1. **CALL TO ORDER:**

2. **PUBLIC FORUM:**
   This section of the agenda is provided for the public to express comments on items for which there is no other opportunity for public comment on this agenda and for items which do not appear on the agenda. Comments should be restricted to items of interest to the public that are within the subject matter jurisdiction of the Zoning Administrator. Public comment offered during the public forum which are addressed to an agendized public hearing item will be considered by the Zoning Administrator and made part of the public hearing record only if the comments are also offered at the time and place scheduled for the public hearing or submitted in writing prior to the close of the public hearing. Public speakers are encouraged to summarize their comments and limit presentations to three (3) minutes.

3. **NEW PUBLIC HEARING:**
   Following a project report by staff, interested members of the public are encouraged to comment. The project applicant will speak first and will be allocated up to ten (10) minutes to present the project, including any time he or she wishes to reserve for rebuttal. The applicant shall inform the Zoning Administrator at the outset of his or her presentation of the amount of time to be allocated for rebuttal. Following the applicant's presentation, speakers in favor of the project may speak, followed by speakers in opposition to the project. Speakers are asked to summarize their comments and limit their presentations to three (3) minutes. After all other speakers make their presentations, the applicant will be allowed to present a rebuttal in the amount of time he or she requested at the outset of his or her presentation.

A. A public hearing to consider an application for an elevated deck permit attached to the rear of an existing single-family residence. In July 2016, an elevated deck permit for an approximately 400 square foot deck with a privacy screen constructed of open material on the south side of the deck was approved. The current application is for a modification to the July 2016 elevated deck permit approval to include a solid privacy screen instead of a privacy screen constructed of open material. This is a hearing to receive public testimony for Zoning Administrator consideration.

<table>
<thead>
<tr>
<th>PROJECT SITE:</th>
<th>72 La Cuesta</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN:</td>
<td>262-032-015</td>
</tr>
<tr>
<td>Applications:</td>
<td>Elevated Deck Permit (EDP-2016-034)</td>
</tr>
<tr>
<td>Zoning Designation:</td>
<td>RL-20 (Residential Low Density – Minimum Lot Size 20,000 sf)</td>
</tr>
<tr>
<td>Lot Size:</td>
<td>10,410 square feet</td>
</tr>
<tr>
<td>Owner:</td>
<td>Luis &amp; Marcela Ruesga</td>
</tr>
<tr>
<td>Planner:</td>
<td>Winnie Mui, Planning Technician</td>
</tr>
<tr>
<td>CEQA Status:</td>
<td>Categorically Exempt: CEQA Guidelines §15303</td>
</tr>
</tbody>
</table>

**Staff Recommendation:**
Receive Public Testimony for Zoning Administrator Consideration of Elevated Deck permit application (EDP-2016-034) and Adopt Statement of Official Action approving EDP-2016-034 with conditions of approval.
4. **ADJOURNMENT:**

I, Roaya Wooler, declare under penalty of perjury under the laws of the State of California that this agenda has been posted at least 72 hours in advance at the Orinda City Offices to include: Orinda City Hall, Orinda Community Center and Orinda Public Library. Additional copies of Agendas and Staff Reports, are available in the Orinda Planning Department, the Orinda Public Library (government section) and on the City’s website at www.cityoforinda.org.

[Signature]
Roaya Wooler, Senior Administrative Assistant to Planning

If you wish to provide any document longer than 3 pages to the Zoning Administrator for its consideration, you must submit five (5) copies to the Planning Department no later than 4:30pm, three business days prior to the meeting. Documents containing 3 or fewer pages may be submitted to the Planning Department by noon, the day of the meeting, prior to the meeting or at the meeting (5 copies required).

