

# **Conditions of Approval**



## CONDITIONS OF APPROVAL

### Administrative

1. These conditions of approval pertain to the Saranap Village Mixed Use Project, as approved or recommended in County Files #GP13-0003, #RZ13-3224, #SD13-9359, and #DP13-3035. All references to the public right of way refer to that right-of-way as it is configured after the street vacations and dedications referenced below.
2. The Applicant shall substantially comply with all conditions of approval. As used in these conditions, "Applicant" means: (a) for conditions that must be satisfied before filing of a final map, the entity submitting the final map for recordation and/or the owner of the land subject to that final map; and (b) for conditions that are to be satisfied after filing of the final map, the landowner and/or HOA or equivalent owner's association. References to project sponsor or developer shall be deemed to be references to "Applicant."
3. Conditions may be modified or amended upon request of the Applicant, with the approval of the Department of Conservation and Development, Community Development Division (CDD) or the Public Works Department, as applicable to the condition, and provided the revised condition is not a substantial amendment and affords an equivalent level of protection of environmental resources. Whenever these conditions refer to approval or satisfaction of the CDD or Public Works Department, that approval or satisfaction may be provided by staff, and staff may refer the matter to a County official (director of a department or Zoning Administrator) if deemed appropriate.
- 3a. The County Planning Commission recommends that the Board of Supervisors consider the necessary steps to create a plan for the Saranap area through a community process.
4. **Vesting Tentative Map (VTM) Approval** is granted to subdivide the project site into three (3) large parcels (Site-A, -B/B1, and -C), each with multiple condominium units/lots. The Final maps may consist of up to one condominium unit for residential uses and up to 7 condominium units for commercial and parking uses on Site-A, up to 52 condominium units for residential uses and up to 12 condominium units for commercial and parking uses on Site-B/B1, and up to 24 condominium units for residential uses and one condominium unit for parking uses on Site- C; for a total of ninety-seven (97) condominium units, generally as shown on plans submitted 2-15-17.
5. **Variance approval** is recommended to allow a mixed-use residential and commercial Planned Unit (P-1) district of 4.6+/- acres where a minimum of 15 acres is required.
6. **Preliminary and Final Development Plan (FDP) approval** is recommended to allow for the construction of a new mixed-use development with associated infrastructure, utility, and roadway improvements, consisting of the following primary elements, generally as shown on plans submitted on 2-15-17, and height zone map submitted 2-17-17:

- a) 122 apartment units for rental;
  - b) Up to 76 residential condominium units for sale;
  - c) Approximately 21,522 square feet of commercial space
  - d) Onsite parking garage;
  - e) Approximately 492 on- and off-street parking spaces;
  - f) Narrowing of a portion of Boulevard Way from four lanes to two lanes;
  - g) Installation of diagonal on-street parking along Boulevard Way and Saranap Avenue;
  - h) New traffic roundabout on Boulevard Way at Saranap Avenue;
  - i) New traffic median on Boulevard Way at Flora Avenue;
  - j) Roadway improvements within Boulevard Way and Saranap Avenue
7. **Tree Permit approval** is granted to allow the removal of 64 trees and work within the dripline of 3 trees, some of which are code-protected.

### **Consistency**

- 8. Approval of the VTM is contingent upon the Board of Supervisors approving both the General Plan Amendment and the rezoning.
- 9. The VTM approval and recommended FDP approval are based on and as generally shown on the following documents:
  - a) Major Subdivision application received by the (CDD) on 2-15-17;
  - b) Development Plan application received by the CDD on 2-15-17;
  - c) Vesting Tentative Map of Kier and Wright Civil Engineers and Surveyors received on 2-15-17;
  - d) Civil plans of Kier and Wright Civil Engineers and Surveyors, Inc. received on 2-15-17;
  - e) Height zone map submitted 2-17-17; and

- f) Landscape and architectural plans of MBH Architects and Camp & Camp Associates received by the CDD on 2-15-17;

### **VTM Duration**

10. If no Development Agreement is entered into, the VTM is granted for a period of three (3) years, which may be extended subject to proper request(s) for extension, and review and approval of the CDD. If a Development Agreement is entered into for the project, then the duration of the VTM is as specified in the Development Agreement.

### **Indemnity**

11. The Applicant shall enter into an Indemnification Agreement with the County, and the Applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages (collectively, "Liabilities") arising from or related to the Project, the Applicant's application for a land use permit, the County's discretionary approvals for the Project, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, or the construction and operation of the Project, regardless of when those Liabilities accrue.

### **Fees**

12. This application is subject to an initial application deposit of \$5,000.00 for the General Plan amendment, \$14,745.00 for the rezoning review, \$2,850.00 for the tentative subdivision map review, and \$3,500.00 for the final development plan review, which were paid with the application submittals, plus time and materials costs if the application review expenses exceed 100% of the initial deposit. **Any additional cost due must be paid within sixty (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.
13. **No later than five days after project approval**, the Applicant shall pay the California Department of Fish and Wildlife (CDFW) CEQA filing fee of \$3,078.25 and a County clerk processing fee of \$50, as mandated by state law. Pursuant to Fish & Game Code Section 711.4(c)(3), the project will not be operative, vested, or final, and local government permits for the project shall not be valid until the fee is paid. A Notice of Determination, which commences the running of a 30-day statute of limitations, cannot be filed absent payment of these fees.
14. In the event that the County elects to use a third-party consultant to assist in the monitoring of environmental mitigation measures set forth in the MMRP and other requirements of these conditions, then the Applicant shall be responsible for payment of all fees associated with the consultant's contract.

15. In the event the County enters into a Development Agreement. The applicant or property owner shall submit a fee of \$500 to cover staff time needed for each review (i.e. annual reviews) or proposed modifications of that agreement.

### **Compliance Report**

16. Prior to each of the following events: (a) filing of a final map, (b) CDD stamp-approval of plans for issuance of a building or grading permit; and (c) commencement of construction-related activities, the Applicant shall submit an application for Condition of Approval Compliance Verification to verify compliance with conditions relevant to that event. The initial deposit for a project of this size is \$10,000, which is subject to staff time and materials costs. Should staff costs exceed the deposit, additional payment will be required. The Applicant shall submit a report in compliance with the conditions of approval of this permit for review and approval of the CDD. The report shall list each condition followed by a description of what the Applicant has provided as evidence of compliance with that condition. The CDD may reject the report if it is not comprehensive with respect to the applicable requirements for the requested approval. This application will remain active throughout the construction phase of the project, and additional submittals will be required to ensure compliance with each phase of the project and with each sub-phase (demolition, grading, building, etc.) within each phase.

### **Specific Uses**

17. The owner and/or operator of any take-out food establishments within the District shall comply with the following:
  - a) At least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on public property within four hundred feet of any boundary of the premises on which such take-out food establishment is located.
  - b) Upon the request of any owner of private property located within four hundred feet of any boundary of the premises on which the take-out food establishment is located, at least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on such private property visible from a public street.
  - c) Either establish to the satisfaction of the CDD that the parking meter program referenced below will fund maintenance required by conditions a) and b), or post a bond or other security that complies with County Code section 88-16.010.
18. The owner and/or operator of any alcoholic beverage sales commercial activities allowed as a permitted use shall comply with the following:

- a) **Prior to the commencement of alcohol sales**, provide evidence to the CDD that a license(s) has been obtained or is under review by the California Department of Alcoholic Beverage Control for the alcohol sales that are proposed.
- b) **Within 30 days from the commencement of alcohol sales**, provide evidence to the CDD that the subject facility has been registered with the Alcohol and Tobacco Tax and Trade Bureau (TTB).
- c) Obtain a business license from the County Tax Collector's Office for the associated business within which alcohol sales is permitted. This license shall be renewed annually or as otherwise required, and shall remain in good standing as long as the approved use is in operation.
- d) Comply with all applicable requirements of County Code chapter 82-38 to the extent such requirements are consistent with the Saranap Village Rezoning Ordinance.

