

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILES SD17-9478, RZ17-3239, DP17-3054, 1486 INVESTORS, LLC (APPLICANT & OWNER):

As revised by County Planning Commission on August 28, 2019, the Public Works Department (Condition of Approval #48) as directed by the Planning Commission for traffic calming, and clarification of the Vegetation Management Plan (Condition of Approval #12).

(Additions shown with double underlining; deletions shown with double strikethrough)

FINDINGS

A. Growth Management Performance Standards

1. Traffic: The Balmore Court Single-Family Residential Project is forecast to generate 22 AM peak hour vehicle trips and 30 PM peak hour trips, and will not significantly increase existing traffic levels in the area. Accordingly, the project will not have a substantial impact on traffic on any roadways in the Byron area. Further, compliance with the requirements of the Bridge/Thoroughfare Fee Ordinance, as adopted by the Board of Supervisors is required.
2. Water: The project site is an urban in-fill site that is currently serviced by public utility systems. Uses on-site include 30 residences and irrigation of landscaped areas. The East Bay Municipal Utility District provides water service to the site and has not indicated that there is insufficient capacity to serve the project. The Utility District has stated that the applicant should contact the District to request a water service estimate.
3. Sanitary Sewer: The project site is within the service area of the West County Wastewater District who provides wastewater services for the project. The Wastewater District has stated that wastewater service is available for the project.
4. Fire Protection: The project site is in the service area of the Contra Costa County Fire Protection District. Fire protection to the project site will be provided by Station 69 at 4640 Appian Way located approximately 1.05 miles to the south of the site. The Fire Protection District has provided comments on the proposed project, citing District requirements for maintaining a clear fire lane, providing an adequate and reliable water supply, and two fire hydrants. With these requirements, potential impacts of the project on fire protection services will be less than significant. Construction plans will be reviewed by the Fire Protection District for compliance with its requirements.

5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the unincorporated El Sobrante area. In addition to regular patrol service, the Sheriff's Office operates the Bay Station at 5555 Giant Road (2.90 miles west of the project site). The addition of 30 single-family residences to the single-family residential area along Allview Avenue will not significantly affect the provision of police services to the El Sobrante area.
6. Parks and Recreation: The new residents of the 30 new residences are expected to increase use of nearby public parks; however, amount of available park space and the project's small addition (0.64%) to the El Sobrante population will minimize project impacts on these facilities.

The project, as proposed, did not include construction of any recreational facility on the site, and thereby, did not comply with the General Plan Land Use Element policy for recreation space in the El Sobrante area. As conditioned, an area on the project site is required to be developed as a tot lot, playground, or other recreational facility on a portion of either open space Parcel A or storm drainage Parcel B.

7. Flood Control and Drainage: The project Storm Water Control Plan includes concrete ditches at the edges of the residential development that direct storm water to a bio-retention area in the storm drainage parcel located near the northeast corner of the project site. As conditioned, these facilities will be maintained such that the facilities will perform as designed. Thus, there will not be any significant risk due to an increase in the volume of runoff that will result in onsite or off-site flooding.

B. SB166 Finding

Pursuant to California Government Code Section 65863(a): *Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583 can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial,*

legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

Project Finding: A component of preparing the County's Housing Element for the General Plan is the identification of vacant and underutilized sites suitable for residential development, and an evaluation of the housing development potential of these sites in fulfilling the County's share of the regional housing needs as determined by the Association of Bay Area Governments (ABAG). This property is identified in the County's Housing Element Sites Inventory with a development potential of 25 above-moderate housing units.

This project includes 30 market-rate (above-moderate) units, which exceeds the projected housing estimate for the site. The site is located within the Single-Family Residential High density land use designation, which allows for 5 to 7.2 residential units per net acre. The developer is averaging 5.4 units per net acre, which is within the permitted density range for this land use designation. In addition, the County has already exceeded the number of above-moderate units identified by ABAG in its regional housing needs allocation for the remainder of this cycle of the Housing Element. This project will add to the surplus of units in this category.

C. Rezoning Findings

Pursuant to County Code Section 26-2.1806, the following three findings must be made to approve a rezoning application.

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

Project Finding: The project site has a General Plan Land Use designation of SH, Single-Family Residential-High Density. This designation allows between 5.0 and 7.2 single-family units per net acre. Subdivision SD17-9478, as proposed, includes 30 units on 5.53 net acres (6.44 gross acres - 0.91 acre for the roadway parcel), for a density of 5.42 units per net acre. Thus, the proposed project is consistent with the SH General Plan designation. Further, as conditioned, the project is consistent with the Policies for the El Sobrante Area of the Land Use Element, as well as with applicable goals and policies of the Housing Element and Noise Element.

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

Project Finding: The project site is located within the established Allview Avenue single-family residential neighborhood of El Sobrante. The surrounding area consists of single-family residences in this neighborhood and commercial uses to the east and north along Appian Way and Fitzgerald Drive in the City of Pinole. The Balmore Court P-1 District provides flexibility of site design, building massing, setbacks, and height, and thereby allows a conservation subdivision on the site that sets aside 3.11 ~~3.29~~ of its 5.53 buildable acres as permanently protected open space that will provide potential wildlife habitat, filter and retain stormwater runoff, require less new infrastructure, and better maintain the sense of place that defines the character of this El Sobrante neighborhood. Thus, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The project site is located within an area that is developed with single-family residential uses, in proximity to commercial uses. The site had previously been approved for a conventional single-family residential subdivision that was never built; however, the site is included on the housing site inventory that is maintained by the Housing and Community Improvement Division, as a site suitable for residential development. The current project is a conservation subdivision that sets aside 3.11 ~~3.29~~ of its 5.53 buildable acres as permanent open space and includes 30 single-family residences on the remaining 2.42 ~~2.24~~ acres, and thereby, complies with the General Plan policies for the El Sobrante area, as well as with General Plan policies related to providing an adequate supply of housing and encouraging infill development suitable vacant and under-utilized sites within urbanized areas where necessary utilities already are installed.

