

CONDITIONS OF APPROVAL

- **FILE #DP07-3062 AND
FILE #SD07-9210**
- **FILE #MS04-0008**

FINDINGS AND CONDITIONS OF APPROVAL FOR THE MADDEN/PAULUS PLANNED UNIT DISTRICT REZONING FILE #RZ073194, and FINAL DEVELOPMENT PLAN #DP073062, and VESTING TENTATIVE SUBDIVISION MAP #SD079210 PER THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION JANUARY 7, 2009 APPROVAL (Debolt Civil Engineering, Applicants, Palmer Madden and Susan Paulus, Owners) in the Alamo Area

FINDINGS

A. Growth Management Performance Standards

1. Traffic - To improve regional traffic circulation and safety, the applicant shall construct an on-site roadway system to current County, private, rural road and driveway standards. Applicant shall construct a paved turnaround at the end of the proposed private road. Because the project will not generate more than 100 peak-period trips, no special traffic congestion analysis is required.
2. Water - The County pursuant to its police power and as the proper governmental entity responsible for directly regulating land use density or intensity, property development and the subdivision of property within the unincorporated areas of the County, shall require new development to demonstrate that adequate water quantity and quality can be provided. The site lies within the service area of the East Bay Municipal Utility District. The District has stated that it can adequately serve the project once the necessary improvements are made. The applicant shall bear all expenses associated with constructing a water system capable of meeting the fire flow and water demand requirements of the water district and of the fire district.
3. Sanitary Sewer - The County pursuant to its police power and as the proper governmental entity responsible for directly regulating land use density or intensity, property development and the subdivision of property within the unincorporated areas of the County, shall require new development to demonstrate that adequate sanitary sewer quantity and quality can be provided. The site lies within the service area of Central Contra Costa Sanitary District. The District has responded that they can serve the project subject to their standard fees, specifications, and conditions.
4. Fire Protection - Fire stations shall be located within one and one-half miles of developments in urban, suburban and central business district areas. The site is located within a designated suburban level of service designation. Automatic fire sprinkler systems may be used to satisfy this standard. The site is more than one and one-half miles from a fire station and the new homes are required to be sprinklered. The applicant's engineer has designed the project to meet the requirements of the San Ramon Valley Fire Protection District.

5. Public Protection – The project will not result in a population increase of 1000 people, therefore there are no special capital improvements contributions required of this project.
6. Parks and Recreation – No neighborhood parks or playfields are proposed in the project, therefore, the applicant will be required to pay the in-lieu park dedication fee of \$7238 per dwelling unit. This fee is subject to adjustments based on formulas referenced in the County Code (Ord. Code §§ 920-2.002, et seq.)
7. Flood Control and Drainage – The new development will finance the full costs of drainage improvements necessary to accommodate peak flows due to the project. The drainage improvements requested by the Flood Control District and by the Public Works Department are incorporated into the conditions of approval. No part of the development falls within the 100-year flood plain as designated by the Federal Emergency Management Agency.

(Ref: the Growth Management Element of the General Plan)

B. General Plan Amendment

1. The proposed General Plan Amendment would be consistent with the remainder of the General Plan and each element of it.
2. The proposed General Plan Amendment will be in the public interest.

C. Rezoning

1. Required Finding - *The change proposed will substantially comply with the general plan.*

Project Finding – The project as conditioned is consistent with the goals and policies of the General Plan as it pertains to this site.

2. Required Finding - *The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts.*

Project Finding – The project's single-family residential use is consistent with the General Plan designation of this site. The proposed use as conditioned will also be compatible with the future residential development to the south and north and to the existing single family housing to the east.

3. Required Finding - *Community need has been demonstrated for the use proposed,*

but this does not require demonstration of future financial success.

Project Finding- The proposed housing will assist in meeting the housing development targets identified in the Housing Element of the General Plan.

(Ref § 26-2.1806 of the County Code)

D. Findings for Approval of a P-1 Zoning and a Final Development Plan

1. Required Finding - *The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.*

Project Finding - The applicant has indicated that they intend to commence construction within 2 ½ years of the effective date of the zoning change and plan approval.

2. Required Finding- *The proposed planned unit development is consistent with the county general plan.*

Project Finding - The project as conditioned is consistent with the Land Use Element designation as amended and with the goals and policies of the General Plan as it pertains to this site.

3. Required Finding- *In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.*

Project Finding - The planned custom homes will constitute a residential environment of sustained desirability and stability. The five new dwellings will be in harmony with the large-lot residential homes in the general area and with the planned Alamo Summit project to the north. The yards and setbacks will provide adequate separation between residences and there is adequate separation between subject development and existing developments. Exceptional biotic mitigations are being incorporated into the project to protect endangered and listed species because of which there will an unusual percentage of the site retained in its natural environment.

4. Required Finding - *The development of a harmonious integrated plan justifies exceptions from the normal application of this code.*

Project Finding - The project generally conforms to the R-65 zoning district regulations. Because the site is located on a ridgeline that is subject to General

Plan policies for retention of its scenic qualities, the project will be subject to an unusual level of design restrictions to protect the scenic ridgeline qualities of the site.

(Ref § 84-66.1406 of the County Code)

E. Findings for Approval of a Vesting Tentative Map

1. *Required Finding - The Planning Commission shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law.*

Project Finding - The proposed project provides for single family residential development in accord with the allowable density designated by the General Plan for this site. As a P-1 Planned District, the project would limit the development on the most level and stable portions of the site and dedicate the development rights to the County for the open space area. The project will be required to install road and drainage improvements in accord with the Subdivision Ordinance standards prior to construction of any residences. There is no specific plan in place for the area of the subject property.

(Ref. 94-2.806 of the Ordinance Code)

F. Allowing a Cul-De-Sac Longer Than 700 Feet

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

Project Finding – The new private lane serving the subject property is cut off by steep topography and by development having occurred in other directions without providing access through to the area.

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

Project Finding – If the 700 foot maximum were strictly enforced the property which extends over 2000 feet in from Las Trampas Road would be deprived of substantial property rights. This result would be inconsistent with General Plan policies promoting infill development and with the land use designation for the subject property.

3. Required Finding *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.*

Project Finding – A principal purpose of a cul-de-sac maximum length is to promote improved emergency vehicle access. This purpose is being achieved by the provision of additional fire protection being built into the development such as an automatic residential fire sprinkler system, fire hydrants and turnout, and by the availability of a second access, an emergency vehicle access out to the north.

(Ref. §§ 92-6.002 and 94-2.608 of the County Code)

G. Findings Required Allowing Encroachments into the Creek Structure Setback Area

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

Project Finding – *The small unnamed tributary to San Ramon Creek has been modified by prior modifications to its creek bank including road construction and flow restrictions created by the culvert opening upstream from the subject property so that the downcutting and erosion potential have been reduced from that normally associated with a free-flowing creek, and there are proposed to be provided unusual geotechnical creek bank improvements to further reduce the impact of improvements located close to the top of the bank of the creek.*

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

Project Finding – *If the 100+/- foot wide creek structure setback restriction were strictly enforced there would not be a feasible area for new single family residences as proposed to meet the low end of the density range of the General Plan as amended.*

3. Required Finding - 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.

Project Finding – *A principal purpose of a creek bank structure setback requirement is to reduce the potential for loss of private property and resulting damage claims. A Hold Harmless agreement will be required as a condition of*

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approval which will protect the public from such potential claims. Furthermore, geotechnical creek bank improvements will be required to protect the creek bank and possible improvements from damage.

CONDITIONS OF APPROVAL

General

1. _____ This approval which includes the preliminary and final development plan, the five-lot major subdivision and exceptions for allowing encroachments into the creek structure setback area and allowing a cul-de-sac longer than 700 feet, is based upon the exhibits received by the Community Development Department listed as follows:

A. Vesting Tentative Map by DeBolt Engineering dated received October 13, 2008, including 18 sheets. (by this action, if this subdivision is implemented, the entry road into MS040008 is hereby amended, ~~if this subdivision is amended~~, to reflect the modified location shown on the current Vesting ~~ed~~ Tentative Map.)

