

EXHIBIT 2

**GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND CONDITIONS
OF APPROVAL FOR COUNTY FILE #MS11-0006 & DP12-3029**

A. Growth Management Performance Standards

1. **Traffic:** A traffic study was conducted for the proposed project which concluded that both proposed Parcels A and B would have access from both Danville Boulevard and Stone Valley Road West from the existing driveways. A third access is from the Alamo Plaza shopping center, which has numerous driveways to the surrounding streets. There are currently two internal connections to Alamo Plaza parking lots from the undivided subject parcel, one of which will be displaced by the new commercial building on Parcel B. Nonetheless, the study concluded that the resulting traffic circulation will be very adequate. The traffic study also conducted a traffic-impact analysis of the Stone Valley Road/Danville Boulevard intersection. It was determined that in the a.m. peak hour, a total of 3,493 vehicles typically use the intersection, and that five additional a.m. trips are expected to be generated by the proposed project, a 0.14 percent increase in traffic. In the peak p.m. hours, a total of 3,425 vehicles typically use the intersection, and that nine additional p.m. trips are expected to be generated by the project, a 0.26 percent increase in traffic. The study concluded that these increases would be insignificant. Therefore, based on these conclusions provided by the traffic study, the project will not adversely impact or increase traffic in the area.
2. **Water:** The subject parcel currently receives water service from the East Bay Municipal Utility District (EBMUD), and implementation of the project would require a new meter for each lot, once subdivided. The applicant is to avoid any construction within the EBMUD right-of-way located on the subject property without their review and approval. Implementation of the project will not burden water service to the subject parcels or surrounding properties.
3. **Sewage Disposal:** The proposed project is to subdivide an existing commercial parcel and construct a new 3,000-square-foot commercial building. The subject property is already serviced by Central Contra Costa Sanitary District and no comments were received from them that indicated that an expansion to the wastewater treatment system would be required for the project. Aside from tying into the existing sanitary sewer infrastructure, the project would not result in the construction of new sewage or wastewater treatment facilities or the expansion of existing facilities. Therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The subject property is located within the service area of and currently receives fire protection services from the San Ramon Valley Fire Protection

District (SRVFPD). In the event that any improvements are made on the proposed parcels in the future, those structures would also fall within the service area of, and be subject to the regulations of the SRVFPD. The closest fire station is located approximately 0.5 miles east of the project site at 1101 Stone Valley Road in Alamo. Therefore, the proposed project will not impact the County's ability to maintain the standard of having a fire station located within one and one-half miles of development in urban, suburban, and central business district areas.

5. **Public Protection:** The Growth Management Element standard is 155 square feet of Sheriff's facility/station area and support facilities for every 1,000 members of the population. The construction of the proposed commercial building would not induce a significant population increase within the County that would equal or exceed 1,000 people. Also, the scale and type of retail/office uses that could be established on the proposed parcels would not generate job opportunities for a workforce of 1,000 or more people. Therefore, the proposed project would not impact the County's ability to maintain the standard of having 155 square feet of Sheriff's station area and support facilities per 1,000 members of the population.
6. **Parks and Recreation:** Increased use of parks and other recreational facilities typically results from general population growth over time and from development of specific projects that increase the number of people in the immediate vicinity of such facilities. Impacts on public facilities such as parks are usually caused by increases in population. Implementation of the proposed project is not anticipated to induce population growth since no new residences are proposed. The proposal is to subdivide a commercial parcel of land and to establish a commercial building; no recreational facilities are proposed as part of the project which would create substantial additional service demands on local parks or have an adverse physical effect on the environment. Nonetheless, the new commercial building will be staffed with employees and frequented by clientele who may use nearby park and recreational facilities for breaks and lunch hours, but any such potential increase in the usage of parks and recreational facilities will be negligible due to the small scale of the project.
7. **Flood Control and Drainage:** The site is located within Drainage Area 13 and San Ramon Creek watershed. It appears that basic drainage infrastructure has been installed. According the vesting tentative map, the existing northern on-site storm drain system will connect to the existing 30-inch storm drain pipe on Danville Boulevard, while the southern on-site storm drain system will connect to the existing 42-inch storm drain pipe on Stone Valley Road. Therefore, the proposed project will not adversely impact or alter flood control and drainage patterns.

B. Tentative Map Findings

1. ***The Zoning Administrator shall not approve a tentative map unless he 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 subject property is located in the downtown commercial center of Alamo, and has a General Plan land use designation of Commercial (CO). The CO designation allows a broad range of commercial uses typically found in smaller-scale neighborhood, community and thoroughfare commercial districts, including retail and personal-service facilities, limited office, and financial uses. The proposed use on the newly created Parcel B will be for the construction of a commercial building which is consistent with the Commercial General Plan designation. The CO designation requires a site-coverage maximum of 40%, a maximum floor-area ratio of 1.0, and a building-height maximum of 35 feet. The subdivision site coverage for Parcel A will be 23.4%, and the subdivision site coverage for Parcel B will be 21.6%. The floor area ratio for Parcel A will be 0.5, and the floor area ratio for Parcel B will be 0.4. The proposed new building on Parcel B will be 26 feet in height. Based on the project plans and data, the proposal is consistent with the overall goals and policies of the General Plan.