D. Findings of Approval of P-1 Zoning District and Preliminary Development Plan

Pursuant to County Code Section 84-66.1406, the following four findings must be made to approve a P-1 rezoning application and preliminary development plan for a residential development.

1. *The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.*

Project Finding. The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. *The proposed planned unit development is consistent with the County General Plan.*

Project Finding. The project site is in the SH, Single-Family Residential-High Density, General Plan Land Use designation. This designation allows between 5.0 and 7.2 single-family units per net acre. Subdivision SD17-9478, as proposed, includes 30 units on 5.53 net acres (6.44 gross acres - 0.91 acre for the roadway parcel), for a density of 5.42 units per net acre. Thus, the proposed project will be consistent with the SH General Plan designation.

The application is subject to the "Policies for the El Sobrante Area", Policies 3-165 through 3-187 of the Land Use Element. As conditioned, the project is consistent with these policies. As a conservation subdivision, the 30 single-family residences in the project will be located on 2.42 ~~2.24~~ of its 5.53 buildable acres, while 3.11 ~~3.29~~ acres, including the 1.84 acres open space Parcel A, 0.36 acre storm drainage Parcel B, and 0.91 acre restrictive riparian easement will be permanently protected open space. Condition of Approval #42 requires the applicant to install a recreation facility on the project site.

The project site is listed in the housing site inventory that is maintained by the Housing and Community Improvement Division, as a site suitable for residential development. Thus, the project is consistent with the General Plan Housing Element.

As conditioned, the project is consistent with the General Plan Noise Element's acceptable noise exposures for single-family residential land uses. Conditions of Approval #36, #37, and #38 address the installation of a noise barrier along the northern property boundary, and requiring sound-reducing wall construction and sound-reducing windows. Conditions of Approval #39 and #40 address excessive groundborne vibration and construction noise.

The project is projected to generate 22 AM peak hour vehicle trips and 30 PM peak hour trips, which will not significantly affect the nearby Allview Avenue/Baltimore Court and Baltimore Court/Lindell Drive intersections. Thus, the project will not have

a significant impact on Appian Way, which is the nearest arterial designated in the General Plan Transportation and Circulation Element. Accordingly, the project is consistent with General Plan transportation policies for arterials.

- 3. In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.*

Project Finding: The project site is located within the established El Sobrante neighborhood along Allview Avenue with single-family residences to the west and south and commercial uses to the east and north along Appian Way and Fitzgerald Drive in the City of Pinole. The neighborhood has a semi-rural character, with primarily one-story homes on 7,000 to 8,000 square-foot lots with established landscaping including a number of large trees. The Balmore Court P-1 District provides flexibility of site design, building massing, setbacks, and height, and thereby allows a conservation subdivision on the site that sets aside 3.11 ~~3.29~~ of its 5.53 buildable acres as permanently protected open space that will provide potential wildlife habitat, filter and retain stormwater runoff, require less new infrastructure, and better maintain the sense of place that defines the character of this El Sobrante neighborhood. The project homes will have stucco walls with wood siding at select locations and asphalt shingle roofing, and will have earth tone colors. Use of such materials and colors is prevalent in the surrounding neighborhood. The project includes the planting of 28 trees, including 23 trees along the Balmore Court extension to provide street ambience and character, and five trees at the western end of the shared driveways to soften views of the project from offsite locations to the west. Thus, the project is in harmony with the surrounding area and the uses established in the area.

- 4. The development of a harmonious integrated plan justifies exceptions from the normal application of this code.*

Project Finding: The project site has varying terrain. The site is relatively flat in the eastern portion near the intermittent drainage channel and slopes upward to the southwest, west and northwest. Elevations on the site range from 230 feet at the northeast corner to 300 feet at the westernmost corner. Slopes to the west are up to 30 percent, while slopes to the southwest and northwest are less steep. As a result, residential development on the project site involves substantial constraints, including slopes of up to 30 percent on the western and northwestern portions of the site. Development of the uphill portions of the site will involve significant

grading of the hillside, as well as installation of substantial infrastructure to minimize possible geotechnical issues related to such grading. In addition, the residential project will need to handle project-related increases in storm runoff, and maintain a buffer between project-related development and the restrictive riparian easement. These constraints significantly reduce the buildable portion of the site.

To address these constraints, the project includes a 1.84 acre hillside open space parcel located uphill and generally west and northwest of the residential parcels. This parcel will collect storm water falling on the open space and direct it to a bio-retention area in the northeastern portion of the site. The 0.36 acre storm drainage parcel located in the northeast quadrant of the property will collect storm water from the subdivision in one large bio-retention area to filter the runoff, allow percolation into the ground, and direct overflow to a City of Pinole storm drain inlet near the northeast corner of the site. The storm drainage parcel and the residential parcels on the east side of the street include portions of the restrictive riparian easement that was established pursuant to a grant deed of development rights to the County in 2007. The 0.91-acre restrictive riparian easement does not allow development within 25 feet of the intermittent drainage channel along the eastern boundary of the property. These areas of the site will be permanently projected open space to provide potential wildlife habitat, filter and retain stormwater runoff, require less new infrastructure, and better maintain the semi-rural sense of place of the Allview Avenue residential neighborhood.