In compliance with the Americans with Disabilities Act, the City of Orinda will provide special assistance for disabled citizens. If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Department’s Sr. Administrative Assistant, Roaya Wooler at (925) 253-4261 or rwooler@cityoforinda.org. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II]

APPEALS: A decision of the Zoning Administrator is final unless a written notice of appeal, specifying the grounds for appeal, is submitted to the City Clerk during normal business hours (Monday through Friday, 8:00 AM – 12:00PM and 1:00PM - 5:00 PM) within ten (10) calendar days, with appropriate fees. The appeal will be considered by the Planning Commission. If you challenge any actions on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing. The time to file action to challenge the decision is governed by the Code of Civil Procedure, Section 1094.6.
STATEMENT OF OFFICIAL ACTION

ACTION: Zoning Administrator Approval

SUBJECT: Major Modification to Elevated Deck Permit (EDP-2016-034)

PROJECT SITE: 72 La Cuesta

APN: 262-032-015

OWNER: Luis & Marcela Ruesga

AGENT: N/A

STAFF REFERENCE: Winnie Mui, Planning Technician

ACTION DEADLINE: February 10, 2018

CEQA STATUS: Categorically Exempt, CEQA Guidelines §15303

ZONING: RL-20

LOT SIZE: 10,410 square feet

AVERAGE SLOPE: 30%

PROJECT SUMMARY:

Major modification to previously-approved Elevated Deck Permit (EDP-2016-034) for an approximately 406 square-foot elevated deck at the rear and left side of the existing residence with a privacy screen along the south side of the deck. The modification requested is for a privacy screen made of solid metal rather than an open slatted material.

The Zoning Administrator has reviewed the proposed project and finds that it meets the Elevated Deck Permit standards found in Orinda Municipal Code §17.35.3. The Zoning Administrator hereby approves the proposed project, pursuant to the Administrator’s findings as stated in Exhibit A and subject to the conditions stated in Exhibit B.

APPROVAL BY ZONING ADMINISTRATOR

Drummond Buckley, Planning Director

Exhibit A – Findings of Approval
Exhibit B – Conditions of Approval
Exhibit D – Public Correspondence
Exhibit A - Findings of Approval
Elevated Deck Permit (EDP-2016-034):
72 La Cuesta (APN 262-032-015)

PROJECT DESCRIPTION

On July 21, 2016, an elevated deck permit for an approximately 406 square-foot elevated deck at the rear and left side of the existing residence was approved. The elevated deck approval included a privacy screen constructed of open material on the south side of the deck. The Statement of Official Action approving this permit is provided as Exhibit C.

In July 2017, a code enforcement Request to Investigate form was received by the Planning Department. The code enforcement form stated that a steel-covered privacy screen had been constructed on the deck. Staff confirmed that a solid, steel-covered privacy screen was constructed on the southern corner of the deck, which was not consistent with the open, slatted privacy screen shown on the approved plan set. Figure 1 indicates the constructed privacy screen as compared to the approved plans. The applicant was given the option to (1) modify the constructed privacy screen to match the approved plan set or (2) apply for a major modification for the already constructed solid, steel-covered privacy screen. The applicant decided to apply for a major modification to the approved Elevated Deck Permit (EDP-2016-034).

Figure 1. As-Built Solid Privacy Screen vs. Approved Plans
The Zoning Administrator finds that the proposed Major Modification to Elevated Deck Permit (EDP-2016-034) complies with the Standards for Elevated Deck Permits (§17.35.3) as follows:

§17.35.3 – ELEVATED DECK PERMIT STANDARDS

1. **The elevated deck does not substantially diminish the privacy of neighbors.**

   The elevated deck is attached to the rear of the existing residence. The privacy screen is situated on the southern corner of the elevated deck. The adjoining residence to the south, 74 La Cuesta, is set back further from the right-of-way than the subject property and the deck can be seen from this residence. The solid privacy screen increases the privacy between the subject property and the adjoining residence more than the approved slatted design. Therefore, the as-built privacy screen actually increases the privacy of neighbors.

2. **The elevated deck does not substantially block desired views from neighboring residences.**

   The neighboring residence to the north at 70 La Cuesta has an elevated deck that faces the rear of their property with downhill views of wooded hillside behind their residence. The privacy screen does not substantially block this view.

   The resident at 74 La Cuesta expressed concern that the privacy screen blocks desired views from their property and that the corrugated steel material reflects the sunlight. The resident at 76 La Cuesta also expressed concern that the privacy screen blocks desired views such as sunsets from their property (see Exhibit D: Public Correspondence). Due to the solid and reflective material of the privacy screen, there are potentially desired views being blocked from these neighbors which are located south of the subject property. In order to reduce the blocked desired views, the privacy screen should be modified to be constructed of open and non-reflective material. See project-specific Conditions of Approval #1 and #2.