### **Inclusionary Housing**

19. The project is subject to the Inclusionary Housing Ordinance. Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of 76 for-sale units shall construct at least fifteen percent of the for-sale units to be developed and sold as inclusionary units. The Applicant is required to construct a total of 11.40 units of inclusionary housing.
  - a) As an alternative to the requirement to construct inclusionary housing, the Applicant has proposed the payment of an in-lieu fee. This alternative for the Department of Conservation and Development (DCD) to collect an in-lieu fee, as established in DCD's fee schedule, has been accepted.
  - b) Pursuant to Section 822-4.404(e), **prior to issuance of the first building permit for any portion of the for-sale residential development that is within site B/B1 and C**, the Applicant shall pay to the County the full amount of the fees that are due under the ~~current~~ Inclusionary Housing Ordinance. Inclusionary Housing in-lieu fees are calculated only for the for-sale residential units on Sites ~~-B/B1 and -C~~. The in lieu fee for all for-sale units on Sites-B/B1 and -C is \$294,492, as long as vesting rights are maintained if the building permits are obtained within ten years of the effective date of the Development Agreement. Consistent with Section 2.04 (Fees) of the Development Agreement, in the event permits are obtained after the ten-year vesting period, then the Applicant is required to pay fees applicable at the time of issuance of the building permit. This in-lieu fee is non-refundable.
20. Should the Applicant not satisfy the Inclusionary Housing Ordinance via payment of the full amount of the in-lieu fee that is due prior to the issuance of the first building permit for any portion of the for-sale residential development that is within site B/B1 and C, the Applicant shall comply with the County Ordinance Code Chapter 822-4 and construct the required number of inclusionary units on-site, off-site, or a combination of both on-site and off-site.

Any fraction of an inclusionary unit shall be subject to the payment of the in-lieu fee as established in DCD's fee schedule at the time.

21. Should the Applicant propose to modify the project to (a) increase the total number of approved housing units, (b) convert approved rental units to for-sale units, or (c) otherwise change the number of rental or for-sale units from what is shown per plans and application, the proposed modifications shall be subject to the regulations of the Inclusionary Housing Ordinance requirements, along with any other applicable laws or statutes, in effect at that time. Should compliance with the Inclusionary Housing Ordinance be required for any proposed modifications, the Applicant shall comply with the Inclusionary Housing Ordinance in effect at that time. The developer may submit a proposal for complying with the Inclusionary Housing Ordinance by proposing any combination of on-site construction, off-site construction, in-lieu fees and land conveyance, or any other feasible alternative, that in DCD's determination would provide equivalent or greater benefit than that which would result from providing on-site inclusionary units. When counting units to determine Inclusionary Housing Ordinance applicability, successive modifications by the Applicant shall be taken into account as one proposed activity/action.

#### **Tentative Map**

22. **Prior to the filing of the first map**, the applicant shall replace Vesting Tentative Map sheets C-10 and C-11 with sheets that more clearly depict Site-B/B1 as a single parcel.

#### **Parking Plan**

23. **Prior to CDD stamp-approval of plans for the issuance of building permits for any building for residential or commercial purposes that require off-street parking**, the applicant shall submit a detailed parking plan for review and approval of the CDD. The parking plan shall confirm final parking quantities, dimensions, and locations; and shall identify those spaces designated for guests, as well as those where the use to be served by that parking space is located on a separate site (Site-A, -B/B1, -C).

#### **Exclusive Parking Facility Plan**

24. **Prior to CDD stamp-approval of plans for the Site-A parking garage**, the applicant shall submit an exclusive parking facility plan for review and approval of the CDD. The plan shall include information as necessary pursuant to Section 82-16.408 of the County Code.
- 24a. The Department of Conservation and Development and the developer shall work together to determine if the parapet height on the top level of the Site-A parking garage needs to be increased to confirm that it complies with applicable safety standards.



## **Deed Notification / Access Easement / Parking Easement**

25. **Prior to CDD stamp-approval of plans for issuance of building permits for Site-B/B1 and -C**, the applicant shall submit evidence to the CDD, that a deed declaration, access easement, parking easement, and/or other right of access instrument, as deemed sufficient by the CDD, has been recorded for the following:
- a) continued availability of and access to 13 off-street parking spaces located on Site-B1 for residents of the Boulevard Terrace development;
  - b) continued availability of and access to off-street parking spaces within the Site-A garage for residents/guests of Site-B/B1 and Site-C as deemed necessary per the approved Parking Plan.

## **Project Phasing**

26. Subject to approval by the Zoning Administrator, and provided the Applicant demonstrates sufficient parking for each phase, the project may be constructed in phases, in any order, with Site-A, Site-B/B1, and Site-C comprising the phases. Whether or not phasing is expressly referenced in a condition, the Applicant is required to satisfy each condition only for the phase at issue. Compliance for each phase is due at the time indicated or, if no time is indicated, by the filing of a final map for that phase. Requirements applicable to a final map shall apply only to the area encompassed within that final map. The only time a condition must be satisfied for the entire project before any final map is recorded is when the condition expressly requires compliance before the filing of "the first" final map.

## **Covenants, Conditions, and Restrictions**

27. The Applicant shall record a declaration of covenants, conditions, and restrictions (CC&Rs) for development that requires the development owners' association to maintain all improvements within the publicly accessible areas of the development beginning when the Applicant assigns the maintenance agreement to the owners' association. The CC&Rs shall include a term substantially similar to the following:

County Approval Required for Certain Amendments. Notwithstanding any other provision of this Declaration, no amendment, change, modification, or termination of these conditions, covenants, and restrictions regarding any of the following provisions shall be effective for any purpose until approved in writing by the Contra Costa County Public Works Director, in his or her sole discretion: (a) regulation of land use, (b) maintenance of landscaping and common area within the publicly accessible areas of the development, (c) maintenance of parking meters within private parking areas, (d) maintenance of all improvements installed within County rights of way under the maintenance and license agreement between Contra Costa County and Saranap Village Developers, LLC, following the assignment of that agreement to the development owners' association, (e) the removal of any lots or territory from this Declaration, (f) termination of this Declaration, and (g) dissolution of the owners' association.

28. Covenants, conditions and restrictions shall be recorded for each phase, which shall address, to the satisfaction of the CDD, the following:

- a) Funding of maintenance of common areas.
- b) Compliance with mitigation measure GHG-2 relating to implementation of a Project-Specific GHG Reduction Plan.

#### **Park Impact/Park Dedication Fees**

29. **Prior to issuance of building permits for any building containing residential units**, the Applicant shall pay a per unit Park Impact/Park Dedication fee as follows:

- a) Multi-Family Unit: \$5,349 per unit
- b) Townhome: \$6,031 per unit

The fee amount described above is the current rate at the time of approval of this project. The actual amount due shall be that which is in effect at the time of building permit issuance, pursuant to the current ordinance.

#### **Police Services**

30. **Prior to the recording of each final map**, the Applicant 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 an annual amount per residential condominium (with appropriate future CPI adjustment) then established at the time of voting by the Board of Supervisors. As of the date of approval of this project, the annual fee is \$200.00 per residential condominium (i.e., \$200 for one residential condominium on Site A; \$10,400 for 52 residential condominiums on Site B/B1, and \$4,800 for 24 residential condominiums on Site C). The election to provide for the tax shall be completed prior to final map. The Applicant shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the Applicant. Allow a minimum of three to four months for processing.

#### **Tree Preservation**

31. The Applicant shall plant at least 64 trees to replace removed trees. No equipment or construction materials shall be stored within the driplines of existing trees planned for preservation at the project site. Tree protection shall be addressed in each phase as it is developed.

32. Up to 64 trees may be removed as identified in the arborist's report contained in Appendix C to the DEIR. Trees #21 and #65 are not permitted for removal. However, work may be conducted within the dripline of Tree #65 in the panhandle of Site-B, and Tree #21 on Site-B.

33. Required Restitution for Approved Tree Removal - The following measures shall be implemented to provide restitution for the protected trees that have been approved for removal.