Approximately $\frac{3}{4}$ of the 6.44-acre project site is in the R-6 District and approximately $\frac{1}{4}$ of the southwest portion of the site is in the R-7 District. The site also has a SH General Plan Land Use designation that has a density requirement of between the 5.0 and 7.2 residential units per net acre. The project will have 30 residential lots on 5.53 net acres, with a density of 5.42 residential units per net acre, and therefore, will be consistent with the SH General Plan Land Use density. However, given the 1.84 acres set aside for hillside open space, 0.36 acre set aside for project storm drainage, and the 0.91 acre within the restrictive riparian easement, the residential development occurs on 2.42 acres of the site. Accordingly, the project does not meet the development standards of the R-6 or R-7 Districts for lot size, lot width, lot depth, setbacks, and yards. The Balmore Court P-1 Planned Unit District allows for the clustering of homes, with reduced lot area, lot width, and lot depth requirements, reduced setbacks to a minimum of 10 feet, and reduced yards to a minimum of five feet. With the P-1 development standards, the project preserves open space areas, as described above, without reducing the

residential density of the site. The 30 residences will have stucco walls with wood siding at select locations and asphalt shingle roofing, and will have earth tone colors. The building pads for the homes will be located on the site where existing elevations are a maximum of 260 feet. Given that the elevation at the westernmost corner is 300 feet, the maximum height of the new homes will generally be lower than elevations along the western site boundary. Accordingly, the proposed project will be consistent with the surrounding neighborhood.

E. Findings for a Vesting Tentative Map

Pursuant to County Code Section 94-2.806, the following finding must be made to approve a vesting tentative parcel map for a subdivision.

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general and specific plans.*

Project Finding. The project site is located within the El Sobrante community, where surrounding uses include single-family residences to the west and south, and commercial businesses to the east and north. The project will subdivide the 6.44-acre property into 33 lots, including 30 residential parcels, hillside open space Parcel A, storm drainage Parcel B, and a roadway parcel. The project is consistent with the SH, Single-Family Residential-High Density, General Plan Land Use designation, which allows the 5.0 and 7.2 residential units per net acre. The project will have 30 residential lots on 5.53 net acres, with a density of 5.42 residential units per net acre. Thus, the project is consistent with the applicable policies for the SH land use designation.

The project is consistent with the Land Use Element Policies for the El Sobrante area that call for enhancement of El Sobrante's semi-rural/suburban character, preservation of open space, preservation of the scenic environment of the community, and use of available infill housing sites. As a conservation subdivision on the site of a previously approved conventional subdivision, the project places its 30 single-family residences on 2.42 ~~2.24~~ of its 5.53 buildable acres, and reserves 3.11 ~~3.29~~ acres as permanently protected open space, including the 1.84 acres open space Parcel A, 0.36 acre storm drainage Parcel B, and 0.91 acre restrictive riparian easement.

F. Exceptions to the Requirements of County Code Title 9

Pursuant to County Code Section 92-6.002, the Advisory Agency (County Planning Commission) may authorize exceptions to the requirements and regulations of County Code Title 9 (Subdivisions). Accordingly, following are the requests for exceptions.

1. Request for Exception from County Code Section 98-4.002: Balmore Court is classified as a collector street, which is required to have a pavement width of 36 feet curb-to-curb within a 56-foot right-of-way, per County Code Section 98-4.002. The proposed project will (a) extend Balmore Court onto the 0.91-acre roadway parcel, and (b) improve the 400-foot long section of Balmore Court north of Lindell Drive to the project site. These roadway sections will be constructed to public street standards with a pavement width of 32 feet within a 50-foot right-of-way, with curbs, gutters, and sidewalks.
2. Request for Exception from County Code Section 98-6.016: At approximately 170 feet northeast of the southwesternmost corner of the project site, the Balmore Court extension will curve westward. Pursuant to County Code Section 98-6.016, the radius of curvature in the centerline of the street is to be at least 200 feet. The Balmore Court extension at the curve will be constructed to have a centerline radius of 75 feet.

Following are the findings for granting the requested exceptions that are required by County Code Section 92-6.002.

- a. *That there are unusual circumstances or conditions affecting the property.*

An unusual circumstance exists in that the steep slopes on the western and northwestern portions of the property, and the restrictive riparian easement along the eastern boundary of the property, limits where development can occur without significant grading and slope stabilization, and thereby, constrains the location and alignment of the street extension.

- b. *That the exception is necessary for the preservation and enjoyment of a substantial right of the applicant.*

The exceptions are necessary to facilitate single-family residential development of the project site. Providing the street width and right-of-way per County Code Section 98-4.002 and the radius of curvature per County Code Section 98-6.016

adversely affects the proposed project, due to the slope constraints of the site. As shown on the Preliminary Grading, Drainage & Utility Plan in Attachment 1, construction of the residences will require several retaining walls for stable construction pads as well as to maintain existing geotechnical conditions on adjoining properties. Increasing the street width and horizontal curve will increase the height and number of retaining walls to maintain acceptable geotechnical conditions on the project site and on neighboring properties. The geometry of the property boundaries in conjunction with the setback from the restrictive riparian easement also limit the alignment of the Balmore Court extension. Further, requiring the full street width, right-of-way, and radius of curvature reduces the buildable area of the site, such that the side yards between the residences will be reduced to less than the 5-foot minimum in order to meet the required SH General Plan residential density.