3. **The elevated deck does not result in the removal of trees which screen undesirable views.**

   No trees were removed for the project.

4. **Reasonable use of the deck will not cause a material increase in ambient noise for neighboring properties.**

   The elevated deck potentially represents the increase of ambient noise due to active outdoor uses. Staff received a public comment from the resident at 70 La Cuesta that the solid privacy screen acts as a speaker and amplifies any noise produced on the deck (see Exhibit D: Public Correspondence). In order to resolve this increase in ambient noise, the privacy screen should be modified to be constructed of open material. See project-specific Condition of Approval #1.
Exhibit B - Conditions of Approval
Elevated Deck Permit (EDP-2016-034):
72 La Cuesta (APN 262-032-015)

THE ZONING ASSSDMINISTRATOR HEREBY APPROVES THE PROPOSED PROJECT, PURSUANT TO THE ADMINISTRATOR’S FINDINGS AS STATED IN EXHIBIT A, AND SUBJECT TO THE FOLLOWING CONDITIONS:

NOTICE TO APPLICANTS: WHEN SUBMITTING A REQUEST FOR BUILDING PERMIT APPROVAL, THE AUTHORIZED AGENT/PROPERTY OWNER IS REQUIRED TO PRINT ON THE PROJECT PLANS, A COPY OF THE CONDITIONS BELOW. ALL CONDITIONS ARE STANDARD CONDITIONS OF APPROVAL UNLESS INDICATED IN ITALICS OR CALLED OUT OTHERWISE.

PROJECT-SPECIFIC CONDITIONS
1. Within sixty (60) days of approval of this major modification to EDP-2016-034, the applicant must remove the solid privacy screen that was constructed.

2. If the applicant wishes to construct any future privacy screen, the design must be constructed of open and non-reflective material. Staff must review and approve all materials prior to installation.

STANDARD CONDITIONS

Planning Conditions
1. All development shall conform to plans submitted on September 19, 2017 on file in the Planning Department, except as specified by specific conditions provided above.

2. Approval terminates according to its terms, if any, or upon the expiration of one year from the date of approval, unless a building permit has been issued. The duration of the approval may be extended for a maximum of one additional year by the Zoning Administrator upon written request by the property owner, agent or applicant, filed within the effective period of approval if the proposed project as approved conforms to regulations in effect at the time of the extension. The request shall specify the reason for the extension. A fee may be required for processing of an extension consistent with the City Council adopted fee schedule.

3. When permitted in the public right-of-way, the following activities shall only be allowed directly in front of the subject property, unless prior written consent of the City and affected property owner(s) is obtained.
   a. Delivery, unloading and staging of construction materials and equipment
   b. Installation of above or underground utilities.
   c. Installation of any drainage facilities, including but not limited to, drainage pipes, drain inlets, drain outfall, culverts, swales, etc.
   d. Installation of retaining walls, mailboxes, curbs.
e. Installation of temporary or permanent driveways.

f. Installation of landscaping.

g. To the greatest extent possible, parking of workers’ vehicles.

4. All rubbish and dead vegetation shall be removed from the site prior to final inspection by staff.

5. The site shall be properly maintained during construction or a Stop-Work Order will be issued by the Planning Director (i.e. refuse shall be discarded promptly, construction materials shall be neatly stored, and the public right-of-way shall not be encroached upon).

6. No construction, alteration, demolition, grading, excavation or repair activity ("construction activities") may occur in the city during times other than those set forth in Orinda Municipal Code §17.39.3.
   a. Weekdays: Monday through Friday, construction activities may occur between the hours of 8 a.m. and 6 p.m.
   b. Saturdays: Construction activities may occur between the hours of 10 a.m. and 5 p.m.
   c. Sundays: Construction activities are prohibited except for minor maintenance and improvement projects conducted by no more than two persons, one of whom resides on the property full-time, between the hours of 10 a.m. and 5 p.m. and not involving the use of heavy-construction equipment.
   d. Holidays: Construction activities are prohibited on: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. This rule supersedes the restrictions in items a, b, and c of this condition. No exceptions from this holiday prohibition may be granted.
   e. Heavy Construction Equipment: It is unlawful to use heavy construction equipment for residential construction on Saturdays and Sundays except as otherwise provided in Chapter 17.39, Noise Control, of the Orinda Municipal Code. The Zoning Administrator shall have the discretion to determine if a particular machine is considered "heavy construction equipment” for purposes of §17.39.2.

