretionary* extension, believing that the improving economy may finally lead to a buyer/developer for the property. As there has been no change the regulations governing the project, or circumstances in the neighborhood, staff recommends granting the extension.

RECOMMENDATION:

Pursuant to the California Subdivision Map Act, and Martinez Municipal Code, grant a one-year extension of approval for subdivision MS 552-06, subject to the conditions of approval as per the Zoning Administrator's approval of this project on December 19, 2007. With the grant of the extension, approvals will expire on December 19, 2017, by which time the applicant must record the final parcel map, or the subject approval will expire.

ATTACHMENTS

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

CHRIST LUTHERAN CHURCH

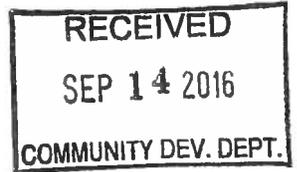
~~2370 Harbor View Drive~~
Mailing Address: P.O. Box 2503
Martinez, CA 94553

www.christmartinez.org

Pastor Phillip Kohlmeyer (phillip333@gmail.com)

Cell: (925) 586-2575 Church Office: (925) 228-5120

September 14, 2016



Corey Simon, Planning Department
City of Martinez
525 Henrietta Street
Martinez, CA 94553

Dear Mr. Simon:

Christ Lutheran Church requests a Tentative Map extension (MS 552-06) for our three lots. It is our understanding that the current map expires 12/19/2016. We are still determining exactly what we want to do with them.

Enclosed is a check for \$1,385.

Requesting 1 year.

Please let us know if we need to do anything else.

PK

Thank you.

Sincerely,

Phillip Kohlmeyer

Phillip Kohlmeyer, Pastor

CONDITIONS OF APPROVAL [**DRAFT**]
 AS APPROVED BY ZONING ADMINISTRATOR

Project Name: Christ Lutheran Church Minor Subdivision

Location: 2370 Harbor View Drive (APN 376-010-012)

I. Description of Permit

These conditions apply to and constitute the approval of Minor Subdivision No. 552-06, allowing a 4½ acre parcel to be subdivided into 4 lots; one church parcel of approximately 2.3 acres, and 3 new single-family residential parcels ranging in size from approximately .4 acre to 1 acre.

II. Exhibits

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

EXHIBIT	DATE RECEIVED	PREPARED BY	PAGES
Tentative Map for MS 554-03	Oct 19, 2007	Isakson & Assoc.	1
Conceptual parking lot landscape plan	Aug 31, 2006	Camp & Camp Assoc.	1

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

III. Required Easements, Disclosures, Access Areas and Shared Maintenance Responsibilities

A. Required Disclosure of pending work on adjacent City Reservoir: It shall be disclosed to all future owners of Parcels "A", "B" and "C" that the City's Water Master Plan Update Final Report dated December 2005 indicates the existing Harbor View Reservoir is to be lowered and slightly relocated and that preliminary plans are available for review at the office of the City Engineer. This disclosure shall be required until said construction is completed by the City or future Water Master Plan eliminates the need for this project. Disclosure requirements shall be transferable to future owners. The method of disclosure shall be subject to approval by the Community and Economic Development Director.

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 TWO (2) EXTENSION MANDATED BY PASSAGE OF AB 208
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EXTENSION APPROVED BY ZONING ADMINISTRATOR [DRAFT**]**

