

FINDINGS AND CONDITIONS OF APPROVAL FOR DRIFTWOOD ESTATES, BAY POINT. DENOVA HOMES (APPLICANT) AND CIVIC PROPERTY GROUP INC. (OWNER). COUNTY FILE #'s SD13-9352, DP13-3022 & GP13-0002 AS APPROVED BY THE COUNTY PLANNING COMMISSION ON APRIL 28, 2015

I. FINDINGS

A. General Plan Consistency

1. The project is consistent with the proposed General Plan designation of Single-Family Residential-High Density (SH). Per the SH designation, the allowable density range is 5.0 to 7.2 units per net acre. As the site consists of 6.06 net acres (7.52 total acres, minus 1.46 acres of roadway/drainage improvements) the site is allowed 43.66 units. However, the project also includes a 15 percent density bonus request which equals an additional 6.06 units. Factoring in the Density Bonus units, the project will result in a total of 50 units and a residential density of 8.25 units per net acre.

Furthermore, approval of the General Plan Amendment for this project will not cause the General Plan to become internally inconsistent. The General Plan Amendment and the remainder of the General Plan comprise an integrated, internally consistent and compatible statement of policies for the County. The land use authorized for the project and each of its components conform to the objectives, policies, general land uses and programs specified in the General Plan.

2. The Commission has considered the effects of the project on the housing needs of the region and balanced those needs against the public service needs of County residents and available fiscal and environmental resources. The project helps to achieve a desirable balance. The site and design are physically suitable for the development proposed.
3. The General Plan comprises many objectives, policies, principles, programs, standards, proposals and action plans (collectively "policies"), as well as performance standards. At times the policies necessarily compete with each other. Examples of the tensions between General Plan policies are found between those policies that promote managed growth, and those that provide for protection of resources that exist because land is undeveloped (such as open space, visual resources and agricultural land). As part of approving the project, all applicable General Plan policies and the extent to which the project conforms to each of those policies have been considered.

4. The Commission has fully evaluated the extent to which the project achieves each policy, including those pertaining to compatibility of land uses, compliance with principles of the Urban Limit Line and Measure C-1990, protection of open spaces, standards regarding geology, soils and earthquake risks, hazardous materials, flood hazards and drainage, protection of water quality, protection of biological resources, transportation standard and goals, regional and local housing needs, jobs/housing balance, noise, protection of air quality, protection of visual resources, standards for public services and utilities, and protection of archeological and historical resources. The Commission has also fully considered the project's compliance with all performance standards in the General Plan, including the Growth Management Element policies and standards (including those for traffic levels of service), and performance standards for public services and facilities and found the project to be in accord with all applicable policies and standards.
5. The Commission finds that through the development of 50 residential units and the provision for either paying a portion of the inclusionary housing in-lieu fees or providing the required amount of affordable housing units, the project will help implement housing-related goals of the General Plan. Additionally, staff is supporting the General Plan Amendment request based on the developer's proposal to construct a new sidewalk within the Driftwood Drive right-of-way. With the addition of 16 residential units to the previous subdivision entitlements an increase in pedestrian traffic is expected in this area. Currently, there is a 1,000-foot-long stretch of Driftwood Drive that does not have a pedestrian walkway (roadway only from the project site to the existing sidewalk at Pacifica Avenue). This sidewalk addition represents a positive contribution to the community which will allow parents and children to safely access the nearby schools, Bay Point Trail, churches and other establishments in the area such as the Shore Acres Shopping Plaza. Per condition of approval # 27, the applicant is required to install the subject pedestrian walkway (stripped crossing and signage included per the Public Works Department's review and approval) prior to the filing of the Final Map for this project (e.g., construction of new homes).
6. The Commission acknowledges that the existing General Plan designation for the subject site was originally intended to provide medium-density housing. However, the pending General Plan Amendment is intended to re-designate the site to another residential related designation (SH) that will allow the developer to be more responsive to current housing market conditions.

