

COUNTY PLANNING COMMISSION
RECOMMENDED FINDINGS
AND
MODIFIED CONDITIONS OF APPROVAL

FINDINGS AND CONDITIONS OF APPROVAL FOR, FINAL DEVELOPMENT PLAN MODIFICATION #DP06-3026 AND MINOR SUBDIVISION #MS06-0011, AS MODIFIED AND DIRECTED BY THE COUNTY PLANNING COMMISSION ON OCTOBER 28, 2008.

A. Growth Management Element Performance Standards

1. Traffic: Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Colusa Avenue/Circle and Oakview Avenue. The creation of two condo units and one retail unit will not create more than 100 peak-period trips and the applicant is not required to prepare a traffic report pursuant to the 1988 Measure C requirements.
2. Water: The County shall require new development to demonstrate that adequate water quantity and quality can be provided. The East Bay Municipal Utility District has indicated that they can adequately serve the project subject to the district's standards and conditions. The applicant shall bear all expenses associated with constructing a water system capable of meeting the fire flow and water demand and water quality requirements of the water district and of the fire district.
3. Sanitary Sewer: The County shall require new development to demonstrate that adequate sanitary sewer quantity and quality can be provided. The Stege Sanitary District has responded that they can service the project subject to 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 nearest fire station is located approximately 0.6 miles from the site at 218 Arlington. The applicant's engineer shall design the project to the standards and regulations of the El Cerrito Fire Protection District.
5. Public Protection: The Growth Management Element Standard is 155 square feet of Sheriff's facility station per 1,000 persons. A police service mitigation fee of \$1000.00 is required for each residential unit.
6. Parks and Recreation: No neighborhood parks or playfields are proposed in the proposed mixed use. However, the residential aspect of the project, two condominium units, warrants the payment of the in-lieu fee per residential unit.
7. Flood Control and Drainage: Compliance with the County Flood Control policies is required. No development within a 100-year flood plain is proposed.

B. Findings to Establish a Planned Unit (P-1) District

In approving a request for modification to an existing approved Final Development Plan, this Board finds that the changes are consistent with the intent and purpose of the P-1 district and compatible with other uses in the vicinity, both inside and outside the district. Pursuant to that obligation, the proposed project must remain consistent with the findings required for the approval of a Planned Unit District, as follows:

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 expressed a desire to begin construction immediately after required permits and approvals have been obtained.

2. Required Finding: The proposed planned unit development is consistent with the County general plan.

Project Finding: The general plan designation for the project site is recommended to be changed to Mixed Use. The Final Development Plan modification, as recommended by staff, describes a development of two condominium units and two street front retail/office spaces that meets the General Plan requirements.

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: Colusa Circle is characterized primarily by neighborhood retail/office surrounded by residential development. The proposed development will be of substantially higher architectural quality and is consistent with the 1983 Final Development Plan.

The proposed project reduces land use intensity and creates a stable and desirable development. Conditions of approval to improve the aesthetic quality are provided and will be in harmony with the surrounding Colusa Circle. The project provides for a density level consistent with the current size of the property and is consistent with the Kensington Policies in the General Plan. The addition of the streetscape/landscaping plan will increase the visual and aesthetic characteristic of the project. This use of an underutilized property helps fulfill the County Housing Element within General Plan.

4. Required Finding: In the case of commercial development, the proposed development is needed at the proposed location to provide adequate commercial facilities of the type proposed, and that traffic congestion will not likely be created by the proposed center, or will be obviated by presently projected improvements and by demonstrable provision in the plan for proper entrance and exits, and by internal provision for traffic and parking, and that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development.

Project Finding: The proposed modification to the previously approved planned commercial development is designed to serve the needs of the surrounding residents with two modest sized retail/office spaces. This new proposal includes residential units lessening the intensity of use on the property and is more in character with the surrounding neighborhood.

5. The development of a harmonious integrated plan justifies exceptions from the normal application of this code.

Project Finding: While there are exceptions from the normal regulations of the RB district and R-6 district, the design of subject project is unique in that it creates a place of both residential and retail/office use. These uses are not substantially different from a project that could be allowed in the RB or R-6 zoning district. The exceptions from the zoning districts include reduced setbacks, limiting the range of retail and office uses, and a reduced number of off-street parking spaces. These exceptions are compatible with the goal of achieving a harmonious integrated plan in that a larger project with a more substantial decrease in off-street parking could be built under the un-expired prior approval.

C. Finding to Modify a Final Development Plan.

In approving the modification application, the County shall find that it is consistent with the intent and purpose of the P-1 district and compatible with other uses in the vicinity, both inside and outside the district.