The approval is also based on the following reports and documents:

- B. Biological Assessment report LSA Associates, July, 6, 2007.
- C. Alameda Whipsnake Mitigation Plan, by LSA Associates dated October 14, 2004.
- D. Special-Status Plant Survey Results by LSA Associates, September 28, 2005.
- E. Report on LSA's biological, mitigation and special-status plants reports by Monk and Associates dated December 5, 2007
- F. Arborist Reports from Atlas Tree Service dated June 12, 2006, and May 19, 2008.
- G. Soils report by Engeo Inc, dated January 21, 2004, and supplement dated July 10, 2006.
- H. CEQA Initial Study dated August 22, 2008 and the applicant's letter dated August 15, 2008 agreeing to the mitigations.

2. _____ Approval Contingent on Consistent Approval of Related General Plan Amendment and Rezoning Application - This subdivision shall be approved contingent upon approval of the General Plan Amendment request GP070004 and the rezoning request File #RZ073194 from General Agricultural, A-2 to

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Planned Unit District, P-1, as amended. If these actions are not approved this approval shall be null and void.

3. _____ Applicant Indemnification of County - Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency 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.

4. _____ Compliance Report - At least 45 days prior to filing a Final Map or issuance of a grading permit, the applicant shall submit a report on compliance with the conditions of approval with this permit for the review and approval of the Zoning Administrator.
 - A. Prior to clearing of vegetation, including the removal of any trees, commencement of grading or other subdivision improvements, the applicant shall provide a report and evidence for the review and approval of the Zoning Administrator that all conditions requiring compliance prior to approval of a final map have been met.

Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. The report shall also indicate whether the applicant believes that he has done all that the applicant is in a position to do to comply with the applicable condition. (A copy of the computer file containing the conditions of approval may be available; to obtain a copy, contact the project planner at 335-1205.)
 - B. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this report prior to filing a final map.

5. _____ Payment of any Supplemental Application Processing Fees Which are Due
- This application is subject to an initial application fee which was paid

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with the application submittal, plus time and material costs if the application review expenses exceed 120% of the initial fee. Any additional fee due must be paid within 60 days of the permit effective date or prior to use of the permit whichever occurs first. The fees include costs through permit issuance plus five working days for file preparation. The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.

6. _____ Prior to filing a final map, the applicant shall provide survey documents that have been certified by a licensed land surveyor for the review and approval of the Zoning Administrator consisting of:
1. A survey prepared with metes-and-bounds description of the boundaries within Subdivision 9210 and MS04-0008 of:
 - a. All lots/parcels and remainder;
 - b. The building envelopes; the building envelopes shall be modified, as needed, to conform to the R-65 Zone yard standards except that for Lots 3, 4 and 5, the building envelope shall be 5 feet from the property line adjoining the T. Seeno property (APN 198-220-048); and that for Lot 1 the building envelope shall be 5 feet from the Jones Ranch Open Space Parcel (APN 220-210-005). The area subtracted from the building envelope shall be added to the Landscape Zone.
 - c. The respective wetlands mitigation area; open space area, creek open space; landscape zone; and habitat preservation area.
 2. Legal descriptions of each of these areas, including identification of which lots are affected by each area.

The subdivider shall grant deed the development rights for the areas designated as open space areas and for the areas designated as Habitat Preservation areas, and the areas designated creek open space to the County per the tentative map dated revised October 13, 2008 (Sheet 13). The proposed grant deed instrument shall be submitted to the Community Development Division of the Department of Conservation and Development Department for the review and approval of the Zoning Administrator. The erection of structures, including but not limited to

buildings, obscure fences, gazebos, swimming pools, tennis courts, and sports courts, is prohibited in open space areas, habitat preservation areas and creek open space areas.

Open space, habitat preservation and creek open space easement as shown on Sheet 13 of the approved plan set shall be dedicated to the County for the areas shown on the development plans using an easement instrument that is subject to the review and approval of the Zoning Administrator. The easement instrument shall provide that no grading, other development activity or removal of trees may occur in these areas without the prior written approval of the Zoning Administrator. For the habitat preservation areas in addition to the restrictions for the open space areas, no activity other than that permitted by the US Fish and Wildlife Service shall be approved. Additionally, for the creek open space no activity is allowed other than fire control, creek maintenance, landscaping or uses allowed by a permit from the Zoning Administrator after review by the Public Works Department. (See Condition of Approval 13 for additional biological mitigations/controls for the habitat preservation areas). The area indicated as Wetlands Mitigation Area shall be restricted as the creek open space. The area labeled as slide repair area/engineered fill on Lots 3 & 4 shall be restricted as open space area except that a vineyard is specifically allowed.

7. _____ Submittal of Deed Restrictions - At least 30 days prior to filing a Final Map, the applicant shall submit Covenants, Conditions and Restrictions (CC&Rs) for the review and approval of the Zoning Administrator that contain the following restrictions that shall run with the land:

- A. Notice shall be given that the Open Space Easement area located on Lots 1-5, the Habitat Preservation located on Lot 2 and the remainder parcel, and the creek open space area is not owned in common by the owners of Lots 1-5 and that each respective owner is responsible for the area of open space, habitat preservation area or creek open space easement within their parcel.
- B. A copy of the Design Review Guidelines regulating layout and design of structures and landscaping, and the building size requirements including Ordinance requirements identified in Condition #10.
- C. Notice shall be given that the property owners are responsible for the road maintenance as indicated in Condition No. 41, and for

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the common or community parking spaces shown on the approved tentative map. The notice shall declare that the additional parking spaces located on Lot 1 are not to be used exclusively by the property owner upon whose lot they occur, but that they are guest parking available to all parcels served by the road.

- D. Copy of Recorded Open Space Easement acceptable to the County.

8. _____ Submittal of Alternative Street Names - At least 30 days prior to filing the Final Map, a proposed street name shall be submitted for review and approval by the Community Development Department, Graphics Section (Phone #335-1270). Alternate street names should be submitted. The Final Map cannot be certified by the Community Development Department without the approved street name.

9. _____ Geotechnical Report – General:

- A. At least 30 days prior to recordation of Final Map, submit a final geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Planning Geologist. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include evaluation of seismic settlement and other types of seismically-induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation. It shall also evaluate the hazard posed by debris flows and undocumented fills and provide appropriate recommendations for remediation of geotechnical/geologic hazards. It shall also provide recommendation for grading, foundation and drainage that are sensitive to geologic constraints.
- B. In conjunction with the geotechnical engineer, provide improvement plans for the private road and utility corridor that is needed to comply with the private road standards of Contra Costa County.
- C. Applicant shall record a statement to run with deeds to property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting

that the report is available from the seller.

- D. Grading shall be kept to a practical minimum. Where needed, retaining walls or reinforced earth can be utilized with proper design.
- E. All graded slopes shall be contour-rounded to mimic natural terrain features.
- F. Prior to issuance of the grading permit, provide a grading remediation plan and report for the approval of the Building Inspection Department (BID). The report shall evaluate all major graded slopes and open space hillsides whose performance could affect planned improvements. The slope stability analysis shall be performed for both static and dynamic conditions using an appropriate pseudo-static horizontal ground acceleration coefficient for earthquakes on the Calaveras fault in accordance with standard practice as outlined in DMG Special Pub. 117, 1997 or equivalent.
- G. During grading, the geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all subdrains including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the County to be kept on file. Cut slopes and keyways shall be periodically observed and mapped by the project engineering geologist and geotechnical engineers, who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the Contra Costa County BID shall be obtained prior to any modification.
- H. Regular progress reports and a grading completion report shall be submitted to BID by the project geotechnical engineers. These reports shall include the results and locations of all compaction tests, as-built plans of all landslide repairs and fill removal including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist shall also be submitted. Building permits shall not be

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issued without documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions.