- c. *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.*

The granting of the exceptions will not be materially detrimental to the public welfare or injurious to other property. The portion of Balmore Court that is currently a private street varies in width from 24 feet approximately 60 feet north of Lindell Drive to 17 feet six inches at its northern terminus with no curbs, gutters, or sidewalks. The proposed project will create a street section with a pavement width of 32 feet with curbs, gutters, and sidewalks. The extension of Balmore Court on the project site will match the improved section of the street and have a pavement width of 32 feet, with curbs, gutters, and sidewalks. By improving conditions of the street, the reduction in the pavement width and right-of-way from collector street standards will not pose risk to the public or hinder the ability of the public to use the street as intended; rather, the street improvements will reduce circulation risks and improve the ability of the public to use the street.

Allowing the pavement width on the project site to be 32 feet and the horizontal curve centerline radius to be 75-ft, facilitates a street alignment that better fits the overall shape of the project site. The curve in the street will function more as a street knuckle than as a horizontal curve, which is suitable at this location due to the speed at which vehicles will be travelling to and from the street cul-de-sac.

G. Findings for a Tree Permit

County Code Section 816-6.8010, lists a number of factors to be considered in granting or denying a tree permit. The County Planning Commission is satisfied that the following factors have been satisfied.

1. Reasonable development of the property will require the removal of 13 trees protected on the project site, including a stand of seven redwood trees at the southwest corner of the site, a cluster of four willow and poplar trees near the redwoods, and a poplar tree and a stand of locust trees along the western boundary of the property. The tree removal is necessary in order to accommodate development on Lots 1 and 2, and the storm water drainage facilities on open space Parcel A. All other trees on the site, including trees within the restrictive riparian easement will be retained.

2. Development of this project cannot be reasonably accommodated on other parts of the property due to the topography and irregular shape of the property. The project site has varying terrain. The site is relatively flat in the eastern portion near the intermittent drainage channel and slopes upward to the southwest, west and northwest. Elevations on the site range from 230 feet at the northeast corner to 300 feet at the westernmost corner. Slopes to the west are up to 30 percent, while slopes to the southwest and northwest are less steep. As a result, residential development on the project site involves substantial constraints, including slopes of up to 30 percent on the western and northwestern portions of the site. Development of the uphill portions of the site will involve significant grading of the hillside, as well as installation of substantial infrastructure to minimize possible geotechnical issues related to such grading. In addition, the residential project will need to handle project-related increases in storm runoff, and maintain a buffer between project-related development and the restrictive riparian easement. These constraints significantly reduce the buildable portion of the site, such that the project will be built as a conservation subdivision that preserves the constrained areas on the site without reducing residential densities. The 30 single-family residences are located on 2.42 ~~2.24~~ of the 5.53 buildable acres on the site, while the 1.84 acres open space Parcel A, 0.36 acre storm drainage Parcel B, and 0.91 acre restrictive riparian easement will be permanently protected open space

H. Environmental Review

Following are the findings required pursuant to the California Environmental Quality

Act to adopt a Mitigated Negative Declaration/Initial Study for the project, prior to the approval of a project.

1. A draft Mitigated Negative Declaration/Initial Study (MND), SCH 2018122029, was prepared and published for the project. The 34-day public review period for the draft MND started on December 12, 2018 and ended on January 14, 2019. A total of five letters and one email were received during the public review period for the draft MND.
2. A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and two staff-initiated text changes.
3. Neither the comments received nor the staff responses to the comments result in any changes to the draft MND, and the Final MND does not affect any impacts, mitigation measures, or findings in the draft MND.
4. The text changes, including two minor changes to correct typographical errors, are not the result of any new significant adverse environmental impact, do not result in any mitigation added to the pertinent section, and do not alter the findings in the section.
5. On the basis of the whole record before it, including the draft ND and final ND, the County Planning Commission finds that:
 - There is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment;
 - The MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis;
 - The MND is adequate and complete; and
 - The MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA guidelines.
6. A Mitigation Monitoring Program has been prepared, based on the identified significant environmental impacts and mitigation measures in the MND. The mitigation measures in the Mitigation Monitoring Program are included in the Conditions of Approval.

CONDITIONS OF APPROVAL FOR COUNTY FILES SD17-9478, RZ17-3239, DP17-3054

Project Approval –Subdivision and Vesting Tentative Map

1. The Vesting Tentative Map for the Balmore Court Single-Family Residential Subdivision is APPROVED, as generally shown and based on the following documents:

- Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on December 17, 2017;
- Vesting Tentative Map for Subdivision SD17-9478, prepared by Carlson, Barbee & Gibson, submitted on March 4, 2019;
- Parking Summary, prepared by Carlson, Barbee & Gibson, submitted on December 4, 2018;
- Preliminary Landscape Tree Plan, prepared by Landscape Architecture Land Planning, submitted on January 11, 2019;
- Preliminary Architectural Plans, prepared by William Hezmalhalch Architects, submitted on August 9, 2019;
- Preliminary Stormwater Control Plan, prepared by Carlson, Barbee & Gibson, submitted on March 4, 2019;
- Preliminary Balmore Court Hydrology, prepared by Carlson, Barbee & Gibson, submitted on December 1, 2017;
- Capacity of Existing Storm Drain Outfall for Balmore Court, prepared by Carlson, Barbee & Gibson, submitted on December 21, 2018;
- Geotechnical Investigation for Balmore Court Subdivision, prepared by Stevens, Ferrone & Bailey, submitted on December 1, 2017;
- Noise and Vibration Impact Analysis, prepared by LSA Associates, submitted on December 1, 2017;

- Arborist Report, prepared by Bay Arborist, submitted on December 1, 2017;
 - Biological Resources Analysis, prepared by Monk & Associates, submitted on December 1, 2017; and
 - Focused Traffic Study for the Balmore Court Single-Family Residential Project, prepared by TJKM, submitted on December 4, 2018.
2. A copy of the recorded Final Map shall be submitted to the CDD upon recordation.
 3. Any modifications to the project approved under this permit that is not required by a Condition of Approval herein shall be subject to the review and approval of the CDD.