Project Finding: The planned unit district is intended to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while insuring substantial compliance with the general plan and the intent of the county code in requiring adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. The subject project allows for the combination of residential and retail/office use. The diversity of the proposed uses creates a relationship between the fronting streets and the proposed building that will exhibit attractive elevations toward all street frontages. Additionally, a streetscape/landscaping plan that mirrors the previously approved projects will create pedestrian and customer amenities.

D. Approval of Tentative Map

- **Required Finding:** The County Planning Agency 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 project is consistent with the various elements of the General Plan. The land use designation is mixed use, (M-) which allows flexibility for the development's density. The tentative map provides for two residential condo units and one retail unit, consisting of two spaces, on a 4,792 square foot parcel. The project, as conditioned, is consistent with the policies for the Kensington area.

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

Project Finding: An existing public street provides access to the site and offsite drainage infrastructure is already in place. The project is conditioned to require construction of onsite driveway and drainage facilities in accordance with County standards.

**CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN MODIFICATION
#DP06-3026 AND MINOR SUBDIVISION #MS06-0011, AS MODIFIED BY THE
COUNTY PLANNING COMMISSION ON OCTOBER 28, 2008.**

1. _____ This is an approval for (1) a General Plan Amendment changing the designation from Commercial, CO to Mixed Use, (M-); (2) the subdivision of two residential condominium units and one retail unit that includes the parking garage area. The Commission's approval eliminates the third residential condominium unit that is located on the 3rd story and consists of 914 square feet of floor area; and (3) a modification to the approved Development Plan 3056-82 are based upon exhibits received by the Department of Conservation and Development, Community Development Division and listed as follows:

A. Site plans dated August 31, 2007; and

B. Staff Study of Commission Decision; and

The approval is also based on the following report:

B.C. Traffic and Parking Report by Abrams Associates dated October 2007.

2. _____ This approval is subject to adoption of an Ordinance for the rezoning of the subject property under application 2539-RZ. The final number of buildings shall reflect the Board's approval. (Completed and adopted by the Board in 1983)

3. _____ The proposed buildings shall be that shown on submitted plans. Prior to the issuance of a building permit, elevations and architectural design of the building and building roofing material shall be submitted for final review and approval by the County Zoning Administrator. The roofs and exterior walls of the building shall be free of such objects as air-conditioning or utility equipment, television aerials, etc., or they shall be screened from view.

4. _____ The applicant shall comply with landscaping, sidewalk treatment and lighting requirements as follows: The landscape, site improvement, street/sidewalk, and on-site lighting plans shall be submitted to the Community Development Division at least 45 days prior to issuance of a building permit for the review and approval of the Zoning Administrator. Prior to any approval of these plans by the Zoning Administrator, the Community Development Division will refer these plans to the Office of the District I Supervisor and Public Works Department for review and comment.

A. A landscaping plan for street trees shall be submitted for review and approval of the Zoning Administrator. A cost estimate shall be submitted with the landscaping program plan. A maintenance and financing program for the maintenance of street trees shall be established. Street trees along Colusa Avenue and Oakview Avenue shall be planted generally on 20-foot centers, subject to Zoning Administrator review, and on Colusa Avenue the trees

are to be located so as to be centered on parking stall stripes so they are not damaged by car doors (also see Condition No. 19).

- B. Trees should be of a drought-tolerant type and all of the same species. All trees shall be a minimum of 15-gallon size. The cutouts in the sidewalk shall be generally 3 feet or larger where sidewalk space allows. The street tree selected shall be one with minimal impact regarding surface roots and lifting sidewalks.
 - C. Site improvement plans including street benches and other pedestrian friendly items, off-street parking, landscaping, loading zone, street widening, on-street parking, a sidewalk plan (including the specific decorative material proposed to be used for the new sidewalks) and street lighting plan shall be submitted to the County Zoning Administrator for review and approval following review and recommendation of the Public Works Department for the portion within the public right-of-way. The on-site work shall be completed prior to the request for final inspection of any newly constructed space. The work in the right-of-way shall be completed or bonded for prior to the request for final inspection of any newly constructed space.
 - D. On-site lighting along any of the abutting streets that may be visible from across the street as well as parking lot lighting shall be of low intensity and shall be deflected to shine only onto the site. A lighting plan for the project including the parking lot area shall be reviewed for conformance with this condition.
 - E. Lockable bike racks of a design and location acceptable to the Zoning Administrator shall be provided.
5. _____ At least 30 days prior to the issuance of building permits a sign program for the project shall be submitted for the Zoning Administrator's review and approval.
6. _____ If deemed necessary by the Zoning Administrator and at the request of the neighborhood, the applicant shall apply for the establishment of a permit parking zone within 300 feet of the development. This includes the area within the unincorporated area. The applicant shall pay to have the required signs erected if the zone is established.
7. _____ Parking and driveway areas shall be paved so as to prevent ponding of water or the creation of dust.
8. _____ The two street front retail/office spaces shall not be used as a restaurant. Video game arcades, bars, pool halls, card rooms, and adult book stores shall not be allowed in this building.
9. _____ Prior to the issuance of a building or grading permit, whichever occurs first, the applicant will submit an updated soils-geologic report for the review and