- I. During grading, unstable colluvial soils and landslide deposits within developed portions of the properties shall be re-graded to effectively remove the potential for seismically induced landslides in these materials, as recommended in the approved geotechnical reports.
- J. All measures identified in the approved geotechnical reports to provide for slope stability shall be incorporated into the final grading plans. Prior to issuance of the grading permit, the County Geologist shall review the plans to verify that these measures are incorporated and that there is no unacceptable hazard from unstable slopes or post-development grading.
- K. Prior to issuance of building permits on lots of this subdivision, submit an as-graded report of the engineering geologist and the geotechnical engineer with a map prepared by a civil engineer showing engineering geology/lithology details, final plans and grades for any buttress fill with its keyway, subsurface drainage, subdrain cleanouts, disposal and pickup points, and any other soil improvements installed during grading, as surveyed by the project survey or civil engineer, and in accordance with requirements of the geotechnical engineer. **(Mitigation Measure)**
- L. Consistent with the final geotechnical report, specific criteria and standards for foundations shall be provided based on the results of the subsurface exploration and laboratory testing. These measures shall be implemented during design and construction where appropriate to minimize expansive soil effects on structures. Potential foundation systems include pier and grade beam; use of appropriate engineering design measures to control vertical and horizontal movement of slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment.
- M. Prior to issuance of building permits or installation of utilities, chemical testing of representative building pad soils shall be submitted to determine the level of corrosion protection required

for steel and concrete materials used for construction. The following measures shall be implemented where appropriate to protect against corrosion: use of sulfate-resistant concrete and use of protective linings to encase steel piping buried in native soils. **(Mitigation Measure)**

N. Corrective Grading of Lots #4 and #5

1. The applicant shall bond for corrective grading of Lots #4 and #5. A deed restriction (or other acceptable mechanism) shall ensure that Lots #4 and #5 will not be sold by the developer until the corrective grading has been completed and the grading permit for that work “finalized” by the Building Inspection Division (i.e. the corrective grading requires issuance of a grading permit, and a grading completion report is required to provide documentation that the earthwork performed in the field was consistent with the recommendations in the approved geotechnical report. The grading completion report must be satisfactory to the Building Inspection Division). **(Mitigation Measure)**
2. Prior to issuance of the grading permit for corrective grading of Lots #4 and #5, submit the Grading and Drainage Plan for review by the Peer Review Geologist, and review and approval of the Zoning Administrator. The grading plan shall provide an engineered/ permanent retaining wall with a lined drainage ditch at the Lot #4/Lot #5 boundary. Engineered slopes shall have gradients of 2½:1 (horizontal to vertical) or flatter, and those engineered slopes shall transition into existing topography on the perimeter of the slide repair. **(Mitigation Measure)**

O. Building Permits for Residences

1. At least 30 days prior to the issuance of building permit(s) for a residence, submit a final geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review of the Peer Review Geologist, and review and approval by the Zoning Administrator. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include evaluation of

seismic settlement and other types of seismically-induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation. It shall also evaluate the hazard posed by mass wasting and provide appropriate recommendations for remediation of geotechnical/geologic hazards. It shall also provide recommendation for grading, foundation and drainage that are sensitive to geologic constraints. **(Mitigation Measure)**

2. Grading shall be kept to a practical minimum, except as where shown on the tentative map. Where needed, retaining walls or reinforced earth can be utilized with proper design. **(Mitigation Measure)**
3. All graded slopes shall be contour-rounded to mimic natural terrain features. **(Mitigation Measure)**
4. During grading, the geotechnical engineer shall observe and approve all keyway excavations, removal of fill and landslide materials down to stable bedrock or in-place material, and installation of all subdrains including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the County to be kept on file. Cut slopes and keyways shall be periodically observed and mapped by the project geotechnical and civil engineers who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the Contra Costa County Building Inspection Division shall be obtained prior to any modification. **(Mitigation Measure)**

10. _____ Design Guidelines - At least 45 days prior to the issuance of a building permit for new residential development, the developer shall submit to the Zoning Administrator for review and approval detailed design drawings including building elevations, site plans/topography, building elevations, floor plans, exterior colors, including light reflectivity of proposed colors and materials, final grading plans and landscaping plans. The overall purpose of the design review is to reduce visual impacts of the new construction when viewed from off-site, particularly

from the I-680 corridor and from Central Alamo, generally meaning the Danville Blvd./Stone Valley Road intersection.

The location of the buildings on the approved building envelopes, house elevations and landscaping plans shall be submitted to the Alamo Improvement Association (AIA) for comment prior to submittal to and action by the Zoning Administrator. Unless waived by the mutual consent of the applicant and AIA, no response from the AIA within 60 days shall be considered to be assent. If the subject property is included within the future Town of Alamo then, in lieu of review by the AIA, the review shall be by the organization designated by the Alamo Town Council.

The Zoning Administrator's decision in acting on the plans shall be based on the following design guidelines:

- A. Cut building into slope to reduce the effective visual bulk.
- B. Step the building up the slope rather than have a single floor height.
- C. Locate house away from the most visible edge of the pad.
- D. Minimize under-story height or foundation on the downhill side of house.
- E. For Lots 1 & 5, the maximum height of buildings shall be 28 feet ~~above, measured from the grade, along the northeast building envelope line when viewed perpendicular to the building envelope line. (Chimneys, vents or similar appurtenances may extend above the maximum indicated roof height.)). Greater heights may be allowed from other viewing directions. At no point may a building exceed 35 feet in height above grade.~~ For Lots 2, 3, and 4, the maximum height shall be 35 feet measured from any side. For purposes of determining maximum building height, grade shall be measured from either natural grade or finished grade, whichever is lower. **(Mitigation Measure).**

For purposes of verifying compliance with building height limits, the Zoning Administrator may require special exhibits and surveys by a licensed surveyor of topography and building heights prior to initial clearance of a building permit, and prior to required permit inspections.

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- F. Break up the building mass into smaller elements. Large vertical planes are discouraged. Flat exterior wall surfaces should not exceed 20 feet in height.
- G. Step back second stories.
- H. Avoid large gable ends on the northeast side or other visible elevations particularly toward central Alamo.
- I. Other than the walls as shown on the Vesting Tentative Map, avoid tall retaining walls. Break up into several small walls with landscaping in between. All retaining walls shall be within the approved building envelopes. Provide for the landscaping of retaining walls that will attach to the walls wherever feasible. Encourage use of simulated. Simulated natural rock surfaces or other high quality materials shall be provided for retaining walls where visible from Las Trampas Road with the goal of blending the wall with the natural surroundings.
- J. Exterior colors shall be medium to dark and minimize reflectivity (50% maximum reflectivity). **(Mitigation Measure)**
- K. Encourage shadow patterns created by architectural elements such as large eaves, trellises, arbors and articulation of the building walls.
- L. Extend architectural treatments around to the sides and rear of the houses.
- M. A landscaping plan shall be provided for review and approval and said plan shall be designed to soften the appearance of the structures and to provide significant evergreen screening in order to minimize visibility of the structures from off-site. Replacement trees as required by Condition #17 shall be used to screen the dwelling from off-site particularly from the east and northeast. **(Mitigation Measure)**
- N. Plantings when visible on the ridge from off-site should be harmonious with native vegetation.
- O. Screen storage areas and out-buildings, or locate in unobtrusive locations.

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P. Lighting should be minimized and limited to down lighting.

Q. MAXIMUM ALLOWED ENCLOSED BUILDING APPROVED HOUSE-SIZES

“Building Living-area” constitutes the aggregate enclosed conditioned floor area of the primary residence and second units, if any, but does not include garages, storage spaces, basements, gazebos, or pool houses. It does not include basements or gazebos. The maximum allowed aggregate floor area for each lot shall be as indicated in the table below.

| LOT | <u>Maximum Allowed Aggregate Floor Living-Area</u> |
|------------|---|
| 1 | 7,000 square feet |
| 2 | 6,000 square feet |
| Remainder | na |
| 3 | 7,500 square feet |
| 4 | 9,000 square feet |
| 5 | 15,000 square feet |

R. Prior to the issuance of the first building permit, the developer shall submit for review and approval by the Zoning Administrator plans for an open, rural style fence along the common property line with the Jones Ranch open space parcel. The approved fence shall be constructed prior to occupancy of the first house of the subject subdivision.

S. Use and development within the subdivision shall be guided by the provisions of the Single Family Residential, R-65 zoning district except that the keeping of livestock shall be prohibited. Proposed accessory buildings shall comply with the building height and size limitations of the Zoning Ordinance (maximum of 15 feet in height and 600 square feet in floor area coverage).

T. Restricted Provision for More than One Dwelling on a Lot - A maximum of one dwelling unit is allowed on each lot, except that a Residential Second Unit is also allowed provided that it complies with the requirements of the Residential Second Unit Ordinance (Chapter 82-24) including filing and obtaining

administrative approval of an application from the Department of Conservation and Development, Community Development Division.