Approval Contingent on Consistent Approval of Related General Plan Amendment and Rezoning Application

4. This Subdivision is approved contingent upon approval of a Rezoning, County File #RZ17-3239 from R-6 Single-Family Residential District and R-7 Single-Family Residential District to P-1 Planned Unit District, and a Preliminary Development Plan, County File #DP17-3054 for the Balmore Court Single-Family Residential Project. If either the Rezoning or the Preliminary Development Plan is not approved, then this approval shall be null and void.

Application Costs

5. The Subdivision application was subject to an initial deposit of \$10,092.00. The applications are subject to time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Indemnification

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

~~Prior to recordation of the Final Map, or issuance of a grading or building permit, whichever occurs first, the applicant shall submit the indemnification agreement between the applicant and Contra Costa County for the review and approval of CDD.~~

Inclusionary Housing Ordinance

7. This project is subject to the Inclusionary Housing Ordinance (IHO). Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of 30 for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as inclusionary units (units that are required to be sold at an affordable sales price to lower and moderate income households). The applicant is required to construct 4.50 inclusionary housing units for the project. Required inclusionary units: 30 for-sale units x 15% = 4.50 inclusionary units

As an alternative to the requirement to construct inclusionary housing, the applicant has proposed the payment of a For-Sale Housing In-Lieu Fee. This alternative to collect an in-lieu fee, as established in DCD's fee schedule, has been accepted.

Prior to recordation of the Final Map, or issuance of a grading or building permit, whichever occurs first, the applicant shall pay to the County the full amount of the Inclusionary Housing Ordinance For-Sale Housing In-Lieu fee of \$116,246.70. This project was deemed complete on July 16, 2018.

The in-lieu fee is calculated as: \$3,874.89/unit x 30 market rate units = \$116,246.70 total in-lieu fee. This in-lieu fee is non-refundable.

8. Should the applicant choose not to pay the in-lieu fee in full prior to the recordation of the Final Map or issuance of a grading or building permit, whichever occurs first, then the applicant must construct the required number of inclusionary units on-site, off-site, or a combination of both on-site and off-site.

Compliance Report

9. At least 45 days prior to filing the Final Map or at the time of application for a grading or building permit, whichever occurs first, the applicant shall submit an application for a COA Compliance Review and provide a report on compliance with the conditions of approval for the review and approval by the CDD. The fee for this application is a deposit of \$1,000.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

The report shall identify all conditions of approval that are administered by the CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map. A copy of the permit conditions of approval may be obtained from the CDD.

Homeowners Association

10. Covenants, Conditions, and Restrictions (CC&Rs), Articles of Incorporation, and By-Laws for a mandatory homeowners association shall be submitted with the filing of the Final Map subject to review and approval of the CDD. These documents shall provide for establishment, ownership, and maintenance of the open space areas, drainage facilities, landscape easements, fire protection to include the Vegetation Management Plan, shared driveways, parking, fencing, noise barrier, and the establishment of signs. The documents shall notify purchasers that the project adjoins a restrictive riparian area. Additionally, the CC&Rs shall require occupants to maintain garage spaces in a manner, which makes them available for off-street parking. The documents shall be recorded with the Final Map. The documents shall be deed disclosures.

Conservation Easement

11. Prior to the filing of the Final Map, the applicant shall submit to the CDD for review and approval, the final text of the conservation easement over open space Parcel A and storm drainage Parcel B, which shall include the following requirements:

- A. The easement shall provide that no tree shall be altered or removed without prior written consent of the CDD. The CDD may allow the removal of trees upon the finding that the tree may be hazardous or may jeopardize the health of surrounding trees.
- B. The easement shall specify that no grading or development activity may occur within the easement area except as provided in Conditions #12.C, #12.D, and #12.E herein. In addition, the construction of structures including, but not limited to, buildings (regardless of whether a building permit is required), pools, and sports courts are prohibited.
- C. Grading is allowed within the easement area to install utilities and storm drainage facilities, and the maintenance access roads.
- D. Installation of a recreation facility pursuant to Condition of Approval #42 along with a path to the recreation facility shall be allowed within the easement area.
- E. Maintenance of vegetation within the easement area shall be allowed pursuant to the Vegetation Management Plan of Condition of Approval #12.

The conservation easement shall be recorded with the Final Map.

Vegetation Management Plan

12. ~~Prior to the filing of the Final Map~~At the time of application for a building permit, the applicant shall submit a Vegetation Management Plan for review and approval by the CDD, who may confer with the Fire Protection District on the Plan. The Plan shall incorporate the findings of a rare plant survey to be completed by a qualified botanist during the appropriate periods for detection of locally known rare plants between March and July, the year of project construction. The rare plant survey shall be subject to review and approval by the CDD, prior to incorporation in the Plan. If rare plants are found, mitigation shall include harvesting appropriate seeds or propogules and replanting the rare plant(s) in the open space areas dedicated as part of the project. Should any State or federally listed plant species be found during surveys, prior to implementing this mitigation measure, copies of any appropriate permits required from the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be provided to the CDD. The Plan shall include management of the open space areas of Parcel A and Parcel B, and the

restrictive riparian easement area. The Plan shall include measures to minimize fire and drainage hazards. The Plan shall be implemented initially by the applicant, and after the sale of homes, by the homeowners association. The homeowners association may update the Plan from time to time, subject to review and approval by the CDD.