B. Tentative Map Findings

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

Project Finding: The tentative map for the Driftwood Estates subdivision, in conjunction with the final development plan, is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan. According to the Land Use Element (Chapter 3) of the General Plan, residential development is encouraged for the area surrounding the Pittsburg/Bay Point BART Station. Additionally, Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. The Driftwood Estates project is consistent with the intent of these policies by introducing new housing stock in an area that serves lower to medium income residents and is in close proximity to a variety of transportation alternatives.

With regard to the other applicable goals and policies found in the General Plan such as those in the Growth Management Element and Public Facilities/Services Element, the project is consistent with the goals of those Chapters. Specifically, the affected service providers have all indicated that system capacity exists to serve the project. The projected related traffic is not anticipated to negatively affect local traffic patterns or significantly diminish the Level of Service of key intersections in the area. Lastly, the 65/35 Land Preservation Plan & Urban Limit Line – Measure C 1990, was intended to concentrate development in areas most suitable for urban development. The project complies with the intent of Measure C as it is located within the Urban Limit Line and does not require any significant extension of utility services to be established.

The applicant is also requesting a General Plan Amendment from the current Single-Family Residential-Medium density designation which allows 3.0 to 4.9 single-family units per net acre to the Single-Family Residential-High Density (SH) General Plan designation which allows 5.0 to 7.2 units per net acre. The proposed density for the Driftwood Estates development will be 7.2 units per net acre which is in compliance with the applicable density range. However the project also includes a density bonus request of 15%. The 15% density bonus request equates to 6.55 additional units for the project. Density bonus units for this project are appropriate as the developer has agreed to sell/rent 4 units on and off-site units to lower and moderate income households (additional details regarding the specific units and

properties are detailed in Condition of Approval #7 below). Therefore, based on the entire record and as summarized herein, the tentative map is consistent with the County General Plan.

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

Project Finding: As required by the conditions of approval and Mitigation Monitoring Program, the project does not pose any significant traffic impacts and must comply with the “collect and convey” requirements and design standards for construction of private roads. Prior to issuance of building permits, the applicant is required to contribute fees for parks and recreation, school districts and police services. Payment of these fees along with compliance with the applicable California Building Code, suggests that the project will fulfill all obligations related to construction of the project.

C. Planned Unit District Modification Finding

1. ***Required Finding:*** *In approving a modification to a final development plan, the Zoning Administrator shall find that it is consistent with the intent and purpose of the P-1 and compatible with other uses in the vicinity, both inside and outside the district.*

Project Finding: The project represents a relatively minor change to the overall character of the site compared to the previously approved subdivisions for this site (SD08-9231 and SD05-3043). The previous entitlements provided for a total of 34 single-family homes where the current proposal consists of 50. However, the design of the homes (general massing, architecture and setbacks), project footprint, parking allocation, traffic circulation, and storm drainage improvements remain consistent with the County’ previous approvals. Additionally, the revised project now includes a 3,800 square-foot Tot-Lot within the subdivision boundaries and construction of a sidewalk within the Driftwood Drive right-of-way. Both of these amenities will add value to the project as well as the overall Bay Point area. Therefore, the project is compatible with the other uses in the vicinity, both inside and outside the district in which the project is located.

D. Growth Management Findings

1. **Traffic:** Streets that provide access to and around the project site include Pacific Avenue, Driftwood Drive, Port Chicago Highway and Willow Pass Road. Regional access to the project site is provided by Highway 4, Interstate 680 and Interstate 80.