11. _____ There shall be a minimum of 5 feet separating the face of the retaining wall on the northeast side of Lot 1 from the adjacent property line. Adjustment of Building Envelopes and Minimum Yard Standards - The approved building envelopes shall be reduced to meet the R-65 standards, except that for the property lines that abut the Seeno and Jones ranch properties (APN 198-220-048 & 198-210-005), There shall be a minimum of 5 feet from the property line and any structure including a retaining wall on Lots 3, 4 & 5. On Lot 1, where it abuts the Jones Ranch open space there shall be a minimum of 5 feet between the property line and any retaining wall. No residence on Lot 1 shall be closer than 13 feet to the property line. But in the 8 feet between the retaining wall and residence low structures such as arbors are allowed.

_____ There shall be a minimum of 5 feet of separation between the top of the creekside retaining wall and any structure for landscaping and access on Lots 2 & 3.

12. _____ The retaining wall along the west side of the driveway and fire truck turn-around on Lot 1 shall be surfaced with a material with an integral color of dull gray-green or dark brown or a material that simulates natural rock such as the soil-nail walls viewable on Norris Canyon Road, just west of Bollinger Canyon Road, and shall be provided with a landscaping treatment as part of the landscape requirements contained in Condition 10 designed to screen the retaining wall.

13. _____ BIOLOGY

A. Alameda Whipsnake, (Mitigation Measure)

Prior to impacting Alameda Whipsnake habitat, an “incidental take” permit (Section 7 consultation) shall be required from USFWS, and an “incidental take” permit (Section 2081 permit) shall be required from CDFG. In lieu of such a permit, CDFG may process a “consistency determination” pursuant to Fish and Game Code §2080.1. Such a determination would indicate that the State’s interests in protecting State listed species are met by the federal Biological Opinion (i.e., the incidental take permit) issued by USFWS and thus no Section 2081 permit is required.

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All conditions stipulated in the state and federal permits issued for the project shall be followed and shall become conditions of project approval. A grading permit shall not be issued until appropriate permits are issued by the USFWS and CDFG and are provided to Contra Costa County. In addition to the federal and state permit conditions, the following mitigations shall also be followed:

- B. The applicant will either 1) contribute to the East Bay Regional Park District (EBRPD) toward the purchase of mitigation land to compensate for impacts to “core habitats” for Alameda Whipsnake, or 2) purchase mitigation credits from the Ohlone Conservation Bank. The final compensation ratio requested by the USFWS for impacts to the Alameda Whipsnake and its habitat will determine the final contribution that will be required (cost for purchasing acreage of habitat or total number of credits required to satisfy this mitigation requirement). A minimum of a 1:1 mitigation ratio shall be required. Documentation of this mitigation transaction shall be provided to Contra Costa County.
- C. The applicant shall designate approximately 11.4 acres of the project site (considering the combined area of MS040008 & SD079210) as an “open space” that will be protected under an open space easement that will be granted to the County. Within this open space easement area, the applicant proposes to designate 7 acres of Open Space that would be located between the building envelopes and the Habitat Protection Area and the Creek Open Space (see the accompanying Habitat/Open Space Exhibit dated July 7, 2008). This designated Open Space will not be used for construction of structures. Uses allowed within the Open Space include vineyards on lot 4 only, underground utilities, roads, landscaping slide repair, retaining walls, and fire control measures. In addition, the applicant shall designate a Habitat Protection Area of 2.5 acres that will include a portion of the riparian area along the unnamed tributary to San Ramon Creek. There will be no construction within the Habitat Protection Area because the storm drains will discharge into the creek outside of the Habitat Protection Area. A Wetland Mitigation Area (0.19 acre) will include the construction of basins on a terrace beside the un-named tributary to San Ramon Creek adjacent to the Habitat Protection Area. Finally, the applicant is proposing a Creek Open Space area of 1.62 acres that

will be established where the creek flows outside of the Habitat Protection Area and Wetland Mitigation Area. Uses within the Creek Open Space include: landscaping as allowed by law; fire protection, locating storm drain outfalls (with permit), and any creek or storm drain maintenance (with permit). Such maintenance may include removing debris from the culverts and ensuring that the storm drains are operating properly. Other activities will be restricted within the bed and banks of the creek.

- D. The open space easement deed will create covenants running with the land that impose on the property owner (applicant) the duty to manage and maintain the Open Space Area in perpetuity to ensure that the resource values of the preserved land remain protected forever. The Zoning Administrator shall have review and approval authority over the map and associated deed restrictions. The location and the total acreage of the Open Space Area shall be clearly indicated on the parcel map and associated deed restrictions shall be recorded concurrently with the parcel map. Prior to recordation of the parcel map, the Zoning Administrator's shall review and verify that compliance is achieved with the following specifications.
- E. The Open Space Area shall be protected in perpetuity in a permanent grant of easement, granted by the property owner in favor of Contra Costa County. The perpetual grant of easement shall be recorded as a condition of the project. It is intended that the recorded easement will be a perpetual easement running with the land and all present and future landowners.
- F. The applicant shall bear the expense of the County's inspections and maintenance required for the Open Space Area. The applicant shall also be responsible for the costs and expense incurred by the County in the exercise of its rights and remedies under a Deed of Easement conveyed to the County for the Open Space Area. The applicant shall provide to the County with a Security Fund from which the County may draw to carry out the maintenance and management obligations if applicant (property owner) fails to do so. The form of the Security Fund may be: (a) cash endowment paid to the County by the applicant and held by the County as the Security Fund, the interest from which will provide a permanent funding source for the monitoring, management, and maintenance of the Biological Protection Area

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for Alameda Whipsnake; (b) a bond from a surety in a form acceptable to the County, in its sole discretion; (c) a demand letter of credit from a bank in a form acceptable to the County, in its sole discretion; or (d) any other form mutually acceptable to the County and applicant, each in its sole discretion.

- G. The applicant shall prepare a Management Plan that demonstrates that the Habitat Protection Area will be preserved as a permanent open space that is managed to enhance and otherwise protect the biological resource values of the Alameda Whipsnake habitat. The Management Plan shall become an exhibit of the Open Space Grant Deed of Easement. The Management Plan (Plan) shall be prepared and submitted to the County and shall detail allowable and prohibited activities in the Habitat Protection Area, and other appropriate measures that will be implemented in perpetuity to protect the biological resource values of the Alameda Whipsnake habitat within the Habitat Protection Area. Finally, the Plan will demonstrate that the Habitat Protection Area will remain in its natural condition for continued use by Alameda Whipsnake, and thus would not be subject to brush clearing and vegetation removal and control that is typically required adjacent to residences for fire management/suppression. This Plan shall be submitted to the County Department of Conservation and Development for their review and final approval no later than 30 days prior to any site grading/grubbing activities. Habitat Protection Area will be monitored annually for a period of five years with reports submitted to the County Department of Conservation and Development.
- H. Additionally, rock outcrops removed as part of the proposed project will be mitigated by the construction of new rock outcrops in the Habitat Protection Area. Boulders exposed during grading activities on the project site will be placed in the Habitat Protection Area and Open Space Area. The boulders will be reburied with 1/3 of their volume exposed on the ground surface. Reburying will serve to anchor the boulders and create cavities for use by snakes and other wildlife.
- I. Federal and State conditions set forth in any permit authorized for the project by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California Department of

Fish and Game, and/or U.S. Fish and Wildlife Service shall also become conditions of project approval enforceable by Contra Costa County. **Any conditions stipulated in the federal (USFWS) and State (CDFG) incidental take permits that are in conflict with Contra Costa County's conditions of project approval shall take precedence (shall supersede) over the County's conditions.** Specifically, any requirement for a conservation easement stipulated in the federal incidental take permit shall take precedent over the County's requirement for a grant deed of easement.