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- B. Easements to be shown on Parcel Map: In addition to existing and proposed easements shown on Tentative Parcel Map, the following easements are required (final wording and configuration subject to approval of City Engineer and Community Development Director):
1. The westerly portions of Parcel "A", "B" and "C" (as shown on tentative map), as well as that portion of Parcel "D" below the existing church pad, (approximately at 216 elevation and conceptually illustrated in Staff exhibit entitled "*Attachment B – Alt. COA's per Staff, December 18, 2007*"; attached as page 4), shall be placed within a *Scenic and Drainage Easement*. The easement shall be a non-exclusive private easement for the purpose of preserving the naturalistic appearance of the undeveloped hillside. Excepting those activities related to access and drainage improvements conceptually shown on the tentative map, grading (such as needed to stabilize the building pads or repair landslides), and/or as required by the City Engineer and Community Development Director. The erection of structures and obscuring fencing, grading (other than as required for subdivision improvements and/or stabilization-repair work stated above), paving, and outdoor storage of vehicles or similar items shall be prohibited.
 2. The southerly 30 feet of Parcel "A" (excepting that portion within the permanent *Scenic and Drainage Easement* described in Condition of Approval III.B.1 above) shall be placed within a temporary "*Building And Landscape Restriction Easement*" prohibiting the placement of structures, or planting of trees, within of 30 feet of the southerly property line until the completion of the Hillside Reservoir Improvements described in Condition of Approval III.A above, or until January 1, 2012, whichever occurs first. Upon the termination of the easement, development regulations for the subject 30' wide area shall be as applies to the lot within its applicable Zoning District.
- C. CC & R are required for this project, and draft CC & R shall be submitted for City review and approval with the parcel map and improvement plans. The CC & R shall contain a clause giving the City the right, but not the duty, to enforce the CC & R. Prior to recordation, the City Attorney shall review and approve the proposed CC & R. The applicant shall be responsible for the review fee of the CC & R and shall enter into an agreement with the City in order to reimburse the City's cost of the Attorney's review, or as approved by the Community Development Director.
- D. The CC & R shall include Sections for the maintenance of common improvements within the private access road, the private driveway, the common drainage facilities, and the stormwater control facilities including

the landscaping and irrigation. The City shall not be included in the maintenance responsibility of the Private Access Road.

E. The CC & R's shall limit the use of those portions of Parcels "A", "B", "C" and "D" lying between the private drive and the east property line to landscaping purposes only, and that the maintenance of these areas is the responsibility of the individual owner(s).

F. Special Requirements for Timing of Improvement Installations for benefit of "Plaka Partnership" parcel west of subject parcel.

1. The portion of driveway for the "Plaka Parcel" that also functions as a "turn around" for the main driveway serving Parcels "A" "B" and "C" shall be improved as a part of this subdivision improvements [It is the City's understanding that only rough grading will occur west of the "turn around", between parcels "B" and "C"]. In addition to the required "turn around", only that portion of driveway to the east of the *Scenic and Drainage Easement* (ie. High point on the driveway east of elevation 219') may be (but is not required to be) graded and paved, unless a development plans for the "Plaka Partnership" parcel homesite, has been approved by the City Engineer and Community Development Director. All grading, paving and drainage improvements west of the high point (including but not limited to bio-retention area, concrete and catch basins west of the grade break) shall be deferred until such time the City can review and approve site development plans for the "Plaka Partnership" homesite, or as approved by the City Engineer and Community Development Director. Temporary construction easement shall be provided on the parcel map to facilitate future grading of the private driveway to "Plaka Partnership" west of the high point. Drainage improvements and stormwater control facilities for the benefit of the "Plaka Partnership" parcel homesite may be deferred or relocated on the "Plaka Partnership" parcel rather than as shown on the tentative map, contingent upon Plaka Partnership assumes the responsibility of operating and maintaining of the stormwater control facility serving the private driveway to their property.

2. Unless such concrete ditches are determined necessary by the City Engineer, the concrete ditch proposed at the western property line of Parcels B, C and D (adjacent to the "Plaka Partnership" parcel) shall be omitted from improvement plans. The property owner(s) retains the right to construct such and/or alternate drainage improvements if such are deemed necessary in the future.

G. Access to Adjacent Lots (APNs 375-100-010, 013, & 376-010-030).

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The above parcels currently have access to the private portion of Harbor View Road. The applicant shall verify and insure that these lots have or will have legal access to Harbor View Road. Access and utility easement(s) shall be provided to these lots on the parcel map (or by separate document(s)) if none exist. All documents shall be prepared to the satisfaction of the City Engineer.