Traffic engineers and planners use the concept of Level of Service (LOS) to qualitatively describe traffic conditions. Additionally, the Contra Costa Transportation Authority (CCTA) Growth Management Plan, the West Contra Costa Transportation Advisory Committee (WCCTAC) Action Plan and the County of Contra Costa (County) General Plan establish measures of effectiveness and requirements for the analysis and disclosure of circulation impacts associated with new land developments. Potential circulation impacts may be expected, and traffic impact analyses are required for projects that generate more than 100 or more net new peak-hour trips. A project generating less than 100 peak-hour trips generally will not create or exacerbate a significant circulation impact. Using standard Institute of Transportation Engineers (ITE) Trip Generation trip rates, the 50-unit project will generate 38 gross a.m. peak-hour trips and 50 gross p.m. peak-hour trips.

The project is also required by County Code, Chapter 82-32 Transportation Demand Management, to prepare and implement a Traffic Demand Management (TDM) program that complies with the applicable ordinance requirements. Consequently, the project sponsor has submitted a TDM describing public transit and non-motorized community opportunities available in the vicinity. As a condition of approval, the project sponsor will be required to provide the TDM to homebuyers no later than close of escrow.

As part of project implementation, a sidewalk and related crossing/signage etc. (COA #27) will be constructed adjacent to the project site. Currently, there is a 1,000-foot-long stretch of Driftwood Drive that does not have any sidewalk (roadway only). Once completed, the sidewalk will allow for safe pedestrian travel from the project site to Pacifica Avenue, nearby schools and the Bay Point Trail. This is viewed as a positive contribution to the immediate vicinity and area in general.

2. **Water:** The proposed project is located at a suburban in-fill site that is currently serviced by public utility service systems. Proposed uses on-site would include 50 new residences and irrigation of landscaped common areas. Contra Costa Water District/Golden State Water Company provides water related services to the project site and have indicated that sufficient capacity exists for the project.
3. **Sanitary Sewer:** The project is within the service area of the Delta Diablo Sanitation District (CCSD) who provides waste water services for the project. The project sponsor is required to pay all applicable fees associated with the connection to the existing sanitation system.
4. **Fire Protection:** The project is located within 2.3-miles of Contra Costa Fire Protection District Station 86. In a memorandum dated, March 10, 2014, the Fire

District indicated provided basic requirements for the development. Compliance with all applicable fire codes and regulations suggests that the project will not increase fire related risks beyond any acceptable levels.

5. **Public Protection:** As the project will add to the County's population, COA #7, requires that prior to the recording of the parcel map, the owner of the property shall participate in establishing a special tax for the parcels created by this subdivision. The collected tax money will be used to augment existing police services to accommodate for the incremental increase in population as a result of the Driftwood Estates project.

6. **Parks and Recreation:** As the project will add to the County's population, COA #8 requires the project proponent to pay applicable Park Dedication in-lieu fees per unit. That fee in conjunction with all other Park Dedication fees collected for development within the County will be used in part to purchase new park land and upgrade existing community parks as determined appropriate by the Board of Supervisors.

7. **Flood Control and Drainage:** The project is required to meet collect and convey requirements of County Subdivision Ordinance Title 9, by constructing the necessary flood control improvements. The applicant must also comply with the County's NPDES Permit and Stormwater Management and Discharge Control Ordinance Title 10, for stormwater treatment. To comply, submittal of a final stormwater control plan, operation and maintenance plan, and actual construction of the necessary stormwater treatment facilities is required. Additionally, payment of drainage area DA 48C fees is required prior to filing of the Final Map. The collected fee will in part fund infrastructure within that drainage area. Therefore, compliance with all applicable codes and regulations suggests that the new drainage improvements will be able to accommodate all rainwater runoff generated by the project.