- J. Prior to the initiation of ground disturbing activities, an education program shall be conducted by a qualified biologist for the construction personnel. This education/training program shall include a description of the snake and its habitat, a review of the Federal and State Endangered Species Acts, the general protection measures to be implemented to protect the snake and minimize take, and a delineation of the limits of the work area. In order to avoid injury or mortality of Alameda Whipsnakes in the grassland and chaparral habitats, the vegetation within the work areas shall be removed prior to any grading or other construction activities. Clearing of vegetation shall be confined to the minimal area required. If vegetation clearing is scheduled to begin outside of the months of December through February, a federal permitted 10(a)(1)(A) biologist with experience identifying/handling Alameda Whipsnakes shall be present during the vegetation removal. Any Alameda Whipsnake identified during vegetation removal shall be harassed (simply by walking at the snake) out of the work area. All Alameda Whipsnakes identified during this time shall be recorded on a CNDDDB form and the form shall be submitted to CDFG.
- K. Once the vegetation has been removed, exclusion fencing shall be installed around any work areas located within 500 feet of preserved core habitat areas on the project site. The exclusion fencing will ensure that snakes cannot move into the work area. The "snake proof" (exclusion) fence shall be constructed of solid material (plywood, metal, or ¼-inch mesh hardware cloth) that is four (4) in height, and buried a minimum of one inch deep. Stakes along the fence shall face the work area. Funnel type exits installed along the fence at intervals of 50 feet will allow animals to leave the work areas but prevent re-entry. The integrity of the

fence shall be checked daily to ensure that snakes cannot get through the fence. This fencing shall be removed at the completion of all construction activity.

L. A biological monitor shall conduct a preconstruction survey prior to ground breaking, and the monitor shall also inspect any open trenches at the start of each work day to ensure that Alameda Whipsnakes are not trapped in the trenches. Trenches shall be filled in as much as possible at the end of each day. The biological monitor shall be present on-site during all grading and construction activities and shall have the authority to halt construction work, if necessary, to prevent take of Alameda Whipsnakes.

M. Heavy equipment shall be restricted to the existing road and access routes to minimize impacts to grassland habitat and reduce the potential for Whipsnake injury and mortality. Equipment working in the area shall be restricted to a 20-mile an hour speed limit. All trash that might attract predators to the area shall be properly contained and removed from the work site and disposed of regularly. All construction debris and trash that could be used as cover by Alameda Whipsnakes shall be removed from the site, and any debris or equipment left overnight shall be checked each day prior to use in order to avoid Whipsnake injury and mortality.

N. Mitigation requirements shall ultimately be consistent with USFWS and CDFG requirements for this project. When implemented, Mitigation Measure IV a-5 through a-15 would reduce potentially significant impacts to Alameda Whipsnake to a level considered less than significant pursuant to CEQA.

O. Nesting Raptors (Mitigation Measure)

Nesting surveys shall be conducted 30 days prior to construction of the project for construction occurring during the breeding season (generally ending on September 1st of the year in question, unless otherwise determined by a qualified raptor biologist). The raptor nesting surveys shall include examination of all trees and shrubs on the project site and within the “area of influence” of the proposed project. The area of influence varies from species to species known from the region, but in all cases

would not be greater than 500 feet of the project site.

- P. If nesting raptors are identified during the surveys on the project site, the dripline of the nest tree or shrub must be fenced with orange construction fencing and a buffer around the nest tree or shrub must be fenced with bright orange construction fencing. The size of the buffer area shall be determined by a qualified raptor biologist appointed by the County. If the raptor biologist determines through monitoring that the nesting raptors are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities, the buffer can be fairly small, for example, 150 feet from the nest tree. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest tree or shrub. If the nest site is on an adjacent property, the portion of the buffer that occurs on the project site shall be fenced with orange construction fencing. When construction buffers are reduced in size, the raptor biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If at any time the nesting raptors show levels of distress that could cause nest failure or abandonment, the raptor biologist shall have the option of increasing the size of the buffer. Instances when the buffer could be reduced in size would be if the raptors were well acclimated to disturbance and/or if there were physical barriers between the nest site and the construction project that would reduce disturbance to the nesting raptors.
- Q. No construction or earth-moving activity shall occur within the non-disturbance buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. Regardless, the resource agencies consider September 1st the end of the nesting period unless otherwise determined by a qualified raptor biologist. Once the raptors have completed the nesting cycle, that is the young have reached independence of the nest, no further regard for the nest site shall be required. No other compensatory mitigation is required. When implemented, Mitigation Measure O & P would reduce potentially significant impacts to nesting raptors to a level considered less than significant pursuant to CEQA.

R. Nesting Passerine Birds- (Mitigation Measure)

If project construction-related activities take place during the nesting season (February 15 through August), preconstruction surveys for nesting passerine birds and special-status birds within the project site, and the surrounding area of influence of the project site, shall be conducted by a competent biologist prior to the commencement of the tree removal or site grading activities. 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 shall be established by a qualified biologist to protect the nesting site until such time the young reach independence. This buffer shall be a minimum of 75 feet from the project activities for passerine birds. If special-status birds are identified nesting within the area of influence, a 100-foot non-disturbance radius around the nest shall be fenced (this fencing requirement shall not replace or be constructed in lieu of fencing discussed above for impacts to nesting raptors). The distance shall be determined by a competent biologist 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). If the buffers are reduced in size, the nest site(s) shall be monitored daily by a competent biologist to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones, the project can proceed without further regard to the nest site(s). When implemented, this mitigation measure would reduce potentially significant impacts to nesting passerine birds to a level considered less than significant pursuant to CEQA.

S. Riparian and Sensitive Habitats – (Mitigation Measure)

Prior to impacting riparian vegetation on the project site, the applicant shall enter into a Section 1602 Agreement (that is, a Streambed Alteration Agreement) with CDFG. Any conditions stipulated in the Streambed Alteration Agreement shall become conditions of project approval. Additionally, impacts to riparian vegetation shall be avoided and minimized to the greatest extent possible. Excavation equipment shall work from an upland site (e.g., from the top of bank, the road bed of the bridge or a culverted road crossing) for work in the creek to the extent

possible. If it is not practicable to work from an upland site, or if working from the upland site would cause more environmental damage than working in the stream channel, the excavation equipment shall operate within the dry stream channel (or adequately dewatered work area), as permitted in the terms and conditions of the Streambed Alteration Agreement. The reasons to operate within the stream channel would be to avoid damage to large trees growing on the bank, or if the banks are too steep to operate heavy equipment.

- T. Any riparian vegetation impacted on the proposed project site shall be mitigated by enhancing the riparian corridors within the Open Space Area on the property, or other suitable off-site location. The applicant shall prepare a *Riparian Enhancement Plan* that will provide mitigation for any riparian trees that are impacted along the un-named tributaries on the project site. Any native riparian tree impacted by the proposed project shall be replaced at a minimum 3:1 ratio. If a higher tree planting ratio is stipulated by CDFG in the Streambed Alteration Agreement issued for the project, this higher tree planting ratio shall be adhered to. The *Riparian Enhancement Plan* shall provide detailed specifications regarding the installation of replacement plants, success criteria, and a five year maintenance and monitoring prescription. There shall also be provisions in the Plan for installation of an automatic watering system set on a timer to ensure that all planted trees receive adequate irrigation for a minimum three year period. The *Riparian Enhancement Plan* shall be submitted to Contra Costa County Department of Conservation and Development at least 30 days prior to breaking ground so it can be reviewed. When implemented, Mitigation Measure T would reduce potentially significant impacts to riparian vegetation to a level considered less than significant pursuant to CEQA.

U. Waters of the United States/State –Mitigation Measures

The applicant shall demonstrate that any proposed impacts to “waters of the United States” as regulated by the U.S. Army Corps of Engineers (Corps), and “waters of the State,” as regulated by the Regional Water Quality Control Board (RWQCB), are in compliance with the Clean Water Act. The County shall not issue a grading permit until all Corps and

RWQCB approvals are obtained and submitted to the County. Any conditions in a Corps Section 404 permit and/or a RWQCB Section 401 water quality certification (permit) for this project shall be incorporated into the County conditions of project approval.

- V. Since the proposed project will result in impacts to waters of the U.S. and/or State, the applicant shall be required to compensate for these impacts to Corps and/or RWQCB regulated waters by implementing the following measures. Any impacted wetlands (seeps) shall be replaced at a minimum 2:1 ratio (compensation to impact area). Impacts to "other waters" shall be mitigated by the re-creation of the feature at a 1:1 ratio. Or, as approved by Corps and/or RWQCB, the mitigation may be "out of kind. The applicant is proposing a 0.19 acre Wetland Mitigation Area within the designated open space on the project site. In all cases, mitigation shall be implemented as required in the Corps' Section 404 permit and in the RWQCB's Section 401 (or as presented in any Waste Discharge Requirements imposed by the RWQCB). If the Corps and RWQCB do not require mitigation compensation, then the County also waives its requirement to require mitigation compensation. Finally, in lieu of the above compensation measures, as approved by the Corps and the RWQCB in their permits (if issued for the project), the applicant may mitigate impacts to waters of the State and U.S. through the purchase of mitigation credits from a Corps and RWQCB approved wetland mitigation bank with a service area that covers the project site. When implemented, Mitigation Measure IV c would reduce potentially significant impacts to waters of the State and U.S. to a level considered less than significant pursuant to CEQA.

