



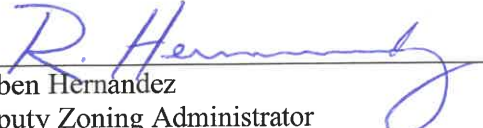
**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

APPROVED PERMIT

APPLICANT:	Willoughby "WEB" T. Jordan 1435 Montrose Drive San Leandro, CA 94577	APPLICATION NO.:	CDS18-09500
		ASSESSOR'S PARCEL NO.:	159-170-028
		PROJECT LOCATION:	4500 Blum Road Martinez, CA 94553
OWNER:	Freedom Properties of NORCAL Inc. 1435 Montrose Drive San Leandro, CA 94577	ZONING DISTRICT:	R-7
		APPROVED DATE:	January 10, 2022
		EFFECTIVE DATE:	January 21, 2022

This matter having not been appealed within the period of time prescribed by law, a VESTING TENTATIVE MAP subdividing a two-acre parcel into six lots, with a remainder, and a tree permit for the removal of 18 code-protected trees ranging in size from 6.5 to 30 inches in diameter, with a variance to allow a 50-foot lot width for Lot 5 (where 70 feet is required), and to allow an exception to Title 9 of the County Code for the private maintenance of detention facilities, in the MARTINEZ area is hereby APPROVED, subject to the attached conditions of approval.

Aruna M. Bhat
County Zoning Administrator

By: 
Ruben Hernandez
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE THREE (3) YEARS from the effective date if the action allowed by this permit is not undertaken within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CSD18-09500:
WILLOUGHBY T. JORDAN (APPLICANT), FREEDOM PROPERTIES OF NORCAL, INC (OWNERS)
AS APPROVED BY THE ZONING ADMINISTRATOR ON JANUARY 10, 2022**

FINDINGS

I. Growth Management Performance Standards

1. Traffic: Traffic engineers and planners use the concepts of Level of Service (LOS) and Vehicle Miles Traveled (VMT) to qualitatively describe traffic conditions. Additionally, the Contra Costa Transportation Authority (CCTA) Growth Management Plan, the West Contra Costa Transportation Advisory Committee (WCCTAC) Action Plan, and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate any current traffic patterns. Using standard Institute of Transportation Engineers (ITE) trip generation trip rates, the six additional housing unit project will generate six gross peak-hour trips. At this expected rate, the cumulative effect to local roadways is negligible.

Senate Bill (SB) 743 established a change in the metric to be applied for determining traffic impacts associated with development projects. Rather than the delay-based criteria associated with a Level of Service (LOS) analysis, the increase in Vehicle Miles Traveled (VMT) associated with a project is now the basis for determining impacts. Contra Costa County adopted the Transportation Analysis Guidelines, which includes a VMT policy on June 23, 2020.

Pursuant to the County guidelines, projects of 20 residential units or less should be expected to cause a less-than-significant impact under CEQA and do not require a project specific traffic impact analysis. The project proposes six residential units which is under the County guidelines VMT screening criteria threshold. Therefore, the impacts from the project are expected to be inconsequential.

1. Water: The GMP requires new development to demonstrate that adequate water quantity can be provided. The subject property is within the Contra Costa Water District (CDWD) service area. In an agency comment letter for the project, CCWD stated that water service for the project could be accommodated. To accommodate the project, the district has approved the service for the project as a Modified Pressure Service Area, which will require a booster pump and reduced pressure backflow device at each property. Additionally, a recordation against each property will be required informing future owners of the MPSA. Thus, with implementation of the MPSA, adequate water quantity is available to the project.
2. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer service is available. The subject property is within the Mt. View Sanitary District (MVSD) service area. In an agency comment letter received from MVSD, the district stated that sanitary sewer service is available for the subject project. Prior to district approval of

service provision hydraulic modeling would be required to determine the impact of the project on MVSD facilities. If hydraulic modeling indicates that the proposed development would precipitate any kind of capacity problem(s), the developer would be required to remedy those problems at their own expense prior to constructing the development and connecting it to the District's system.