II. CONDITIONS OF APPROVAL

1. Approval of the vesting tentative map and final development plan for the 50-Lot Driftwood Estates development is generally based on the following documents:
 - Revised Vesting Tentative Map for Subdivision 9352 – Driftwood Estates, dated February 10, 2014;
 - Driftwood Drive Sidewalk Exhibit, dated May 15, 2014;

- Landscape Plan, dated March 16, 2015;
 - Development Plan, including Driftwood Estates residential drawings and floor plans, dated September 17, 2013;
 - Geotechnical Investigation for Driftwood Estates, prepared by Stevens, Ferrone & Bailey, dated May 20, 2005, with supplemental recommendations dated April 22, 2008;
 - Preliminary Stormwater Control Plan for Driftwood Estates, received on February 10, 2014;
 - Hydrology & Hydraulics Report Pre & Post Development, prepared by Meridian Associates, Inc., dated August 28, 2013;
 - Child Care Needs Assessment and Response Program, prepared by Kimley/Horn, dated October 2014;
2. Approval of the Driftwood Estates Vesting Tentative Map is contingent upon approval of the General Plan Amendment request, County File #GP13-0002, by the Board of Supervisors.
 3. This permit authorizes the development of fifty (50) single-family residential units on the subject property as identified in the Driftwood Estates Final Development Plan documents referenced above.
 4. The Driftwood Estates development shall be constructed as shown in the architectural drawings dated received September 17, 2013. Any modification to those approved architectural plans must be reviewed and approved by Community Development Division (CDD) staff at least 30-days prior to requesting a building permit. If the proposed modifications are determined to be substantial, a modification to the Final Development Plan may be required.

Indemnification

5. At least 30 days prior filing the Final Map, the applicant shall submit a letter stating the following: "Pursuant to Government Code Section 66474.9, the applicant (including the sub-divider or any agent thereof) shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in

Section 66499.37. The County will promptly notify the sub-divider of any such claim, action, or proceeding and cooperate fully in the defense."

Application Fees

6. This application is subject to an initial application deposit of \$27,106, which was paid with the application submittal, plus time and materials 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.

Inclusionary Housing/Density Bonus/In-Lieu Fee

7. To comply with both the Inclusionary Housing Ordinance and the Density Bonus Ordinance, the developer has agreed to sell and/or rent four houses at an affordable sales price and/or an affordable rent to lower income households and two houses at an affordable sales price and/or an affordable rent to moderate income households. The Inclusionary Housing Ordinance in-lieu fee of \$1,744 will be paid in full for the remaining fraction of required inclusionary units (0.45 of a unit).

Density Bonus law requires that the four lower income units be built on-site as part of the overall development. The County will allow three units on-site to be sold at an affordable sales price to lower income households, while the fourth density bonus unit is allowed off-site (pursuant to Chapter 822-808). The three on-site density bonus units identified are:

1. Lot 26 – Plan 2341, 4 bedrooms, and 2.5 bathrooms to be built in Phase 1 of the development.
2. Lot 35 – Plan 2018, 4 bedrooms, and 2.5 bathrooms to be built in Phase 3 of the development.
3. Lot 50 – Plan 2341, 4 bedrooms, and 2.5 bathrooms to be built in Phase 4 of the development.

An additional three units have been identified off-site in the nearby Shore Acres area of Bay Point. One of these units will be considered the fourth density bonus unit and as a concession (pursuant to Chapter 822-408), will be allowed to be rented to and occupied by a lower-income household. This density bonus unit will also have a deed restriction recorded against the property to require that if the home is sold within 30 years, it must be sold at an affordable sales price to a lower income household. The other two units will be considered inclusionary units. Pursuant to Chapter 822-406(c), the two inclusionary will be allowed to be rented to and occupied by moderate income households. The two inclusionary units will be rented to and occupied by moderate income households. The two inclusionary units will also be deed restricted

so that if the homes are sold within three years, they must be sold at an affordable sales price to moderate income households. The three units are the following:

1. 88 Bay Drive – rehabilitation, 3 bedrooms and 1 bathroom.
2. 58 Surf View Drive – rehabilitation, 3 bedrooms and 1 bathroom.
3. 128 Crivello Way – complete tear down and 100 percent rebuild, 3 bedrooms and 2 bathrooms.

Restrictions

The four Density Bonus units shall be deed restricted in order to ensure the continued affordability of these units for thirty (30) years in accordance with Chapter 822.2 Residential Density Bonus.

