



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

APPROVED PERMIT

APPLICANT:	Vince D'Alo 1390 S. Main Street, Suite 310 Walnut Creek, CA 94596	APPLICATION NO.:	SD16-9442
		ASSESSOR'S PARCEL NO.:	169-150-007
		PROJECT LOCATION:	4 Diablo Vista Way Lafayette, CA
OWNER:	Matt Locati 1043 Stuart Street, Ste. 220 Lafayette, CA 94549	ZONING DISTRICT:	R-20
		APPROVED DATE:	May 7, 2018
		EFFECTIVE DATE:	May 18, 2018

This matter having not been appealed within the period of time prescribed by law, a VESTING TENTATIVE MAP for a 10-lot major subdivision that proposes lot sizes ranging from 40,050 up to 57,235 square feet; a Tree Permit for removal of 15 code-protected trees, grading of 12,990 cubic yards of earth material and exceptions to the County Ordinance Code for road dimensions, utilities, and drainage improvements in the Lafayette area is hereby APPROVED, subject to the attached conditions of approval.

Aruna M. Bhat
County Zoning Administrator

By: R. Hernandez
Ruben L. Hernandez
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE THREE (3) YEARS from the effective date if the action allowed by this permit is not undertaken within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

GROWTH MANAGEMENT PERFORMANCE STANDARDS, FINDINGS, AND CONDITIONS OF APPROVAL FOR VESTING TENTATIVE MAP OF COUNTY FILE #SD16-9442 AS APPROVED BY THE COUNTY ZONING ADMINISTRATOR ON MAY 7, 2018.

A. Growth Management Performance Standards

1. **Traffic:** The project will generate up to an estimated 25 additional AM/PM peak hour trips. Therefore, the applicant is not required to prepare a traffic report pursuant to the growth management element of the general plan, as the threshold is 100 or more peak hour trips. Since the project only has the potential for a small localized population increase, traffic levels in the area will not be adversely affected.
2. **Water:** The project site is within the East Bay Municipal Utility District's (EBMUD) service area. EBMUD has indicated that capacity exists to support the development; however, the project proponent must comply with the regulations and requirements of EBMUD prior to construction permit approvals.
3. **Sanitary Sewer:** The project site is within the Central Contra Costa Sanitary District's service areas. The sanitary district indicated that capacity exists to support the development; however, the project proponent must comply with the regulations and requirements of the sanitary district prior to construction permit approvals.
4. **Fire Protection:** Prior to the approval of a final map, the applicant is required to demonstrate that all of the proposed development complies with the codes and regulations of the fire district, and obtain approval by the Contra Costa County Fire Protection District prior to the commencement of construction permits.
5. **Public Protection:** The Growth Management Element standard of the general plan is 155 square feet of Sheriff station area per 1,000 population in unincorporated areas. The small localized population increase associated with this project will not require increased police protection services.
6. **Parks and Recreation:** The proposed project will offset any potential park impacts from the project, since all new residences shall be subject to payment of park dedication and park impact fees prior to issuance of residential building permits.
7. **Flood Control and Drainage:** The Public Works Department has conditioned the project with drainage requirements for proper drainage for the subdivision. No portion of the site lies within an area that is subject to inundation by the 100-year flood as identified by FEMA, since the site is situated in an area of little or no flooding.

B. Findings Required For Approval Of The Tentative Map

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

Project Finding: The project is consistent with the various elements of the general plan. The subject parcel has a general plan designation of "Single Family Residential Low Density" or (SL). Single-family home development and the subdivision of land for residential use, as proposed, is consistent with this designation. The general plan density range for properties designated (SL) is 1.0 to 2.9 units per net acre. Density calculations for the 10.68-acre site allow a minimum of 8 housing units up to a maximum of 23 housing units. Although no new home construction is proposed at this time, the proposed 10-lot subdivision will ultimately accommodate 9 new future homes, as one already exists on the subject parcel. The proposed maximum potential for 9 additional future homes is appropriate for the site.

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

Project Finding: As required by the conditions of approval and the Mitigation Monitoring Reporting Program, the Vesting Tentative Map shall fulfill all applicable county imposed construction requirements. The applicant will be required to comply with all requirements for access and drainage improvements that have been provided by the Public Works Department as conditions of approval for the project. Additionally, the applicant will also need to comply with any construction/development requirements imposed by the Contra Costa County Fire Protection District, the Building Inspection Division and all applicable building codes, the Environmental Health Division, the East Bay Municipal Utility District, and the Central Contra Costa Sanitary District at the time of building permit issuance. These agencies were all solicited for their comments on the proposed subdivision and none has responded indicating an inability to serve and/or meet the demand. The county geologist determined that the site is feasible for construction from a geologic standpoint with the implementation of the geologic mitigation measures and conditions of approval required for the project.

