

GROWTH MANAGEMENT STANDARDS, FINDINGS, AND CONDITIONS OF APPROVAL FOR COUNTY FILE #MS15-0002/RZ15-3229; ALAMO GLEN, LLC (APPLICANT & OWNER); AS APPROVED BY THE COUNTY PLANNING COMMISSION ON MAY 24, 2016.

I. FINDINGS

A. Growth Management Performance Standards

1. Traffic: The project proposes to rezone the site from a General Agricultural (A-2) zoning district to a Single-Family Residential (R-20) zoning district, and subdivide the lot into four parcels, for future development with a single-family home on each parcel. Policy 4-c under the Growth Management Program (GMP) of the County General Plan requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The proposed project would not create 100 additional peak hour traffic trips to and from the site. Therefore, a traffic impact analysis is not required.

Temporary impacts on traffic may occur during the construction phase of the project. The project will be required, with a condition of approval, to provide a Traffic Control Plan for review and approval by the Public Works Department.

2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The proposed project has been reviewed by the East Bay Municipal Utility District (EBMUD). EBMUD requires that each new lot have a separate meter, and has advised that a main extension may be required.

Planting and irrigation plans required as mitigation for tree removal and impact will be subject to staff review and approval for compliance with the State/County Model Water Efficient Landscape Ordinance.

3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer quantity and quality can be provided. The proposed project has been reviewed by the Central Contra Costa Sanitary District (CCCSD). The District has advised that the project is not expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing facilities. The developer will also be required to submit plans to CCCSD for review and pay the appropriate fees.
4. Fire Protection: Fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas. The closest fire station to the subject property is located approximately 1.8 miles away at 1101 Stone Valley Road, in Alamo. The proposed project has been reviewed by the San Ramon Valley Fire Protection District, and is required to obtain approval from the district prior to any building permit issuance.
5. Public Protection: Public protection standards under the GMP require that a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained. The proposed project consists of subdividing the subject property into four parcels, for future development with a single-family home on each parcel. The

construction of four dwelling units at the project site would not induce a significant population increase within the county that would equal or exceed 1,000 persons. Therefore, the proposed project will not increase the sheriff or support facility requirements for the area. To mitigate the minor increase in demand for police services, the applicant will be required to pay a police services fee at the time of building permit issuance for each new single-family residence.

6. Parks & Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The proposed project consists of subdividing the subject property into four parcels, for future development with a single-family home on each parcel. The construction of four dwelling units at the project site would not induce a significant population increase within the county that would equal or exceed 1,000 people. Therefore, the proposed project would not increase park and recreation facility requirements for the area. To mitigate the minor increase in demand for parks created by the project, the applicant will be required to pay a park dedication fee at the time of building permit issuance for each new single family residence.
7. Flood Control & Drainage: The Flood Control and Drainage section of the GMP provides standards for "major new development" and for development in flood-prone areas. No portion of the subject property is located within a 100-year flood area, as determined by the Federal Emergency Management Agency. Further, the proposed project does not involve the removal, construction, or alteration of any dams or levees within the County. Therefore, further analysis in relation to increased flood risks as a result of the proposed project is not required.

If approved, the proposed subdivision would result in further development at the subject property, which may impact drainage patterns at the site, and possibly increase the total amount of impervious surface area for the site. However, when a building permit is required for any physical or structural improvements, the Building Inspection Division will review the proposal for compliance with drainage standards. In addition, projects of a certain scale are also subject to review by the Public Works Department for compliance with C.3 standards.

B. Tentative Map Approval Findings

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

Project Finding: The subject property is located within a Single Family Residential – Low Density (SL) General Plan Land Use designation. The SL designation allows between 1.0 and 2.9 single family units per net acre on lots up to 43,560 square feet. Based on a net acreage of 1.81 acres for the subject lot (75% of the gross acreage of 2.41 acres), the density range for the site was calculated to be between 1.81 units and 5.25 units. Thus, the

proposal of 4 units to be developed in the future on this site will be consistent with the existing density in the area and with the General Plan.

The subject property is located within a General Agricultural (A-2) zoning district. The project proposes rezoning the property from A-2 to R-20, and subdividing the property into four parcels, each to be developed later with a detached single-family home. Upon rezoning the property from A-2 to R-20, the zoning designation will become consistent with those of the other properties in the area, and with the underlying SL General Plan land use designation in the area. As proposed in the tentative map, all resultant parcels comply with the use, lot size, average width and average depth requirements for the R 20 zoning district. Any future development must comply with all R-20 zoning district requirements, and is subject to separate review and approval by CDD staff.