The two Inclusionary units shall be deed restricted in order to ensure the continued affordability of these units for three (3) years in accordance with Chapter 822-4 Inclusionary Housing.

For purposes of this condition, the following definitions apply:

- A. Moderate Income Households – Households earning up to 120 percent of the area median income for Contra Costa County as adjusted for family size as defined in Section 50093 of the California Health & Safety Code.
- B. Lower Income Households – Households earning up to 80 percent of the area median income (AMI) for Contra Costa County as adjusted for family size as defined in Section 50079.5 of the California Health & Safety Code.
- C. Affordable Sales Price – means a sales price at which lower, or moderate income households can qualify for the purchase of target units, taking into account available financing, number of bedrooms and therefore, assumed household size, reasonable down payment, and affordable housing costs as defined in Health & Safety Code Section 50052.5. The affordable sales price for lower income is at or below seventy percent AMI. The affordable sales price for moderate income households must not exceed a price affordable to persons and families whose income is at or below one hundred ten percent AMI.
- D. Sale price and rent calculations shall take into account unit size with the following assumptions:

Studio	= 1 person
One bedrooms	= 2 persons

Two bedrooms = 3 persons
Three bedrooms = 4 persons
Four bedrooms = 5 persons
Five bedrooms = 6 persons

- E. Affordable rent means a rent, including a reasonable utility allowance determined by the Department of Conservation and Development Director, that does not exceed the following calculations pursuant to Health & Safety Code section 50053:

Lower income: 80 percent AMI, adjusted for assumed household size, multiplied by 30 percent and divided by 12.

Moderate income: 120 percent AMI, adjusted for assumed household size, multiplied by 30 percent and divided by 12.

- F. The sales price calculation shall also take into account Anticipated Financing so that Housing Costs do not exceed the limits.

“Anticipated Financing” means private mortgage financing at current interest rates and terms. Anticipated Financing may include approved public agency down payments or second mortgage grants and loans.

“Housing Costs” include mortgage principal and interest, property insurance, property taxes, homeownership association dues, and expected utility costs.

Affordable Sales Price shall not exceed the market price, as determined by an independent appraisal.

In-Lieu Fee

Prior to the issuance of the first building permit for any portion of the residential development, the Inclusionary Housing Ordinance in-lieu fee of \$1,744 shall be paid in full for the remaining fraction of required inclusionary units (0.45 of a unit).

Affordable Housing

The applicant shall enter into a Developer Sales Agreement (form to be approved by the County) with the County at least 90 days prior to issuance of building permits for the model homes, which ensures that six of the approved units are affordable to and occupied by “Lower, and Moderate Income Households.”

Park Dedication Fees

8. Prior to the issuance of the building permit for each unit, the applicant shall pay the appropriate Park Dedication Fee for each unit as required per Chapter 920-6 of the County Code.

Child Care

9. The applicant shall pay a fee of \$400.00 per unit toward child care facility needs in the area as established by the Board of Supervisors.

Police Services District

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

Compliance Report

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

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,000 which shall be paid at the time of submittal of the compliance report.

CC&R's

12. Covenants, Conditions and Restrictions shall be submitted for review with the final map, and shall be subject to review and approval by the CDD. This document shall provide for establishment, ownership and maintenance of the common open spaces, parking, fire protection, fencing, private streets, drainage maintenance, and establishment of signs.