C. Tree Permit Findings

Required Factors For Granting A Tree Permit: The County Zoning Administrator is satisfied that the following factors, as provided by County Ordinance Code Section 816-6.8010 for granting a tree permit, have been satisfied.

1. The June 29, 2016 arborist report prepared by Joseph McNeil, a Registered Consulting Arborist, indicates that the subject tree(s) is in poor health and cannot be saved.

2. Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.

D. Findings For Public Works Department Exceptions

1. **Exception to allow a cul-de-sac that is approximately 1,225 feet in length, whereas County Code Section 92-4.018 requires that cul-de-sacs be no more than 700 feet in length.**

Required Findings:

- (1) ***That there are unusual circumstances or conditions affecting the property.***

Project Finding: There are unusual conditions related to terrain making it infeasible to connect the new private road all the way through to Shulgin Road on the north. The project is located directly atop a natural knoll in the terrain and consists of two existing lots. Two single-family dwellings (one on each of the existing lots) are currently under construction. The site is accessed from the south via Hercules Drive, an existing dead-end street off Monarch Ridge Drive. Shulgin Road (a private road) borders the project on the north, but the terrain is such that it is not possible to connect to it with vehicular access.

- (2) ***That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.***

Project Finding: The increased length of the cul-de-sac is necessary for feasible development of the site.

- (3) ***That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.***

Project Finding: Because of the provisions for emergency vehicular access, including two turnaround locations, there will not be any adverse material impacts, harm to public welfare or injury to other property as a result of the granting of this exception.

2. **Exception to allow for a 30-foot vertical road curve at the vehicle turnaround, whereas County Code Section 98-6.012 requires a minimum length of 50 feet for vertical curves.**

Required Findings:

- (1) ***That there are unusual circumstances or conditions affecting the property.***

Project Finding: There are unusual circumstances related to emergency vehicle access making it infeasible to have a full 50 feet of vertical curve at this location. One of the vertical curves is a transition from minus 6 percent slope to minus 20 percent slope (i.e. it is neither a sag nor crest curve). This curve is necessary to maintain the maximum 6 percent slope for an emergency vehicle turnaround. Because of this transition, a length of 30 feet for this vertical curve was the only feasible means of maintaining the emergency vehicle turnaround grades.

- (2) ***That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.***

Project Finding: The increased length of the vertical curve is necessary for feasible development of the site.

- (3) ***That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.***

Project Finding: The vertical curve in question has adequate sight distance pursuant to the Caltrans Highway Design Manual Chapter 200. It is neither a sag curve nor a crest curve. The private road will have a speed limit of 15 MPH. For all these reasons, the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

3. **Exception to allow a diversion of stormwater entering and/or originating on the subject property, whereas County Code Section 914-2.004 requires all storm water entering and/or originating on a property to be collected and conveyed without diversion.**

Required Findings:

- (1) ***That there are unusual circumstances or conditions affecting the property.***

Project Finding: Natural terrain and other restraints created unusual circumstances affecting the property, which required minor diversion of runoff across pre-project boundaries in order to treat runoff before it leaves the site. Since the project site is located atop a natural knoll, and given the grading already performed for the previously approved development of two existing homes, it was necessary to divert runoff from new impervious areas across pre-project drainage boundaries to C.3 facilities in order to provide treatment and flow control under Provision C.3 of the Municipal Regional Stormwater Permit (MRP). Because of the configurations of the site's watersheds, it was necessary to divert flows across pre-project drainage boundaries to treat all the runoff. The diversions are minor and adequate design engineering has been able to minimize them to the most practicable extent.

- (2) ***That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.***

Project Finding: The exception is necessary for the feasible development of this property. As discussed in (1) above, the minor diversions from pre-project drainage boundaries were necessary due to the terrain and the need to provide treatment and flow control under Provision C.3 of the MRP. Without diversions, development of the property would not be feasible.

- (3) ***That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.***

Project Finding: The subject diversions of flow will not be materially detrimental to the public welfare or injurious to other property in the area in which the subject property is situated. The downstream drainage systems were found to be adequate to convey the post-project runoff. The project stormwater control plan analyzed the downstream drainage systems, and it was determined that they are adequate to convey all project runoff.