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ACT COA per STAFF; 2007 Dec. 19

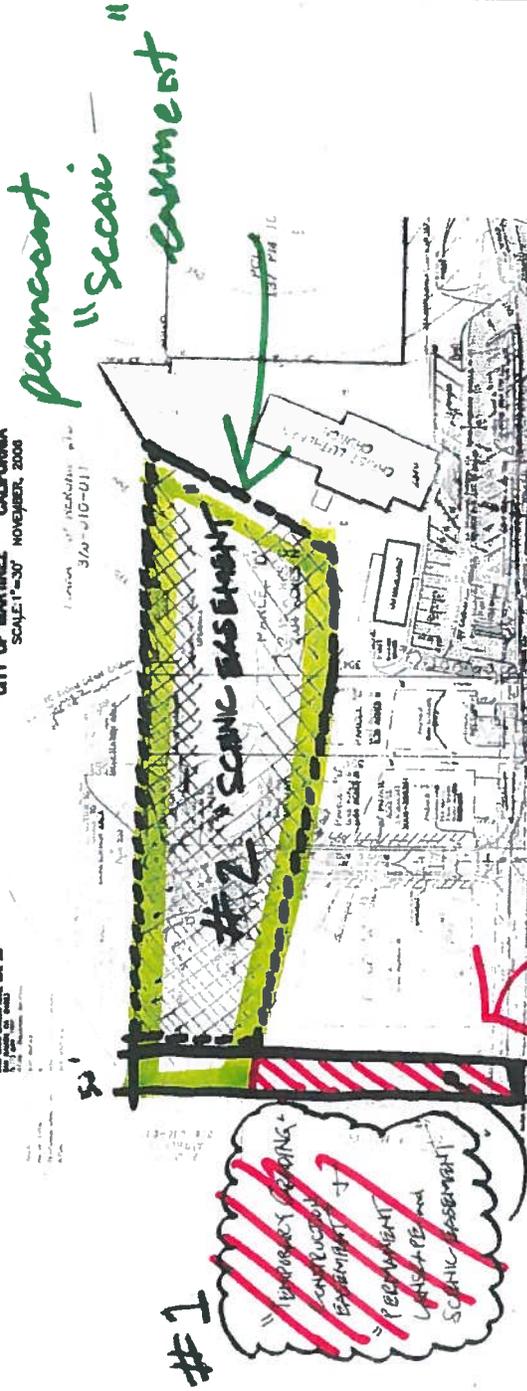
ATTACHMENT B

2A STAFF REPORT 2007 DEC. 19

PROPOSED SCENIC BASEMENTS

GENERAL NOTES
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF MARTINEZ ZONING ORDINANCE.
2. THE PERMITTEE SHALL MAINTAIN THE SCENIC BASEMENT AT ALL TIMES.
3. THE PERMITTEE SHALL MAINTAIN THE SCENIC BASEMENT AT ALL TIMES.

**TENTATIVE MAP MS 552-06
FURTHER DIVISION OF PARCEL B' 137 PM 10
CITY OF MARTINEZ CALIFORNIA
SCALE: 1"=30' NOVEMBER, 2006**



"Temporary setback easement"

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IV. Site Improvements (Church Parking Lot, Landscaping, Access Drive, etc.)

- A. As a required subdivision improvement, the subdivider shall replace the existing church parking lot, with a landscaped parking lot, separated from the through driveway (serving parcels A, B and C and the Plaka parcel) by a raised planter. Parking layout shall be as conceptually shown on tentative parcel map dated October 19, 2007, or as approved by City Engineer and Community Development Director. Parking lot perimeter shall be landscaped as conceptually shown on landscape plan dated August 31, 2006 (but as modified to conform to the October 19, 2007 layout). Landscaping shall extend from the southern end of the parking lot to Parcel C's northern property line. An Automatic irrigations system shall be provided. Final planning and irrigation plans shall be prepared on the grading/improvement 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 Parcel Map.

- B. The following specific requirements shall be incorporated into the planning and irrigation plans.
 - 1. Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
 - 2. Final landscape plans shall contain a table showing the amounts of landscape area, plus a count of trees and shrubs to be planted by size.
 - 3. Specify trees sizes of at least 15 gal. in size. Shrubs shall be 5 gal. size and drought tolerant.
 - 4. Provide either lawn or a continuous ground cover with complete coverage within 3 years.