Landscaping

13. Comply with the following landscape/irrigation improvement and initial protection requirements subject to the review and approval of the CDD:
 - A. Final Landscape Plan: At least 60 days prior to the issuance of a grading permit or acceptance of a final map (whichever comes first), a final landscape/irrigation, amenities and fencing plan, prepared by a licensed landscape architect, shall be submitted to the CDD, providing for landscape and amenities improvements of common areas and areas. The final plan shall be designed in general accord with the *Landscape Plan, date received March 16, 2015*.
 1. Maintenance Cost: Landscaping shall generally be designed to minimize landscape maintenance cost.
 2. Compliance with Water Conservation and Sight Obstruction Ordinance Requirements: The landscape plan shall contain sufficient information to demonstrate compliance with the reporting requirements and standards of the California Model Water Efficient Landscape Ordinance or better, and the Sight Obstruction at Intersections ordinance (Chapter 82-18). The latter ordinance applies to intersections with public roads. The landscape architect shall certify that the plan complies with the ordinance improvement standards and reporting requirements.
 - B. Security to Assure Correct Installation of Landscape/Fencing Improvements and Replacement of Failed Improvements Following Initial Installation: The landscape and fencing plan shall be accompanied by an itemized estimate from the landscape architect or landscape contractor of the cost of materials and labor for the proposed improvements.

Prior to issuance of a building/grading permit or acceptance of a final map, whichever comes first, the applicant shall (1) enter into a landscape agreement and (2) post a cash performance bond or security for the approved landscape

and fencing plan. The above agreement shall assure (1) the correct installation of the approved landscape and fencing improvements, and (2) the replacement or repair of the improvements for a **minimum 24-month period** following the date of the acceptance of the improvements by the Community Development Division in the event of plant failure or other or damaged or deficient improvement.

Prior to filing a landscape agreement proposal, the applicant shall contact the project planner to obtain the appropriate forms and filing fees. Acceptance of the security instruments in excess of a certain amount requires acceptance from the Board of Supervisors.

- C. Landscape Architect Report on Survival of Plants-One Year After Planting: At least 12 months following the date of CDD acceptance of the completion of the landscape improvements and no later than 18-months after said date, the Landscape Architect shall make an on-site inspection of the improvements for any failed or failing plants shown on the approved landscape plans. Substitution of non-performing plants will require approval of the CDD.

Before the CDD will consider the release or partial release of the landscape bond the inspection findings of the landscape architect and any corrective action initiated by the applicant shall be submitted in a written report to the CDD. A copy of the report shall be forwarded to the HOA.

Water Efficient Landscape Ordinance

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

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. Any questions regarding these requirements can be directed to EBMUD Water Service Planning at (510) 287-1365.

Aesthetics/Lighting

15. 30-days prior to the filing of the Final Map, the applicant shall submit for review and approval of CDD staff a Lighting Plan. Light standards shall be low-lying and exterior lights on the buildings shall be deflected so that lights shine onto applicant's property and not toward adjacent properties; all subject to review and approval by the Community Development staff prior to issuance of a building permit. Implementation of this mitigation measure will reduce this potential impact to a less than significant level. **(Mitigation Measure Aesthetics – 1)**

Air

16. Consistent with the Best Management Practices required by the Bay Area Air Quality Management District (BAAQMD), the following actions shall be incorporated into construction contracts and specifications for the project:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - A publicly visible sign shall be posted with the telephone number and contact information for the designated on-site construction manager available to receive and respond to dust complaints. This person shall report all complaints to Contra Costa County and take immediate corrective action as soon as practical but not

more than 48 hours after the complaint is received. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. **(Mitigation Measure Air – 1)**

Burrowing Owls

17. Preconstruction surveys for burrowing owls and implementation of impact avoidance measures, to include discouraging owl nesting or elimination of ground squirrel burrows.

A pre-construction survey for burrowing owl burrows would assure that injury or harm to this species does not occur. The survey shall be conducted within thirty days prior to commencement of ground disturbance. The burrow survey consists of walking through suitable habitat over the entire project site and in areas within 150 meters of the project impact zone. Survey transects spaced no more than 30 meters between transect centerlines will be used. If the surveying biologist identifies an active burrow, the biologist will establish a 250-foot diameter buffer around the burrow and implement passive relocation techniques in accordance with the California Department of Fish & Wildlife guidelines.