3. Fire Protection: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is within the Contra Costa County Fire Protection District jurisdiction, and the project requires the Fire District's review and approval prior to building permits being issued to ensure compliance with all fire codes and regulations. Compliance with all requirements suggests that the project will satisfy the GMP fire protection standards.
4. Public Protection: As the project will add to the County's population, Condition of Approval (COA) #13 requires that prior to the recording of the parcel map, the owner of the property shall participate in establishing a special tax for the parcel created by this subdivision. The collected tax money will be used to augment existing police services to accommodate for the incremental increase in population as a result of this subdivision project.
5. Parks and Recreation: As the project will add to the County's population, COA #11 requires the project proponent to pay applicable Park Impact in-lieu fees for the new residence. These fees, in conjunction with all other Park Dedication fees collected for development within the County, will be used in part to purchase new park land and upgrade existing community parks as determined appropriate by the Board of Supervisors.
6. Flood Control and Drainage: The project is required to meet collect and convey requirements of the County Subdivision Ordinance Title 9, by constructing the necessary drainage improvements, or obtaining necessary exceptions to the code. The applicant must also comply with the County's National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Management and Discharge Control Ordinance, Title 10, for stormwater treatment. The new drainage improvements will both meet stormwater discharge requirements for stormwater treatment, while also accommodating all rainwater runoff generated by the project, as required by Title 9. Exemptions to allow private maintenance of drainage facilities is appropriate given the necessity of onsite detention.

II. Tentative Map Findings

1. Required Finding: *The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.*

Project Finding: The project has been found to be consistent with the General Plan designation of Single-Family Residential – High Density (SH). The seven units (six proposed plus one remainder) is consistent with the SH Land Use designation density range of 5 to 7.2 dwelling units per acre. Based on the net developable area of the property, the

appropriate density range is eight to thirteen units. Though the project only includes seven units, the remainder parcel is further developable based on the SH density range. Should the remainder lot be divided in the future, two additional lots could be added, consistent with the SH density range. Furthermore, the property has steep topography, and the County General Plan states that residential density shall decrease as slope increases, especially above a 15 percent slope. Therefore, given that the project includes a total of seven single-family parcels, which is consistent with the SH designation, there is no reason to deny the subdivision application with respect to residential density.

Each of the following factors has also been evaluated and found to be consistent: the extent to which the project is consistent with General Plan policies pertaining to compatibility of land uses; compliance with principles of the Urban Limit Line and Measure C-1990, protection of open spaces; and protection of water quality; and found no evidence of inconsistencies. Additionally, the projected related traffic is not anticipated to negatively affect local traffic patterns or significantly diminish the Level of Service of key intersections in the area or exceed VMT thresholds. The tentative parcel map for this subdivision is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan. Therefore, based on the entire record and as summarized herein, the tentative map is consistent with the County General Plan.

2. *Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.*

Project Finding: As required by the conditions of approval, the project does not pose any significant traffic impacts and must comply with the "collect and convey" requirements and design standards for construction of public roads. Prior to issuance of building permits, the applicant is required to contribute fees for parks and recreation, school districts, child care and police services. Payment of these fees along with compliance with the applicable California Building Code will fulfill all obligations related to construction of the project. Therefore, based on the proposal, no physical circumstances would restrict the developer from completing the project.

III. Variance Findings

Variance to allow for a reduced 58-foot Average Lot Width (Where 7-foot Average width is required) for Lot 5

1. ***Required Finding:** That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.*

Project Finding: The applicant requests a variance to allow for a 58-foot lot width (where 70 feet is required). Granting of the variance for the lot width is not be a grant of special privilege. The lot width for one of the seven lots is necessary due to special circumstances of the property. Specifically, development on the lot is constrained due to steep topography at the rear of the property. Due to this constraint, a narrowing of Lot 5 is

necessary in order to accommodate a density that is consistent with the zoning and General Plan designations. Though the property has steep topography, and the County General Plan states that residential density shall decrease as slope increases (especially above a 15 percent slope), the variance allows for appropriate development on the more level portion of the property.

