

Recommended Conditions of Approval

FINDINGS AND CONDITIONS OF APPROVAL FOR GLORIA TERRACE ESTATES, LAFAYETTE. GLORIA TERRACE LLC (APPLICANT) AND GLORIA TERRACE LLC/H.F. LAYTON (CO-OWNERS). COUNTY FILE #SD16-9429

I. FINDINGS

A. 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 project has been found to be consistent with the General Plan designation of Single-Family Residential-Low Density (SL). Per the SL designation, the allowable density range is 1.0 to 2.9 units per net acre. As the site consists of 6.5 net acres (7.5 total acres, minus 1.0 acre of roadway/drainage improvements), 18 lots are allowable for this site. However, according to the Land Use Element (Chapter 3) of the General Plan, residential densities of convention construction shall generally decrease as the natural slope increases. As the site is steep in multiple locations, the number of proposed lots have been reduced to 9 larger lots. Accordingly, these new home sites have gone through a geotechnical review and found to be feasible.

The Commission has also fully evaluated the extent to which the project is consistent with general plan policies 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, noise, protection of air quality, protection of visual resources, and protection of archeological and historical resources and found no evidence of inconsistencies. Additionally, 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. The tentative map for the Gloria Terrace Estates subdivision is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan.

Lastly, when appropriate, the General Plan encourages development to contribute to off-site improvements of pedestrian facilities to ensure safe and efficient connections from the development to major destination areas. As such, the applicant for this project has committed to improve various portions of Gloria Terrace to improve pedestrian safety. These improvements along with new housing options provided by this project are viewed as positive contributions to the area in general. 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 and Reporting 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, child care 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.

B. Tree Permit Findings

Required Finding: *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 will require the removal of 16 trees and work within the dripline of 30 other trees will be necessary to construct the project. All feasible efforts have been made to retain the maximum number of trees, as well as, to preserve those trees which are exceptional due to their visual prominence on the site.
2. Development of this project cannot be reasonably accommodated on other parts of the property due to steep topographical conditions.

C. Growth Management Findings

1. **Traffic:** Streets that provide access to and around the project site include Reliez Valley Road, Taylor Boulevard, Pleasant Hill Road and Alhambra Avenue. Regional access to the project site is provided by Highway 4, Highway 24 and Interstate 680.

Traffic engineers and planners use the concepts of Level of Service (LOS) and Vehicle Miles Traveled (VMT) 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 any current traffic patterns. Using standard Institute of Transportation Engineers (ITE) Trip Generation trip rates, the 9-unit project will generate 7 gross a.m. peak-hour trips and 9 gross p.m. peak-hour trips. Based on the reasonable expectation that other nearby residential projects will be completed, it is expected that a total of 26 a.m. and 34 p.m. total peak hour trips will be added to area roads in the near future. At these expected rates, the cumulative effect to local roadways will be negligible.

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, Condition of Approval #35 requires the project sponsor to provide the TDM to homebuyers no later than close of escrow. The TDM will describe public transit and non-motorized commute opportunities available in the vicinity.

As part of project implementation, shoulder/pedestrian improvements (COA #36) will be constructed within the Gloria Terrace right-of-way. Currently, there are intermittent sidewalks and paths along this stretch of road. Once completed, the roadway improvements will improve pedestrian safety for current and future residents of the area. Additionally, these improvements will provide a safer means for neighborhood children to access the two school bus stops located on Gloria Terrace that serve local schools. This is viewed 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 9 new residences and irrigation of landscaped areas. East Bay Municipal Utilities District 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 Central Contra Costa Sanitary District 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 4 miles of Contra Costa Fire Protection District Station 15. In a memorandum dated, March 16, 2016, the Fire District 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 #9, requires that prior to the recording of the final 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 Gloria Terrace Estates project.
6. **Parks and Recreation:** As the project will add to the County's population, COA #7 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 46 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 for the 9-Lot Gloria Terrace Estates subdivision is generally based on the following documents:
 - Revised Vesting Tentative Map for Subdivision 9429 – Gloria Terrace Estates, dated April 14, 2017;
 - Gloria Terrace Right-of-Way Improvement Exhibit, dated June 16, 2016;
 - Tree Survey, prepared by Timothy C. Ghirardelli, dated February 4, 2016;
 - Gloria Terrace Estates architectural renderings, dated June 16, 2016;