- C. Once final planning and irrigation plans are approved, the applicant shall submit reproducible copies for signature. Once the landscaping is accepted by the City, as-built mylars shall be submitted.

- D. The satisfactory installation of all landscape and irrigation improvements shall be guaranteed by posting a bond or equivalent surety with the City equal to 100 percent of the cost of materials and installation prior to issuance of building permits or City approval of the Parcel Map, whichever comes first; or alternate as approved Community Development Director.

- E. The Church parking lot landscaping shall be maintained in perpetuity by the Church, or subsequent owner of Parcel D, in a condition equal or exceeding

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that of the approved plans. This maintenance obligation shall be incorporated in the subdivision CC &R's.

- F. Existing vegetation between the access drive and the rear of Pine Street Lots shall be retained, and shall be maintained in perpetuity by the subject property owner. This maintenance obligation shall be incorporated in the subdivision CC &R's, as per Condition of Approval III.D.
 - G. Landscaping and individually controlled automatic irrigation within the front yards (and the side yards adjacent to driveway on Parcels A and B), and fencing, shall be installed by the homebuilder(s) at such time each lot is developed. Each individual Design Review application and plan submittal shall include individual landscape plans for review and approval. Final inspection approval for each house shall not be given until the required front and street-side side yard landscaping is installed for that house. The developer shall install a solid 6' high "good neighbor" style fence (excluding "front yard setback" and "scenic easement" areas) on the property lines between Parcel D and C and parcels B and C. Fence design shall be shall be provided concurrently with individual house design review plans and is subject to staff review and approval.
 - H. Existing water meter, bollard, cross and sign located within the access drive (near 2365 Harbor View Drive) shall be removed (and/or relocated), and travel way re-graded/repaved, so that the travel way is unobstructed, as required by City Engineer. Paving and/or grades around existing PG & E vaults shall also be adjusted, as required by the City Engineer, to eliminate similar anomalies within the travel way grades.
 - I. The maximum height for all walls, fences and/or fences on retaining walls within required minimum yards shall be 6 feet. Fences off-set from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 foot each.
- V. Architecture
- A. Individual units shall comply with the R-3.5 Zoning District Development Standards, which include, but is not limited to, minimum required yards and maximum building heights and lot coverage. "Building Envelopes" as illustrated on the Tentative Map, are for illustration purposes only, and are not indented to grant exceptions to the R-3.5 District standards.
 - B. Design Review approval is required for the individual development plans for each of the three units prior to issuance of building permits. Where applicable, plans shall include:
 - 1. Consistent trim of all exterior doors and windows.

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2. Window frames and doors shall be color coordinated to match the building.
3. Composition shingles, if proposed, shall be architecturally laminated style, minimum weight of 280 lbs./square.
4. Final color schemes.

VI. Noise Control, Dust and Conditions for Construction Activity

- A. All construction activities shall conform to the City's Noise Control Ordinance, Chapter 8.34 of the Municipal Code: Construction activities are limited to the hours of 7:00 a.m. to ~~7:00~~ **5:00 p.m.**, Monday through Friday **[shorter work hours than typically allowed in City's Noise control ordinance, time modified by Zoning Administrator at hearing]**; and 9:00 a.m. to 5 p.m. Saturday and Sunday. The permittee shall post a sign on the site notifying all workers of these restrictions.
- B. No equipment shall be started or delineation take place on the streets before or after the specified operations hours.
- C. Contractors shall be required to employ the quietest construction equipment available, and to muffle noise from construction equipment and to keep all mufflers in good working order in accordance with State law.
- D. Adequate dust control measures shall be employed throughout all grading and construction periods. The Contractor shall regularly water areas that are exposed for extended periods to reduce wind erosion
- E. Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, etc. coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All trucks to be covered.
- F. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- G. Access shall be maintained to all driveways at all times.
- H. There shall be no parking of construction equipment or construction worker's cars on residential streets at any time.
- I. 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.