approval of the Zoning Administrator at least 60 days prior to issuance of any building permits.

10. _____ The applicant shall record a deed disclosure, prior to the issuance of building permit that contains the following language:

The property owner shall support and not oppose the creation of a Business Improvement District that includes the subject property as well as the other commercial properties within the adjacent Retail Business district and the Planned Unit (P-1) district in the Colusa Circle area.

11. _____ Prior to the issuance of any building permit the applicant shall submit a plan for the proposed uses in the retail/office spaces for the review and approval of the Zoning Administrator.

12. _____ Applicant Indemnification of County - Pursuant to Government Code Section 66474.9, the applicant (including the property owner or any agent thereof) shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul, the County's approval concerning this Final Development Plan application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the developer of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

13. _____ Compliance Report - At least 45 days prior to issuance of a building permit or grading permit, the applicant shall submit a report on compliance with the conditions of approval of this permit for the review and approval of the Zoning Administrator.

- A. 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 335-1206.)

The applicant shall submit a fee in the amount of \$1000.00 (subject to time and materials) with the Compliance Report to the Community Development Division to ensure all conditions have been successfully met.

Vesting Tentative Map

14. _____ At least 45-days prior to submitting the parcel map the applicant shall submit a plat plan indicating the location and dimension of the proposed two

condominium units and one retail unit, private areas, driveway, parking facilities, walkways, exterior private storage spaces, and common area facilities.

Residential Design

- 15. _____ At least 30 days prior to issuance of building permits, building elevations, exterior building materials, and roofing materials shall be submitted for final review and approval of the Zoning Administrator that incorporate architectural features to enhance the building design. A key must be provided indicating the location of each different material. The applicant shall submit material samples.
- 16. _____ At least 30 days prior to issuance of building permits, the applicant shall submit a detailed color scheme for the final review and approval of the Zoning Administrator. A color palette shall be developed; and the color scheme shall clearly identify the colors to be applied to each part of each building, including but not limited to walls, rafter tails, shutters, cornices, columns, doors, railings, planting boxes, vents, trim, awnings, balconies and fascia.
- 17. _____ At least 30 days prior to issuance of building permits, the design and location of trash enclosures shall be submitted for the final review and approval of the Zoning Administrator. Trash enclosures shall provide areas for recycling bins.

Creation of Homeowners/Condo Association and CC&R's

- 18. _____ Creation of a Home Owners Association and CC&R's – Covenants, Conditions and Restrictions shall be submitted for review and approval of the Zoning Administrator prior to filing the Parcel Map. This document shall provide for the creation of a homeowners association that is responsible for maintenance of the private streets, sidewalks, drainage, and common areas. Common areas include the community driveway, Sidewalks, and Colusa Avenue, Colusa Circle and Oakview Avenue Frontages.

Additionally, the applicant shall record a deed disclosure, concurrently with the CC&Rs, that delineates a specific stacked parking bay with a respective dwelling unit/retail space. The deed disclosure will be subject to review and approval of the Zoning Administrator.

Streetscape/Landscape Plan: The intent of these conditions are to ensure comparable landscaping improvements (in both quality and quantity) for the property's frontage along Colusa Avenue and Oakview Avenue as is required for the two previous projects (Hammonds' and David).

- 19. _____ At least 45 days prior to the issuance of a building permit(s), the applicant shall submit a detailed landscape and irrigation plan for the review and approval of the Zoning Administrator. The plan shall be prepared by a licensed landscape architect and shall provide landscaping for the project including for the area within the rights-of-way along Colusa Avenue and Oakview Avenue. All trees shall be 15-gallon.