- Preliminary Geologic and Geotechnical Investigation for Gloria Terrace Estates, prepared by GFK & Associates, Inc., dated February 4, 2016;
 - Preliminary Storm Water Control Plan for Gloria Terrace Estates, prepared by Humann Company Inc., dated June 2016;
 - Biological Resource Analysis prepared for Gloria Terrace Estates, prepared by Monk & Associates, Inc., dated May 9, 2016.
2. This permit authorizes the development of nine (9) single-family residential lots on the subject property as identified in the Gloria Terrace Estates vesting tentative map and documents referenced above.
 3. The Gloria Terrace Estates development shall be constructed as generally shown in the architectural drawings dated received June 16, 2016. 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, approval of condition of approval modification application may be required.
 - At least 30 days prior to filing the Final Map, the applicant shall provide for review and approval of CDD staff, a parking plan for the subdivision. The parking plan shall provide for a minimum of three off-street parking spaces and three additional parking spaces (total of six) on each newly created lot.

Indemnification

4. 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 subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Application Fees

5. This application is subject to an initial application deposit of \$8,817.00, 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/In-Lieu Fee

6. Prior to recordation of the Final Map, the applicant shall pay to the County the Inclusionary Housing Ordinance in-lieu fee of \$3,874.89 per unit, a total of \$34,874.00 for the proposed project.

Park Dedication Fees

7. 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

8. 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

9. **Election for Establishment of a Police Services District to Augment Police Services:** Prior to the recording of the final 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) 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 Final 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 Prior to Filing the Final Map

10. At least 45 days prior to filing of the Final 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 applicable conditions of this report prior to filing the Final 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

11. Covenants, Conditions and Restrictions (CC&R's) 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. Additionally, CC&R's shall require occupants to maintain garage spaces in a manner which makes them available for off-street parking.

Water Efficient Landscape Ordinance

12. 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

13. 30 days prior to applying for building permits for each new residence, the applicant/property owner shall submit for review and approval of Department of Conservation and Development, Current Planning Division (CDD) staff construction drawings (e.g., site plan, floor plans, elevations and grading plans) to verify compliance with all mitigations and conditions of approval. **(Mitigation Measure (MM) AES-1)**

14. Prior to recordation the final map, the applicant shall submit for the review and approval of CDD staff a proposed deed restriction to be recorded concurrently with the approved final map that shall apply to future development of the subdivision with the following design standards:
- Residential buildings on lots 5, 7, 8 and 9 shall not exceed 18 feet in height above the 440 foot elevation level. Overall heights within stepped down portions of residences may exceed 18 feet but not more than 35 feet in height.
 - Residential buildings on lots 5, 7, 8 and 9 shall be of a split level design to reduce effective visual bulk.
 - Residential buildings on lot 6 shall not exceed 28 feet in height above the 437 foot elevation level.
 - Terracing of buildings and retaining walls shall be parallel with slopes.
 - Large expanses of any material in a single plane shall be avoided. On downhill elevations, building mass shall be broken up with horizontal and vertical elements.
 - Cantilevering of buildings or decks on downhill slopes shall be avoided.
 - Open or enclosed crawl spaces exceeding 6 feet in height at exterior walls of buildings are not allowed.
 - Exposed retaining walls over 6 feet in height in a uniform plane shall be avoided. Terraced retaining walls shall be utilized whenever feasible. All retaining walls within required setbacks shall be limited to 3 feet in height.
 - Building and roof colors shall be muted earth tone colors to blend in with the environment. A variety of colors shall be used to the extent feasible to break-up any monolithic facades. **(MM AES-2)**
15. 30-days prior to applying for a residential building permit, 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 individual lots and not toward adjacent properties; all subject to review and approval by CDD staff prior to issuance of a residential building permit. **(MM AES-4)**

Tree Protection

16. The applicant shall adhere to all of the recommended tree preservation measures outlined within the arborist report prepared by Timothy Ghirardelli, dated February 4, 2016. Compliance with the recommended tree protection measures shall be documented and provided to CDD staff in report form for review within 30-days of completion of the construction activities. All recommended tree protection measures shall be placed on the face of construction plans. **(MM AES-3)**

17. Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on a site with trees to be preserved, the applicant shall install fencing at the dripline or other area as determined by an arborist report of all trees adjacent to or in the area to be altered. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by appropriate County staff.
18. No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline unless indicated on the grading plans approved by the County and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline, an arborist may be required to be present during grading and construction, an involved arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant.
19. No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the dripline within the dripline of any tree to be saved.