There are two approaches to impact avoidance or prevention of "Incidental Take" of burrowing owls. The first is to discourage use of the construction site. The second, if owls are using the site, destroy the ground squirrel burrows while the owls are absent. Discouraging owl use of the site:

- 1) Destroy the ground squirrel burrows, while the owls are not present, by disking or plowing.
- 2) Remove ground squirrels by fumigating burrows, using anticoagulants, trapping etc. all when owls are not observed using the site.

During the owl's non-breeding season (Sept. 1 to Jan. 31), owl eviction from burrows with the assistance of the Department of Fish and Wildlife could occur. During the breeding season (Feb. 1 to Aug. 31), no disturbance to owls or their burrows shall occur until the fledglings are able to survive on their own. Once this occurs, the burrow can be destroyed. With the implementation of the above described mitigation measure, the project is anticipated to have a less than significant impact on biological resources. **(Mitigation Measure Bio – 1)**

Cultural Resources

18. Stop work and conduct an evaluation of accidental discovery of human remains or find.

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined whether or not the remains are subject to the coroner's authority.

If human remains are encountered, work should halt within 50-feet of the find and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of 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 Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. **(Mitigation Measure Cultural – 1)**

Construction

19. Contractor and/or developer shall comply with the following (all construction related conditions of approval shall be included in all plans:
- A. All construction activities shall be limited to the hours of 7:30 A.M. to 5:30 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 details on the actual days that the state and federal holidays occur, please visit the following websites:

Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.
20. Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements.

1. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition.
2. A dust and litter control program shall be submitted for the review and approval of the Community Development Division staff. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
3. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flow. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on-site area in which to park earth moving equipment.
4. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State Holidays.
5. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
6. Prohibit unnecessary idling of internal combustion engines.
7. Locate stationary noise generating equipment as far from surrounding residential properties as possible. **(Mitigation Measure Noise – 1)**

Debris Recovery

21. 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.

Geology

22. Prior to issuance of a grading or building permits on the subject property, the applicant shall provide a report prepared by a licensed geotechnical or soils engineer indicating how the recommendations in the Stevens, Ferrone & Bailey report, dated May 20, 2005, with supplemental recommendations dated April 22, 2008 are being

followed, incorporated into the project and are still valid. The report is subject to peer review by the County Peer Review Geologist.

Transportation Demand Management

23. At least 30 days prior to recording the Final Map, the applicant shall submit a Transportation Demand Management (TDM) information program in accord with the requirements of Chapter 82-32 of the County Zoning Code for review and approval of the CDD. Applicant shall also comply with the County Growth Management Program and Bay Area Air Quality Management District regulations regarding transportation.

PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL FOR SUBDIVISION SD 9352

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 vesting tentative map submitted to the Department of Conservation and Development, Community Development Division, on February 10, 2014.

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

General Requirements

24. In accordance with Section 92-2.006 of the County 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 10, 2014.
25. Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance Code and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Frontage)

26. Applicant shall construct curb, 4.5-foot sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, and pavement

widening and transitions along the frontage of Driftwood Drive. Applicant shall construct face of curb 10 feet from the ultimate right-of-way line.

Roadway Improvements (Off-Site)

27. Applicant shall construct pedestrian access on Driftwood Drive from the subdivision frontage to the existing sidewalk on Pacifica Avenue. This pedestrian access may be a pedestrian path of alternate surface material and alignment and include standard curb and sidewalk, necessary longitudinal and traverse drainage, street lighting, pavement widening and transitions, and related pedestrian safety improvements, as reviewed and approved by the Public Works Department.

The pedestrian path shall be constructed by the applicant on the west side of Driftwood Drive unless the County is able to identify a feasible approach for constructing it on the east side at a cost equivalent to that of the west side alignment.

28. The applicant shall evaluate and install traffic calming devices along Driftwood Drive upon the review and approval by the Public Works Department.

Access to Adjoining Property

Proof of Access

29. 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.