7. The applicant shall apply for an encroachment agreement for any above-ground work within the public right of way.

8. The applicant shall apply for a tree removal permit for the removal of any protected tree.

**Tree Management Conditions**

1. If a protected tree proposed for removal can be relocated, the applicant shall move the tree to a suitable location on a site shown on the approved plans.
2. The applicant shall guarantee the health and vigor of each protected tree required to be preserved during the construction process and for two years after construction is certified as complete.

3. The applicant shall replace a protected tree that dies during the guarantee period in accordance with the tree replacement provisions of subsection F of this section.

Protected Tree Replacement
An applicant shall replace a protected tree in accordance with the following standards:

4. For each six inches or fraction thereof of the aggregate diameter of trees approved for removal, the applicant shall plant 1 native tree with a diameter no less than 0.75 inches. One-third of the replacement tree requirement may be fulfilled by planting native shrubs that mature at a height no less than five feet. The applicant may substitute a larger number of smaller trees or a smaller number of larger trees if approved by the Director based on a finding that tree replacement will be more beneficial to the health and vigor of all trees on the property.

5. If the development site cannot accommodate the replacement trees, with the written approval of the Director and the property owner, the applicant may plant the replacement trees on public or private property located in Orinda. Alternatively, the applicant may make an in lieu payment of one hundred and twenty-five dollars ($125.00) for each replacement tree otherwise required. All in lieu payments shall be used for city landscape-related projects.

Care of Protected Trees
In order to protect each protected tree on a site where grading or building is to take place, an applicant shall meet the following requirements:

6. Before starting, the applicant shall securely fence off every protected tree at the protected perimeter. The fence shall remain continuously in place for the duration of work undertaken in connection with the building or grading permit. The fenced area may not be used as a storage area or altered or disturbed except as may be permitted by the Planning Director.

7. If the proposed development or work on-site encroaches upon the protected perimeter of a protected tree, the applicant shall take special measures, as approved by the Director, to allow tree roots to obtain oxygen, water and nutrients as needed.

8. An authorized excavation, filling or compaction of the existing ground surface within the protected perimeter of a tree shall be minimized and subject to such reasonable conditions as may be imposed by the Director.

9. No significant change in existing ground level may be made within the dripline of a protected or heritage tree.

10. No burning or use of equipment with an open flame may occur near or within the protected perimeter.

11. All brush, earth and debris shall be removed in a manner that prevents injury to the tree.
12. No oil, gas, chemical or other substance that may be harmful to a tree may be stored or dumped within the protected perimeter of a protected tree or at any other location on the site from which such substances might enter the protected perimeter of a tree.

13. Trenches for utilities shall avoid interfering with roots of protected trees wherever possible. If complete avoidance of the root zone is impractical, a tunnel shall be made below the roots. A trench shall be consolidated to serve as many units as possible. Trenching and tunneling within the protected perimeter shall be avoided to the extent possible and shall be done only under the on-site supervision of a professional arborist.

14. No concrete, asphalt or other impervious paving shall be placed within the protected perimeter of a protected tree. No supplementary irrigation shall occur within the protected perimeter of a native oak.

Public Works Conditions

1. Damage to public roads caused by construction of applicant's project shall be repaired to the satisfaction of the Public Works Department at the applicant's expense prior to final building inspection. The owner shall post a bond to secure payment for damage to a city street caused by construction activity in connection with work authorized by the permit. The Public Works Department may waive this requirement when the construction activity will not foreseeably damage the street.

2. The applicant shall obtain an encroachment permit from the Public Works Department for all work proposed to be constructed in the public right-of-way. This permit shall be obtained prior to issuance of any permits.