Thus, for these reasons, the reduced lot width, is not a grant of special privilege inconsistent with the limitations of other properties in the vicinity and respective land use district.

2. ***Required Finding:*** *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: As detailed above, the project includes a variance which is necessary for developing the lot at a density that is consistent with the General Plan and zoning designations. Special circumstances exist that would deprive the subject property of property rights enjoyed by other properties in the vicinity and within the identical land use district. Specifically, routine development on the subject property is limited by steep topography, requiring a design that includes a narrower lot.

The property has particularly steep topography along the west property line. To incorporate this feature into the design of the development, the lots towards the front of the property were configured along a north-south orientation. Due to the location of the existing residence, the frontage of Lot 5 was reduced, reducing the overall average width. Though this design does not impact the developable area of the lot (outside of the front setback), the average lot width is reduced below the minimum requirement for the zoning district.

Thus, due to the special circumstances detailed above, the strict application of zoning regulations would result in the deprivation of property rights on the subject property respective to other properties in the vicinity and within the identical land use district.

3. ***Required Finding:*** *That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: Minimum average lot width is applied to provide privacy, separation, light, air, and an orderly residential development pattern. The reduced average lot width would substantially meet the intent and purpose of the respective 70-foot average width requirement. Though Lot 5 will have an average width that is narrower the developable center portion of the lot is adequately wide to accommodate a residence with appropriate setbacks. Therefore, it is reasonable to believe that the reduction would not have a detrimental effect on privacy, separation, light, view corridors, and air flow for the benefit of adjoining properties.

IV. Exception Findings

Exception to Title 9 to allow private maintenance of the detention facilities, where public entity management is required.

1. That there are unusual circumstances or conditions affecting the property.

The nearest storm drain facilities are at the intersection of Explorer Way and Blum Road, constructed as part of Tract 8738. The facilities discharge surface runoff via valley gutters and curbs in this storm drain system. While this drainage system and the considerable off-site infrastructure constructed in conjunction with it were suitable for this neighboring subdivision, the hydrology analysis used as the basis for that design did not account for future development of the subject property. To mitigate the additional runoff from the proposed subdivision the applicant will utilize on-site detention such that it does not exceed the pre-project runoff rate. This satisfies the "collect and convey" requirements of the County Ordinance Code, but requires an exception request to allow for a privately maintained detention system. Public Works has reviewed the hydrology and hydraulic studies along with the exception request and is not averse to the granting of this exception, provided the on-site detention facilities are designed to mitigate stormwater runoff to pre-project flowrates.

The special circumstances or conditions that affect the property are that the detention basin is necessary to accomplish a lower flow rate and a C.3 compliance stormwater treatment facility. It would not be appropriate or feasible, given the scope of the project to modify downstream stormwater facilities. Furthermore, the detention basin meets County requirements for stormwater treatment.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The detention basin is necessary so that the project will discharge flows that do not overwhelm downstream stormwater facilities, and to accomplish stormwater treatment that is required by the County's C.3 guidelines. Since the County does not maintain private detention basins on private property, allowing for the facility's private maintenance, allows for the development of the property. Without the exception, the facility could not be included in the project and the applicant would be denied the development right of the property.

3. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

The basin is designed to accommodate a storm event so that downstream facilities are not overwhelmed. The existing drainage pattern would remain the same, and therefore would have no detrimental or injurious impact on the public welfare or other property in the territory in which the property is situated. Furthermore, private maintenance of the facility would be required in perpetuity through a maintenance agreement, that is included as a condition of approval.

V. Tree Permit Findings

Required Finding: The Zoning Administrator is satisfied that necessary factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied.