Park Impact Fee

13. Prior to the issuance of building permits, the applicant shall pay a fee of \$8,129.00 for construction of a single-family residence on a subdivision parcel for park and recreation improvements in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

Park Dedication Fee

14. Prior to the issuance of building permits, the applicant shall pay a fee of \$4,489.00 for construction of a single-family residence on a subdivision parcel as in-lieu fees for dedication of parkland in the area as established by the Board of Supervisors; however, the actual fee amount collected shall be that which is applicable at the time of building permit issuance.

The Park Dedication Fee paid may be applied as a credit towards the Park Impact Fee.

Child Care

15. Prior to the issuance of building permits, the applicant shall pay a fee of \$400.00 for construction of a single-family residence on a subdivision parcel for childcare facility needs in the area as established by the Board of Supervisors.

Police Services District

16. Prior to the recordation of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors.

The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Signs/Retaining Walls

17. All signs and retaining walls shall be subject to the review and approval of CDD.
18. The design, color(s) and location of any project sign at the entrance to the property shall be reviewed and approved by CDD.

Lighting

19. At the time of application for a building permit, a lighting plan for proposed exterior lighting shall be submitted to the CDD for review and approval. The proposed exterior lighting of the residences and shared driveways shall be directed down so that lights shine away from adjacent properties and Balmore Court.

Final Development Plan

20. The Preliminary Development Plan Permit includes approval of the preliminary design for the 30 single-family residences, subject to approval of a Final Development Plan. The applicant shall submit a Final Development Plan for review and approval of the Zoning Administrator as part of the COA Compliance Review. This review shall include evaluation of the relation of the vehicular and pedestrian paths to the final design and orientation of the court homes. The Zoning Administrator may require a public hearing if a substantial modification from the Preliminary Development Plan is requested. The Zoning Administrator may require the submittal of an application, if deemed necessary.

Permitted Uses and Conditionally Permitted Uses

21. Permitted uses and conditionally permitted uses shall be those uses listed in County Code Section 84-4.402 and 84-4.404, respectively, as shown on Table 1, Balmore Court P-1 District.

Development Standards

22. Development standards for lots, building height, yards, other improvements, and parking shall be those standards listed on Table 1, Balmore Court P-1 District.

Landscaping and Water Efficient Landscape Ordinance

23. At the time of application of a grading or building permit, whichever occurs first, the applicant shall submit a final landscaping and irrigation plan for the subdivision, prepared by a licensed arborist or landscape architect for review and approval by the CDD. In preparing the landscaping and irrigation plan, the applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any State mandated landscape/water related requirements applicable for project landscaping. To the maximum extent feasible, the project shall incorporate drought tolerant vegetation. Prior to requesting a final inspection for the building permit for the final single-family residence, the approved landscaping shall be installed and evidence of the installation (e.g., photos) shall be provided for the review and approval of CDD.

Tree Removal and Restitution

24. A total of 13 protected trees, including a stand of seven redwood trees at the southwest corner of the site, a cluster of four willow and poplar trees near the redwoods, and a poplar tree and a stand of locust trees along the western boundary of the property, are approved for removal on the project site. As required restitution for the approved tree removal 28 trees shall be planted, subject to the following measures.
- A. Tree removal shall occur only with an approved grading or building permit.
 - B. The final landscaping and irrigation plan required under Condition of Approval #23 shall provide for the planting of 28 California-recognized drought tolerant trees of 24" box size. 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 tree restitution (accounting for supply, delivery, and installation of trees and irrigation).

Table 1: Balmore Court P-1 District

Item	P-1 District - Lots 1 to 20	P-1 District - Lots 21 to 30
Uses		
Permitted Uses	County Code Section 84-4.402, Uses - Permitted	County Code Section 84-4.402, Uses - Permitted
Conditionally Permitted Uses	County Code Section 84-4.404, Uses - Requiring Land Use Permit	County Code Section 84-4.404, Uses - Requiring Land Use Permit
Lots		
Lot Area	3,200 sq. ft. minimum	3,500 sq. ft. minimum
Lot Width	40 ft. average width minimum	40 ft. average width minimum
Lot Depth	60 ft. minimum	80 ft. minimum
Lot Coverage	50 percent (excludes porches)	50 percent (excludes porches and outdoor rooms)
Building Height	2½ stories or 35 ft. maximum	2½ stories or 35 ft. maximum
Yards		
Setback	15 ft. minimum to garage 10 ft. minimum to residence minimum to porch N.A.	20 ft. minimum to garage 15 ft. minimum to residence 10 ft. minimum to porch
Side Yard	5 ft. minimum 10 ft. aggregate minimum 3ft. minimum for accessory structure with a 50 ft. minimum setback	5 ft. minimum 10 ft. aggregate minimum 3ft. minimum for accessory structure with a 50 ft. minimum setback
Rear Yard	5 ft. minimum 3 ft. minimum for accessory structure	10 ft. minimum 3 ft. minimum for accessory structure
Other Improvements	Fence, wall, and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with the County Ordinance Code	Fence, wall, and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with the County Ordinance Code
Parking		
Off-Street Parking	2 parking spaces per lot	2 parking spaces per lot
Parking Requirements	9 ft. x 19 ft. minimum, covered, outside of setback and side yard areas	9 ft. x 19 ft. minimum, covered, outside of setback and side yard areas
Guest Parking	15 on-street parking spaces	2 parking spaces per lot, on driveways within setback areas
Parking of Boats, Recreation Vehicles, Motor Homes	Prohibited in setback areas	Prohibited in setback areas