4. Exception to allow above-ground power lines along the frontage of Pleasant Hill Road, whereas County Code Section 96-10.002 requires all electric utility distribution facilities be placed underground.

Required Findings:

- (1) ***That there are unusual circumstances or conditions affecting the property.***

Project Finding: The rugged terrain and a sheer cliff (up to 60 ft. high) that runs near vertically from the east edge of the pavement of Pleasant Hill Road to the PGE pole line on the subject property are create unusual conditions affecting the property. The steep terrain where the Pacific Gas & Electric power pole line traverses the property and the underlying rocky soils along that portion of the project site abutting Pleasant Hill Road make it extremely impracticable to place the existing power lines underground along this portion of Pleasant Hill Road.

- (2) ***That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.***

Project Finding: Due to the nearly impossible construction feasibility of placing approximately 1000 feet of power lines underground on the subject property, along with the safety hazards that the steep, vertical terrain would present, the cost would be a prohibitive financial burden for a small, 10-lot subdivision, and it would render the project infeasible.

- (3) ***That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.***

Project Finding: Granting an exception would not be materially detrimental to the public welfare or injurious to other properties. The power line is up to 60 feet above, and 50 feet away from Pleasant Hill Rd. Due the location of the power poles on the steep terrain, leaving the power line in its current location is the best option for minimizing any harm and potential hazards to the public.

CONDITIONS OF APPROVAL FOR COUNTY FILE #SD16-9442

Entitlement Approvals

1. **Subdivision Map:** A Vesting Tentative Map for a 10-lot Subdivision is APPROVED based on the following documents, and is subject to the conditions of approval listed hereafter. The maximum number of lots approved for Subdivision #SD16-09442 is ten (10) lots.
 - Application and Materials submitted to the Contra Costa County Department of Conservation and Development, Community Development Division (CDD), on June 30, 2016.
 - Revised Vesting Tentative Map prepared by Aliquot Associates Inc., received October 11, 2017.
 - Stormwater Control Plan prepared by Aliquot Associates Inc., dated December 19, 2016.
 - CEQA Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Reporting Program prepared by the CDD, and posted by the Contra Costa County Clerk on November 7, 2017.
 - Geological and Geotechnical Investigation, Prepared by Stevens Ferrone & Bailey, dated June 26, 2014.
 - Supplemental Slope Stability Analyses and Geotechnical Recommendations, Prepared by Stevens Ferrone & Bailey, dated November 4, 2016.
 - Arborist report prepared by Joseph McNeil, a Registered Consulting Arborist, dated June 29, 2016.
2. **Tree Permit:** A Tree Permit for the removal of fifteen (15) code-protected trees and for earthwork and construction activities within the driplines of twenty-four (24)

other code-protected trees that are to be preserved is APPROVED based on the following documents.

- Application and Materials submitted to the Contra Costa County Department of Conservation and Development, Community Development Division (CDD), on June 30, 2016.
- Revised Vesting Tentative Map prepared by Aliquot Associates Inc., received October 11, 2017.
- Arborist report prepared by Joseph McNeil, a Registered Consulting Arborist, dated June 29, 2016.

Indemnification

3. Pursuant to Government Code Section 66474.9, the project proponent (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency and its agents, officers, and employers from any claim, action or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Application Costs

4. This application is subject to an initial application deposit of \$5,562, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to filing the Parcel Map, whichever occurs first. The applicant may obtain current costs by contacting the project planner.

Compliance Reviews

5. Prior to filing of the final subdivision map, submit a report on compliance with the conditions of approval with this permit for the 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. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this report prior to filing of the final map. The CDD may reject the report if it is not comprehensive with respect to applicable requirements. The permit compliance review is subject to staff time and material charges, with an initial deposit of \$1,000 which shall be paid at time of submittal of the compliance report. A check is payable to the County of Contra Costa.
6. Prior to submittal for building permits, if not included as part of the compliance review above in COA #5 for recordation of the final map, a separate compliance review is required to review any home construction proposed for the 9 undeveloped lots. The applicant shall provide scaled architectural drawings showing detailed floor plans, house sections, site plan,

and elevations for the review of the CDD. This compliance review will also include review of any tree permit conditions of approval. The compliance review is subject to staff time and material charges, with an initial deposit of \$500 (if lots are developed separately) or \$1,000 (if more than one lot is developed concurrently by a mutual owner/developer) which shall be paid at time of submittal of the compliance report. A check is payable to Contra Costa County.