Project Finding: An Arborist Report completed in February of 2019 by Jennifer Tso, (Certified Arborist #WE-10270) of Traverso Tree Services, identified 24 code-protected trees in the project work area. The report recommended removal of 18 trees to accommodate the proposed development. The Tree Protection and Preservation Ordinance states that the director of the department may attach conditions to ensure compliance with the chapter and code. These conditions may include a requirement to replace any or all trees on a comparable ratio of either size or quantity. To meet this requirement the applicant would be required to submit and implement a landscaping and irrigation plan that includes replacement of the 18 trees that have been removed.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDS18-09500

1. Approval of the Vesting Tentative Map for a 6 Residential-Lot Subdivision; is generally based on the following documents:
 - Application and materials received on August 21, 2018;
 - Revised Vesting Tentative Map for Subdivision CDS18-09500, received February 13, 2020;
 - Hydrology Report Prepared by Humann Company, Inc, dated August 2018;
 - Preliminary Storm Water Control Plan prepared by Humann Company, Inc, dated March 2019;
 - Blum Road Inclusionary Housing Plan submitted April 13, 2021;
 - Geotechnical Report prepared by Gray Geotec, dated March 7, 2019;
 - Archeological Review prepared by Basin Research Associates, dated February 28, 2019;
 - Arborist Report by Jennifer Tso, (Certified Arborist #WE-10270) of Traverso Tree Services, dated February 15, 2019;

- Biological Resources Analysis Report prepared by Olberding Environmental, Inc., dated February 2019; and
 - Environmental Noise Control Report prepared by Frank Hubach Associates, Inc, dated February 27, 2019;
2. The Variance to allow a 58-foot Average Lot Width (where a 7-foot minimum is required) is approved, as shown in the Vesting Tentative Map received on February 13, 2020.
 3. The exception to Title 9 of the County Code, to allow for the private maintenance of detention facilities, where public entity management is required is APPROVED, as shown on the Vesting Tentative Parcel Map received on March 17, 2021.
 4. This permit authorizes the development of six lots on the subject property as identified in the CDCD18-09500 vesting tentative map and documents referenced above.

Indemnification

5. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Application Costs

6. The Major Subdivision application was subject to an initial deposit of \$6,415.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

Compliance Report Prior to Filing the Parcel Map

7. At least 45 days prior to filing of the Parcel Map or issuance of a grading or building permit, whichever occurs first, the applicant shall provide a permit compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. Unless

otherwise indicated, the applicant will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map.

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$2,000 which shall be paid at the time of submittal of the compliance report.

Residential Design Standards

8. The guide for development shall be the Single-Family Residential District, R-7.
9. Prior to CDD stamp-approval of plans for issuance of a building permit, the applicant shall provide for the review and approval of CDD plans for the residences, including a colors and materials sample board for the proposed residences. The materials and colors submitted shall provide sufficient variations and contrast of colors to enhance the subdivision design.

Inclusionary Housing Ordinance

The following conditions of approval are for the purpose of compliance with Chapter 822-4 (Inclusionary Housing Ordinance) of the County Ordinance Code. Terms and definitions used in the following conditions of approval may be found in the above-referenced County Ordinance Code.

10. This project is subject to the Inclusionary Housing Ordinance (IHO). Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of six for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as inclusionary units (units that are required to be sold at an affordable sales price to lower income and moderate income households). The applicant is required to construct 0.9 inclusionary housing units for the project.

Required inclusionary units calculation: 6 for-sale units x 15% = 0.9 inclusionary units.

As an alternative to the requirement to construct inclusionary housing, the applicant has proposed the payment of a For-Sale Housing In-Lieu Fee. This alternative to collect an in-lieu fee, as established in the Department of Conservation and Development's fee schedule, has been accepted.