- a) Tree Restitution Planting/Irrigation Plan - Prior to CDD stamp-approval of plans for issuance of a grading permit or building permit, whichever occurs first, the Applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the CDD. The plan shall identify protected trees that are to be removed or preserved. Removed protected trees shall be replaced with a minimum 15-gallon size tree. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the replacement of the protected trees.
- b) Required Security to Assure the Completion of Plan Improvements - Prior to CDD stamp-approval of plans for issuance of a grading permit or building permit, whichever occurs first, the Applicant shall submit a security (e.g., bond, cash deposit or other financial instrument) that is acceptable to the CDD. The security shall include the amount of the approved cost estimate for replacement and planting, *plus* a 20% inflation surcharge.
- c) Initial Fee Deposit for Processing a Security - The County ordinance requires that the Applicant pay fees for all time and material costs of staff for processing a landscape improvement security. At time of submittal of the security, the Applicant shall pay an initial deposit of \$100.
- d) Duration of Security: Prior to the first certificate of occupancy for each phase, the consulting arborist shall verify that the required replacement trees have been properly planted for that phase, and when verified, notify the CDD in writing. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the written verification of installation. A prerequisite of releasing the bond between 12 and 24 months shall be to have the Applicant arrange for the consulting arborist to inspect the required replacement trees and to prepare a report on the trees' health. In the event that the CDD determines that the required replacement tree(s) have been damaged or have died, and determines that the Applicant has not been diligent in providing a replacement, then the CDD may require that all or part of the security be used to provide for replacement of the dead or damaged tree(s).
- e) Integration with Final Landscape Plan: The tree restitution planting and irrigation plans described in Subsection a) above may be incorporated as part of the Final Landscape plan required pursuant to subsection (a) above. However, the planting plan shall identify the replacement trees required to replace removed protected trees, which are intended to satisfy this condition. In addition, the provided estimate shall only cover materials and labor associated with the implementation of the required tree restitution, and not for the full landscape plan.

34. Trees to be Preserved but Altered - Pursuant to the conclusions of the arborist's report, the improvements within the root zone of protected trees noted on the site plan to be preserved have been determined to be feasible and still allow for preservation provided that the recommendations of the arborist are substantially followed.

Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages protected trees that are not approved for removal, the Applicant shall provide the County with a security (e.g., bond, cash deposit or other financial instrument) to be submitted prior to issuance of a building permit or a grading permit, whichever occurs first, to allow for replacement of protected trees intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

- a) Extent of Possible Restitution Improvements - The planting of a minimum 15-gallon replacement tree for every destroyed protected tree that was not approved for removal, in the vicinity of the affected tree, or equivalent planting contribution, as set forth in the approved tree planting the irrigation plan.
- b) Preservation Security - Determination of Security Amount - The security shall provide for all of the following costs:
  - preparation of a landscape/irrigation plan by a licensed landscape architect or arborist; to plant and irrigate replacements for all the preserved protected trees.
  - a labor and materials estimate for planting the potential number of trees to replace protected trees not approved for removal, and related irrigation improvements that may be required (prepared by a licensed landscape contractor); and
  - an additional 20% of the total of the above amounts to address inflation costs.
- c) Initial Deposit for Processing of Security - The County ordinance requires that the Applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of \$100 at time of submittal of a security.
- d) Duration of Security: The security attributable to each phase shall be retained by the County for a minimum of 12 months up to 24 months beyond the completion of the tree alteration improvements (i.e. date of first certificate of occupancy/approved final inspection for each phase). A prerequisite of releasing the bond between 12 and 24 months shall be to have the Applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that the CDD determines that the tree(s) intended to be protected has been damaged by development activity, and the CDD determines that the Applicant has not been diligent in providing reasonable restitution of the damaged tree(s), then the CDD may require that all or part of the security be used to provide for mitigation of the damaged tree(s).

35. The expenses associated with all required arborist services shall be borne by the developer and/or property owner.

### **Landscaping**

36. Final Landscape Plan: **At least 30 days prior to issuance of a grading permit or CDD stamp-approval of plans for issuance of a building permit**, a final landscape and irrigation plan shall be submitted to the CDD for review and approval. The plans shall be designed in general accord with the preliminary landscape plans received to the CDD on 2-15-17. The submitted plans and overall project shall be compliant with the State Model Water Efficient Landscape Ordinance (or the County's landscape ordinance if one has been adopted) and EBMUD Section 31 Water Service Regulations.

### **Signage**

37. The Applicant shall submit a detailed sign program for review and approval of the CDD. The sign program may be submitted and approved in parts. A preliminary sign program including provisions for monument signs and signs related to residential uses shall be submitted and approved by the CDD prior to stamp-approval of plans for issuance of building permits for the first building containing residential units. A Final Sign program with provisions addressing signs for non-residential shall be submitted and approved prior to CDD stamp approval of plans for issuance of the first permit for non-residential tenant improvements.
38. The Final Sign Program shall include the following guidelines:
- a) Content and Process. The program shall indicate the general types and approximate number of signs allowed and provide general guidelines for sign sizes and locations. The program shall require that all signs conform to its applicable requirements and any applicable building code requirements. The program shall require that individual signs be submitted to the County for review, and provide that the County shall approve signs if they conform to the approved sign program.
  - b) Monument Signs. The program shall allow up to three monument signs (two along Boulevard Way; one along Saranap Ave.) identifying the development.
  - c) Required Signage. The program shall impose the following requirements for signs related to non-residential uses within buildings. Non-residential uses shall provide a minimum of one primary business identification sign per store frontage with a public entrance. Non-residential signage shall conform to the sign sizes and locations designated for its storefront areas in the program.
  - d) Landlord / Management Approval. The program shall require that each tenant receive written approval or conditional approval of its proposed sign design from the landowner or its designee prior to submittal to the County for review.

## Events

39. The granting of this entitlement does not allow for Temporary Events, as defined in the Temporary Events Ordinance (County Code Chapter 82-44), except such events as are allowed subsequently by issuance of a temporary event permit pursuant to that ordinance.

## Materials

40. **Prior to CDD stamp-approval of plans for issuance of building or grading permits**, the Applicant shall submit a sample board of the materials and colors proposed for each residential building as well as other structures such as trash enclosures, and pergolas. The design of the garage on Site A shall include, on the side facing the Vista Palms apartment building, enclosure of all but the uppermost (roof) level of the garage.

## Climate Action Plan Consistency

41. **Prior to CDD stamp-approval of plans for issuance of building or grading permits**, the Applicant shall provide evidence (construction plan details/notes) that the proposed project meets applicable standards listed in Table-E.1 (Standards for CAP Consistency – New Development) of the County Climate Action Plan's Appendix-E, as follows:
- a) All appliances and insulation installed by the Applicant in residential and non-residential spaces shall be rated high efficiency.
  - b) All parking for residential and non-residential uses shall include EV charging stations as required by the County Code.
  - c) All residential and non-residential structures shall be solar ready as defined by the California Building Standards Code.

## Transportation Demand Management Program

42. The Applicant shall implement a project-specific Final Transportation Demand Management (TDM) Program to the extent required by Mitigation Measure GHG-2 and County Code section 82-32.010(a), with the goal of encouraging residents of the development to use alternate modes of transportation. **Prior to CDD stamp-approval of plans for issuance of building or grading permits**, the Applicant shall submit a conceptual TDM Program that complies with the standards of the County TDM Ordinance. The conceptual TDM Program shall be subject to review and approval of the CDD
43. The TDM program required by the preceding condition shall include the following requirements of County Code section 82-32.010:
- a) For Sale Residential Units: Upon a residential dwelling being sold or offered for sale, the sponsor shall notify and offer to the buyer or prospective buyer, as soon as it may be done,

materials describing public transit, ridesharing, and non-motorized commuting opportunities available in the vicinity of the project. Such information shall be transmitted no later than the close of escrow.