Security for Possible Damage to Trees Intended for Preservation

20. 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 the replacement of trees that are significantly damaged or destroyed by construction activity. **Prior to issuance of building permits**, the applicant shall provide a cash or surety bond that is acceptable to CDD.
 - a. Amount of Security: The security shall be an amount sufficient to cover:
 - i. Preparation of a landscaping and irrigation plan by a licensed landscape architect, arborist, or landscape contractor for the review and approval of the CDD. The plan shall provide for planting of up to **sixteen** 15-gallon-size Valley Oak trees. The trees shall be placed in areas that provide the maximum screening potential of this development. 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 building occupancy.**

- 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 final inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months and 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. If 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.

Air

21. Consistent with the Best Management Practices required by the BAAQMD, the following actions shall be incorporated into construction contracts and specifications for the project. All measures shall be printed on the face of construction drawings:
- 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.
- (MM Air – 1)**

Special Status Bats

22. In order to avoid impacts to special-status bats, a biologist shall survey all trees onsite (not just ones slated for removal) at least 15 days prior to commencing with any tree removal or earthwork that might disturb roosting bats in nearby trees. All bat surveys shall be conducted by a biologist with known experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for special-status bat species.

If special-status bat species are found on the project site, a determination will be made if there are young bats present. If young are found roosting in any tree, impacts to the tree shall be avoided until the young have reached independence. A non-disturbance buffer fenced with orange construction fencing shall also be established around the roost or maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys. If adults are found roosting in a tree on the

project site but no maternal sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity prior to the time the tree in question would be removed or disturbed. No other mitigation compensation would be required. **(MM BIO – 1)**

Raptors

23. To ensure that impacts to nesting raptors are avoided or offset, the following mitigation measures will be implemented:

a. In order to avoid impacts to nesting raptors, nesting surveys shall be conducted by a qualified raptor biologist prior to commencing with earth-moving or construction work, if this work would commence between February 1st and August 31st. The raptor nesting surveys shall include examination of all trees within 200 feet of the project site not just trees slated for removal.

b. If nesting raptors are identified during the surveys, the dripline of the nest tree must be fenced with orange construction fencing (provided the tree is on the project site), and a 200-foot radius around the nest tree must be staked with orange construction fencing. If the tree is located off the project site, then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptor are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. This date may be earlier or later, and would have to be determined by a qualified raptor biologist. If a qualified biologist is not hired to watch the nesting raptors, then the buffers shall be maintained in place through the month of August and work within the buffer can commence on September 1st.

c. Two surveys may be required to address both early and later nesting raptor species. Great horned owls and American kestrels begin nesting in February while red-tailed hawks and red-shouldered hawks begin nesting in early April. Thus, an early survey should be conducted in February if earth-moving work or construction is proposed to commence between February 1st and April 1st. If construction has not commenced by the end of March, a second nesting survey shall be conducted in April/May, commence after May but before September 1st, then the second survey shall be conducted within the 30-day period prior to site disturbance.

d. If the early nesting survey identifies a large stick nest or other type of raptor nest that appears inactive at the time of the survey, but there are territorial raptors evident in the nest site vicinity, a protection buffer (as described above) shall be established around the potential nesting tree until the qualified raptor biologist determines that the nest is not being used. In the absence of conclusive observations indicating the nest site is not being used, the buffer shall remain in place until a second follow-up nesting survey can be conducted to determine the status of the nest and eliminate the possibility that the nest is utilized by a late-spring nesting raptor (for example, red-tailed hawk). This second survey shall be conducted even if construction has commenced. If during the follow-up late season nesting survey, a nesting raptor is identified utilizing the nest, the protection buffer shall remain until it is determined by a qualified raptor biologist that the young have fledged and have attained sufficient flight skills to avoid project construction zones. If the nest remains inactive, the protection buffer can be removed and construction and earth-moving activities can proceed unrestrained. **(MM BIO – 2)**