- C. Prior to the issuance of the grading or building permit, the applicant shall submit a security that is acceptable to the CDD. The security shall include the amount of the approved cost estimate, plus a 20% inflation surcharge.
- D. At the time of submittal of the security, the applicant shall pay a tree security fee of \$100 to cover all staff time and material costs of staff for processing the tree security.
- E. The tree security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of the final inspection for the building permit for the final single-family residence was approved. 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. The report shall be submitted for review by 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 two years of being planted shall be replaced by another tree of the same size.

Landscape Easements

- 25 Prior to the filing of the Final Map, Landscape easements shall be established on the residential parcels as necessary to accommodate the landscape planting, including the trees identified on the Preliminary Landscape Tree Plan. The easements shall be recorded with the deeds to the parcels. Maintenance of the landscape easements shall be the responsibility of the homeowners association pursuant to Condition of Approval #10.

Air Quality

- 26 The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans.
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. A publicly visible sign shall be posted on the property 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.

This Condition of Approval implements Mitigation Measure Air Quality 1 of MND SCH 2018122029.

Biology

- 27. If project site disturbance associated with future project construction commences between February 1 and August 31, a preconstruction nesting survey should be conducted on and adjacent to the project site by a qualified raptor biologist. The nesting survey should include examination of all trees within 500 feet of the entire project site, not just trees slated for removal since ground vibrations and loud noise can disrupt nearby nesting birds potentially causing them to abandon their nest/young.

The nesting survey should be completed 15 days prior to commencing with any earth-work or construction. If no nesting raptors are found during these surveys, no further regard for nesting raptors will be necessary, provided construction commences within 14 days of the final survey. If construction is postponed for more than 14 days, it will be necessary to conduct a follow up survey to ensure that no new nesting has commenced in the project vicinity. No further pre-construction surveys will be required after project initiation. The raptor biologist shall submit a written report summarizing the preconstruction survey and any necessary follow up actions to the CDD.

If nesting raptors are identified during the surveys, the dripline of the nest tree (that is, the outer limits of the branches) 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 orange construction fencing to indicate to construction personnel this is a "no work zone" or nondisturbance buffer. If the nest tree is located off 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 the qualified raptor biologist conducts behavioral observations during the earth/construction work and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. The buffers shall be maintained in place through the month of August and work within the buffer can commence on September 1, unless the qualified raptor biologist determines that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 15. This date may be earlier or later, and would have to be determined by the qualified raptor biologist.

If an early nesting survey identifies a large stick or other type of raptor nest that is inactive at the time of the survey, but that was evidently used in the previous year (as evidenced by condition of the nest and possibly presence of whitewash and/or feathers/down on the nest), a protection buffer (as described above) shall be established around the potential nesting tree. This buffer shall remain until a second follow-up nesting survey can be conducted to determine the status of the nest and eliminate the possibility that the nest is utilized by a late-spring nesting raptor (for example, Cooper's hawk). This second survey shall commence even if construction has commenced. If during the follow-up late

season nesting survey a nesting raptor is identified utilizing the nest, the protection buffer shall remain until it is determined by the qualified raptor biologist that the young have fledged and have attained sufficient flight skills to avoid project construction zones. If the nest remains inactive, the protection buffer can be removed and construction and earth moving activities can proceed unrestrained.

If buffers are removed prior to September 1, the qualified raptor biologist shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the CDD prior to the time that nest protection buffers are removed.

This Condition of Approval implements Mitigation Measure Biology 1 of MND SCH 2018122029.

28. If project site disturbance associated with future project construction commences between February 1 and August 31, a preconstruction nesting survey should be conducted on the project site by a qualified ornithologist. The nesting survey should be completed 15 days prior to commencing with any earth-work or construction. If construction is postponed for more than 14 days, it will be necessary to conduct a follow up survey to ensure that no new nesting has commenced in the project vicinity. No further pre-construction surveys will be required after project initiation. . The ornithologist shall submit a written report summarizing the preconstruction survey and any necessary follow up actions shall be submitted to the CDD.

If common, not special-status birds, (e.g., mourning dove) are identified nesting on the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by the qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until it is determined by the qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.

If special-status birds are identified nesting on the project site, a non-disturbance buffer of 100 feet shall be established or as otherwise prescribed by the qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance

within the buffer shall be postponed until it is determined by the qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.

Many species can complete nesting by the end of June or in early to mid-July. Regardless, nesting buffers shall be maintained until September 1 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 September 1, the qualified ornithologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the CDD prior to the time that nest protection buffers are removed.

This Condition of Approval implements Mitigation Measure Biology 2 of MND SCH 2018122029.

Cultural Resources

29. The following measures shall be implemented during project construction.

- A. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
- B. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.

This Condition of Approval implements Mitigation Measure Cultural Resources 1 of MND SCH 2018122029.

30. Should human remains are uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until

the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the human remains. If the coroner determines the remains may those of a Native American, the coroner will contact the Native American Heritage Commission and the Native American tribe that has requested consultation and/or demonstrated interest in the project site.

This Condition of Approval implements Mitigation Measure Cultural Resources 2 of MND SCH 2018122029.