- b) Rental Residential Units: Upon a residential dwelling being rented or offered for rent, the sponsor shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and non-motorized commuting opportunities in the vicinity of the development. The materials shall be approved by the CDD prior to certificate of occupancy for any approved building containing rental units. The materials shall be provided to the tenant or prospective tenant no later than the time the rental agreement is executed.
  - c) The sponsor and all subsequent owners of the project shall provide deed notification of mandatory participation in the TDM program to all subsequent purchasers and owners of residential units in the project.
44. The Applicant has already complied with sections 82-32.010(b)(requirements for tentative map or development plan application for residential project), 82-32.010(c) (consultation with local transit provider regarding residential project), 82-32.010(d) (traffic impact analysis for residential project), 82-32.012(a) (requirements for tentative map or development plan application for nonresidential project), 82-32.012(b) (consultation with local transit provider regarding nonresidential project), and 82-32.012 (c) (traffic impact analysis for non-residential project), and no further compliance with those provisions is required.

### **Environmental Impacts**

45. The project shall comply with the mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Program (MMRP) approved for the project, which is Attachment 2 to the resolution to which these conditions are attached. The MMRP and the mitigation measures are those applicable to the Mitigated Plan Alternative rather than the Original Project. In the event of any conflict between the MMRP and the language of the conditions implementing the Mitigation Measures shall control as it is more specifically tailored to the 2017 Plan. The MMRP is incorporated by reference into these conditions. The timing and responsibility for implementation of the mitigation measures shall be as specified in the MMRP.

### **Aesthetics**

46. Reduce Height. To avoid significant obstruction of views of the major Las Trampas Regional Wilderness ridgeline when viewed from the bend in Saranap Avenue at Hull's Mortuary (RDEIR Viewpoint Number 1), the maximum roofline height of Site A buildings shall be reduced as necessary to substantially eliminate the ridge obstruction. In no case shall the maximum height of the Site A buildings exceed the heights reflected in Figure 6.5-3 (Mitigated Plan Alternative Height Zone Map) in the RDEIR. **[MM AES-1]** The height zone map submitted on 2-17-17 and adopted by the Saranap Village rezoning ordinance complies with this requirement.

47. Variety of Styles. To avoid monotony of style and to be compatible with the eclectic nature of the surrounding development, the project applicant shall employ differing architectural styles which shall include, at a minimum, at least three of the following three styles: Contemporary, Cottage Townhome, Craftsman, European Village, Contemporary Saltbox, Contemporary Lodge. **[MM AES-3a]** The designs submitted to the CDD on 2-15-17 comply with this requirement.
48. Design Features. To soften or break up building masses, the project applicant shall include the following design elements: **[MM AES-3b]** The designs submitted to the CDD on 2-15-17 comply with this requirement.
- a) The same level of architectural detail shall be extended to all building exteriors, and no large blank walls on any side of any building shall be visible from any public street or off-site location.
  - b) The exterior vertical surfaces of all buildings shall be broken up and a monolithic appearance shall be avoided. The arrangement and size of design elements shall be varied. Buildings shall include variations in color, building components, materials, and window placement. This requirement may be accomplished with design elements such as projections, recesses, modulation, and corner treatments. Other treatments that would satisfy this condition include, but are not limited to, columns, awnings, canopies, recessed entrance areas, special entrance treatments, decks, railings, louvers, vents, wall panels, curtain walls, and slope glazed systems and variety in the building components
  - c) For ground-level retail under residential uses, the project applicant shall use a distinctive parapet, horizontal band, or other design element to distinguish the retail from the upper residential floors. The project applicant shall ensure that design elements are incorporated into the ground level retail uses to create a sense of openness from the sidewalk into the retail space, using such items as visually penetrable storefront windows, roll-up window walls, nano-walls, or other types of window walls.
  - d) Along the northern side of Boulevard Way, a clearly defined base and roof edge shall be included to provide a distinct base, middle, and top of the façade.
49. Color Palette. The project applicant shall ensure that primary color palettes and materials for the project buildings are appropriate to the architectural styles chosen pursuant to Mitigation Measure AES-3a. **[MM AES-3c]** The designs submitted to the CDD on 2-15-17 comply with this requirement.
50. Additional Height Reductions. In addition to the height reductions required by Mitigation Measure AES-1, the applicant shall lower the height of the Site A building further. The height of all buildings shall not exceed the maximum heights set forth in the Height Zone Map for the project (Figure 4-1 in the Response to Comments Document/Final EIR). The project shall also employ flat roofs on Site A to avoid any additional height that would be required for gabled roofs. Roof heights on Site A shall be stepped back from Saranap Avenue as set forth



in such height zone map. **[MM AES-3d]** The designs submitted to the CDD on 2-15-17, as supplemented by the height zone map submitted 2-17-17, comply with this requirement.

## **Air Quality**

51. The project applicant shall ensure that all off-road construction equipment has Tier 3 rated engines. The project applicant shall also ensure that the following construction equipment has a Diesel Particulate Filter (DPF): excavators in both the demolition and excavation construction phases; forklifts in the building construction phase; air compressors in the architectural coating phases, and rollers in the street improvements phase of construction.. **[MM AIR-2a]**
52. Reduced Idling. Contractors shall be restricted to a 2 minute idling limit on all construction equipment. **[MM AIR-2b]**
53. Achieve Performance Standard. As an alternative to mitigation measures AIR-2a and AIR-2b above, the project shall achieve a performance standard of not exceeding the BAAQMD thresholds relating to cancer risk and PM2.5, which shall be demonstrated to the satisfaction of the County by a qualified air quality consultant. Alternative means of achieving this Performance Standard include using Tier 4 equipment, or Level 3 VDECS on Tier 3 equipment, for construction equipment other than the equipment identified in measure AIR-2a above; use of alternative fuels (biodiesel/biofuel and/or hybrid electrification); and MERV filters. **[MM AIR-2c]**
54. The Applicant shall comply with the following requirements during construction, relating to air quality **[additional measure not required by EIR]**:
  - 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) Clear signage shall be provided for construction workers at all access points regarding the two-minute idling time limit set forth in Mitigation Measure AIR-2b.
  - 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.

55. The Applicant shall comply with the following requirements relating to air quality:

- a) Upon initial construction, the project shall include an indoor air filtration system that meets or exceeds an efficiency standard of Minimum Efficiency Reporting Value (MERV) 11 or higher rated air filters, to limit the entry of particulate and gaseous toxic air contaminants (TACs) to the Project buildings from nearby sources, particularly State Route 24. The filtration system shall use filters rated by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) to attain the prescribed level of pollutant reduction indoors.
- b) The heating, air conditioning, and ventilation (HVAC) systems for the Project shall be installed with fan units designed with sufficient power to force air through the required MERV-11 or higher rated air filters.

## **Biological Resources**

56. Pre-construction/Pre-disturbance Nesting Surveys. For construction activities expected to be initiated during the nesting season ( i.e., between February 1 and August 31), the project applicant shall retain a qualified biologist to conduct pre-construction surveys for nesting birds to ensure that project activities do not result in the "take" of fertile eggs, nestlings, or nesting raptors, or the abandonment of active nests. Surveys shall be conducted no more than ten days prior to the initiation of project activities. During the survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., shrubs, and buildings) within 500 feet of the project site. If an active nest is found sufficiently close to work areas to be disturbed by project activities, the biologist shall determine the extent of a work-free buffer zone to be established around the nest (in urban areas such as the project site, buffers are typically 300 feet for raptors [i.e., hawks and owls] and 75 feet for common songbirds) to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation. The extent of the work free buffer zone shall be determined by the biologist based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance; line of sight between the nest and disturbance; ambient noise levels; and consideration of other topographical or artificial barriers. Work-free buffer zones shall be demarcated with painted orange lath or via the installation of orange construction fencing and maintained until the breeding season is complete (typically by August 1), or until after the qualified biologist determines the young have fledged (usually late June through mid-July) or that the nesting cycle is otherwise complete. **[MM BIO-1a]**