- A. Automatic Irrigation System- All landscaping shall be served by an automatic irrigation system.
- B. Security in the Event of Landscape Failure – The plans shall be accompanied by an estimate from the landscape architect of the cost of materials and labor for the proposed improvements. To address possible landscape/irrigation replacement in the event of failure of approved landscaping/irrigation within the 24 months following installation, the Applicant shall (1) enter into a landscape improvement agreement and (2) either post a cash performance bond or cash deposit with the County.
- C. Certified Cost Estimate of Completion of Landscape Costs- A certified (wet-stamp) estimate of the landscape installation costs (labor and materials) from either a licensed landscape architect or licensed landscape contractor shall be included with the submittal of the landscape plan.
- D. Approval of Landscape Improvements – Prior to authorization of a final inspection of the first building permit, the Zoning Administrator shall accept that the approved landscape plan has been completed in a satisfactory manner. At least 15 days prior to the Applicant seeking a final inspection of the building permit, a licensed landscape architect or licensed landscape contractor shall make an on-site inspection of the improvements and submit a written report to the Zoning Administrator:
 - o certifying the completion of the landscape plans including consideration of plant species, size and location; and
 - o requesting that the Zoning Administrator accept the landscape improvements.
- E. Maintenance – The property owner shall maintain the approved landscaping and irrigation system in good condition at all times.

Air Quality

20. _____ Prior to the issuance of grading permits or building permits and ongoing throughout the project the applicant shall provide that the “Basic Measures” listed below be incorporated into the construction plans and implemented for the proposed project. To ensure compliance with this mitigation measure, the Applicant shall submit the construction plans for the review and approval of the Zoning Administrator prior to issuance of grading or building permits:

Basic Measures:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

(Mitigation Measure Air-1)

Cultural

21. _____ The applicant shall incorporate this mitigation measure on all construction plans (building and grading) and is required to do the following:

In the event that previously unknown archaeological resources are discovered during any land alterations, the construction crew shall cease work immediately in the discovery area (i.e., within 100 feet). A qualified archaeologist approved by Contra Costa County shall be consulted to evaluate the resource in accordance with state and Federal guidelines. If prehistoric Native American remains are discovered, the State Native American Heritage Commission and affected Native American groups shall be notified according to state regulations. All archaeological activities shall be conducted in accordance with prevailing professional standards, as outlined in CEQA, and shall be implemented before recommencement of work within the area of the resource discovery. **(Mitigation Measure Cul-1)**

Park Dedication

22. _____ Prior to issuance of building permits, the developer shall pay a park dedication fee in the amount of \$5,757.00 per residential unit.

Child Care

23. _____ Prior to issuance of building permits, the developer shall pay a fee of \$400.00 per residential unit toward childcare facility needs in the area as established by the Board of Supervisors.

Police Service/Crime Prevention

24. _____ Prior to issuance of a building permit for the residential units the applicant shall contribute \$1,000.00 to the County for police services mitigation. The fee shall be paid to the Contra Costa County Application & Permit Center. **(Police Services Mitigation)**

Construction Period Restrictions

25. _____ Construction Period Development Activity Restrictions - Contractor and/or developer shall comply with the following construction, noise, litter, and traffic control requirements. These notes shall be included in the General Notes of all improvement and construction plans.

- A. All construction activities shall be limited 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/2008.asp>

California Holidays <http://www.edd.ca.gov/eddsth.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 any site preparation made for construction activity, 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.

A copy of the notice shall be concurrently transmitted to the Community Development Division. 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.

Application Processing Fees

26. _____ These applications are subject to a deposit of \$6,600 which was paid with the applications submittal, plus time and material costs if the application review expenses exceed 100% 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. You may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR SUBDIVISION MS 06-0011**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the revised Tentative Map submitted to Community Development on March 6, 2007.

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

General Requirements:

- 27. 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 Tentative Map received by Community Development Department on March 6, 2007.
- 28. Improvement plans prepared by a registered Civil Engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Frontage):

29. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Colusa Avenue and Oakview Avenue. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.
30. Applicant shall remove the existing driveway curb cut along Colusa Avenue and replace it with concrete sidewalk, in accordance with current County standards.
31. Applicant is prohibited from installing “bulb-outs” along the project frontage of Colusa Avenue.
32. Any proposed changes to the bus stop location shall be reviewed and approved by the Public Works Department and AC Transit.
33. Applicant shall construct the entrance driveway off of Oakview Avenue with a minimum width of 16 feet.
34. Applicant shall locate any vehicular entrance gates a minimum of 20 feet from the edge of pavement to allow vehicles to queue without obstructing through traffic.

Access to Adjoining Property:

Proof of Access

35. Applicant shall furnish 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.

Encroachment Permit

36. Applicant shall obtain an encroachment permit from the Application and Permit Center for construction of sidewalk, driveways, and any other improvements within the rights of way of Colusa Avenue and Oakview Avenue.