Prior to the recordation of the Final Map or the filing of a building permit for the development, whichever occurs first, the applicant shall pay to the County the full amount of the Inclusionary Housing Ordinance For-Sale Housing In-Lieu fee of \$39,600.36. The in-lieu fee payment shall be filed with a condition of approval compliance review application and fee. This in-lieu fee is non-refundable and non-transferrable.

In-lieu Fee Calculation: \$6,600.06/unit x 6 market rate units = \$39,600.36.

Should the applicant choose not to pay the in-lieu fee in full prior to the recordation of the Final Map or the filing of a building permit, whichever occurs first, then the applicant must construct the required number of inclusionary units on-site, off-site, or a combination of both on-site and off-site

Park Dedication Fees

11. Prior to CDD stamp-approval of plans for issuance of a building permit for a new residence, the project sponsor shall demonstrate to the satisfaction of Community Development Division (CDD) that all Park Dedication fees have been paid for the subdivision.

Child Care Fees

12. Prior to CDD stamp-approval of plans for issuance of a building permit for a new residence, the project sponsor shall demonstrate to the satisfaction of CDD that all child care facility fees have been paid for the subdivision.

Police Services Fees

13. Election for Establishment of a Police Services District to Augment Police Services: Prior to the recordation of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Water Efficient Landscape Ordinance

14. The applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, the project proponent shall use drought tolerant vegetation for the development.

Aesthetics

15. Thirty days prior to applying for a building permit for new residence, the applicant shall submit a Lighting Plan for review and approval by the CDD. At a minimum, the plan shall include the following measures:
 - All outdoor lighting, including façade, yard, security, and street lights, shall be oriented down, onto the subject property or road.
 - Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the subject property. **(Mitigation Monitoring (MM) Aesthetics 1)**

Air Quality

16. The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during the project and shall be included on all construction plans:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material to and from the site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]).
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations **(MM Air Quality 1)**

Biological Resources

17. To avoid "take" of special-status bats, the following mitigation measures shall be implemented prior to tree removal, demolition, site grading, or construction activities on the project site:

- A. To reduce the Impact on the special-status bats to a less than significant level, preconstruction surveys shall be conducted by a qualified bat biologist prior to any tree removal and building demolitions to ensure that there are no impacts to these special-status bat species. A tree and building survey shall be conducted no earlier than 15 days prior to commencement of project activities. The biologist shall prepare and submit a report on the finding(s) to the Contra Costa County Department of Conservation and Development, Community Development Division (CDD).
- B. Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained such that new openings do not occur.
- C. Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the bat biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under

supervision of a qualified bat biologist. If a maternity site is found, impacts to that tree or structure will be avoided until the young have reached independence.

(MM Biology 1)

18. If project construction-related activities take place during the nesting season (February 1 through August 31), preconstruction surveys for nesting passerine birds and raptors (birds of prey) shall be conducted by a competent biologist no more than 15 days prior to the commencement of the tree removal, site grading, or construction activities. The nesting survey shall include examination of all trees within 200 feet of the entire project site, including those areas off the project site where birds could be disturbed by construction related vibrations and/or noise.

If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone should be established by a qualified ornithologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors. The distance shall be determined by a qualified ornithologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The ornithologist shall prepare and submit a report on the finding(s) and implementation of mitigation(s) to the Contra Costa County Department of Conservation and Development, Community Development Division (CDD).

Nesting buffers shall be maintained until August 31, unless the qualified ornithologist determines that the young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 31, the qualified ornithologist conducting the nesting surveys should prepare a report that provides the details about the nesting outcome and the removal of the buffers. This report should be submitted to the CDD prior to the time that nest protection buffers are removed.