Creation of Homeowners Association and CC&Rs

7. Prior to filing the final map, a homeowners association (HOA) shall be created and the Covenants, Conditions and Restrictions (CC&R) shall be recorded concurrently with the final map. The CC&Rs shall be submitted for review and approval of the CDD. This document shall provide for the creation of a homeowners association that is responsible for maintenance of the private streets, scenic development areas with required stormwater control measures, special road paving, drainage, and retaining walls, landscaping/common areas. During long-term operation of the storm drain system, the HOA shall be responsible for hiring a contractor to complete regular maintenance activities, such as de-silting culverts and removing vegetation and debris from storm drain inlets, to assure that facilities are operating at their design capacities and to prevent on-site and downstream drainage/flooding problems. The HOA shall be responsible for maintenance of all common subdivision drainage devices and all stormwater treatment facilities required for compliance with Provision C.3 of the county's Municipal Regional Permit that regulates stormwater discharge.

Deed Disclosures

8. **(Mitigation LAND-1).** Prior to filing of the final map, the developer shall record a restrictive development/scenic easement for the subdivision; prior to recordation of the easement, a draft of the deed language shall be submitted for the review and approval of the Community Development Division (CDD). The scenic easement shall be recorded concurrently with the final map. The deed disclosure for the restricted development/scenic easement over the proposed subdivision shall include the following:
 - A surveyed map by a qualified professional that delineates the restricted development/scenic easement.
 - A detailed legal description of the restricted development/scenic easement.
 - Language clearly indicating that no development activity may occur within the easement area, though grading and related activity is permitted for access, and to complete any slope stabilization or mitigations necessary to satisfy Mitigation Measures GEO-1 and GEO-2; and to construct the necessary drainage devices for compliance with Division 914 of the Ordinance Code and Section C.3 of the Municipal Regional Permit; and necessary appurtenances, such as retaining walls for future building, drainage, and slope stability purposes; and that the property owner is

responsible for the maintenance of the easement area; and any tree removal shall be subject to the review and approval of the CDD.

9. Prior to filing of the final map, the applicant shall provide a deed disclosure for review and approval of the CDD that describes and details the Covenants, Conditions, and Restrictions (CC&R's) for establishment for the Homeowners Association and responsibilities, including private road maintenance and restoration.

Subdivision of Individual Lots Prohibited

10. No further subdivision or "splitting" of individual lots shall be allowed in order to maintain consistency with general plan policies discouraging development on slopes greater than 26% [see Staff Report Section V.1.(2)].

Maximum Building Heights

11. In order to ensure proper hillside development of the lots, the following building/height limitations shall apply to all new residences within this subdivision:
 - A maximum building height of 28-feet.
 - Crawlspace/understory area shall not exceed 6-feet at any point.

Construction and Development Requirements

Nesting Survey (raptors)

12. **(Mitigation BIO-1).** A nesting survey should be conducted 30 days prior to commencing with tree removal or construction/grading activities, if this work will commence between February 1st and August 31st, in order to avoid impacts to nesting raptors. The results of the surveys shall be reviewed by the CDD prior to tree removal or construction/grading activities. The raptor nesting surveys should include examination of all trees within 300 feet of the entire project site, not just trees slated for removal. If nesting raptors are identified during the surveys, the dripline of the nest tree must be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree must be staked with bright orange lath or other suitable staking. If the tree is adjacent to the project site, then the buffer should be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist may prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. No construction or earth-moving activity should occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (i.e. left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. This date may be earlier than August 1st, or later, and would have to be determined by a qualified raptor biologist.

Nesting Survey (perching birds)

13. **(Mitigation BIO-2).** A nesting survey should be conducted 15 days prior to commencing tree removal or construction/grading activities, if this work will occur between February 1 and August 31. The results of the surveys shall be reviewed by the CDD prior to tree removal or construction/grading activities. If nesting passerine birds are identified nesting on or near the project site, a 75-foot radius around the nest must be demarcated with construction fencing. If an active nest is found offsite, the portion of the buffer that is onsite must be staked. The size of the buffer may be altered if a qualified ornithologist conducts behavioral observations and determines the birds are well acclimated to disturbance or are otherwise geographically shielded from disturbance. If this occurs, the ornithologist may prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. No construction or earth-moving activity should occur within the staked buffer until it is determined by a qualified ornithologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. Typically, most birds in the region of the project site are expected to complete nesting by August 1st. However, in the region many species can complete nesting by mid-June to mid-July. Regardless, nesting buffers should be maintained until August 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the qualified biologist conducting the nesting surveys should prepare a report that provides details about the nesting outcome and the removal of buffers. This report should be submitted to the County's Department of Conservation and Development prior to the time that buffers are removed if the date is before August 1st.