Site Access

37. Applicant shall only be permitted access to the site at the driveway located off of Oakview Avenue.

Sight Distance:

38. Applicant shall provide sight distance at the intersection of the private driveway with Oakview Avenue, and the intersections of Oakview Avenue and Colusa Avenue with Colusa Circle, in accordance with Chapter 82-18 “Sight Obstructions at Intersections” of the County Ordinance Code. The applicant shall trim existing vegetation, as necessary, to provide sight distance at these intersections, and any new gates, fencing, walls, signage, landscaping, or other obstructions proposed at these intersections shall be setback to ensure that the sight line is clear of any obstructions.

Maintenance of Landscaping and Architectural Elements with the Public Right of Way:

- 39. The Owner shall enter into an agreement with the County to maintain signage, lighting, landscaping and other architectural elements within the County right of way along Oakview Avenue and Colusa Avenue. Said agreement shall further acknowledge that the County will not maintain these facilities. If necessary for public safety reasons, any County maintenance of these areas will be billed to the fronting property owner.
- 40. The Owner shall record a Statement of Obligation, in the form of a deed notification, to inform all future property owners of their legal obligation to maintain the signage, lighting, landscaping and other architectural elements within the County right of way along Oakview Avenue and Colusa Avenue.

Pedestrian Facilities:

- 41. The applicant shall design all public and private pedestrian facilities and pathways in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
- 42. A detectable warning surface (e.g. truncated domes) shall be installed on all pedestrian curb ramps. Adequate right of way shall be dedicated, as necessary, to accommodate a minimum four-foot wide landing at the top of any curb ramp proposed.

Utilities/Undergrounding:

- 43. All new utility distribution services shall be installed underground.

Drainage Improvements:

Collect and Convey

- 44. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.
- 45. The applicant appears to direct all on-site stormwater runoff to the existing curb and gutter located in the public right of way. The nearest public storm drain system is located off-site. The applicant shall verify the adequacy of the gutter for conveying project generated stormwater and at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system is inadequate to handle the existing plus project condition for the required design storm, improvements shall be constructed to make the system adequate. The applicant shall obtain all necessary access rights to make any necessary improvements to off-site facilities.

Miscellaneous Drainage Requirements:

- 46. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Design Standards.
- 47. Applicant shall prevent storm drainage from draining across the sidewalks and driveway in a concentrated manner.

48. 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.

National Pollutant Discharge Elimination System (NPDES):

49. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (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 II, or Central Valley - Region IV).

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

- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Minimize the amount of directly connected impervious surface area.
- Stenciling all storm drains ("No Dumping, Drains to Bay") using thermoplastic tape.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above as approved by Public Works.

Provision "C.3" of the NPDES Permit:

50. In compliance with Provision C.3 of the NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance, it has been determined that this project does not require submittal of a Stormwater Control Plan (SWCP). New or redeveloped impervious surface area proposed in this application totals less than 10,000 square feet, which is the threshold for submittal of a SWCP. However, this project is required to incorporate stormwater quality elements to the Maximum Extent Practicable (MEP), in accordance with all other provisions of the County Stormwater Management and Discharge Control Ordinance. This must include efforts to limit new impervious surface area, limit directly connected impervious areas, provide for self retaining areas and include other Best Management Practices to the MEP.

ADVISORY NOTES

PLEASE NOTE THAT ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF

ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. 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, reservation, 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 imposition of any dedication, reservation, or other exaction required by the 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 Division within the 90 days of the approval date of this permit.

- B. Comply with any state law that is required prior to the establishment of the condominium units.
- C. Comply with any EBMUD, Stege Sanitary District and Contra Costa County Environmental Health requirements.
- D. It is the applicant's responsibility to comply with all requirements set forth by the El Cerrito Fire Protection District.
- E. Comply with the Bridge/Thoroughfare Fee Ordinance requirements for the West County, WCCTAC (West Contra Costa Transportation Advisory Committee) Bridges/Road, and WCCTAC Transit/Pedestrian Areas of Benefit, as adopted by the Board of Supervisors. These fees must be paid prior to issuance of building permits.
- F. Comply with the requirements of the Building Inspection Division. Permits are required prior to grading and construction.

The fees include but are not limited to the following:

Park Dedication	\$5757.00 per residence.
Child Care	\$400 per residence.

An estimate of the fee charges for each approved lot may be obtained by contacting the Building Inspection Division.

- G. Vesting Tentative Map Rights—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 March 2007, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. 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.

rah 9/16/09

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