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

VIII. Grading/Tree Removal

- A. A more broad transition shall be provided to blend the grades of the cut slope adjacent to the "Plaka Partnership parcel" access drive into the natural slope on Parcel "A."
- B. Existing trees on Parcels "A", "B" and "C" shall not be removed as part of subdivision grading, unless removal is necessary as part of grading required for drainage improvements, as determined by City Engineer and Community Development Director. Tree removal may be considered as part of future application(s) for individual lots' development.

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- C. 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.
- D. 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.
- E. The on-site finish grading shall require drainage to be directed away from all building foundations at a slope of 2 percent minimum to 20 percent maximum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. A minimum 4-ft. wide clear access shall be provided around each building.
- F. 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. Grading shall be designed in a manner that will not cause runoff to concentrate and drain on existing slopes. Graded slopes between lot lines shall be design in manner that prevents runoff from one parcel to another. For areas that are to remain natural, runoff from each lot shall be collected before it crosses the property line and conveyed to adequate storm drainage facilities or as approved by the City Engineer.
- G. 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.
- H. All graded slopes in excess of 5 ft. in height shall be hydroseeded or landscaped no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season.
- I. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
- J. All front yard landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems on each lot.

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- K. 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.
- L. Where applicable, the grading and finished lot pads shall meet or exceed the requirements of a 100-year (1 percent) flood zone.
- M. All existing trees shall be clearly indicated on the grading plan.
- N. Any grading on adjacent properties will require written approval of those property owners affected.
- O. 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.
- P. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.
- Q. Where grading is proposed over an existing easement(s) shall be designed in a manor that will impact the use and enjoyment of such easement(s). Where significant grading is required, the developer shall obtain the written approval of the easement(s) owner(s) prior to City approval of the parcel map and improvement and grading plans.

IX. Drainage

- A. A hydrologic study shall be prepared and submitted to the City for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The developer shall make necessary upgrades to existing systems as required. Drainage area is defined as all that area draining into, and including, the area of the proposed development.
- B. All concentrated runoff shall be collected and conveyed to an approved storm drainage system. Existing slopes that have no additional discharge directed onto them or are not substantially regraded can remain as natural runoff.
- C. Applicant shall not increase storm water runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements shall

be obtained prior to filing of Parcel 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. 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 individual lot owners shall be contained within 10-ft. private drainage reserves. Said easements and/or reserves shall be delineated on the Parcel Map or recorded by separate document prior to City approval of the Parcel Map or issuance of Building Permit, whichever comes first.
 - F. Concentrated drainage flows shall not be permitted to cross sidewalks, pavement, or driveways.
 - G. The developer shall comply with Contra Costa County Flood Control District Design requirements.
 - H. 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.
- X. NPDES Requirements
- A Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
 - B All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.
 - C Developer shall comply with the State Water Resources Control Board requirements for a construction NPDES permit and shall maintain a Storm Water Pollution Prevention Plan (SWPPP) at the job site and provide the City with a copy of same.

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D Stormwater Control Plan:

1. To the maximum extent practicable, as determined by the City Engineer, drainage from roof and paved surfaces shall be routed through grassy swales, buffer strips or sand filters prior to discharge into the storm drain system. The applicant shall submit to the City for review and approval a complete stormwater control plan and operation and maintenance plan prepared by the applicant's engineer. All required facilities shall be designed in conformance with methods and design recommendation described in the current edition of Contra Costa County Clean Water Program C.3 Guidebook. If the applicant wishes to use facilities that are not listed in the C.3 Guidebook, developer shall submit information and support documentation to the City, for review and approval, to proof that it meets or exceed the requirements.
2. All required stormwater control facilities including its location on the property, access, methods of operation, maintenance and reporting shall be subject to the City Engineer's approval. The Owner(s) shall be the responsible for the operation, maintenance, and future reporting for the C.3 facilities. A maintenance agreement between the owner(s) and City may be required to insure proper maintenance and operation of the facilities, and for providing the City and other regulatory agencies the right of entry to perform periodic inspections to insure compliance with requirements.
3. The Stormwater Control Plan, the Operation and Maintenance Plan, and the construction plans for the stormwater control facilities (C.3 facilities) shall be submitted and approved by the City Engineer prior to the approval of the parcel map and the improvement plans, or the issuance of permits.
4. All required maintenance agreements shall be executed prior to approval or the parcel map and the improvement plans.
5. Drawings and details shall be submitted with the subdivision's improvement plans. The drawing and details should include calculations, structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings to show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants.