W. Migratory Wildlife Corridors – (*Mitigation Measure*)

To mitigate potential impacts to a local wildlife movement corridor, the applicant will designate 2.52 acres of the project site as the Habitat Protection Area that will remain in its natural condition for the continued use by Alameda Whipsnake. This Habitat Protection Area will be somewhat isolated since it will be surrounded by development (eight residential lots) and paved roads, yet the Habitat Protection Area will allow movement of local wildlife across the site into adjacent open space areas. Once off the site wildlife will be

able to navigate its way into adjacent open space areas.

- X. The applicant shall prepare a Management Plan that demonstrates that the Habitat Protection Area will be preserved as a permanent open space that is managed to enhance and otherwise protect the biological resource values of the Alameda Whipsnake habitat.
(Mitigation Measure)

14. _____ The applicant shall extend sewage lines to serve the residential units. The applicant shall submit sewer line improvement plans for approval prior to County issuance of the grading permit.
15. _____ The applicant shall extend water lines to the proposed development and design fire hydrant locations to satisfy the San Ramon Valley Fire District. The applicant shall submit water line and fire hydrant location improvement plans for County and Fire District approval prior to County issuance of the Grading Permit.

Pre-Construction Tree Protection Measures

(There are 10 trees along the entry road approved for removal. There are approximately 23 trees on Lots 1, 2, 3, & 5 under which grading or road construction is proposed under the driplines.)

16. _____ Improvement/Tree Impact Plan – At least 30 days prior to filing a final map, the applicant shall submit subdivision improvement (grading, road/utility/building) and tree impact plan for the review and approval of the Zoning Administrator. The plan shall identify the location, trunk size, species, and the assigned tree number from the arborist reports, dripline of all trees within fifty feet of proposed improvements, whether the tree is proposed to be removed, and the recommendations of the approved arborist's report, and how the recommendations shall be implemented by the applicant.
The plan shall also include in the notes:
1. All tree and biotic protection measures required by this project approval; and
 2. All construction period restrictions required by this approval.
17. _____ Contingency Restitution Should Trees Be Damaged - Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees, the applicant shall provide the County with a security (e.g., bond, cash deposit) to allow for replacement of trees intended to be preserved that

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are significantly damaged by construction activity. The security shall be based on:

- A. Tree Replacement - Replacement native oak trees at a 3:1 ratio, minimum 15-gallons in size, shall be provided in the vicinity of the private roadway on either Lots 1 & 5 with the intent of screening future dwellings from off-site particularly to the east and northeast, subject to prior review and approval of the Zoning Administrator. If the number of replacement trees exceeds 30, the additional trees shall be placed at locations proposed by the applicant's landscape architect and found acceptable to the Zoning Administrator to provide additional screening of new houses and retaining walls from Las Trampas Road.
- B. Determination of Security Amount - The security shall provide for all of the following costs:
 - Preparation of a landscape/irrigation plan by a licensed landscape architect or arborist;
 - A 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* with the contractor's "wet-stamp"; and
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Acceptance of a Security - The security shall be subject to the review and approval of the Zoning Administrator.
- D. 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 (Code S-060B). The Applicant shall pay an initial fee deposit of \$300 at time of submittal of a security.

The security shall be retained by the County up to 24 months following the completion of the tree alteration improvements. In the event that the Zoning Administrator determines that trees intended to be protected have been damaged by development activity, and the Zoning Administrator determines that the applicant

has not been diligent in providing reasonable restitution of the damaged trees, then the Zoning Administrator may require that all or part of the security be used to provide for mitigation of the damaged trees.

At least 18 months following the completion of work within the dripline of trees, the applicants arborist shall inspect the trees for any significant damage from construction activity, and submit a report on his/her conclusions on the health of the trees and, if appropriate, any recommendations including further methods required for tree protection to the Community Development Department.

- E. Prohibition of Parking - No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the drip line of any tree to be saved.
- F. Construction Tree Damage - The developments property owner or developer shall notify the Community Development Department of any damage that occurs to any tree during the construction process. The owner or developer shall repair any damage as determined by an arborist designated by the Director of Community Development.

Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of appropriate size and of a species as approved by the Director of Community Development to be reasonably appropriate for the particular situation.

- G. Supervision of Work by an Arborist - All work that encroaches within the dripline of a tree to be preserved shall be conducted under the supervision of a certified arborist.

Construction Period Restrictions

- 18. _____ Construction Period Development Activity Restrictions - Contractor and/or developer shall comply with the following construction, noise, litter, and traffic control requirements:

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- A. Non-emergency maintenance, construction and other activities on the site related to this use are restricted to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday/Presidents' Day (State and Federal)
Lincoln's Birthday (State)
Cesar Chavez Day (State)
Memorial Day (State and 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 specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays <http://www.opm.gov/fedhol/2006.asp>

California Holidays <http://www.edd.ca.gov/eddstholiday.htm>

- B. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumpers as far away from existing residences as possible.
- C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and

vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.

A copy of the notice shall be concurrently transmitted to the Community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- D. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
- E. Transporting of heavy equipment and trucks shall be limited to week days between the hours of 9:00 AM and 4:00 PM. and prohibited on Federal and State holidays.
- F. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- G. ***Prior to issuance of a grading permit***, the applicant shall provide a letter to the Community Development Department indicating that he has fully disclosed these requirements to all contractors and subcontractors within this project.
- H. A water truck must be employed during all grading operations to wet the work area and to wet temporary soil stockpiles. The applicant shall submit a written verification to the County that a water truck will be used during grading operations for dust control and that covered debris boxes and tarps will be utilized during the construction of the residential units to minimize the potential for nuisance scatter of windblown debris.

19. _____ Discovery of Archaeological Resources - If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 10 feet of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.

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20. _____ Fire Sprinkler Requirement- Prior to the issuance of a building permit the applicant shall provide evidence that an automatic fire sprinkler system acceptable to the Fire Protection District will be installed in each new dwelling.
21. _____ Future Lot Line Adjustments – Modifications to the lot sizes may be granted in the future under the approved Final Development Plan provided no lot is reduced to an area below 1.1 acres, and further provided that any future lot line adjustment proposals must be reviewed for consistency with the FDP, and no prior authorization is granted in this approval.
- ~~22. _____ Applicant shall include in each deed that conveys a lot within the subdivision a restriction prohibiting the subdivision of the Remainder Parcel as shown on the Final Map.~~
23. _____ The final map for this project shall be concurrently approved with the approval of the parcel map for the adjoining approved tentative map, file # MS040008.

**PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL
FOR SUBDIVISION SD 07-9210**

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the County Ordinance Code. Any exceptions must be stipulated in these conditions of approval. Conditions of Approval are based on the revised Vesting Tentative Map received by the Department of Conservation and Development on October 13, 2008.

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO
RECORDATION OF THE FINAL MAP:**

General Requirements:

24. 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 revised Vesting Tentative Map received by the Department of Conservation and Development on October 13, 2008.

25. Improvement plans prepared by a Registered Civil Engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the County Ordinance Code for the conditions of approval of this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.
26. Phasing - As conditioned by this approval, phasing of construction of infrastructure improvements or of map filing is not a part of this approval. Any proposal to implement the project with more than one final map will require approval of an amendment to the Final Development Plan in accord with the provisions of the Planned Unit District and the Subdivision Map Act.

However, the applicant may request that the subdivision be allowed to proceed with portions of the construction of required infrastructure improvements being completed over separate phases. Such a request must be made and granted prior to the recordation of any map or issuance of any permit. In order for the Public Works Department to make the findings to support phased development, the department must be provided with a new Vesting Tentative Map and a formal request for phased development. The Department will then review and identify any special conditions and improvement that may need to be applied to the phased project. The construction of the on-site private road (and related drainage improvements) with the acquisition of individual building permits with each lot is specifically not approved. If the phasing of the construction of improvements is approved by the Public Works Department, the applicant may choose to bond for these improvements, if acceptable by the Public Works Department, prior to filing a Final Map.