(MM Biology 2)

Cultural Resources

19. The following mitigation measures shall be implemented during project-related ground disturbance, and shall be included on all construction plans:
 - a. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist, certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), shall be contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

- b. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains. **(MM Cultural Resources 1)**

Geotechnical Report

20. At least 45-days prior to submittal for grading or building permits, the applicant shall submit for review and approval of CDD and the County Geologist an updated geotechnical report addressing details of the approach to development of the site as indicated in the construction permit plan set. The updated report shall include: a) seismic parameters that are based on the prevailing California building Code; b) evaluation of the design of water quality basins and their setback from planned and existing improvements; c) evaluation of compliance with geotechnical recommendations of foundation plans, as well as foundation details and typical sections; d) confirmation or refinement of the estimated total and differential settlement for the project based on the proposed loads, and approach to foundation design, including seismically-induced settlement; e) details of additional subsurface exploration that adequately confirms the depth to bedrock, data on the engineering properties of the bedrock and the alluvial deposits that overlie the bedrock; f) provide preliminary data on the corrosion potential of soils and provide and approach to mitigation of the hazard posed by corrosive soils; and g) provide subgrade pavement section recommendations based on the results of at least one V-value test, anticipated vehicle loads (i.e. design to support loads associated with firefighting equipment) and address the type of paving/surfacing proposed by the project sponsor; and h) identify all recommended geotechnical observation and testing services during grading, drainage and foundation- related work. Improvement, grading, and building plans shall carry out the recommendations of the approved report. **(MM Geology 1)**
21. At least 45-days prior to submittal of building or grading permits, the project proponent shall submit for review and approval of the CDD and the County Geologist, an exhibit showing the areas of the site underlain by undocumented fill. Additionally, the project proponent shall provide an exhibit showing cut and fill areas on the site. The updated geotechnical report shall address design considerations related to these soils. **(MM Geology 2)**

Construction Restrictions and Requirements

22. The applicant shall comply with the following restrictions and requirements, which shall be stated on the face of the construction drawings:

- A. Except as otherwise stated below, construction activities are limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on the calendar dates that the following state and federal holidays are observed:

- New Year's Day (State and Federal)
- Birthday of Martin Luther King, Jr. (State and Federal)
- Washington's Birthday (Federal)
- Lincoln's Birthday (State)
- Presidents' Day (State and Federal)
- Cesar Chavez Day (State)
- Memorial Day (State and Federal)
- Juneteenth National Independence Day (Federal)
- Independence Day (State and Federal)
- Labor Day (State and Federal)
- Columbus Day (State and Federal)
- Veterans Day (State and Federal)
- Thanksgiving Day (State and Federal)
- Day after Thanksgiving (State)
- Christmas Day (State and Federal)

For details on the actual date the state and federal holidays occur, please visit the following websites:

Federal holidays: <http://www.opm.gov/fedhol>

California holidays: http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm

- B. Transport of heavy equipment and trucks is limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M., and is prohibited on weekends and the aforementioned state and federal holidays.
- C. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties. This shall be communicated to project-related contractors.
- D. Construction equipment and materials shall be stored onsite to the maximum extent practicable.
- E. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

- F. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
- G. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers that are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.

Restitution for Tree Removal

23. Required Restitution for Approved Tree Removal: The following measures are intended to provide restitution for the removal of 18 code-protected trees:
- A. Tree Restitution Planting and Irrigation Plan: Prior to the removal of trees or prior to CDD stamp-approval of plans for issuance of a building permit (e.g. demolition, grading or building), whichever occurs first, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of **sixty (20), 15-gallon trees, which shall include California native species**. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Ordinance, if one is adopted. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan. The plan shall be implemented prior to requesting a final inspection on the residential building permit for each lot.
 - B. Required Security to Assure Completion of Plan Improvements: Prior to removal of trees or prior to CDD stamp-approval of plans for issuance of a building permit (e.g. demolition, grading or building), whichever occurs first, the applicant shall submit a security that is acceptable to the CDD. The bond shall include the amount of the approved cost estimate, *plus* a 20% inflation surcharge.
 - C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.
 - D. Duration of Security: The security for each lot shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the security and from the time, the final inspection for the lot was approved. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released

upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.