3. An applicant may not place, maintain or operate steel-tracked grading or construction equipment with cleats on a public or private street without placing protective material beneath the equipment to protect the surface of the street.

4. Trash, scrap and debris shall be stored in a container on the construction site.

5. No person shall place or maintain a container in the public right-of-way without an encroachment permit.

6. No person shall place, install or maintain a portable sanitary facility on a construction site closer to the property line than the building setback line.

7. The City may temporarily prohibit or restrict stopping, parking or standing of vehicles along a street abutting a construction project where necessary for public safety. The restriction does not apply until the City places a sign or marking at the site. The special restriction shall be limited to the duration of the project.

8. Upon issuance of any permits for the project, the City may request carpooling to a construction site.

9. The City may designate a truck route for ingress and egress from the property during the term of the building permit upon findings that:
a. The designation of the truck route will minimize the impact of the construction such as noise, dust, traffic safety hazards and potential damage to pavement on a residential street;

b. Designation of the truck route will not unreasonably impair the contractor's access to the site or cause undue economic hardship.

10. The issuance of a permit or approval of plans and specifications shall not be construed as a permit or an approval of any work that violates the Orinda Municipal Code.
## STATEMENT OF OFFICIAL ACTION

City of Orinda  
Zoning Administrator

<table>
<thead>
<tr>
<th>FILE NO.:</th>
<th>EDP-2016-034</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTION:</td>
<td>Approval of Elevated Deck Permit for an approximately 406 square-foot elevated deck addition to the rear and left side of an existing single-family residence.</td>
</tr>
<tr>
<td>PROJECT LOCATION:</td>
<td>72 La Cuesta Road</td>
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<tr>
<td>APN:</td>
<td>262-032-015</td>
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<tr>
<td>OWNER:</td>
<td>Marcela Chavez/Luis Ruesga</td>
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<td>AGENT:</td>
<td>Same</td>
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<td>STAFF REFERENCE:</td>
<td>Derek Farmer, Senior Planner</td>
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<td>ACTION DEADLINE:</td>
<td>August 29, 2016</td>
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<td>CEQA STATUS:</td>
<td>Categorically Exempt, CEQA Guidelines Section 15301</td>
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<td>10,441 square feet</td>
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<td>RL-20</td>
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<td>AVG. SLOPE:</td>
<td>29.21%</td>
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**Project Summary:** Elevated Deck Permit for an approximately 406 square-foot elevated deck at the rear and left side of the existing residence, a component of a residential addition project that includes reconfiguration of the existing residence.

The Zoning Administrator has reviewed the project stated above and finds the project meets all the standards found in Orinda Municipal Code Section 17.35. The Zoning Administrator hereby approves the proposed project subject to any conditions as necessary.

## APPROVAL BY ZONING ADMINISTRATOR

Drummond Buckley, Planning Director  
7/21/2016  

EXHIBIT A: Elevated Deck Permit Standards - Findings of Approval  
EXHIBIT B: Conditions of Approval
EXHIBIT A – FINDINGS OF APPROVAL

ELEVATED DECK PERMIT EDP-2016-034

72 LA CUESTA ROAD

THE ZONING ADMINISTRATOR FINDS THAT THE PROPOSED APPLICATION DETAILED ABOVE COMPLIES WITH THE APPLICABLE STANDARDS FOR ELEVATED DECKS AS FOLLOWS:

Elevated Deck Permit Standards (Section 17.35.3)

1. The elevated deck does not substantially diminish the privacy of neighbors.

   The elevated deck at the subject property is situated to the rear and southerly side of the existing residence and is a component of a residential addition and reconfiguration project. The residence is situated in a neighborhood consisting of single-family residences on steeply sloped, wooded lots. The adjoining residences adjacent to the subject property are sited in a similar configuration to the subject residence, and are of similar size. The privacy of the adjacent and nearby residences would not be potentially impacted due to distances from the elevated deck, existing vegetative screening, and diversity of topography and elevation.

2. The elevated deck does not substantially block desired views from neighboring residences.

   The elevated deck is located to the rear and southerly side of the residence, and will be situated at a height that will not block any views from the adjacent and neighboring residences on La Cuesta Road or downslope to the residences on Linda Vista Road.