Geology and Soils

14. **(Mitigation GEO-1).** Prior to recordation of the final map, An updated geotechnical report will be submitted to confirm that the factors of safety for engineered slopes will comply with the standards established for the project. The report must provide updated recommendations for site grading, drainage, and foundation design based on the approved project. It should also address the following:
- The recommendations should include addressing special foundation conditions (i.e. differential fill thickness, cut/fill transition pad, etc.).
 - There is an unknown, but potentially significant, risk that soils on the site are corrosive.
 - Geotechnical review of retention basins. Seven (7) relatively small water quality/bio-retention basins are currently indicated in the project. The project geotechnical reports do not currently evaluate the basins. The primary concerns with bio-retention structures are (i) providing suitable support for foundations, curbs and other improvements constructed near the bio-retention facilities, and (ii) potential for subsurface water from the bio-retention areas to migrate (and possibly build up) beneath pavements and the proposed building. Specific criteria and standards for the siting and design of such facilities should be provided prior to issuance of construction

permits, including the effect of infiltration on stability of the adjacent bank of the drainage ditch, and potential for uncontrolled overflow if the spillway of the basin is obstructed (e.g. by woody vegetation, litter, soil).

- The slope stability analysis should be repeated for any areas of the site where the project design has been modified from conditions evaluated in the Supplemental Slope Stability Report, dated November 4, 2016.
- Provide further details on the recommended plan review prior to issuance of construction permits as well as details on the monitoring to be performed during clearing, site grading, of installation of drainage facilities and foundation construction. It should also explain the role of the project engineering geologist during construction (e.g. inspection and mapping of all cut slopes and cut pads).
- The required geotechnical update report and all grading and drainage plans are subject to review and approval of the Community Development Division and the County Peer Review Geologist at a review cost of \$750. The documents submitted shall be prepared by appropriately licensed professionals.

15. **(Mitigation GEO-2).** All of the following mitigation measures are required to reduce the impacts of potential geotechnical slope stability hazards to less than significant levels:

- Prior to issuance of construction permits the project proponent shall provide evidence of plan review and approval by the project geotechnical engineer. The recommendations for site grading contained in the approved grading plans shall be followed during construction unless modifications are specifically approved in writing by the Building Inspection Division of the Department of Conservation and Development.
- The applicant shall provide prior notice acceptable to the geotechnical engineer so that he can be onsite to observe and approve all keyway excavations, removal of weak surficial deposits down to stable bedrock or in-place material, and installation of all subdrains, including their connections. All fill slope construction shall be observed and tested by the project geotechnical engineer, and the density test results and reports submitted to the County to be kept on file. Cut slopes and keyways shall be observed and mapped by the project engineering geologist who will provide recommendations for modifications based on actual geologic conditions encountered during grading. Approval from the Building Division shall be obtained prior to any modification.
- Prior to requesting a final building inspection, the project proponent shall submit a letter-report from the geotechnical engineer to the Building Inspection Division, Grading Section documenting the observation and testing services performed during final grading, foundation work, and lot drainage. The report of the geotechnical engineer shall also provide a professional opinion on the consistence of the as-graded/as-built project with recommendations in the approved geotechnical report.

16. **(Mitigation GEO-3).** Prior to requesting residential building permits, a report from a corrosion engineer or equally qualified technical professional shall be provided to the Department of Conservation and Development. Testing shall be performed after rough grading and shall test pad soils.

Construction Period Requirements

All construction activity shall comply with the following restrictions, which shall be cited on the construction drawings.

17. **(Mitigation NOISE-1).** Construction activities are limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on weekends and the calendar dates that the following State and Federal holidays are observed:

New Year's Day (State and Federal),
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

18. **Mitigation (NOISE-2).** Transport of heavy equipment and trucks is limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M., and is prohibited on weekends and the State and Federal holidays identified in NOISE-1.
19. **Mitigation (NOISE-3).** Contractors and subcontractors shall fit all internal combustion engines on construction equipment with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and generators as far away from existing residences as possible.
20. The project proponents shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
21. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

22. The project proponents shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
23. Prior to construction or grading activities on any lots, a detailed traffic-control plan, including proposed haul routes, proposed traffic-control measures, and proposed staging areas, shall be submitted for the review and approval of the CDD. If the CDD determines it necessary, the traffic-control plan may be forwarded to the Public Works Department to be reviewed for adequacy at the expense of the project proponents and/or property owners, should the Public Works Department require a fee for its review time.