2. *The advisory agency 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 by the Public Works Department as conditions of approval for the project. Additionally, the applicant will need to comply with any construction/development requirements imposed by the San Ramon Valley Fire Protection District, the Building Inspection Division, the East Bay Municipal Utility District, the Central Contra Costa Sanitary District, and other appropriate agencies prior to building permit issuance. Relevant agencies were solicited for their comments on the proposed minor subdivision and none have responded in opposition to the project.

C. Tree Permit Findings

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:

1. 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.
2. Where the arborist or forester report has been required, and the Deputy Director, Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

D. Rezoning Findings

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

Project Finding: The subject property is located within a Single-Family Residential, Low (SL) General Plan land use designated area, and within a General Agricultural (A-2) zoning

district. The current zoning district for the site is not consistent with its General Plan land use designation. Approval of the rezoning from A-2 to R-20 (Single-Family Residential) will bring the site into consistency with the Single-Family Residential land use designation for the area. No other applicable General Plan policies are affected by the project.

2. *The uses authorized or proposed in this land use district are compatible within the district and with uses authorized in adjacent districts.*

Project Finding: The subject property is currently located within a General Agricultural (A-2) zoning district. The project proposes dividing the property into four parcels, each to be developed later with a detached single-family home. Though the A-2 district allows one single-family home for each lot, the district is intended for agricultural uses and not for residential uses. Additionally, the developments surrounding the subject site are all in single-family residential zoning districts. By rezoning from A-2 to R-20, the proposed lots will become consistent with zoning districts in the area (R-20 and residential P-1), and with the underlying SL General Plan land use designation. As proposed in the minor subdivision tentative map, all four resultant parcels comply with the use, lot size, average width and average depth requirements for the R-20 zoning district.

3. *Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.*

Project Finding: The subject site is surrounded on all sides by single-family residential zoning districts (P-1 and R-20) and single-family residential developments – a demonstration of the continuing need for such a use in the area for the foreseeable future. Rezoning the subject site from A-2 to R-20, to be consistent with the surrounding zoning district designations, will further fulfill this demonstrated need in the community.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #MS15-0002/RZ15-3229

Approval

1. A Tentative Map approval is GRANTED, based on the revised Tentative Map by Apex, dated December 1, 2015 and received on December 2, 2015 by the Community Development Division (CDD).
2. A Tree Permit to remove (48) code-protected trees (7" to 25" in diameter) and work within the drip lines of (26) code-protected trees (6" to 23" in diameter) is GRANTED, based on the following documents received by CDD:
 - a. Tree Preservation Report, prepared by Ed Brennan, certified arborist #WE-0105A received by CDD on August 26, 2015.
 - b. Tree Plan by Apex, dated December 1, 2015 and received on December 2, 2015.

3. **Approval of the tentative map is contingent upon the approval of the rezoning, RZ15-3229, by the Board of Supervisors.**
4. The maximum number of lots approved for this subdivision is four (4) parcels.
5. No buildings or structures (including retaining walls) are approved with this tentative map approval. If this tentative map is approved, the developer shall submit plans for Parcels A, B, C, and D separately for review and approval by CDD.

Application Costs

6. This application is subject to an initial application deposit of \$6,000, 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.

Indemnification

7. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, 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 in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

8. **Prior to filing the Parcel Map**, the applicant shall provide a permit compliance report to the 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.

Air Quality

9. The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be included on all construction plans. **MM AQ-1.**

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. 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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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.
- f. 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.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Biology

- 10. A preconstruction survey for Alameda Whipsnake (AWS) shall be conducted by a qualified biologist not more than 48 hours prior to the start of construction. All suitable habitat features (e.g. wood piles, debris piles, etc.) that may be used by AWS shall be identified, marked and mapped during the preconstruction survey. **MM BIO-1.**
- 11. Potentially suitable habitat features identified during the preconstruction survey shall be removed under the direct supervision of a qualified biologist prior to the start of any other construction activities. If AWS is detected, site disturbance shall be halted until the snake has been relocated by a 10(a)(1)(A)-permitted biologist as approved and directed by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. **MM BIO-2.**
- 12. Following the completion of the preconstruction survey and the removal of potentially suitable habitat, a snake exclusion fence not less than four feet in height, and buried at least four inches

in the ground shall be installed around the perimeter of the project site and maintained during the duration of construction. **MM BIO-3.**