Nesting Birds

24. A nesting survey shall be conducted 15 days prior to commencing construction/grading or tree removal activities, if this work would commence between March 1 and September 1. If common passerine birds (that is, perching birds such as Anna's hummingbird and mourning dove) are identified nesting on the project site, grading or tree removal activities in the vicinity of the nest shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area. The size of the nest protective buffer required to ensure that the project does not result in take of nesting birds, their eggs or young shall be determined by a qualified ornithologist. Typically, most passerine birds can be expected to complete nesting by June 15th, with young attaining sufficient flight skills by early July. **(MM BIO-3)**

Cultural Resources

25. 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 shall 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. All work shall be postponed until a qualified archaeologist has had an opportunity to evaluate any potential find. **(MM CUL – 1)**

Geology

26. The applicant shall comply with specific standards and criteria for use in design and construction of the project (site grading, drainage and foundation design) as identified in the February 4, 2016, GFK & Associates, Inc. preliminary geologic investigation. **(MM GEO - 1)**

27. Concurrently with recordation of the Parcel Map, record a statement to run with deeds to the property acknowledging the GFK & Associates report by title, author (firm), and date, calling attention to conclusions, including the requirements for a design-level geotechnical investigation and noting that the report is available to prospective buyers from seller of the parcel. **(MM GEO – 2)**

28. 1. At least 45 days prior to requesting a building permit, the project proponent shall submit a geology, soil, and foundation report for review by the Peer Review Geologist, and review and approval by CDD staff. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include the following: California Building Code seismic parameters that are based on the prevailing code; site specific data on the orientation of bedding; evaluation of the design of water quality basin(s) and their locations with respect to planned improvements; evaluation of the potential for slope creep to adversely affect planned improvements; provide recommendations that address monitoring clearing and backfilling depressions created by removal of tree trunks and their major roots; evaluate 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; characterize the expansivity of the soils and bedrock on the site and provide measures to avoid/control damage to minimize expansive soil effects on structures. The report should also identify recommended geotechnical monitoring services during grading and foundation-related work and provide a corrective grading plan for the two soil creep areas, and address removal of undocumented fill.

2. During grading, the geotechnical engineer shall observe and approve any keyway excavations deemed necessary; removal of any existing fill materials down to stable bedrock or in-place material; and installation of all subdrains including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the County to be kept on file. Cut slopes and any 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 Contra Costa County Building Inspection Division shall be obtained prior to any modification.

3. Prior to 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 rough grading, including (i) a map showing the as graded cut/fill contact, along with geologic mapping of all bedrock cut slopes and cut pad areas, and (ii) results of all compaction test data gathered during grading.

4. Prior to requesting a final building inspection for a new residence, 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.

5. Grading, improvement, erosion control and building plans shall employ, as appropriate, the following surface drainage measures: (i) positive grading of building pads for removal of surface water from foundation areas; (ii) collection of downspout water from roof gutters; (iii) avoidance of planted areas immediately adjacent to structures; (iv) avoidance of sprinkler systems (as opposed to drip irrigation systems) in the immediate vicinity of foundations; (v) grading of slopes to control erosion from over-the-bank runoff; and (vi) 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 drainage measures, including the installation of subsurface drains, where recommended by the project geotechnical engineer.