Tree Protection and Preservation

Replacement Requirements for Trees Being Removed

24. Approved tree removal shall be according to the trees listed in the arborists report prepared by Joseph McNeil, dated June 29, 2016. The following measures are intended to provide restitution for the removal of fifteen (15) code-protected trees:

- A. Tree Planting and Irrigation Plan: 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 Department of Conservation and Development, Community Development Division (CDD). The plan shall comply with the state's Model Water Efficient Landscape Ordinance or the county's Water Efficient Landscape Ordinance, if the county's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, suitable soil preparation, installation of trees and irrigation).

If all of the approved tree removal is to be conducted at one time, the plan shall provide for the planting of twenty-one (21) trees, minimum 15 gallons in size. If lot development occurs on an individual basis over time, the property owners of individual lots will comply with these tree permit requirements (including security bonding below in Sections B through E) for the removal of only those trees listed in the June 29, 2016 arborist report for their respective lots. The calculation of the number of replacement trees will then be based on the diameters listed in the June 29, 2016 arborist report, subject to review and approval of the CDD.

- B. Security Bonding to Assure Tree Replacement: The applicant shall submit a security that is acceptable to the CDD. The security shall be provided to ensure that the approved planting and irrigation plan is implemented. The security shall be the amount of the approved cost estimate described in Section A. above, plus a 20% inflation surcharge.
- C. Initial Deposit for Processing of Security: The county ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.

- D. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond (or portions thereof as lot development proceeds) between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.
- E. Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the applicant has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

Security Bonding for Trees Intended for Preservation

- 25. Approved construction impacts to any trees not approved for removal shall be according to the trees listed in the arborists report prepared by Joseph McNeil, dated June 29, 2016. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the county with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. The applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).

- A. Amount of Security: The security shall be an amount sufficient to cover:
 - i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the county's Water Efficient Landscape Ordinance, if the county's ordinance has been adopted, and verification of such shall accompany the plan. If applicable, the plan shall be implemented prior to final building inspection.

If all proposed work within the driplines is to be conducted at one time, the estimated cost to prepare the plan shall provide for the planting of forty-five (45) trees, minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the CDD. If lot development occurs on an individual basis over time, the property owners of individual lots will comply with these tree permit requirements (including Sections A.ii, A.iii, B, and C below) for impacts to those trees to be preserved listed in the June 29, 2016 arborist report for their respective lots. The calculation of the number of replacement trees will then be based on the

diameters listed in the June 29, 2016 arborist report, subject to review and approval of the CDD.

- ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
 - iii. An additional 20% above the costs described in Sections A.i and A.ii above to account for inflation potential.
- B. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- C. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the CDD determines that trees intended for preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the CDD may require that all or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died.

Tree Planting for Visual Screening

26. In order to provide visual screening for lots 2-6, prior to the issuance of a building permit for residences on lots 2-6, the applicant shall do as follows:
- a) **Minimum 30 days prior to submittal for building permits for lots 2-6:**
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 Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of a minimum of **four (4) 24-inch box trees** of a native, drought-tolerant species. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape

contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation).

- b) Required security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. **Minimum 30 days prior to submittal for building permits for each lot,** the applicant shall submit a security that is acceptable to the CDD. The security shall be the amount of the approved cost estimate described in Section 3.A above, *plus* a 20% inflation surcharge.
- c) Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.
- d) Duration of Security: **Prior to the final inspection for each of the residences,** the applicant shall submit a letter to CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter.

As a prerequisite of releasing the bond between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

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

Compliance with Arborist Recommendations

- 27. The applicant shall implement all measures recommended by the consulting arborist.

Arborist Expenses

28. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

New Tree Permit

29. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the June 29, 2016 arborist report and have been approved by the CDD under this permit. Any tree alteration, removal, or encroachment within a dripline not identified with this permit may require submittal of another Tree Permit application for review and consideration by the CDD.

Construction Restrictions Relating to Trees

30. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.

EBMUD Water Conservation Requirements

31. The project sponsor will comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance" (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495).