3. The elevated deck does not result in the removal of trees which screen undesirable views.

   No trees will be removed due to reconstruction of the elevated deck.

4. Reasonable use of the deck will not cause a material increase in ambient noise for neighboring properties.

   The reconstructed elevated deck will create a 406 square-foot deck with access off the living room, family room and kitchen. The elevated deck represents an active, outdoor space at a location that functions as an extension of indoor residential uses. Therefore, the deck would potentially represent the increase of ambient noise due to the addition of active outdoor uses. However, the deck is situated so that active outdoor uses are oriented toward the central area of the deck facing out across the rear yard and valley, rather than the side. Additionally, extensive mature landscaping provides screening from the deck, addressing potential increases in ambient noise. Therefore, the elevated deck would not cause a material increase in ambient noise for adjacent properties, or any other nearby properties.
EXHIBIT B – CONDITIONS OF APPROVAL

ELEVATED DECK PERMIT EDP-2016-034

72 LA CUESTA ROAD

Planning Conditions

1. The applicant shall submit the building permit application for City of Orinda review and approval and shall be responsible to implement and pay all costs associated with preparation of the building permit application. The building permit sets shall incorporate the exhibits date-stamped June 8, 2016, including the location and variety of proposed landscaping.

2. All development shall conform to plans date-stamped June 8, 2016, on file in the Planning Department, except as conditioned below.

3. Design approval terminates according to its terms, if any, or upon the expiration of one year from the date of approval, unless a building permit has been issued. The duration of the approval may be extended for a maximum of one additional year by the Zoning Administrator upon written request by the property owner, agent or applicant, filed within the effective period of approval if the proposed project as approved conforms to regulations in effect at the time of the extension. The request shall specify the reason for the extension. A fee may be required for processing of an extension consistent with the City Council adopted fee schedule.

4. The colors and materials for the exterior of the proposed project shall match those presented on the plans date-stamped June 8, 2016 on file in the Planning Department.

5. When permitted in the public right-of-way, the following activities shall only be allowed directly in front of the subject property, unless prior written consent of the City and affected property owner(s) is obtained.
   a. Delivery, unloading and staging of construction materials and equipment
   b. Installation of above or underground utilities.
   c. Installation of any drainage facilities, including but not limited to, drainage pipes, drain inlets, drain outfall, culverts, swales, etc.
   d. Installation of retaining walls, mailboxes, curbs.
   e. Installation of temporary or permanent driveways.
   f. Installation of landscaping.
   g. To the greatest extent possible, parking of workers’ vehicles.

6. All rubbish and dead vegetation shall be removed from the site prior to final inspection by staff.

7. The site shall be properly maintained during construction or a Stop-Work Order will be issued by the Planning Director (i.e. refuse shall be discarded promptly, construction materials shall be neatly stored, and the public right-of-way shall not be encroached upon).

8. Minor plan changes shall be subject to review and approval by the Planning Director prior
to implementation. Major plan changes shall be subject to the review and approval of the Planning Commission.

9. Prior to issuance of a building permit, the applicant shall submit building plans, with the project conditions of approval printed on them, to the Planning Department for review.

10. The applicant shall submit a plan for recycling building and construction materials that are generated from the demolition of existing buildings, and for recycling waste materials from construction, prior to the issuance of a demolition permit and/or building permit. Prior to issuance of a certificate of occupancy for the project, the applicant shall submit to the Planning Department documentation that the materials have been recycled.

11. No construction, alteration, demolition, grading, excavation or repair activity ("construction activities") may occur in the city during times other than those set forth in Orinda Municipal Code Section 15.04.180.

- Weekdays. Monday through Friday, construction activities may occur between the hours of eight a.m. and six p.m.
- Saturdays and Sundays. On Saturdays and Sundays, construction activities may occur between the hours of ten a.m. and five p.m., except that on Sundays only a resident of the site and one additional person may work on the site.
- Heavy Construction Equipment. Use of heavy construction equipment is prohibited on Saturdays and Sundays.