Roadway Improvements (Las Trampas Road):

27. Applicant shall construct a street-type connection with 20 foot radii curb returns in lieu of standard driveway depressions at all private road and driveway intersections with Las Trampas Road.
28. The applicant shall develop, submit, and implement a construction damage mitigation program, subject to the review and approval of the Public Works Department.

Private Roads (On-Site):

298. Applicant shall construct the on-site roadway system to meet the County's Policy on Private Rural Road and Driveway Design Standards, with a minimum pavement width of 20 feet within a minimum 30 foot wide private access easement. The pavement structural section shall conform to County public road standards.

- | 3029. Applicant shall construct the private access road to Lot 1 through the adjacent property to the west (APN 198-220-051), or provide proof that this private access road was constructed in accordance with the County's Policy on Private Rural Road and Driveway Design Standards as a part of MS 04-0008.
- | 310. Applicant shall construct adequate turnarounds at the end of the proposed private roads and driveways, as necessary.
- | 324. Applicant shall locate any vehicular entrance gates a minimum 40 feet from the edge of pavement of Las Trampas Road to allow vehicles to queue without obstructing through traffic. Sufficient area shall be provided outside any gate to allow a vehicle to turn around and re-enter Las Trampas Road in a forward direction.
- | ~~32. Applicant shall be restricted from providing an additional driveway access to Las Trampas Road, as shown on the revised Vesting Tentative Map, serving the parcel designated as a remainder. Due to its proximity just to the east of the existing roadway connection (serving proposed lots 3, 4, 5 and the remainder), this driveway connection does not appear to have the appropriate spacing to allow safe vehicular ingress and egress.~~

Access to Adjoining Property:

Proof of Access

- 33. Applicant shall furnish proof to Public Works 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.
- 34. Applicant shall furnish proof to Public Works that legal access to all proposed lots is available from Las Trampas Road.

Sight Distance:

- 35. Applicant shall provide adequate sight distance at the private road and driveway intersections with Las Trampas Road for a design speed of 35 miles per hour, and at a minimum, in compliance with Section 82-18 of the County Ordinance Code. Applicant shall trim vegetation, as necessary, and any new landscaping, walls, fences, signs, or any other obstructions must be placed to maintain adequate sight distance.
- 36. Applicant shall provide adequate sight distance at the private driveway intersections with the on-site private roadway for a design speed of 15 miles per hour, and at a minimum in compliance with Section 82-18 of the County Ordinance Code. Applicant shall trim

vegetation, as necessary, and any new landscaping, walls, fences, signs, or any other obstructions must be placed to maintain adequate sight distance.

Parking

37. Parking shall be prohibited on both sides of the on-site private road where the curb-to-curb width is less than 28 feet. "No Parking" signs and pavement markings shall be installed along the on-site roadway system, subject to the review of the Public Works Department.

Pedestrian Facilities:

38. 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.

Street Lights:

39. Property owner shall apply for annexation to County Service Area L-100 Lighting District by submitting: a letter of request, a metes and bounds description, and pay the current LAFCO fees, or apply for annexation to another street light financing mechanism approved by the Public Works Department. Annexation shall occur prior to filing of the Final Map. The applicant shall be aware that this annexation process must comply with State Proposition 218 requirements, which state that the property owner must hold a special election to approve the annexation. This process may take approximately 4-6 months to complete. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding:

40. All new utility distribution facilities shall be installed underground.

Maintenance of Facilities:

41. Property Owner(s) 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 facilities, and develop and enter into a maintenance agreement that will insure that all common areas, the on-site private roadway system, any private street lights, public and private landscaped areas, private drainage facilities, clean water facilities, retaining walls, and fences throughout the site will be maintained, and submit for the review and approval of the Public Works Department.

Drainage Improvements:

Collect and Convey

42. Applicant shall collect and convey all storm water entering and/or originating on this property without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having a 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 Ordinance Code.

Miscellaneous Drainage Requirements:

43. Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Design Standards.
44. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
45. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line traversing the site.
46. To reduce the impact of additional storm water run-off from this development on San Ramon Creek, one cubic yard of channel excavation material will be removed from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer, at his cost. The site selection, land rights, and construction staking will be by the Flood Control District.

OR, upon written request by the applicant:

Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at the rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the Flood Control District's standard impervious surface area ordinance. The Flood Control District will use these funds to work on the San Ramon Creek annually.

Creek Structure Setbacks:

47. Applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of the creek based on the criteria outlined in Chapter 914-14,

"Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed.

Exception

As shown on the approved vesting tentative map, aAn exception to this ordinance requirement is granted along the proposed soldier pile retaining wall (to be embedded in drilled concrete pier foundations or equivalent deep foundation system) that shall be constructed to protect any future residences, driveways or other permanent structures that may be constructed on the proposed parcels, provided the wall (or equivalent mechanical stabilizing system) is reviewed and approved by the Building Inspection and Public Works Departments. Along the locations where the proposed retaining wall structure is to be constructed, the applicant shall grant deed development rights to the County at least five feet back from the face of any proposed wall.

Hold Harmless

48. The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer, the property owner, and any future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion. The recordable agreement shall specifically mention that the applicant and owner requested and has been granted an exception to the creek structure setback requirements of the County Ordinance Code along portions of the site and is constructing a buried pier-supported retaining wall to address those requirements.

Pier-Supported Retaining Wall:

49. Applicant shall obtain a Building Permit from the Building Inspection Department for the installation of the proposed pier-supported retaining walls. Building Permits for the construction of any permanent structures within the setback areas, as determined by the County Code, shall not be issued until the retaining walls have been constructed, inspected, and approved by the Building Inspection Department.
50. Improvement plans prepared by an engineer registered in California in a discipline qualified to design such a structure, shall be submitted to the Building Inspection Department, along with review and inspection fees, and, if necessary, security for all improvements required by the conditions of approval of this subdivision.

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51. As a requirement of the Building Permit review process, the applicant shall be responsible for submitting, in a timely and complete manner, all information and documentation (i.e. technical data, calculations, engineering analysis, etc.) requested by staff.
52. A safety factor against overturning of 1.5 or greater shall be demonstrated for the pier-supported retaining wall.
53. Calculations demonstrating that the retaining structure, featuring a soldier pile wall system (consisting of steel H-piles embedded in drilled concrete pier foundations) and with adequate lagging installed between piles lagging, or approved equivalent system, will act to prevent any potential for soil sloughing or failure shall be provided and reviewed by Building Inspection.
54. Applicant shall submit for the review of Public Works and Building Inspection, improvement plans, including all documentation and analysis, showing the extent to which the pier-supported retaining wall shall be extended, if necessary, beyond the limits shown on the Site Plan, to adequately address the creek structure setback line, as determined by County Ordinance Code.
55. Applicant shall determine the appropriate depth of piers such that the proposed pier-supported retaining wall is assumed to act as a retaining wall and will resist overturning, assuming a complete bank failure along a hypothetical failure plane with a 2.5:1 (H:V) gradient from the toe of the creek bed up to the planned location of the pier-supported retaining wall. Additional cross-sections along the proposed alignment of the pier-supported retaining wall shall be provided. The number and location of cross-sections shall be determined by Building Inspection. Each cross-section shall be to scale and indicate topography of the existing ground surface, the 2.5 to 1 failure plane, property line and proposed location and depth of piers.

In lieu of this approach, the applicant may demonstrate, through further soil exploration, that competent sandstone bedrock underlies existing overburden soil. The applicant may assume a complete bank failure along the hypothetical 2.5 to 1 failure plane from the toe of the creek bed up to the point where the 2.5 to 1 failure plane intersects competent sandstone bedrock. Failure would be assumed to continue along the top of this layer up to the planned location of the pier-supported retaining wall. The depth of overburden material on top of the competent sandstone and behind the piers would determine the required pier depth into competent sandstone. This could potentially eliminate the need to consider the depth of piers required to extend below the creek flow line. This assumption hinges on the soil characterization of the site: depth of overburden; depth to competent sandstone bedrock; location of sandstone layer beyond the pier-supported retaining wall towards the creek. Additional fieldwork may be necessary to make this determination.