6. Geologic/Geotechnical reports and Grading/Drainage/Foundation shall be subject to review by the Peer Review Geologist and approval by CDD staff. **(MM GEO – 3)**

Construction

29. Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements.
 - A. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition.
 - B. 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.
 - C. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flow.
 - D. Prior to issuance of building permits (residences), 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.
 - E. 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.
 - F. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
 - G. All construction activities shall be limited to the hours of 8:00 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.
 - H. Prohibit unnecessary idling of internal combustion engines.
 - I. Locate stationary noise generating equipment as far from surrounding residential properties as possible. **(MM NOISE – 1)**
30. Prior to the start of construction-related activities, the project sponsor shall prepare a Traffic Control Plan (TCP), including a haul route, for the review and approval of CDD and the Public Works Department.
31. The project sponsor shall perform a pre-construction survey of the roadways to be used as part of the haul route. The survey shall include a videotape of the roadway conditions.
32. Prior to the issuance of a grading or building permit, the project sponsor shall provide a bond or equivalent security to secure performance of the restoration work, in an amount deemed sufficient by CDD and the Public Works Department. The project

proponent shall restore any public roads, easements, and/or rights-of-way that have been damaged due to project-related construction activities to the pre-project conditions.

Debris Recovery

33. 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.

Transportation Demand Management

34. 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 CDD. Applicant shall also comply with the County Growth Management Program and Bay Area Air Quality Management District regulations regarding transportation.

Gloria Terrace Roadway/Shoulder Improvements

35. At least 30 days prior to the filing of the Final Map, the project sponsor shall demonstrate to the satisfaction of CDD, that the improvements shown in the June 16, 2016, Gloria Terrace Shoulder Improvements exhibit have been satisfactorily completed.

Residential Fire Suppression Sprinkler Systems Required

36. Each new home shall be constructed with a fire suppression sprinkler system which is compliant with the applicable California Building Code.

PUBLIC WORKS

CONDITIONS OF APPROVAL FOR SUBDIVISION SD 9429

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development, Community Development Division, on June 16, 2016.

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

General Requirements

37. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department, and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on June 16, 2016.

Roadway Improvements (Frontage)

38. Applicant shall construct curb, 4.5-foot sidewalk, necessary longitudinal and transverse drainage, and pavement widening and transitions along the frontage of Gloria Terrace. Applicant shall construct face of curb 20 feet from the ultimate centerline of the right-of-way line.

Roadway Improvements (Off-Site)

39. Applicant shall construct pedestrian improvements, pavement widening and transitions, and necessary longitudinal and transverse drainage along Gloria Terrace as reviewed and approved by Public Works Department.

Access to Adjoining Property

Proof of Access

40. Applicant shall furnish proof to 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

41. 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 Gloria Terrace.

Abutter's Rights

42. Applicant shall relinquish abutter's rights of access along Gloria Terrace with the exception of the proposed private road intersection.

Sight Distance

43. Provide sight distance at the intersection of the new private roadway and Gloria Terrace for a design speed of 30 miles per hour.

Private Roads

44. Applicant shall construct a (paved) turnaround at the end of the proposed private road.
45. Applicant shall construct an on-site roadway system to current County private road standards with a minimum traveled width of 20 feet and a 5-foot sidewalk within a 30-foot access easement as shown on the Vesting Tentative Map.
46. Any proposed roadway over 15.9% in grade shall be surfaced with grooved concrete or open-graded asphalt.

Road Dedications

47. Property Owner shall convey to the County, by Offer of Dedication, 5 feet of additional right of way necessary for the planned future width of 60 feet along the frontage of Gloria Terrace.

Street Lights

48. Applicant shall annex to 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.

Bicycle - Pedestrian Facilities

49. 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.

50. 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

51. Parking shall be prohibited on both sides of on-site roadways. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of Public Works Department.

Utilities/Undergrounding

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

Drainage Improvements/Collect and Convey

53. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to *an adequate* natural watercourse, in accordance with Division 914 of the County Ordinance Code.

Miscellaneous Drainage Requirements

54. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
55. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
56. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any portions of the proposed storm drain system on the site that serve or traverse more than one lot.

National Pollutant Discharge Elimination System (NPDES)

57. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

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

- Minimize the amount of directly connected impervious surface area.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above, as approved by Public Works.
- Shallow roadside and on-site swales.
- 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 filing of the final map. 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 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 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.
62. 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.
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

- The applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors.
- The applicant shall comply with the drainage fee requirements for Drainage Area 46, 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.
- 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
- Central Contra Costa Sanitation District
- East Bay Municipal Utilities District
- Bay Area Air Quality Management District
- Regional Water Quality Control Board, District III