57. Pre-Construction Bat Surveys. No more than 10 days in advance of tree removal or the demolition and removal of buildings or structures, the project applicant shall retain a qualified biologist to conduct pre-construction surveys for bat roosts. If a colony of special-status bat species is located within and immediately adjacent to the impact areas during pre-construction surveys, the biologist shall determine the extent of a work-free buffer zone to be established around the colony to ensure that the colony will not be disturbed during project implementation. The extent of the work free buffer zone shall be determined by the biologist based on the species' sensitivity to disturbance (which can vary among species); the level of noise or construction disturbance; line of sight between the nest and disturbance; ambient noise levels; and consideration of other topographical or artificial barriers. Work-free buffer zones shall be demarcated with painted orange lath or via the installation of orange construction fencing. If there is a maternity colony present, demolition of that tree or structure shall not commence until after young are flying (i.e., after July 31, confirmed by a qualified bat biologist) and shall be completed before maternity colonies form the following year (i.e. prior to March 1). **[MM BIO-1b]**

### **Cultural Resources**

58. Pursuant to CEQA Guidelines Section 15064.5(f), if prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet shall halt and the Contra Costa County Department of Conservation and Development shall be notified. The project applicant shall retain an archaeologist that meets the qualifications listed in the Secretary of the Interior's Standards and Guidelines to inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, in consultation with the Contra Costa County Department of Conservation and Development and the culturally-affiliated Native American group(s) shall determine whether preservation in place is feasible. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist, in consultation with the lead agency and the culturally-affiliated Native American group(s), shall prepare and implement a detailed treatment plan. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. **[MM CUL-2]**
59. In the event of an unanticipated discovery of a fossil or fossilized deposit during construction, the project applicant shall notify both a qualified paleontologist (as approved by the County) and the County of unanticipated discoveries. The qualified paleontologist, under contract to the project applicant, shall subsequently document the discovery. Excavations within 100 feet of the find shall be temporarily halted or diverted until a qualified paleontologist examines

the discovery. The paleontologist shall notify the Contra Costa County Department of Conservation and Development to determine procedures that would be followed before construction is allowed to resume at the location of the find. The paleontologist shall oversee implementation of these procedures once they have been determined. **[MM CUL-3]**

60. In the event that any prehistoric or historic subsurface human remains are discovered during ground disturbing activities, the project applicant shall ensure that all work within 100 feet of the resources halt. The project applicant consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find per CEQA Guidelines Section 15064.5. CEQA Guidelines Section 15064.5(e)(1), below, shall be followed: **[MM CUL-4]**

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours;

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the Commission;

(B) The identified descendant fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

## Greenhouse Gases

61. Implement a Project-Specific GHG Reduction Plan. The project applicant shall prepare a GHG Reduction Plan. The GHG Reduction Plan, which shall be prepared by a qualified expert, shall be subject to approval by the Director of the Community Development, and shall either demonstrate what additional or recurring mitigation efforts are projected to be required, or that no such additional or recurring mitigation efforts are required. Development permits shall be issued only for such development as is covered by an approved GHG Reduction Plan. The Plan shall demonstrate specific methods to achieve a GHG reduction performance standard for total project GHG emissions of no more than 4.6 MT CO<sub>2</sub>e per year per service population. The GHG Reduction Plan shall specify the methods, and quantify the projected emissions reduction that would be achieved. Methods that may be included in the GHG Reduction Plan include, but are not limited to, the following: **[MM GHG-2, part 1]**

a) Implement Mitigation Measures to Reduce Project-Generated GHG emissions from Mobile Sources (Vehicular Traffic). Listed below are several mitigation measures to reduce project-generated traffic GHG emissions, as identified in the California Air Pollution Control Officers Association (CAPCOA) guidance for GHG mitigation measures (CAPCOA 2010). The GHG Reduction Plan may include any one or more of the following for implementation:

Mitigation Category	Potential Mitigation Measure
Neighborhood/Site Enhancements	Provide Pedestrian Network Improvements Provide Traffic Calming Measures Implement a Neighborhood Electric Vehicle Network Incorporate Bike Lane Street Design (on-site) Provide Bike Parking in Non-Residential Projects Provide Electric Vehicle Parking
Parking Policy / Pricing	Limit Parking Supply Unbundle Parking Costs from Property Cost Implement Market Price Public Parking (On-Street)
Commute Trip Reduction Programs	Implement Commute Trip Reduction Program - Voluntary Implement Commute Trip Reduction Program - Required Implementation/Monitoring Provide Ride-Sharing Programs Implement Subsidized or Discounted Transit Program Provide End of Trip Facilities Encourage Telecommuting and Alternative Work Schedules Implement Commute Trip Reduction Marketing Implement Preferential Parking Permit Program Implement Car-Sharing Program Provide Employee-Sponsored Vanpool-Shuttle Implement Bike-sharing Programs Price Workplace Parking Implement Employee Parking "Cash-Out"

Mitigation Category	Potential Mitigation Measure
Transit System Improvements	Provide a Bus Rapid Transit System Implement Transit Access Improvements Expand Transit Network Increase Transit Service Frequency/Speed Provide Local Shuttles
Reference: CAPCOA. Quantifying Greenhouse Gas Mitigation Measures. August 2010. ( <a href="http://capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf">http://capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf</a> )	

- b) Install a Solar Photovoltaic System. Installation of solar photovoltaic system(s) that would remain in place as a component in achieving the performance standard.
  - c) Purchase GHG Emission Offsets. The project sponsor could purchase GHG Emission offsets. The offsets could include any of the following sources: (1) The California Air Resources Board (ARB) quarterly allowance auctions held as part of its Cap-and-Trade Program or (2) The Greenhouse Gas Reduction Exchange (GHG Rx); or (3) Climate Action Reserve Climate Reserve Tonnes (CAR CRTs).
  - d) The GHG Reduction Plan may be modified or amended to address changes in emissions, substitution of methods by which the project achieves the performance standard, and advances in the science, circumstance or technology related to greenhouse gas reduction, avoidance or offsets. These factors may eventually result in a GHG Reduction Plan that demonstrates the project will achieve the performance standard without further mitigation. Such modifications or amendments shall be effective only if prepared by a qualified expert, and approved by the County
62. The project applicant shall form one or more property owner's association(s) that encompasses all privately-held non-residential condominium properties within the project site. These associations shall be responsible for implementing the approved GHG Reduction Plan. Beginning no more than two years after the final County building inspection for the first building containing non-residential uses, these associations shall prepare, and submit, an Annual GHG Emissions Reduction Report (Annual Report) to the County for review and approval. The CC&Rs referenced below shall remain in force and the Annual Report shall be required for each operational year of the project until two consecutive Annual Reports demonstrate that no mitigation is required to reduce project-related GHG impacts to a less-than-significant level. The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions/requirements of the GHG Reduction Plan, and include a brief summary of the previous year's Annual Report results (starting with the second report). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Reduction Plan. The requirements of the GHG Reduction Plan shall be considered fully attained when project emissions are below applicable numeric BAAQMD CEQA thresholds . **[MM GHG-2, part 2]**

63. **Concurrent with the submittal of each Annual GHG Emission Reduction Report**, the property owner's association shall submit a fee of \$1,000 to cover CDD staff time for review and approval of the report.
64. To ensure implementation of the GHG Reduction Plan by the non-residential property owners' association(s), the applicant shall comply with all of the following: **[MM GHG-2, part 3]**
- a) The applicant shall ensure that Covenants, Conditions, and Restrictions (CC&Rs) are adopted and recorded against all privately-owned, non-residential condominium properties within the project site, and that the CC&Rs bind each subsequent non-residential condominium property owner.
  - b) Such CC&Rs shall obligate all owner(s) of non-residential condominium properties, jointly and severally, to implement and fund the costs of implementing this mitigation measure, including any enforcement costs, and shall provide that this funding obligation is secured by that owner's nonresidential condominium property.
  - c) Such CC&Rs shall obligate the non-residential condominium property owners' association to implement and enforce this mitigation measure.
  - d) Such CC&Rs shall identify Contra Costa County as a third party beneficiary of any provisions relating to implementation or enforcement of this mitigation measure, shall enable the County to enforce any such provisions, and shall preclude amendment of any such provisions without the express written consent of the Director of the Department of Conservation and Development or the County Zoning Administrator.
  - e) Such CC&Rs shall obligate the non-residential property owner(s) to forfeit their right to operate under the Planned Unit District zoning for any period during which a violation of this mitigation measure exists, as determined by Contra Costa County.
65. Measure GHG-2 will be enforced by the County against the owner(s) of the non-residential condominium properties in the Project. Enforcing this measure against only non-residential condominium properties is appropriate in light of the BAAQMD significance threshold, which assigns emissions on a per capita basis, and includes the per capita emissions generated by employees, customers and visitors. The per capita emissions assigned to residential uses include only the emissions generated by residents. Accordingly, if the non-residential condominium properties cease to operate, emissions would not exceed the per capita emission threshold. **[MM GHG-2, part 4]**
66. The Applicant shall comply with the following requirements relating to greenhouse gas emissions:
- a) Prior to obtaining approval of the GHG Reduction Plan required by Mitigation Measure GHG-2, a copy of the GHG Reduction Plan shall be made available to the public.