Encroachment Permit

30. 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 Driftwood Drive and Wharf Drive.

Abutter's Rights

31. Applicant shall relinquish abutter's rights of access along Driftwood Drive with the exception of the proposed private road intersection.

Sight Distance

32. Applicant shall provide sight distance at the intersections of Driftwood Circle (the interior private street) with Driftwood Drive, in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.

Private Roads

33. Applicant shall construct a (paved) turnaround at the ends of the proposed private roads on Lots 39 and 46. The paved turnaround will be subject to review and approval of the Fire District and Public Works Departments.
34. Applicant shall construct an on-site roadway system to current County private road standards. The main loop road, "Driftwood Circle," shall have a 28-foot travelway, whereas the other private roads will have a 20-foot travel way. Right-of-way and easement widths range from 50 to 38 feet, respectively.

Road Dedications

35. Property Owner shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future width of 60 feet along the frontage of Driftwood Drive.

Bicycle - Pedestrian Facilities

36. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.

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.

Parking

37. Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-

curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Utilities/Undergrounding

38. Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Driftwood Drive. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters, and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Maintenance of Facilities

39. The maintenance obligation of all common and open space areas, private roadways, any private street lights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of CDD staff and the Public Works Department at least 60 days prior to filing of the Final Map for the first phase.
40. Applicant shall insure that all private (street lights), landscaping, private roads, and any retaining walls on-site be privately maintained in perpetuity. A maintenance plan of operation for all common areas, private roads and perimeter walls/fences shall be submitted for Public Works Department review. The County will not accept these properties or facilities for ownership or maintenance.

Drainage Improvements/Collect and Convey

41. 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 County Ordinance Code.
- The nearest public drainage facility is an open ditch and 84-inch storm drain located at 80 feet north of the northeast corner of the subdivision. Applicant shall verify the adequacy of these and downstream facilities prior to discharging run-off.

Miscellaneous Drainage Requirements

42. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

The property owner shall dedicate a public drainage easement over any man-made drainage system which conveys stormwater run-off from public streets.

A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over private proposed storm drain facilities traversing the site that serve more than one lot or parcel.

43. The project developer shall pay Drainage Area 48C (DA 48C) fees prior to filing of the Final Map.
44. The project developer shall submit a Final Hydrology Study to Engineering Services and the Flood Control District for review and approval. The developer shall mitigate any adverse impacts to downstream facilities resulting from the increase in development density beyond the DA 48C Hydrology Plan density.
45. The developer shall design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.
46. The developer shall design and construct storm drain facilities to direct stormwater entering or originating within the development to the nearest drainage facility in compliance with the DA 48C plan.
47. The developer shall submit capacity calculations to Engineering Services to show that the drainage facility conveying the project runoff to Line A is adequate.

Drainage Area Reimbursements

48. Certain improvements required by the Conditions of Approval for this development, or the County Subdivision Ordinance Code, may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the Public Works Department to personally determine the extent of any credit or reimbursement for which the applicant may be eligible. Any credit or reimbursements

shall be determined prior to filing the Final Map or as approved by the Flood Control District.

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).

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:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- 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.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above, as approved by Public Works Department.

Stormwater Management and Discharge Control Ordinance

50. 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). 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.

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).

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.

Prior to filing of the Final Map, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for, and related to, operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

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

- The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Bay Point and ECCRFFA / RTDIM Areas of Benefit, as adopted by the Board of Supervisors.
- The applicant shall be required to comply with the drainage fee requirements for Drainage Area 48C, as adopted by the Board of Supervisors.
- 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.

- 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.

- 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.

- The applicant shall comply with the requirements of the following agencies:
 - Department of Conservation and Development, Building Inspection Division and Grading Division
 - Contra Costa County Fire Protection District
 - Delta Diablo Sanitation
 - Contra Costa/Golden State Water District
 - Bay Area Air Quality Management District
 - Regional Water Quality Control Board, District III