12. The applicant shall apply for an encroachment agreement for any aboveground work within the right of way.


Public Works Conditions

1. Damage to public roads caused by construction of applicant's project shall be repaired to the satisfaction of the Public Works Department at the applicant's expense prior to final building inspection. The owner shall post a bond to secure payment for damage to a city street caused by construction activity in connection with work authorized by the permit. The Public Works Department may waive this requirement when the construction activity will not foreseeably damage the street.

2. The applicant shall obtain an encroachment permit from the Public Works Department for all work proposed to be constructed in the public right-of-way. This permit shall be obtained prior to issuance of any permits.

3. An applicant may not place, maintain or operate steel-tracked grading or construction equipment with cleats on a public or private street without placing protective material beneath the equipment to protect the surface of the street.

4. Trash, scrap and debris shall be stored in a container on the construction site.

5. No person shall place or maintain a container in the public right-of-way without an
encroachment permit.

6. No person shall place, install or maintain a portable sanitary facility on a construction site closer to the property line than the building setback line.

7. The City may temporarily prohibit or restrict stopping, parking or standing of vehicles along a street abutting a construction project where necessary for public safety. The restriction does not apply until the City places a sign or marking at the site. The special restriction shall be limited to the duration of the project.

8. The City may designate a truck route for ingress and egress from the property during the term of the building permit upon findings that: A. The designation of the truck route will minimize the impact of the construction such as noise, dust, traffic safety hazards and potential damage to pavement on a residential street; B. Designation of the truck route will not unreasonably impair the contractor's access to the site or cause undue economic hardship.

11. New Single-Family Development. When required for: (1) continuity of existing curb and gutter; (2) street drainage; or (3) to ensure structural support for the edge of the street pavement, the City shall require that an applicant for a building permit in a single-family residential district install appropriate roadway improvements to the satisfaction of the City Public Works Department.

12. At the time of building permit, the applicant shall be required to comply with the requirements of Municipal Code Chapter 15.32, "Building Permit Conditions"; as such conditions apply to "Major Improvements". The applicant may be required to improve the frontage along the project site. The City shall determine these improvements and the applicant shall be informed of these improvements prior to building permit issuance.

13. The City shall require that a street extension to the property meet the applicable city road standard set forth in Section 15.32.180. The City may modify this standard based upon unique topography which makes current city standards impractical or impossible.

14. The City shall require as a condition of a building permit for a major improvement that the applicant widen the public or private street along the property frontage so that it either (1) meets current standards for pavement width; or (2) matches the width of the existing street in the vicinity of the property if widening to current standards is unreasonable. The City shall impose this condition upon finding that: (1) the existing street is so narrow that it creates a safety hazard for pedestrians and vehicles; (2) the existing street fronting the applicant's property is narrower than other sections of the street in the same vicinity; or (3) increasing the width of the street is not an unreasonable burden given the topography of the area and the cost of the work.

15. The issuance of a permit or approval of plans and specifications shall not be construed as a permit or an approval of any work that violates the Orinda Municipal Code.

**Moraga-Orinda Fire Protection District Conditions**

1. Prior to issuance of building permits the applicant must submit to the Planning Department proof of plan approval by the Fire District.
Dear Sir,

I am writing to request a public hearing concerning the elevated deck at 72 La Cuesta, Orinda, CA 94563.

My concern is that the large wide metal structure which was incorporated into the corner of the already elevated deck is substantially blocking desired views from my residence as well as my neighbors' residences. This metal structure is as tall as the top of the roof on the second story level of the house. It gives the appearance of a room or shed addition on the elevated deck. The metal is solid, shiny, and reflects the afternoon sun like a mirror. The visual impact from the road, down my driveway, and from my patio and home windows is imposing, too conspicuous, and blatantly obtrusive.

Thank you in advance for your consideration and evaluation of this very disconcerting situation.

Sincerely,

Carolyn Lee Beasley
74 La Cuesta
Orinda, CA
94563

925-254-6297
echoray1@gmail.com
December 20, 2017
Mr. Drummond Buckley, Planning Director  
City of Orinda  
22 Orinda Way  
Orinda, California 94563  

Dear Mr. Buckley:

This letter is in response to your Notice of Receipt of Development Application and Pending Zoning Administrator Decision dated December 12, 2017. Attached is a copy of the letter that I have previously submitted together with my neighbor, Carolyn Beasley, regarding this matter and I continue to stand by the questions and comments in that letter.