Discovery of Human Remains or Archeological Materials

32. If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. The report should be submitted to the Department of Conservation and Development, Community Development Division (CDD).
33. If paleontological resources are encountered during subsurface construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist/paleontologist can evaluate the finds and make recommendations. If the paleontological resources are found to be significant, they shall be avoided by project construction activities and recovered by a qualified paleontologist. Upon completion of the recovery, a paleontological assessment shall be conducted by a qualified paleontologist to determine if further monitoring for paleontological resources is required. The assessment

shall include: 1) the results of any geotechnical investigation prepared for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site.

34. If human remains are encountered at any point during project construction, work shall halt and the Contra Costa County Coroner shall be notified immediately. In addition, qualified archaeological professional shall be contacted to examine the situation. If human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. Pursuant to Public Resources Code Section 5097.98, the Native American Heritage Commission shall identify a Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Fire Protection District

35. All proposed homes shall be protected with an approved automatic fire sprinkler system complying with the 2013, or current edition, of NFPA 13D or Section R313.3 of the 2013 California Residential Code, or current applicable fire codes.

Police Service District (Election for Establishment of a Police Services District to Augment Police Services)

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

Inclusionary Housing Ordinance

37. Prior to the recordation of the final map, the applicant must comply with the Inclusionary Housing Ordinance. Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of 10 for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as inclusionary units. The applicant is required to construct 1.5 units of inclusionary housing for the project. 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 and the applicant shall pay to the County the full amount of the Inclusionary Housing Ordinance in-lieu fee of \$38,749. This in-lieu fee is non-refundable.

38. Should the applicant choose not to satisfy the Inclusionary Housing Ordinance via the full payment of the in-lieu fee prior to the recordation of the final map, 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.

Debris Recovery Program

39. At least 15 days prior to the issuance of a grading permit or building permit the developer shall demonstrate compliance with the debris recovery program, which requires at least 65 percent of the jobsite debris generated by construction projects to be recycled or otherwise diverted from landfill disposal.

Final Landscape Plans

40. Prior to recording of the final map, a Final Landscape Plan for the landscaping of common areas of the subdivision shall be submitted for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall be prepared by a licensed landscape architect, and must comply with the state's Model Water Efficient Landscape Ordinance, or the county's Water Efficient Landscape Ordinance if the county's ordinance has been adopted.
41. Prior to issuance of grading permits or building permits for residential development of each lot, whichever occurs first, a Final Landscape Plan that has been prepared by a licensed landscape architect shall be submitted for the review and approval of the CDD. The plan must comply with the state's Model Water Efficient Landscape Ordinance, or the county's Water Efficient Landscape Ordinance if the county's ordinance has been adopted, and shall be installed prior to occupancy of the building permit for that lot.

Child Care Fees

42. Prior to issuance of building permits, the developer shall pay a fee of \$400.00 per lot/unit toward childcare facility needs in the area as established by the Board of Supervisors.

Park Dedication and Impact Fees

43. Prior to issuance of building permits for individual lots, the developer shall pay the current park dedication and park impact fees for each lot.

Construction Noticing

44. At least one week prior to commencement of grading, the applicant shall post at the site and mail to the owners of property within 300 feet of the exterior boundary of the project site, notice that construction work will commence. The notice shall include a list of contact

persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall also be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles and the 24-hour emergency number shall be expressly identified on the notice. A copy of the notice shall be concurrently transmitted to the CDD. The notice shall be accompanied by a list of names and addresses of the property owners noticed, and a map identifying the area noticed.

Dust & Litter Control

45. A dust and litter control program shall be submitted for review and approval of the CDD. Any violations of the approved program or applicable ordinances, the developer shall not be allowed to continue until an appropriate construction bond has been posted.

PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL FOR SUBDIVISION SD16-9442

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these conditions of approval. Conditions of approval are based on the vesting tentative map submitted to Department of Conservation and Development, Community Development Division on October 11, 2017.

THE APPLICANT SHALL COMPLY WITH THE FOLLOWING PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements

46. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division on October 11, 2017.
47. Applicant shall submit improvement plans prepared by a registered civil engineer to Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of Public Works Department.

Access to Adjoining Property

Proof of Access

48. 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.
49. Applicant shall furnish proof to Public Works Department that legal access to the property is available from "Diablo Vista Way".

Relinquishment of Abutter's Right of Access

50. Applicant shall relinquish Abutter's Rights of Access along the entire frontage of Pleasant Hill Road except for the existing access easement intersection with Shulgin Road.