2. ***When approving a tentative map for a minor subdivision, the Zoning Administrator shall make findings as required concerning the fulfillment of construction requirements.***

Project Finding: The applicant will be required to comply with all requirements for access and drainage improvements that have been provided as conditions of approval for the project. Additionally, the applicant will also need to comply with any construction/development requirements imposed by the San Ramon Valley Fire Protection District, the Building Inspection Division and all applicable building codes, the Contra Costa Environmental Health Division, the East Bay Municipal Utility District, and the Central Contra Costa Sanitary District at the time of Building Permit issuance. These agencies were all solicited for their comments on the proposed minor subdivision and none have responded in opposition to the project.

C. Development Plan Findings

That the proposed project is consistent with the purpose of the Retail Business District (R-B) and that it is architecturally compatible with other uses in the vicinity, both inside and outside the district.

Project Finding: The subject parcel is zoned Retail Business District (R-B), which allows under County Code Section 84-52.402(1) *"[t]he carrying on of a retail business...provided all sales, demonstrations, displays, services and other activities of the retail business are conducted within an enclosed building...."* A commercial building, such as proposed as part of this project, is consistent with this purpose of the R-B zoning district. The subject property is a flat lot and it is located in close proximity to other commercial and retail buildings in Alamo Plaza shopping center. The surrounding commercial area is made up of offices, gas stations, and retail stores of varying ages and architectural styles. The proposed conceptual professional building will be generally architecturally compatible with the commercial character of the downtown Alamo area and with the surrounding commercial buildings. There are no architectural elements of this proposal that would diverge or detract from the character of the other properties in the vicinity.

D. Tree Permit Findings

Criteria for Review of a Tree Permit

- i. **Required Factors for Granting Permit:** The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied as marked:
1. ☐ The arborist report indicates that the subject trees are in poor health and cannot be saved.
 2. ☐ The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.).
 3. ☐ The tree is in danger of falling and cannot be saved by some other means (such as pruning).
 4. ☐ The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.
 5. ☐ The tree is a species known to be highly combustible and is determined to be a fire hazard.
 6. ☐ The tree is a species or the form of the tree does not merit saving (i.e. a tree stunted in growth, poorly formed, etc.).
 7. ☒ Reasonable development of the property would require the alteration or removal of the tree, and this development could not be reasonably accommodated on another area of the lot.

8. ☐ The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short-lived, weak-wooded and subject to limb breakage, shallow-rooted and subject to topping.
 9. ☒ Where the arborist or forester report has been required, the Deputy Director of the Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.
 10. ☐ None of the above factors apply.
- ii. **Required Factors for Denying a Tree Permit:** The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:
1. ☐ The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits).
 2. ☐ It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree.
 3. ☐ The tree to be removed is a member of a group of trees in which each tree is dependent upon the other for survival.
 4. ☐ The value of the trees to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner.
 5. ☐ If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements.
 6. ☐ Any other reasonable and relevant factors specified by the Deputy Director of the Community Development Division.
 7. ☒ None of the above factors apply.

CONDITIONS OF APPROVAL

Project Approval

1. _____
- A. Tentative Map: Application #MS11-0006 for a Minor Subdivision is APPROVED based on the following documents and is subject to the conditions of approval listed hereafter:
- Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division on May 2, 2014.
 - CEQA Initial Study and Negative Declaration prepared by the Department of Conservation and Development, Community Development Division, posted by the Contra Costa County Clerk on March 5, 2014.
 - The maximum number of parcels approved for Minor Subdivision #MS11-0006 is two (2) lots.
- B. Development Plan: Application #DP12-3029 for a Development Plan is APPROVED as generally shown on the revised project plans submitted to the Department of Conservation and Development, Community Development Division on May 2, 2014, and a request for a Tree Permit to work within the driplines of five (5) code-protected Valley Oak trees ranging in size from 22 to 52 inches in diameter for the construction of the proposed commercial building is APPROVED based on the following documents:
- Application and materials submitted to the Department of Conservation and Development on October 23, 2012, and project plans received by the Department on May 2, 2014.
 - Arborist report prepared by Joe Berg, a Certified Arborist, dated December 6, 2012.

Application Costs

2. _____
- This application is subject to an initial application deposit of \$5,400.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.**

The applicant 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.