24. Tree removal shall occur only with an approved grading or building permit.

Tree Replacement Plan

25. A Tree Replacement Plan shall be submitted to and approved by the Department of Conservation and Development, Community Development Division prior to the removal of trees, or issuance of a demolition or grading permit. The Tree Replacement Plan shall designate the approximate location, number, and sizes of trees to be planted, which shall be consistent with Condition of Approval #25A above. Trees shall be planted prior to requesting a final inspection on the residential building permit for each lot.

Contingency Restitution Should Altered Trees Be Damaged

26. Trees to be Preserved but Altered – Pursuant to the conclusions of the arborist report, proposed improvements within the root zone of trees noted on the site plan to be preserved have been determined to be feasible and still allow for preservation provided that the recommendations of the arborist are followed. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages these trees, the applicant shall provide the County with a security (e.g. bond, cash deposit) to be submitted prior to CDD stamp-approval of plans for issuance of a building permit (e.g. demolition, grading or building), whichever occurs first, to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

- A. Extent of Possible Restitution Improvements – The planting of **six, 15-gallon trees, which shall include California native species**, in the vicinity of the affected trees, or equivalent planting contribution, and subject to prior review and approval of CDD.
- B. Determination of Security Amount: The security shall submitted for each lot and provide for all of the following costs:
 - i. Preparation of landscape/irrigation plan by a licensed landscape architect or arborist, which shall comply with the State’s Model Water Efficient Landscape Ordinance or the County Ordinance, if one is adopted;
 - ii. Labor and materials estimate for planting the potential number of trees and related irrigation improvements that may be required, prepared by a licensed landscape contractor; and
 - iii. An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of \$200 at time of submittal of a security.

- D. Duration of Security: The security for each lot shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the security and from the time, the final inspection for the lot was approved. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.

Landscaping

27. Prior to recordation of a final map, a Final Landscaping Plan shall be submitted for the review and approval of CDD. The Final Landscaping Plan shall be consistent with Condition of Approval #25 and 27 above and shall conform to the State's Model Water Efficient Landscape Ordinance or the County's Ordinance, if one is adopted.

Debris Recovery

28. At least 15 days prior to the issuance of a grading permit or building permit the developer shall submit Construction Waste Management Plan, which identifies approved methods to comply with CalGreen requirement to recycle and/or salvage for reuse construction and demolition waste materials generated at the jobsite.

Prior to Final Inspection, developer shall submit Final Report containing information and supporting documentation of the above-mentioned requirement.

Certificate of Compliance for Remainder Parcel

29. Prior to development on the remainder, or sale of the remainder, a Certificate of Compliance is required in accordance with the Subdivision Map Act. This shall be recorded on the deed for the remainder concurrently with the parcel map.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR SUBDIVISION CDS18-09500

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the tentative map submitted to the Department of Conservation and Development on February 13, 2020.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE PARCEL MAP.

General Requirements

30. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on February 13, 2020.
31. The Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Access to Adjoining Property

32. The Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements. This includes roadway, public utility private drainage and any other easements within the "remainder" parcel as shown on the vesting tentative map.

Encroachment Permit

33. Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of off-site improvements within the right-of-way of Blum Road.

Private Road

34. Applicant shall construct a paved turnaround at the end of the proposed private road.
35. Applicant shall construct an on-site roadway system to current County private road standards with a minimum traveled width of 20 feet from curb face to curb face within a 25-foot access easement.
36. A 30-foot Public Utility Easement (PUE) shall be dedicated over the extension of Explorer Way through the subdivision as delineated on the vesting tentative map.
37. Applicant shall construct the off-site roadway system from the east end of the subdivision, across the "remainder" parcel, to the existing terminus of Explorer Way, to current County private road standards with a minimum traveled width of 20 feet from curb face to curb face within a 25-foot access easement.
38. Any proposed roadways over 15.9% in grade shall be surfaced with grooved concrete or open-graded asphalt.