6. The permit application for building, grading, site improvements, or landscaping shall be consistent with the applicant's approved Stormwater Control Plan and shall include all drawings and specifications necessary to implement all measures in the approved Plan. The permit application shall include a completed "Construction Plan C.3 Checklist" as described in the Stormwater C.3 Guidebook.
 7. The applicant shall be responsible to implement and pay all costs associated with stormwater control plan, the operation and maintenance of the facilities, and the preparation of all documents and permit application and reporting.
 8. Stormwater control plan and the operation and maintenance plan shall be included as a part of the CC&R for the subdivision.
 9. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit as built drawings conforming to the approved stormwater control plan.
- E. 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.

XI. Street Improvements

- A. Pursuant to Chapter 12.30 of the Martinez Municipal Code sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property frontage. **Existing public improvement that is damaged at the end of Harbor View Drive, at the conformance with the private road, shall be repaired or replaced to the satisfaction of the City Engineer. Existing private improvement onsite that is damaged and is to remain, including but not limited to pavement, storm drainage facilities, landscaping and utilities, shall be repaired or replaced to the satisfaction of the City Engineer.**
- B. All streets shall be paved and improved, after utilities are installed, in accordance with City of Martinez Standard Drawings and Design Guidelines.
- C. 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.
- D. All new utility distribution services on-site and off-site shall be installed underground.

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- E. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
- F. A City Encroachment Permit is required for any work within the City Right-of-Way.
- G. Complete striping and signage plan, in accordance with the City standards, shall be submitted to the City Engineer for review and approval. All traffic control devices, including Stop signs, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.
- H. Street names for public and private streets are subject to the approval by the Community Development Department and the Fire District. One street shall be named after a past mayor of Martinez as assigned by the City Engineer.
- I. Private access road (Harbor View Drive extension) and church parking lot design shall utilize a T.I. of 5.5 with a minimum 0.2 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base.
- J. Private access road (Harbor View Drive extension) shall provide a minimum 20 ft. unobstructed paved width within a 40 ft. right-of-way and utility easement, with a maximum of 16 percent grade and approved provisions for the turning around of Police Department and Fire Department apparatus. Curb returns at all intersections shall be a 30-ft. radius. Turnaround shall conform to City standards details unless otherwise approved by the City Engineer and the Fire Department.
- K. Private access driveway to Plaka Property shall provide a minimum of 16 ft. unobstructed paved width within a minimum of 20 ft. wide right-of-way and utility easement, with a maximum 20 percent grade unless otherwise approved by the City Engineer. The driveway shall also be designed to meet the approval of the Fire Department. The Design of the driveway and all required improvement shall be incorporated in the improvement plans. The Developer shall also coordinate with the adjacent owner (the owner of Plaka Property Inc.) as to the design grades of the driveway.
- L. The driveways to homes on Parcels A & B shall be located on the main Private Access Road (not from the private access driveway to Plaka Property) as shown on the tentative map, unless otherwise approved by the City Engineer.
- M. Adjoining streets and the existing City easement(s) to Harbor View Reservoir shall be free and clean of project dirt, mud, materials and debris

during the construction period as is found necessary by the City Engineer. Access to all existing driveways shall remain open at all time.

N. Applicant shall comply with TSM Ordinance.

XII. Water System & Fire Protection

A. Water system facilities shall be designed to meet the requirements of the **City of Martinez** water service agency and the fire flow requirements of the Contra Costa County Consolidated Fire Protection District. All requirements of the water agency shall be guaranteed prior to approval of the improvement plans.