13. All construction personnel shall attend an informational training session conducted by a qualified biologist prior to the start of any site disturbance activities, including demolition. This session will cover identification of the species and procedures to be followed if an individual is found on site, as well as biology and habitat needs of this species. Handouts shall be provided and extra copies will be retained on site. Construction workers shall sign a form stating that they attended the program and understand all protection measures for the AWS. Additional training sessions shall be provided to new construction personnel during the course of construction. **MM BIO-4.**
14. A preconstruction survey for nesting birds shall be conducted if construction begins between February 1 and July 31. The preconstruction survey will be conducted by a qualified biologist no more than 14 days prior to the initiation of construction related activity (i.e., staging, clearing, grading, tree trimming or removal). **MM BIO-5.**
15. If an active bird nest(s) are found on the site, a buffer zone shall be established around the nest as specified by the qualified biologist. The size of the buffer will be dependent on the location of the nest and the nesting species. All buffer zones shall be monitored periodically (e.g., weekly) to determine the status of the nesting effort. The buffer zones shall remain in place until the young have fledged and are foraging independently as determined by a qualified biologist. **MM BIO-6.**

Tree Permit

16. **Prior to filing the Parcel Map**, the applicant shall submit a proposed deed disclosure statement for the review and approval of the CDD. The disclosure statement shall be used to notify prospective buyers of parcels that prior to issuance of a building permit, they will be required to carry out their parcel's equal portion (21 trees per parcel) of the required restitution for the subdivision tree removals (see COA #17). The approved deed disclosure shall be recorded concurrently with the deeds for each approved parcel, and shall include the text of COA #17.
17. Required Restitution for Tree Removal – The following measures are intended to provide restitution for the removal of (48) code-protected trees. **MM BIO-7.**
 - a. Planting and Irrigation Plan: **Prior to the issuance of a building or grading permit (whichever occurs first) for the development of each resultant parcel**, the parcel developer shall submit a tree planting and irrigation plan for that parcel, prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of **(21) TWENTY-ONE trees for one parcel**, minimum 15 gallons in size – 25% of the (83) EIGHTY-THREE trees total for the subdivision. The plan shall

comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation) *for the 21 trees on the parcel to be developed*.

- b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. **Prior to the issuance of a building or grading permit, whichever occurs first**, the applicant shall submit a security that is acceptable to the CDD. The security shall be the amount of the approved cost estimate described in Section a above, *plus* a 20% inflation surcharge.
- c. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, *each parcel developer* shall pay a deposit of \$100.00.
- d. Duration of Security: When the replacement trees and irrigation have been installed, the parcel developer shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security 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, following completion of the installation, the parcel developer shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the parcel developer.

Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the parcel developer has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

18. Tree Preservation Requirements – The following measures are intended to provide mitigation for work within the drip line of (26) twenty-six code-protected trees. **MM BIO-8.**

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 submittal for grading permits or building permits for subdivision improvements, whichever occurs first**, 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:

- 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 **(48) FORTY-EIGHT** trees, 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's ordinance has been adopted, and verification of such shall accompany the plan. **If deemed necessary by the CDD, the plan shall be implemented prior to the release of Public Works subdivision improvement bonds.**
- ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and 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.

c. Duration of Security: After the subdivision improvements have 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.

19. The Tree Preservation Guidelines provided by the project arborist, Ed Brennan, in the Tree Preservation Report dated received August 26, 2015 shall be implemented. **MM BIO-9.**

- a. A Tree Protection Plan consistent with the Tree Preservation Report shall be submitted by the applicant **prior to submittal for building or grading permits**. Tree protection fencing shall be 6-foot high chain link, shall be installed prior to all construction-related activities and shall remain in place until all demolition, grading and construction is completed.
 - b. The Tree Preservation Guidelines shall be shown on the Tree Protection Plan.
20. Any proposed tree alteration, removal, or encroachment within a drip line of code-protected trees that are not identified with this permit approval will require submittal of another Tree Permit application for review and consideration by the DCD. **MM BIO-10.**
21. Arborist Expenses: The applicant shall be responsible for all arborist expenses related to the work authorized by the tree permit.

Water Efficient Landscape Ordinance

22. Future new landscaping shall conform to the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. If applicable, the applicant shall submit a Model Water Landscape Ordinance compliance review application for County review and approval. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the County Water Conservation Ordinance.

Archaeology

23. Since the California Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with architecture and history of Contra Costa County conduct a formal CEQA evaluation.
24. The following mitigation measures shall be implemented during project construction-related ground disturbance, and shall be included on all construction plans. **MM CUL-1.**
- a. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance 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.

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods,

results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

- b. Prehistoric materials can include flake-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.
- c. 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 property 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.