Encroachment Permit

51. Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of improvements within the right of way of Pleasant Hill Road.
52. Applicant shall obtain an encroachment permit from the City of Walnut Creek for construction within Monarch Ridge Drive, "Diablo Vista Way" or other portions of City right of way.

Private Roads

53. Applicant shall construct a (paved) turnaround at the end of the proposed private road. A temporary turnaround will be required at the terminus of the internal subdivision street at the Phase 1 limit.
54. Applicant shall construct an on-site and off-site roadway system from the existing terminus of "Diablo Vista Way" (Hercules Drive) to current County private road standards with a minimum traveled width of 20 feet, within a 25-foot access easement. This shall apply to all roadways that serve more than one Lot (e.g. the common road serving Lots 1 and 2). Additional pavement width may be necessary to adequately conform to the existing curbs and pavement at Hercules Drive.
55. Any proposed roadway over 15.9% in grade shall be surfaced with grooved concrete or open-graded asphalt.
56. Applicant shall construct the on-site roadways and the internal road network (serving the residential development) to current County private road standards, subject to the review of the Fire District. Although the proposed on-site roadways are to remain private, the pavement structural section shall conform to County public road standards.

Exceptions:

- a. (§92-4.018 Cul-de-sac, maximum length) to allow a cul-de-sac of approximately 1,225 feet in length.
- b. (§98-6.012 Minimum length of vertical curve) to allow for a 30-foot vertical curve at the vehicle turnaround.

Street Lights

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

Pedestrian Facilities

58. Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Parking

59. Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of Public Works Department.

Utilities/Undergrounding

60. Applicant shall underground all new utility distribution facilities and existing utility distribution facilities along public street frontages, including those along the frontage of Pleasant Hill Road. 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.

Exception:

The word "excluding" shall be substituted for "including" in the first sentence in the above condition of approval (i.e. excluding those along the frontage of Pleasant Hill Road).

Maintenance of Facilities

61. The maintenance obligation of all common and open space areas, private roadways, any private street lights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs).

The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map for the first phase.

Drainage Improvements

Collect and Convey

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

Exception:

- a. *§914-2.004 (Offsite Collect and Convey) The applicant shall be permitted an exception to allow a diversion of stormwater entering and/or originating on the subject property provided that the applicant verifies the adequacy of the storm water facility or natural watercourse to which the stormwater shall be directed. If the off-site conveyance system or ultimate drainage facility or natural watercourse to which stormwater is proposed to be diverted is inadequate, the applicant shall be responsible for all costs related to the construction and/or right of way acquisition related to any necessary improvements to make the system adequate.*

Miscellaneous Drainage Requirements

63. Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
64. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
65. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over the proposed storm drain line traversing the site.

National Pollutant Discharge Elimination System

66. 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 stormwater drainage :

- Offer pavers for household driveways and/or walkways as an option to buyers.
- 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.

Stormwater Management and Discharge Control Ordinance

67. The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the final map. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
68. 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).
69. 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.
70. Prior to filing of the final map, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities. Impervious area limitations relative to each

individual lot should be noted so as not to exceed the capacity of the treatment infrastructure.

71. Prior to filing of the final map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
72. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
73. All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

Drainage Area Fee Ordinance

74. The applicant shall be required to comply with the drainage fee requirements for Drainage Area 46 as adopted by the Board of Supervisors. Applicant shall pay this drainage area fee prior to recordation of the final map.

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. Additional requirements may be imposed by the following agencies and departments; the applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project:
 - Contra Costa County, Building Inspection Division
 - Contra Costa County, Public Works Department
 - Contra Costa County Fire Protection District

- Contra Costa Environmental Health Division
 - East Bay Municipal Utility District
 - Central Contra Costa Sanitary District
- C. The project sponsor should be aware that Section 31 of the East Bay Municipal Utility District's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.
- D. Vesting Tentative Map Rights—The approval of this vesting tentative map confers a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect as of October 9, 2007, the date the vesting tentative map application was accepted as complete by the Community Development Department. The vested rights also apply to development fees, which the County has adopted by ordinance. These fees are in addition to any other development fees, which may be specified in the conditions of approval.
- E. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors.
- F. Although the Stormwater Control Plan (SWCP) has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- G. Police Service District Costs and Necessary Processing Time—The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index (CPI) adjustments). The annual fee is subject to modification by the Board of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting. The applicant is advised that the election process takes from 3 to 4 months and must be completed prior to recording the final map.
- H. 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.

- I. This project may be subject to the requirements of the U.S. 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.