B. Water system connection, including installation of the water meter, shall be made in accordance with water agency standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee schedule in effect at time of payment.

C. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building.

D. Fire hydrant(s) shall be installed as required by the Fire Department.

XIII. Sanitary Sewer System

A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the **Mt. View Sanitary District**. All requirements of that District shall be met before approval of the improvement plans.

B. Unless otherwise approved by the sanitary sewer district, the sewer system for the subdivision shall be designed to flow by gravity to existing sanitary sewer facilities as approved by the sewer district. All required offsite easements and improvements shall be obtained and constructed at the developer's own expense.

XIV. 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 Parcel 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 Parcel 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 Parcel Map and issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.
- E. 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.
- F. 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.
- G. Prior to acceptance of improvements, offers of dedication, and release of bonds and deposits by the City, the City's record copies of the grading, site, and improvement plans shall be updated to show "As Built" conditions of the project. Said plans shall be prepared by the responsible Civil Engineer of work and shall reflect all changes made during the course of project construction. Grading and improvement plans shall be 24" x 36" in size. The as built plans and Parcel map shall be provided in 4 mil photo mylars and in the form of electronic files compatible with AutoCad release 14.
- H. All on-site improvements not covered by the building permit including sidewalks, driveways, paving, sewers, drainage, curbs and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
- I. Building permits for retaining walls shall be obtained as follows:
 - 1. For major walls to be constructed during the mass grading phase, obtain permit prior to issuance of the Grading Permit.

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- 2. For all other walls, obtain permit prior to issuance of Permits for structures on the respective lot.
- J. The minimum length for on-site driveways shall be in accordance with City code restrictions, but in no case shall they be less than 20 ft. as measured from the garage door to the street right-of-way, or access easement line.
- K. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- L. Approval by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, Sewage District, and the water agency of all improvements and buildings is required prior to City approval of construction plans **and the issuance of permits.**
- M. Parcel Map and/or CC & R's clearly showing lot numbers and property lines shall be submitted with building permit applications. Parcel Map shall be 18" x 26" in size.
- N. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.

XIII. Validity of Permit and Approval

- A. Zoning Administrator approval is subject to appeal to the Planning Commission ten calendar days of the approval, **as modified for Christmas/New Years holidays; the appeal period closes end of business day, January 2, 2008.**
- B. The tentative map, and Variance approvals integral to the map, shall expire on ~~December 19, 2009, [December 2010, per 1 year extension mandated by passage of SB 1185]; [December 19, 2012 per 2 year extension mandated by passage of AB 333]; [December 19, 2014 per 2 year extension mandated by passage of AB 208]; [December 19, 2016 per 2 year extension mandated by passage of AB 116]~~ **December 19, 2017, per Zoning Administrator's approval one (1) year extension** ~~(24; 36; 60; 84; 108~~ **132 months** ~~from approval date)~~ unless The final map, the Improvement plans and all required documents are filed with City Engineer prior to the expiration date;
- C. ~~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 at least 45 days before the original expiration date of December 19, 2009. December 19, 2010, as extended by passage of SB 1185. December 19, 2012, as extended by passage of AB 333. If the tentative map is expired a new application is required. A public hearing will be required~~

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~~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. [no additional extensions are permitted]~~

- D. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
- E. The permittee and property owner, Christ Lutheran Church/Sharon Best, and her successor in interest, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission's decision to approve MS 552-06, 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 the permittee and property owner, Christ Lutheran Church/Sharon Best, and her successor in interest, the City, and/or the parties initiating or bringing such action.
- F. Christ Lutheran Church/Sharon Best, and her successor in interest, 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 the permittee and property owner, Christ Lutheran Church/Sharon Best, and her successor in interest desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
- G. In the event that a claim, action or proceeding described in Subsection E, above, is brought, the City shall promptly notify the permittee and property owner, Christ Lutheran Church/Sharon Best, and her successor in interest, 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 the permittee and property owner, Christ Lutheran Church/Sharon Best, and her successor in interest, is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the

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

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