Geology

- 25. **Prior to filing the Parcel Map**, the applicant shall submit a proposed deed disclosure statement, to be recorded with the deed for each parcel, for the review and approval of the CDD. The deed disclosure statement shall acknowledge the geotechnical report (see COA #26) by title, author (firm), and date, call attention to conclusions, including the long-term maintenance requirements, and note that the report is available to prospective buyers from seller of the parcel. **MM GEO-1.**
- 26. **Prior to filing the Parcel Map**, the applicant shall submit a wet-signed and stamped, updated geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 (Soil Report) for review and approval of the Peer Review Geologist. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include the following: a) California Building Code seismic parameters that are based on the prevailing code, b) site specific data on the orientation of bedding, c) evaluation of the design of water quality basins and their locations with respect to planned improvements, d) evaluation of the potential for slope creep to adversely affect planned improvements, e) recommendations that address monitoring clearing and backfilling

depressions created by removal of tree trunks and their major roots, f) evaluation of the grading plan with respect for the potential for seismic settlement and seismically-induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation, g) characterization of the expansivity of the soils and bedrock on the site and h) the specification of measures to avoid/control damage to minimize expansive soil effects on structures. (Potential foundation systems include pier and grade beam; use of structural concrete mats and post-tensioned slabs; pad overcutting to provide uniform swell potential; and soil subgrade moisture treatment.) The report should also identify recommended geotechnical monitoring services during grading and foundation-related work.

MM GEO-2.

27. During grading, the project geotechnical engineer shall observe and approve: keyway excavations deemed necessary; the removal of any existing fill materials down to stable bedrock or in-place material; and the installation of all subdrains including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the Department of Conservation and Development (DCD) to be kept on file. Cut slopes and keyways shall be periodically observed and mapped by the project geotechnical engineer/engineering geologist who will provide any required slope modification recommendations based on the actual geologic conditions encountered during grading. Written approval from the County Building Inspection Division shall be obtained prior to any modification. **MM GEO-3.**

28. **Prior to the issuance of residential building permits**, the applicant shall submit a geotechnical monitoring and testing report. That report shall include evidence of testing and observation services performed during grading, including: a) a map showing the as graded cut/ fill contact, along with geologic mapping of all bedrock cut slopes and cut pad areas, b) results of chemical testing of each building pad (performed after rough grading), to determine the level of corrosion protection required for steel and concrete materials used for construction, and c) results of all compaction test data gathered during grading. **MM GEO-4.**

29. **Prior to requesting a final building inspection for each residence**, the applicant shall submit a geotechnical letter/report documenting inspections made by the project geotechnical engineer during foundation-related work and final grading, and provide the geotechnical engineer's opinion of the consistency of the as-built improvements with recommendations in the approved geotechnical report. This can be submitted as individual reports on a lot-by-lot basis or one report for all four parcels. **MM GEO-5.**

30. Grading, improvement, erosion control and building plans shall employ, as appropriate, the following surface drainage measures: a) positive grading of building pads for removal of surface water from foundation areas, b) individual pad drainage, c) collection of downspout water from roof gutters, d) avoidance of planted areas adjacent to structures, e) avoidance of sprinkler systems (as opposed to drip irrigation systems) in the immediate vicinity of foundations, f) grading of slopes to control erosion from "over-the-bank" runoff, and g) re-vegetation of permanent slopes. Interim protective measures for runoff shall be followed

during the construction phases when slopes are most susceptible to erosion. The final design shall incorporate subsurface drainage measures, including the installation of subsurface drains, where their use is recommended by the project geotechnical engineer. **MM GEO-6.**

Childcare

31. **Prior to filing the Parcel Map**, the applicant shall submit a proposed deed disclosure statement for the review and approval of the CDD. The disclosure statement shall be used to notify prospective buyers of parcels which are not occupied by existing legally-established residences at the time of filing the Parcel Map, that prior to issuance of a building permit, they will be required to pay a per parcel fee toward childcare facility needs in the area as established by the Board of Supervisors. The current childcare fee is \$400 per parcel. However, the actual fee amount collected will be that which is applicable at the time of building permit issuance. The approved deed disclosure shall be recorded concurrently with the deeds for each approved parcel.

Park Dedication

32. **Prior to filing the Parcel Map**, the applicant shall submit a proposed deed disclosure statement for the review and approval of the CDD. The disclosure statement shall be used to notify prospective buyers of parcels which are not occupied by existing legally-established residences at the time of filing the Parcel Map, that prior to issuance of a building permit, they will be required to pay a park dedication fee. The current park dedication fee is \$7,238.00 per residential unit. However, the actual fee amount collected will be that which is applicable at the time of building permit issuance. The approved deed disclosure shall be recorded concurrently with the deed for each approved parcel.