- b) The Annual Reports required by Mitigation Measure GHG-2 shall be made available to the public.
- c) A minimum of sixteen (16) parking spaces in parking garages shall be pre-wired to accommodate electric vehicle charging, providing that all spaces count toward the parking requirement. Initially four (4) parking spaces will include EV charging stations and additional stations will be provided based upon actual demand. The 16 and 4 parking spaces are the total numbers throughout the entire project site.
- d) The Applicant shall provide subsidized/discounted daily and/or monthly public transit passes for all interested Project residents and employees of Project retail businesses for the first year of Project operations after receipt of the first building certificate of occupancy.
- e) Each Annual Report shall be accompanied by a deposit of \$1,000, which is subject to staff time and materials costs. Any unused portion of the deposit shall be credited toward the deposit required for the following year, and all unused funds shall be refunded to the Applicant at such time as Annual Reports are no longer required pursuant to Condition 0 above. Should staff costs associated with implementing Mitigation Measure GHG-2 exceed the deposit, additional payment will be required.

#### **Hazards and Hazardous Materials**

- 67. Prior to issuance of any demolition permit, the project applicant shall submit to the County a hazardous building material assessment prepared by qualified licensed contractors for each structure intended for demolition indicating whether LBP or lead-based coatings, ACMs, and/or PCB-containing equipment are present. **[MM HAZ-1a]**
- 68. If the assessment required by Mitigation Measure HAZ-1a indicates the presence of LBP, ACMs, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures. **[MM HAZ-1b]**
- 69. If the assessment required by Mitigation Measure HAZ-1a finds presence of LBP, the project applicant shall develop and implement a LBP removal plan for the County's review and approval. The plan shall specify, but not be limited to, the following elements for implementation: **[MM HAZ-1c]**
  - a) Develop a removal specification approved by a Certified Lead Project Designer.
  - b) Ensure that all removal workers are properly trained.
  - c) Contain all work areas to prohibit off-site migration of paint chip debris.



- d) Remove all peeling and stratified LBP on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact LBP on all equipment to be cut and/or removed during the demolition.
  - e) Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.
  - f) Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.
  - g) Collect, segregate, and profile waste for disposal determination.
  - h) Properly dispose of all waste.
70. If the assessment required by Mitigation Measure HAZ-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan for the County's review and approval. The plan shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan a state-certified asbestos consultant shall be retained and approved by the County, and all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor. **[MM HAZ-1d]**
71. If the assessment required by Mitigation Measure HAZ-1a finds PCBs, the project applicant shall ensure that PCB abatement is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements. **[MM HAZ-1e]**
72. The contractor shall cease any earthwork activities upon discovery of any suspect soils (e.g., petroleum odor and/or discoloration) during construction. The contractor shall notify the Contra Costa County Health Services Department and retain a qualified environmental firm to collect soil samples to confirm the level of contamination that may be present. If contamination is found to be present, any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by a licensed professional. The contractor shall follow all procedural direction given by Contra Costa County Health Services Department to ensure that suspect soils are isolated, protected from runoff, and disposed of in accordance with transportation laws and the requirements of the licensed receiving facility **[MM HAZ-3]**

### **Hydrology and Water Quality**

73. Pre-project stormflow levels. No construction shall be permitted anywhere on the project site unless the applicant demonstrates, to the satisfaction of the Director of the Public Works Department, either of the following: **[MM HYD-3]**

- a) Upon completion of such construction, there will be sufficient detention capacity on the project site to detain the incremental increase in stormflow volume that occurs during the 24-hour, 10-year design storm, which incremental increase is due to the increase in impervious surface above pre-project levels. For the original project studied in the EIR, this standard could be met with a detention vault with capacity for approximately 12,300 cubic feet of stormwater on Site B, through smaller detention vaults, tanks or other facilities on each of the four privately-owned sites (Sites A, B, B1 and C), or through other means; or
- b) Upon completion of such construction, the total square footage of impervious surface area throughout the project site will remain at or below pre-project levels.

## Noise

- 74. Performance Standard for Mechanical Equipment. The project applicant shall have mechanical equipment designed such that noise levels do not result in an increase by 5 dB or more at adjacent properties. This performance standard may be achieved by selecting quieter equipment models, strategic siting, equipment setback, noise barriers or enclosures, acoustical louvers, and equipment noise attenuators. A qualified acoustical professional shall be retained by the project applicant and shall advise the design team regarding effective noise reduction measures. Prior to issuance of building permits for each building, the qualified acoustical professional shall verify that each building design incorporates the recommended noise reduction measures necessary to prevent an increase of 5 dB or more at adjacent properties. The project applicant shall submit such verification to Community Development Division staff for review and approval. Prior to the final building inspection for each building, the qualified acoustical professional shall verify in the field that the required noise reductions have been achieved. The project applicant shall submit such verification measurement data to Community Development Division staff for review and approval. **[MM NOI-1a]**
- 75. Exterior Noise Exposure Reduction through Design and Building Materials. The project applicant shall reduce on-site noise levels at Site A common use areas to the extent required to achieve compliance with General Plan Policy 11-2, as determined by the County according to the County's customary interpretation and application of that policy. A qualified acoustical professional shall be retained by the project applicant to recommend effective noise reduction measures, and verify that such measures have been incorporated into Site A building design. The project applicant shall submit such verification to Community Development Division staff for review and approval. Prior to the final building inspection for Site A, the qualified acoustical professional shall verify in the field that the required noise reduction measures have been installed. The project applicant shall submit such verification measurement data to Community Development Division staff for review and approval. **[MM NOI-1b]**
- 76. Construction Hours Limitations. The project applicant shall incorporate the following practice into the construction contract agreement documents to be implemented by the construction contractor, to the satisfaction of the Community Development Division. **[MM NOI-2a]**

Construction activities shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday and shall be prohibited on State and Federal holidays. Exceptions to the hours limitations may be granted when reasonably necessary to allow construction to proceed (for example, to complete a single concrete pour).