It is my understanding some residents within the 300-foot radius of 72 La Cuesta are requesting a public hearing. I am in agreement that one should be held on this matter.

The residents of 72 La Cuesta Road have built a corrugated metal box on the south end of their deck which extends nearly the entire width of the deck and stands as tall as their house with no design continuity. The structure obstructs my sightline looking north from my home. It blocks some of nature’s best ... beautiful sunsets ... one of the advantages of living in the hills. When the sun shines on it there is a glare which makes it even more of an obtrusive object. Visitors to my home have asked about the “industrial” structure. The material used is not in keeping with the aesthetics of the neighborhood. And, there is potentially a safety issue. I have heard that the residents keep their bar-be-que in the structure and while it is metal we all know that fire can be started in many ways. Not good here in the Orinda hills ... especially on this weekend as there is a red flag warning as I write this letter. I encourage you to review this structure from all angles before making your decision.

I sincerely hope that you view this structure as an eyesore which impacts the adjacent residents as we neighbors do and you ask the home owners to remove it.

Sincerely,

Katherine Sanders

Katherine Sanders
11 July 2017

Mr. Willy Mautner, Chair ~ Orinda Planning Commission
Mr. Drummond Buckley, Orinda Planning Director
City of Orinda
22 Orinda Way
Orinda, California 94563

Dear Mr. Mautner and Buckley:

We are writing to make you aware of some construction in our neighborhood. This house has been undergoing a remodel for two years so I am sure you are well aware of it. The house is located at 72 La Cuesta Road.

We neighbors have endured not only construction noise but loud music playing throughout the day. There have been times when there was total disregard for the city noise ordinance. And, now they have taken this construction project to more objectionable limits. First, they have sided their garage in corrugated metal and now have recently constructed a wall out of the same material on their one-story elevated deck. The wall is boxed in shape topping off at the height of the two-story house. The construction materials are totally out of sync with the architecture in the neighborhood. The wall has created a cavern effect on the home at 74 La Cuesta Road and blocks the view of sunsets and the hills beyond from 76 La Cuesta Road.

We would like to know if this aspect of the remodel has been approved by the planning commission and building department of the City of Orinda. If it is determined by you that it does not meet the architectural guidelines and building codes of the city, then action should be taken by you to instruct the owners to rectify the situation.

We look forward to hearing from you and appreciate your time. Katherine can be reached at 381.1818 and Carolyn at 254.6297

Sincerely,

Katherine L. Sanders
76 La Cuesta

Carolyn Beasley
74 La Cuesta
December 21, 2017

Drummond Buckley
Planning Director
City of Orinda Planning Department
22 Orinda Way
Orinda, CA 94563

Dear Mr. Buckley,

We recently received a notice of an application for a modification to the elevated deck permit at 72 La Cuesta Road. We are the neighbors directly next to this house residing at 70 La Cuesta Road. We oppose the requested permit for the following reasons:

Our neighbors frequently socialize late into the evening, often past midnight on weekdays. The existing privacy screen is a three sided structure facing our house and it has an amphitheater effect by cupping and redirecting noise from any social activities toward our home. The increase in noise and volume is disruptive at any time, but especially in the evening as two of our bedrooms are closest to the Ruesga’s property.

As next door neighbors we view the enclosure from the side. From our perspective, as a solid wall it extends the profile of their house by at least 10 feet, blocking a natural view into a wooded area on the opposite side of their property.

The solid privacy screen, encased in corrugated metal and weatherproof on three sides, is equipped with a gas grill, refrigerator, large flat screen television and lighting. We question the use of the term "privacy screen" when in actuality it is a semi-enclosed kitchenette structure.

Since the structure has already been built without the proper permit, we have precise and accurate information on exactly how it will affect the neighboring properties. Our observations are not speculation.

For the above reasons, we support the public hearing request that has already been made by another neighbor. At that hearing, we look forward to having the opportunity to express in greater detail our concerns with allowing the proposed structure to remain in place.

Respectfully,

Brian Clark and Andrea Ronzani
70 La Cuesta Rd.
Orinda