Police Services

33. **Prior to filing the Parcel Map**, the applicant shall submit 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 by existing legally-established residences 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.
34. **Prior to issuance of a building or grading permit on any parcel that is not occupied by a legal residence**; the applicant shall contribute \$1,000.00 to the County for police services mitigation. The fee shall be paid to the Contra Costa County Application and Permit Center.

Debris Recovery Program

35. **At least 15 days prior to submittal for a building or grading 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.

Construction Restrictions

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

- a. All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are 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 (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
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 Holidays:

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

California Holidays:

<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.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR SUBDIVISION MS15-0002/RZ15-3229

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 and tentative map submitted to Department of Conservation and Development, Community Development Division, on August 27, 2014.

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

General Requirements

- 37. 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 December 2, 2015.
- 38. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the County Ordinance Code for the conditions of approval of this subdivision. 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)

- 39. Applicant shall construct curb, necessary longitudinal and transverse drainage, and pavement widening and transitions along the frontage of Royal Oaks Drive. Applicant shall construct the face of curb four feet from the road ultimate right-of-way line, except around the cul-de-sac where the face of curb shall be constructed ten feet from the ultimate right-of-way line.
- 40. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Alamo Glen Trail. 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.

41. Proof of Access: 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.
42. Encroachment Permit: 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 Royal Oaks Drive and Alamo Glen Trail.

Road Dedications

43. Property owner shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future width of 46 feet along the frontage of Royal Oaks Drive and the right-of-way necessary for the planned future radius of 45 feet along the cul-de-sac frontage of Royal Oaks Drive.

Street Lights

44. Applicant shall annex into the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Pedestrian Facilities

45. Driveways and driveway ramps shall be designed and constructed in accordance with current County standards.
46. 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

47. "No Parking" signs shall be installed along the east side of Royal Oaks Drive and the west side of Alamo Glen Trail along the project frontages subject to the review of the Public Works Department and the review and approval of the Board of Supervisors.

Utilities/Undergrounding

48. All new utility distribution services shall be installed underground.

Construction

49. Prior to the start of construction-related activities, the applicant shall prepare a Traffic Control Plan (TCP), including a haul route, for the review and approval of the Public Works Department.
50. The applicant shall submit a survey of the pavement condition of roadways to be used as part of the haul route prior to the commencement of any work on-site, for Public Works Department approval. After completion of grading activities, the applicant shall submit a second survey of the pavement condition of roadways used as part of the haul route, which shall be used to identify remedial work to be completed by the applicant. The surveys shall each include a video of the roadways. The applicant shall be responsible for any costs associated with performance of the remedial work. The applicant shall complete any remedial work prior to initiation of use; OR, provide a bonded agreement assuring completion of the remedial work, the amount of which shall be deemed sufficient by the Public Works Department.

Drainage Improvements

51. Collect and Convey: The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwaters to a natural watercourse, in accordance with Division 914 of the County Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing plus project condition for the required design storm; improvements shall be constructed to make the system adequate. The applicant shall obtain access rights to make any necessary improvements to off-site facilities.
52. Applicant shall design and construct all storm drainage facilities in compliance with the County Ordinance Code and Public Works Department design standards.

Miscellaneous Drainage Requirements

53. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
54. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over the proposed storm drain line traversing the site.
55. 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

his cost. The site selection, land rights, and construction staking will be by the Flood Control and Water Conservation 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 and Water Conservation District will use these funds to work on the creek annually.

National Pollutant Discharge Elimination System (NPDES)

56. 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).
57. 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:
 - a. Offer pavers for household driveways and/or walkways as an option to buyers.
 - b. Minimize the amount of directly connected impervious surface area.
 - c. Place advisory warnings on all catch basins and storm drains using current storm drain markers.
 - d. 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.
 - e. Other alternatives comparable to the above as approved by the Public Works Department.
 - f. Distribute public information items regarding the Clean Water Program and lot-specific IMPs to buyers.

Stormwater Management and Discharge Control Ordinance

58. 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.

59. 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).
60. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
61. **Prior to filing the Parcel 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.
62. **Prior filing the Parcel 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.
63. 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. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are necessary as part of the proposed project:
- Contra Costa County Public Works Department
 - Contra Costa County Building Inspection Division
 - Contra Costa County Grading Division
 - Contra Costa Environmental Health
 - Central Contra Costa Sanitary District
 - East Bay Municipal Utility District
 - San Ramon Valley Fire Protection District
- D. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Alamo, Southern Contra Costa Regional, and Tri-Valley Areas of Benefit, as adopted by the Board of Supervisors.