Indemnification

3. _____ The applicant (including the subdivider or any agent thereof) shall provide in writing, a letter that shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this project, which action is brought within the time period provided for in Government Code § 66499.37, and provided that the County has promptly notified the Applicant of any such claim, action or proceeding and cooperates fully in the defense.

Conditions of Approval Compliance Report (Compliance Review)

4. _____ **Prior to filing the Parcel Map**, the applicant shall provide a permit compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,000.00 which shall be paid at the time of submittal of the compliance report.

Off-Street Parking

5. _____ **Prior to filing the Parcel Map:** For meeting the off-street parking requirement for the minor subdivision, the applicant must submit legal verification in the form of a recorded grant-of-easement, or other such legal document, that sufficiently assures both Parcels A and B of MS11-0006 use of the 30 deeded parking spaces described in the 1979 grant-of-easement, recorded on April 17, 1979 in Book 9312, Official Records, pages 440-459.
6. _____ The applicant must provide 114 off-street parking spaces for Parcels A & B as generally shown on the Rubey North Site Plan, Sheet A0, received by the CDD on May 2, 2014:

Grant-of-Easement: 30 parking spaces located on APN191-090-047 and APN191-180-018 in Alamo Plaza Shopping Center.

Proposed Parcel A: 98 Spaces Required
(with Existing Building) 73 Spaces provided on site for Parcel A and 25 from easement.

Proposed Parcel B: 12 Spaces Required
(Undeveloped) 11 spaces provided on site for Parcel B and 1 from easement.

Easement Surplus: 4 Spaces to be used as needed by Parcels A & B to meet off-street parking requirements.

Changes in the parking requirement elicited by changes in tenant uses may be reviewed administratively if the parking requirement does not exceed the 114 parking spaces that have been provided for this entitlement.

Tree Preservation

7. _____ Security for Possible Damage to Trees Intended for Preservation: 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 that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. ***Prior to issuance of building or grading permits and work within any driplines,*** the applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).

- A. Amount of Security: The security shall be an amount sufficient to cover sections A.i, A.ii, and A.iii:
- i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall provide for the planting and irrigation of **twenty-three (23) trees** whose species should be specified by the project arborist, minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the CDD. The plan shall comply with the State's Model Water Efficient Landscape

Ordinance or the County's Water Efficient Landscape Ordinance, if the County ordinance is adopted.

ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, installation of trees, and irrigation).

iii. An *additional* 20% above the costs described in Sections A.i and A.ii above to account for inflation potential.

B. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.

C. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the CDD determines that trees intended for preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the CDD may require that all or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died.

8. _____ Compliance with Arborist Recommendations: The applicant shall implement all measures recommended by the consulting arborist that are intended to mitigate the impacts of construction activities.

9. _____ Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

10. _____ Conditional Requirement for a New Tree Permit: Any proposed tree alteration or encroachment within a dripline not identified with this permit shall require submittal of another Tree Permit application for review and consideration by the CDD.

Police Services

11. _____ **Concurrently with the filing of the Parcel Map,** the applicant shall submit two copies of a proposed deed disclosure statement for the review and approval of the CDD. The approved statement shall be used to notify prospective buyers of parcels which are not occupied at the time of filing the Parcel Map, that prior to issuance of a building permit, they will be required to contribute \$1,000.00 to the County for police services mitigation. The fee may be paid to the Contra Costa County Application and Permit Center. The approved deed disclosure shall be recorded concurrently with the deed for each approved parcel.

Sign Review

12. _____ All signage must comply with the requirements of the S2-Sign Control Combining District. No new signs will be installed until they have been reviewed and approved by the CDD after the project proponent has submitted an application for a sign review at the Application and Permit Center.

Construction Restrictions

13. _____ Alamo MAC Architectural Review: Prior to submittal for and issuance building permits, the architectural design of any new building construction, including materials, colors, signage, and landscaping must be submitted for review and comment to the Alamo MAC.
14. _____ Contractor and/or developer shall comply with the following construction noise, dust and litter control requirements:
- A. All construction activities shall be limited to the hours of 7:30 A.M. to 5:30 P.M., Monday through Friday, unless extended construction dates/times have been approved by the CDD, 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 details on the actual day the state and federal holidays occur, please visit the following websites:

Federal: <http://www.federalreserve.gov/aboutthefed/k8.htm>

State: <http://www.sos.ca.gov/holidays.htm>

- B. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- C. 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 pumps as far away from sensitive receptors as possible.
- 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 the hours of 8:00 A.M. to 4:00 P.M., Monday through Friday, and is prohibited on state and federal holidays.
- F. Unnecessary idling of internal combustion engines is prohibited.