77. The project applicant shall adequately isolate vibration-generating mechanical equipment per ASHRAE Guidelines to reduce ground-borne vibration levels at neighboring properties to or below the Caltrans vibration criteria of 0.1 inches per PPV. **[MM NOI-2b]**
78. The project applicant shall install signage in the pool area for Site B with language substantially similar to the following: **[MM NOI-3]**
- a) Pool hours are from 7:00 a.m. to 11:00 p.m. on weekends and holidays, and 7:00 a.m. to 10:00 p.m. on other days. This pool area may be used only during pool hours.
  - b) The Contra Costa County Code (Chapter 82-44) precludes events of 75 people or more without a Temporary Event Permit or a Land Use Permit.
  - c) No amplified live music is allowed in this pool area without a Temporary Event Permit or a Land Use Permit.
  - d) Mitigation Measure NOI-3 shall be interpreted and applied to prohibit pool hours that exceed the stated hours, but not to require that the pool remain open during all such hours.
79. Noise Controls During Construction. The project applicant shall incorporate the following practices into the construction contract agreement documents to be implemented by the construction contractor, to the satisfaction of the Community Development Division. **[MM NOI-4]**
- a) During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
  - b) Limit unnecessary idling of internal combustion engines (generally no more than 2 minutes).
  - c) Stationary noise sources and staging areas shall be located as far as is feasible from existing noise sensitive receivers. Locating stationary noise sources near existing roadways away from adjacent properties is preferred. If located otherwise, stationary noise sources are to be enclosed or shielded from neighboring noise-sensitive properties with noise barriers to the extent feasible.
  - d) Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

- e) A construction liaison shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Neighboring property owners within 300 feet of construction activity shall be notified in writing of the contact information for the construction liaison. Additionally, a sign shall be posted at the project site with the construction liaison's name and contact information.
  - f) Neighboring property owners within 300 feet of construction activity shall be notified in writing of the construction schedule and at least 30 days prior to loud noise-generating activities. Notification is to include the nature and estimated duration of the activity.
  - g) Prior to construction, a qualified acoustical professional shall review specific equipment and site locations that would be expected to generate noise levels above DNL 90 dB (one-hour Leq) at adjacent residential properties and DNL 100 dB (one hour Leq) at adjacent commercial properties. The study shall determine additional mitigation measures, as feasible, to reduce noise levels by at least five decibels and below the aforementioned limits. Additional measures might include local barriers around specific construction equipment or property line barriers. The location, height, and extent of the barriers should be provided by the acoustical professional.
  - h) A qualified acoustical professional shall be retained as needed to address neighbor complaints as they occur. If complaints occur, noise measurements could be conducted to determine if construction noise levels at adjacent property lines are within the performance standards. Short-term or long-term construction noise monitoring could also be utilized to diagnose complaints and determine if additional mitigation is required for certain phases of construction as needed.
80. Mitigation Measures NOI-2a and NOI-4 shall be implemented to restrict noise likely to disturb nearby sensitive receptors, and therefore shall not apply to activities that are (a) conducted inside a building after that building shell (including windows and doors) is constructed, and (b) involve the use of hand-held tools only and do not require major construction equipment.

## **Geology**

81. All improvements within the proposed development shall incorporate the structural design-level recommendations provided within the geotechnical investigation report of Rockridge Geotechnical dated October 30, 2013, as updated and approved by the Department of Conservation and Development, Community Development Division.

## **Transportation and Traffic**

82. Prior to issuance of a grading permit, the applicant shall undertake an inspection of Boulevard Way, from Olympic Boulevard to Mt. Diablo Boulevard. To the extent the applicant claims any damage is pre-existing, such damage shall be thoroughly documented by photographs, mapping and reference markings or measurement points to assist in determining whether any damage or movement has occurred as a result of construction. Prior to the final building

inspection for each building, the project applicant shall conduct a similar survey to identify any damage caused by the Project. Applicant shall be responsible for repairing any damage caused by the Project to the satisfaction of the Public Works Department. **[MM TRA-2b]**

83. Design Changes to Improve Bicycle Access. The Project applicant shall work with the County to designate the segment of Boulevard Way with diagonal on street parking spaces as a Class III bike route with shared bicycle lane pavement markings. Shared lane markings shall be installed near the street centerline along the Boulevard Way project frontage to guide bicyclists away from parked vehicles. The travel lane adjacent to parallel parking spaces along Boulevard Way shall be at least approximately 16.7 feet wide. **[MM TRA-5]**

84. In addition to the pavement markings required in the condition above, the applicant agrees to provide shared bicycle lane pavement markings beyond the project site. The markings shall extent west along Boulevard Way to the intersection of Kinney Drive, and east along Boulevard Way to the Walnut Creek city limit.

### **Construction Staging and Parking**

85. When feasible during each construction phase of the project, the Applicant shall advise all contractors that staging activities, storage of construction equipment, and contractor employee parking shall be accommodated at the project site.

86. During construction of the final phase of the development, or when onsite staging and contractor employee parking cannot otherwise be accommodated, the Applicant shall advise all contractors that staging activities and/or contractor employee parking shall be accommodated at one of the two sites identified on the staging plan exhibit submitted to the County on April 5, 2017. In the event that the identified site becomes unavailable, the Applicant shall notify the CDD and provide another off-site location.

### **Construction Noise Restrictions**

87. All construction activities shall be limited as specified in Mitigation Measures NOI-2a and NOI-4. For purposes of determining construction days, State and Federal holidays shall be the calendar dates that these holidays are observed by the State or Federal government as listed below:

- a) New Year's Day (State and Federal)
- b) Birthday of Martin Luther King, Jr. (State and Federal)
- c) Washington's Birthday (Federal)
- d) Lincoln's Birthday (State)
- e) President's Day (State and Federal)
- f) Cesar Chavez Day (State)

- g) Memorial Day (State and Federal)
- h) Independence Day (State and Federal)
- i) Labor Day (State and Federal)
- j) Columbus Day (State and Federal)
- k) Veterans Day (State and Federal)
- l) Thanksgiving Day (State and Federal)
- m) Day after Thanksgiving (State)
- n) Christmas Day (State and Federal)
- o) For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal Holidays: <http://www.opm.gov/fedhol>  
 California Holidays: <http://www.ftb.ca.gov/aboutftb/holidays.shtml>

### **Construction Traffic**

88. Prior to the issuance of building and/or grading permits, the project Applicant shall submit a Traffic Control Plan for review and approval of the County Public Works Department. At minimum, the plan shall include the following elements:
- a) Suggested truck routes
  - b) Points of ingress and egress to the project site
  - c) Potential need for temporary traffic signals
  - d) Location and configuration of construction employee parking

### **PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR COUNTY FILES #SD13-9359 and #DP13-3035**

**Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/vesting tentative map submitted to Department of Conservation and Development, Community Development Division, dated February 15, 2017.**

**UNLESS OTHERWISE NOTED, THE APPLICANT SHALL COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO CDD STAMP-APPROVAL OF PLANS FOR THE FIRST BUILDING PERMIT OR PRIOR TO FILING THE FIRST FINAL MAP:**

General Requirements

89. 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, dated February 15, 2017.
90. Applicant shall submit improvement plans for each site prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval, as applicable to that site. The below conditions of approval shall be subject to the review and approval of Public Works Department.
91. The first phase of this project shall include the filing of a Large Lot Final Map over the project limits to dedicate/vacate public street rights of way and merge or realign existing property lines to conform with the subsequent development of the individual sites. Such Large Lot Final Map shall not constitute a Final Map over the Vesting Tentative Map for the development within the boundaries of Site-A, Site-B/B-1, and Site-C. At the discretion of the Director of the Public Works Department, such Large Lot Final Map may defer the dedication/vacation of the public street rights of way to the Final Map of the relevant individual site.
- 91a. Prior to recordation of a Final Map for each site, the Applicant shall record a covenant acceptable to the Director of Public Works against the private property within such Final Map pursuant to which the Applicant shall be obligated as follows:
- a) to accept ownership of the vacated property described in the foregoing condition within such final map;
  - b) to make such vacated property available for public parking;
  - c) to register with the Public Works Department to establish a private off-street parking meter program on such property in accordance with County Code Section 46-14, to the satisfaction of the Director of the Public Works Department; and
  - d) to pay the County the net revenues, if any, received from such off-street parking program after deducting costs associated with (i) maintaining and operating such parking program, (ii) maintaining in good repair all improvements within Site-A, -B/B1, and -C on onsite sidewalks adjacent to public rights of way, and onsite street parking areas adjacent to public rights of way; and (iii) maintaining in good repair all improvements within Boulevard Way that are required to be maintain by the Applicant. Net revenues paid to the County

shall be held in a trust account for the benefit of and for use within the Saranap Community, as is deemed appropriate by the County.