56. At the discretion of the Building Inspection Department, all submittals may be subject to a peer review by an independent Soils Engineer. The applicant shall be responsible for all costs associated with any independent review required by the Building Inspection Department.
57. Applicant shall insure that monitoring during pier-supported retaining wall construction is conducted by a licensed Soil Engineer. Documentation shall be submitted to the County indicating that the construction of the retaining wall complied with approved plans. Documentation shall include logging of cutting, depth of pier holes, and condition of pier holes at that time of wall construction (i.e. no loose material or water to bottom of pier holes) and, observation and testing of backfill of drainage facility trenches.

During drilling of retaining wall holes, a technician authorized by a licensed Soil Engineer must be present to ensure that the holes are deep enough for their purposes. The Soil Engineer shall certify that the holes are deep enough for their purpose and the material inserted into the holes is properly installed.

58. As-built plans shall be submitted to Public Works and Building Inspection. Plans shall indicate the precise location, depth and spacing of piers and any drainage facilities in the vicinity of the pier-supported retaining wall.

Provision "C.3" of the NPDES Permit:

59. This project shall fully comply with the County's Stormwater Management and Discharge Control Ordinance, the Stormwater C.3 Guidebook, and the requirements of the Regional Water Quality Control Board. As part of these requirements, the applicant shall incorporate Integrated Management Practices (IMPs) or Best Management Practices (BMPs) to the maximum extent practicable into the design of this project, implement them, and provide for perpetual operation and maintenance for all treatment IMP/BMPs.
60. A Stormwater Control Plan received on November 27, 2007 by the Public Works Department was reviewed and determined to be preliminarily complete. Although the Stormwater Control Plan has been determined to be preliminarily complete, it is subject to revision during the preparation of improvement plans, as necessary, to bring it into full compliance with C.3 stormwater requirements. The applicant shall submit to the Public Works Department a *final* Stormwater Control Plan that has been certified and stamped by a licensed Civil Engineer, Architect, or Landscape Architect for the review and approval of the Public Works Department.
61. All construction plans (including, but not limited to, site, improvement, structural, mechanical, architectural, building, grading and landscaping plans) shall comply with the preliminarily approved Stormwater Control Plan (SWCP) or any subsequently revised

SWCP, the County's Stormwater Management and Discharge Control Ordinance, the "C.3 Guidebook" and the requirements of the Regional Water Quality Control Board. All construction plans shall include details and specifications necessary to implement all measures of the SWCP, subject to the review and approval of the County. To insure conformance with the SWCP, the applicant shall submit a completed "Construction Plan C.3 Checklist" indicating the location on the construction plans of all elements of the SWCP as described in the "C.3 Guidebook".

62. 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.
63. The applicant shall provide a Stormwater Control Operation and Maintenance (O&M) Plan for the review of the Public Works Department, and record an Operation and Maintenance Agreement, including any necessary rights-of-entry, prior to filing of the Final Map.
64. Applicant shall annex into any financing mechanisms (e.g. Community Facilities District) formed to insure that all costs associated with the perpetual Operation & Maintenance, administration and reporting of these water quality features (including costs associated with all required County administration and reporting) are paid for by the property owner(s) that are or will be benefiting from this development.

National Pollutant Discharge Elimination System (NPDES):

65. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) 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 or Central Valley Region).

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

- *Minimize the amount of directly connected impervious surface area.*
- *Stencil advisory warnings on all catch basins and storm drains.*
- *Construct concrete driveway weakened plane joints at angles to assist in directing runoff to landscaped/pervious areas prior to entering the street curb and gutter.*
- *Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.*

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- *Prohibit or discourage direct connection of roof and area drains to storm drain systems or through-curb drains.*
- *Shallow roadside and on-site grassy swales.*
- *Distribute public information items regarding the Clean Water Program to buyers.*
- *Other alternatives, equivalent to the above, as approved by the Public Works Department.*

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. Comply with the Drainage Fee Ordinance requirements for Drainage Area 13 as adopted by the Board of Supervisors. These fees must be paid prior to filing the parcel map.
- B. Comply with the Bridge/Thoroughfare Fee Ordinance requirements for the Alamo Area of Benefit, SCC Regional Area of Benefit, and Tri-Valley Transportation Fee Area of Benefit as adopted by the Board of Supervisors. These fees must be paid prior to issuance of building permits.
- C. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, 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 Game 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. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.

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- F. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Department within 90 days of the approval date of this permit.

- G. Comply with the requirements of the Contra Costa Central Sanitary District.
- H. Comply with the requirements of the East Bay Municipal Utility District.
- I. Comply with the requirements of the Health Services Department.
- J. Comply with the requirements of the San Ramon Valley Fire Protection District.
- K. Comply with the requirements of the Building Inspection Department.
- L. Vesting Tentative Map Rights and Fee Estimator Service - The approval of this vesting tentative map confers a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect as of ~~September 7, 2004~~December 27, 2007, the date the vesting tentative map application was accepted as complete by the Community Development Department. The vested rights also apply to development fees which the County has adopted by ordinance. These fees are in addition to any other development fees which may be specified in the conditions of approval.

The fees include but are not limited to the following:

Park Dedication - \$7238 per residence (subject to annual adjustment).

Child Care - \$400 per residence.

An estimate of the fee charges for each approved lot may be obtained by contacting the Building Inspection Department at 335-1192.

- M. Expiration of Vested Rights: Pursuant to Section 66452.6(g) of the Subdivision Map act, the rights conferred by the vesting tentative map as provided by Chapter 4.5 of the Subdivision Map act shall last for an initial period of two (2) years following the recording date of the final/parcel map. These rights pertain to development fees and regulations. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial time period shall begin for each phase when the final map for that phase is recorded.

At any time prior to the expiration of the initial time period, the subdivider may apply for a one-year extension. The application shall be accompanied by the applicable filing fee. If the extension is denied by an advisory agency, the subdivider may appeal that denial to the Board of Supervisors by filing a letter of appeal with the appropriate filing fee with the Clerk of the Board within 15 calendar days.

The initial time period may also be subject to automatic extension pursuant to other provisions of Section 66452.6(g) relating to processing of related development applications by the County.

At the expiration of the vesting time period, remaining development (i.e., new building permits) within the subdivision shall be subject to development fees and regulations in effect at that time.

- N. Formation of a Las Trampas Road Maintenance Agreement: The applicant is encouraged to support the creation of an inclusive road maintenance agreement for all properties served by the private portion of Las Trampas Road.

FINDINGS AND CONDITIONS OF APPROVAL FOR APPROVAL OF THE PROPOSED MODIFICATION TO THE APPROVED VESTING TENTATIVE MAP, COUNTY FILE #MS04-0008 PER JANUARY 7, 2009 SAN RAMON VALLEY REGIONAL PLANNING COMMISSION APPROVAL (DeBolt Civil Engineering – Applicant; Palmer Madden and Susan Paulus – Owners) IN THE ALAMO AREA.

Findings

- A. Required Finding – The modification is consistent with the intent and purpose of the P-1 district.

Project Finding – The additional road and driveway improvements and activities would be consistent with the approved amendment of the General Plan designation for this site for residential purposes. It would also allow for a residential environment of sustained desirability.

- B. Required Finding – The proposed modification is compatible with other uses in the vicinity, both inside and outside the district.

Project Finding – The proposed modification would be compatible with surrounding residential uses both inside and outside the Planned Unit District.

CONDITIONS OF APPROVAL

1. The original approval of the tentative subdivision map, County File #MS04-0008, is modified to include the road and driveway improvements shown within the boundaries of County File #MS04-0008 identified on the Vesting Tentative Map for Subdivision 9210 dated received by the Community Development Department on October 13, 2008 (Sheets 1 through 18).
2. Grant Deed of Development of Development Rights and Recorded Survey Map of Restricted Areas – Prior to filing a parcel map, issuance of a grading permit, or site clearance activity, the applicant shall submit a survey map for the review and approval of the Zoning Administrator for the affected area within the boundaries of tentative map MS04-0008 as identified on Sheet 13 of Vesting Tentative Map 9210. The survey shall contain the information identified in Condition #6 of Vesting Tentative Map 9210.

The applicant shall also grant deed development rights to the County for the areas designated as open space areas and for the habitat preservation areas on Sheet 13 with a grant deed instrument that is subject to the review and

approval of the Zoning Administrator. It shall include the biological mitigations applicable to the area of Subdivision MS04-0008 contained in Conditions #6, 7, and 13 of Subdivision 9210.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO INFORM THE APPLICANT OF OTHER LEGAL REQUIREMENTS TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

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