Geology

15. _____

Prior to issuance of building or grading permits, the applicant shall submit design-level geotechnical report that provides specific standards and criteria for foundation and pavement design developed in accordance

with the California Building Code (CBC) and County Code requirements on the basis of subsurface data and laboratory testing. Constraints on use of expansive soils near finished grade should be evaluated in the report. It is also anticipated that the design-level geotechnical report will provide CBC seismic parameters, slope-stability analysis, and lot grading and drainage recommendations, along with recommendations for geotechnical monitoring services during grading and foundation-related work on the site. The design-level geotechnical report should also identify any potential cut/fill transitions on the proposed building site; if this condition is determined to exist, special foundation or grading preparation may be required to address cut/fill transitions. The design-level geotechnical report is subject to peer review by the Peer Review Geologist, and to review and approval of the Building Inspection Division. A non-refundable deposit of \$750.00 shall be submitted with the report.

Debris Recovery

16. ____ At least 15 days prior to the issuance of a grading permit or building permit the developer shall demonstrate compliance with the debris recovery program, which requires at least 50 percent of the jobsite debris generated by construction projects of 5,000 square feet or greater to be recycled or otherwise diverted from landfill disposal.

Water Conservation

17. ____ The applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) or the County's Water Efficient Landscape Ordinance, if the County ordinance is adopted. Project sponsors should be aware that Section 31 of the East Bay Municipal Utility District's (EBMUD) Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. The applicant is to avoid any construction within the EBMUD right-of-way located on the subject property without their review and approval. Any questions regarding these requirements can be directed to EBMUD Water Service Planning at (510) 287-1365.

Archeology

18. _____ If deposits of prehistoric or historical archaeological materials are encountered during ground disturbing activities, all work within 50 feet of the discovery should be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations. It is recommended that such deposits be avoided by further ground disturbance activities. If such deposits cannot be avoided, they should be evaluated for their significance in accordance with the California Register of Historical resources.
19. _____ If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies. Prehistoric materials can include flakes-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse.
20. _____ If human remains are encountered, work within 50 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies.

PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL

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 site plan/vesting tentative map submitted to Department of Conservation and Development, Community Development Division, on May 2, 2014.

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

General Requirements

21. ____ In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on February 25, 2014.
22. ____ 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/On-Site/Off-Site)

23. ____ Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Danville Boulevard and Stone Valley Road West. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.

Access to Adjoining Property/Proof of Access

24. ____ The applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights-of-way, rights-of-entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

25. _____ The applicant shall furnish proof to the Public Works Department that legal access to the property is available from the adjacent northern parcel.

Encroachment Permit

26. _____ The applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Danville Boulevard or Stone Valley Road West.

Public Utility Easement Quitclaim

27. _____ The applicant shall apply for the quitclaim of Public Utility Easements (9434 OR 55 and 9454 OR 985) along the north side of the subject property and pay the appropriate fee.

Utilities/Undergrounding

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

Drainage Improvements/Collect and Convey

29. _____ 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 stormwaters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.
30. _____ The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

Miscellaneous Drainage Requirements

31. _____ The applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
32. _____ To reduce the impact of additional stormwater 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 developer's cost. The site selection, land rights, and construction staking will be by the Flood Control District;

OR

Upon written request, the applicant may make a cash payment in-lieu of actual excavation and removal of material from the 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 creek annually.

National Pollutant Discharge Elimination System (NPDES)

33. _____ 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). Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater 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 stormwater drainage:
- Minimize the amount of directly connected impervious surface area.
 - Place advisory warnings on all catch basins and storm drains using current storm drain markers.
 - 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 the Public Works Department.

Stormwater Management and Discharge Control Ordinance

34. _____ The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance §1014 prior to issuance of a building permit. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
35. _____ Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
36. _____ Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
37. _____ Prior to issuance of a building permit, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
38. _____ Prior to the issuance of a building permit, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

39. _____ 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.

ADVISORY NOTES

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

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

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

- B. The applicant should be aware of the expiration dates and renewing requirements prior to recording the Parcel Map.
- C. 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 December 27, 2012, 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.
- D. Additional requirements may be imposed by the Public Works Department. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.

- E. Additional requirements may be imposed by the San Ramon Valley Fire Protection District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- F. Additional requirements may be imposed by the Contra Costa Environmental Health Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- G. Additional requirements may be imposed by the East Bay Municipal Utility District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- H. Additional requirements may be imposed by the Central Contra Costa Sanitary District. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- I. Additional requirements may be imposed by the Building Inspection Division. The Applicant is strongly encouraged to review this agency's requirements prior to continuing with the project.
- J. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Alamo, Southern Contra Costa Regional (SCC-Reg), and Tri-Valley Areas of Benefit, as adopted by the Board of Supervisors.
- K. The applicant shall be required to comply with the drainage fee requirements for Drainage Area 13 (DA13) as adopted by the Board of Supervisors.
- L. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- M. 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.
- N. 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.