### **Roadway Improvements (Frontage/Off-Site)**

92. Applicant shall construct curb sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement transitions, the roundabout and appurtenant signage, striping and safety improvements as shown on the approved projects plans or as deemed necessary by the Public Works Director, provided that the first phase shall include a roundabout.
93. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.

### **Access to Adjoining Property**

94. 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.
95. 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 Boulevard Way and Saranap Avenue.
96. Applicant shall apply for the vacation of excess public right of way along Boulevard Way and Saranap Avenue and pay the appropriate fee, as deemed necessary by the Public Works Director. Subject to Board of Supervisors approval, said vacations within the limits of the project site may be vacated and merged with the abutting frontage parcels on the Large Lot Final Map to be filed prior to issuance of building permits.
97. Consideration of right of way vacations along the Boulevard Way and Saranap Avenue frontages of adjacent property will be subject to mutual consent between the County, Applicant and fronting property owner. If the applicant/owner is unable to obtain the land rights necessary to operate and accommodate the development's metered parking program, the existing street right of way shall remain public right of way.
- 97a. The County and the developer shall enter into an agreement for the public right-of-way and maintenance and access.
98. Applicant shall only be permitted access at the locations shown on the approved site/development plan.



## **Road Alignment/Intersection Design/Sight Distance**

99. Applicant shall provide sight distance at the on-site driveways and Boulevard Way Road for a design speed of 30 miles per hour. The Applicant shall trim vegetation, as necessary, to provide sight distance at these driveways. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

## **Road Dedications**

100. Property Owner shall convey to the County, by Offer of Dedication, the right of way necessary for the planned improvements as shown on the approved site plans for the project. Said dedications within the limits of the project site shall be dedicated on the Large Lot Final Map as provided in COA #91.

## **Street Lights**

101. Applicant shall annex all private property within the project site that is then owned by the Applicant or its affiliate to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing prior to filing the first phase Final Map. Any remaining private property in the project site shall be annexed prior to Final Map for the site encompassing such property. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

## **Landscaping**

102. For all landscaping within public right of way, the Applicant shall submit at least four sets of landscape and automatic irrigation plans and cost estimates, prepared by a licensed landscape architect, to the Public Works Department for review and approval, prior to filing of the Final Map, or as deemed necessary by the Public Works Director. Applicant shall pay appropriate fees in accordance with County Ordinance.
103. All landscaping in publicly accessible areas to be maintained by the property owner shall be submitted to the Zoning Administrator for review and approval.

## **Bicycle-Pedestrian Facilities**

104. 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.
105. 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.

106. The applicant shall submit detailed plans for the Class III bike route that emphasize safety for bicyclists, to the County (DCD and PWD) for review and approval.

### **Transit**

107. There are existing bus stops/shelters along both sides of the street within the area intended to provide diagonal on-street parking. The Applicant shall coordinate with the Central Contra Costa Transit Authority and Public Works Department (Transportation and Real Property Divisions) regarding relocation of these facilities. Alternatively, remove the proposed parking in these areas of conflict. Bus stop relocation improvement plans shall be reviewed by Public Works Department.

### **Parking**

108. Any "No Parking" and restricted parking zone signs to be installed along public right of way portions of Boulevard Way and Saranap Avenue shall be subject to review and approval by the Public Works Department and, if required, review and approval of the Board of Supervisors.
109. Restricted parking zones on private property, including vacated public right of way along portions of Boulevard Way and Saranap Avenue shall be subject to the requirements of County Ordinance Code Chapter 46-14 and to the satisfaction of the Public Works Department.

### **Utilities/Undergrounding**

110. Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Saranap Avenue. 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.

### **Construction**

111. 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.
112. The Applicant shall undertake an inspection of Boulevard Way, from Olympic Boulevard to Mt. Diablo Boulevard. To the extent the Applicant claims any damage is pre-existing, such damage shall be thoroughly documented by photographs, mapping and reference markings

or measurement points to assist in determining whether any damage or movement has occurred as a result of construction.

113. Prior to acceptance of project street improvements as complete and release of Building Permit certificates of occupancy, the Applicant shall construct any recommended repairs to restore any roads, easements, and/or rights-of-way to pre-project conditions.

### **Maintenance of Facilities**

114. The Applicant shall enter into a maintenance agreement with the County that grants a license to the Applicant to construct and maintain improvements within County rights of way within the development, and requires the Applicant to maintain other public improvements within the development. The maintenance agreement shall require the Applicant to indemnify and defend the County from any claims that arise from the construction, installation, repair, replacement, maintenance, removal, relocation, and operation of the improvements, and to insure for losses under a policy with a combined coverage limit of at least \$1,000,000 that names the County as an additional insured. The maintenance agreement shall include exhibits identifying the proposed locations of the improvements to be installed within the development. After improvements are constructed for each phase of the development, the maintenance agreement shall require exhibits to be replaced to show the actual location of the improvements. Upon the approval of the Public Works Director, the maintenance agreement may be assigned to the owners' association established for the development.

### **Drainage Improvements**

115. 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 storm waters to a natural watercourse, in accordance with Division 914 of the Ordinance Code.

The Applicant shall demonstrate, to the satisfaction of the Public Works Director, either of the following:

- a) Upon completion of such construction, there will be sufficient detention capacity on the project site to detain the incremental increase in stormflow volume that occurs during the 24-hour, 10-year design storm, which incremental increase is due to the increase in impervious surface above pre-project levels. This standard could be met with a detention vault with capacity for approximately 12,300 cubic feet of stormwater on Site B, through smaller detention vaults, tanks or other facilities on each of the four privately-owned sites (Sites A, B, B1 and C), or through other means; or
- b) Upon completion of such construction, the total square footage of impervious surface area throughout the project site will remain at or below pre-project levels.

### **Miscellaneous Drainage Permits**

116. Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
117. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

### **National Pollutant Discharge Elimination System (NPDES)**

118. 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 storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- 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 Department.
- Shallow roadside and on-site swales.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- The Applicant shall sweep the paved portion of the site at least once a year between September 1<sup>st</sup> and October 15<sup>th</sup> utilizing a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez CA 94553 (925) 313-2238).
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.

### **Stormwater Management and Discharge Control Ordinance**

119. 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 or

issuance of a building permit, whichever occurs first. 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.

120. 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).
121. Storm water 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.
122. Prior to filing of the final map or issuance of a building permit, whichever occurs first, the property owner(s) of all property then owned by the Applicant or its affiliate shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which such property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities on such property, and grant access to relevant public agencies for inspection of stormwater management facilities. Any remaining private property in the project site shall be subjected to such an agreement prior to Final Map for the site encompassing such property.
123. Prior to filing of the final map or issuance of a building permit, whichever occurs first, the property owner(s) shall annex all property within the project site that is then owned by the Applicant or its affiliate into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners. Any remaining private property in the project site shall be annexed prior to Final Map for the site encompassing such property.
124. Provision C.10, Trash Load Reduction, of the County's NPDES permits requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices must meet the County's NPDES permits and approved by Public Works Department. Location must be approved by Public Works Department.
125. All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, storm water generated from each phase constructed.
126. Prior to initiation of use or issuance of a building permit, the Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval of the Public Works Department. The SWPPP shall document Best Management Practices (BMPs) that will be

incorporated into the project to minimize the discharge of pollutants from the project. The SWPPP shall describe the characteristics of the project and detail BMPs and other activities that have the potential to result in pollutant discharges facility. Site plans and drawing shall be incorporated into the SWPPP as necessary. Any permanent structural BMPs must be constructed and inspected prior to final inspection for building permits.

### **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 will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the South Walnut Creek Area of Benefit as adopted by the Board of Supervisors.
- C. 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.
- D. 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.
- F. Although the Storm Water Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 storm water requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and Applicant's costs associated with approval of the application.

G. Prior to commencement of the use approved under this permit, the Applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- County Building Inspection Division
- County Health Services Department, Environmental Health Division
- Central Contra Costa Sanitary District
- Contra Costa County Fire Protection District
- East Bay Municipal Utility District