Parking

39. Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Bicycle – Pedestrian Facilities

40. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
41. The Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.
42. The applicant shall provide a sidewalk along the one side of the proposed private road.

Utilities/Undergrounding

43. All utility distribution facility services, including those to the existing residence on the "remainder" parcel shall be installed underground. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Maintenance of Facilities

44. Property Owner shall record a Statement of Obligation in the form of a deed notification, to inform all future property owners of their legal obligation to maintain the private roadway and storm drainage infrastructure.
45. The Property Owner shall develop and enter into a maintenance agreement that will insure that the proposed private road and storm drainage infrastructure will be maintained, and that each parcel/lot in this subdivision that will use the proposed private road and storm drainage infrastructure will share in its maintenance.
46. Property Owner shall record a Statement of Obligation in the form of a deed notification, to inform all future property owners of their obligation to financially participate in the maintenance of Explorer Way from the eastern boundary of the subdivision to the west right of way line of Blum Road. Said obligation will be proportional to the total number of units using the road for access (a 1/18th share per lot) and conform to similar terms as outlined in the "Declaration for Maintenance of Private Street" recorded with the adjacent Subdivision

(Tract 8738) filed 4/28/2004, DOC-2004-0154494-00 in the office of the Contra Costa County Recorder.

Drainage Improvements

Collect and Convey

47. The Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to *an adequate* natural watercourse, in accordance with Division 914 of the County Ordinance Code.
48. The nearest public drainage facility is at the intersection of Explorer Way and Blum Road. Applicant shall verify its adequacy prior to discharging run off. Mitigation of stormwater runoff to pre-project flow rates will be sufficient verification as to the downstream system's adequacy in that said downstream drainage infrastructure was recently reviewed by the County and constructed by the neighboring subdivision.

Exception

The applicant shall be permitted an exception from t§ 914-12.010 of the Code to allow for private maintenance of the detention infrastructure provided:

The existing drainage pattern is maintained, and concentrated storm drainage is not discharged onto adjacent property.

On-site detention is employed to mitigate additional stormwater runoff from the site. Post - project runoff rate shall not exceed pre-project rate for the prescribed design storm. Maintenance and oversight of the detention facilities shall be comparable to those measures employed for Stormwater Management Facilities (see below). This includes an Operation and Maintenance Plan, maintenance agreement, etc.

Miscellaneous Drainage Requirements

49. The Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
50. The Applicant shall prevent storm drainage from draining across sidewalk(s) and driveway(s) in a concentrated manner.
51. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over all proposed storm drain lines and appurtenances traversing the site that convey runoff from more than one parcel.

National Pollutant Discharge Elimination System (NPDES)

52. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term Best Management Practices (BMPs) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bio-retention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above, as approved by Public Works.

Stormwater Management and Discharge Control Ordinance

53. The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the final map. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
54. Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
55. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
56. Prior to filing of the final map, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in

which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities. This maintenance agreement shall include the "remainder" parcel.

57. Prior to filing of the final map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners. This annexation shall include the "remainder" parcel.
58. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Construction

59. The applicant shall survey the pavement condition on Explorer Way prior to the commencement of any work on site, with Public Works Department approval. The survey shall include a video tape of the roadways. The applicant shall complete any remedial work prior to initiation of use.
60. The applicant shall construct any recommended repairs to restore Explorer Way to at, or better than pre-project condition prior to occupancy of the first residential building permit on the subdivision site.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. The applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Martinez Area of Benefit as adopted by the Board of Supervisors.

- C. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- E. Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the Stormwater C.3 Guidebook. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.
- F. This project is subject to the development fees in effect under County Ordinance as March 26, 2021, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may specified in the conditions of approval.
- G. Additional requirements may be imposed by the following agencies and departments:
 - Public Works Department
 - Building Inspection Division
 - Contra Costa County Fire Protection District
 - Health Services Department
 - Mt. View Sanitary District
 - Contra Costa Water District

The Applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.