Geology and Soils

31. At least 60 days prior to the issuance of a grading permit, the applicant shall submit a Remedial Grading Plan for review by the County Peer Review Geologist, and review and approval by the CDD. The plan shall address (i) residential, street extension, driveway, and bio-retention area construction, (ii) undergrounding of utilities, (iii) the siting and design of the bio-retention area (C.3 basin), (iv) the design of the drainage ditch on Parcel A for the mid-slope terrace for the slope that exceeds 30 feet in height, and (v) expansive and corrosive soils, The report shall provide appropriate recommendations to mitigate any potential hazards that are confirmed to be present.

This Condition of Approval implements Mitigation Measure Geology 1 of MND SCH 2018122029.

32. Following rough grading, and at least 30 days prior to the issuance of the first building permit, the applicant shall submit a Grading Completion Report from the project geotechnical engineer, to be submitted to the County and kept on file. That report shall document the inspections performed, and including the results of ASTM testing of fill (including location and approximate depth of each test). Additionally report shall provide (i) an as-graded plan showing the approximate location of subdrains, and the subdrain cleanouts and outfalls; and (ii) a professional opinion on the compliance of grading with the recommendations in the geotechnical report and supporting documents (e.g. Remedial Grading Plan). The Grading Completion Report shall identify the materials encountered during grading that were deemed unsuitable for incorporation into an engineered fill and describe the approach to disposal of such materials.

This Condition of Approval implements Mitigation Measure Geology 2 of MND SCH 2018122029.

33. Following the issuance of a building permit, the project geotechnical engineer shall provide observation and testing services to insure that the construction is in compliance with recommendations in the approved Remedial Grading Plan. The project geotechnical engineer shall provide recommendations for any modification to approved plans that are deemed necessary based on the actual field conditions encountered during grading. Written approval from the Contra Costa County Building Inspection Division shall be obtained prior to any modification. Documentation of the observation and testing services, as well as other project details, for each residence shall be presented in a final geotechnical report, to be submitted to the County and kept on file, prior to requesting the final building inspection. Alternatively, if several residences are development concurrently, the geotechnical report may address the group of residences that are developed concurrently.

This Condition of Approval implements Mitigation Measure Geology 3 of MND SCH 2018122029.

34. At least 30 days prior to the issuance of a grading permit and each building permit, a construction period erosion and sedimentation control plan that is in compliance with applicable construction period requirements of the State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board shall be included in the submitted construction drawings, and implemented during construction.

This Condition of Approval implements Mitigation Measure Geology 4 of MND SCH 2018122029.

Hydrology and Water Quality

35. The applicant shall obtain coverage under the State Water Resources Control Board Construction General Permit prior to commencement of construction activities that disturb greater than one acre of area. To obtain coverage, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP), and file a Notice of Intent with a vicinity map and the appropriate permit fee with the SWRCB. The SWPPP shall include erosion control measures to ensure that all effects of the project remain above the drainage channel along the eastern boundary of

the project site. Measures such as installation of silt fencing, wildlife friendly hay wattles (that is, no monofilament netting on the wattles), and hay bale barriers backed by chain link fencing installed under the supervision of the project engineer will ensure that accidental fill or excavated material does not enter the drainage channel. Additionally, there is garbage, tree stumps and downed wood in the drainage channel that should be removed from the channel to prevent this debris and garbage from flowing downstream and plugging up the storm drain system. The applicant shall submit evidence that coverage from the SWRCB has been obtained to the CDD prior to the issuance of a grading or building permit.

This Condition of Approval implements Mitigation Measure Hydrology 1 of MND SCH 2018122029.

36. Prior to the filing of the Final Map, the applicant shall submit a bio-retention area maintenance plan for review and approval by the CDD. The maintenance plan shall identify the features to be monitored, provide a monitoring schedule for the timing of the required monitoring (number of times per year, and during which months), along with inspections following each major rain storm. Additionally, it shall provide a form to be used by the individual selected to perform monitoring which includes each item requiring inspection, along with the recommendation of the monitor, monitor's signature, contact information, and a distribution list for the inspection report. The bio-retention area maintenance plan shall be recorded with the deed for each residential parcel at the time of recording of the Final Map

This Condition of Approval implements Mitigation Measure Hydrology 2 of MND SCH 2018122029.

Noise

37. ~~Prior to the filing of the Final Map~~~~At the time if application for the first building permit,~~ the applicant shall submit plans for a noise barrier along the northern property boundary, such as a masonry wall, to reduce noise levels by 5 to 10 dBA. The plans shall be included in the construction drawings for the first building permit. The noise barrier shall be installed prior to the final inspection for the first building permit.

This Condition of Approval implements Mitigation Measure Noise 1 of MND SCH 2018122029.

38. Within 30 days after installation of the noise barrier, the applicant shall submit evidence for review and approval of CDD staff confirming that the noise barrier meets acceptable exterior noise level standards as established in the Noise and Land Use Compatibility Guidelines in the Noise Element of the County General Plan. The evidence shall be noise monitoring data recorded on the site at the nearest residence. In the event the acceptable exterior noise level standards are exceeded, the applicant shall install a replacement noise barrier to reduce noise to acceptable exterior noise level standards. The applicant shall then submit noise monitoring data recorded on the site at the nearest residence to validate the corrected noise levels.

This Condition of Approval implements Mitigation Measure Noise 2 of MND SCH 2018122029.

39. Building plans for the residences shall include wall construction with a minimum rating of STC-46, along with windows with a minimum rating of STC-25 to meet the California Administrative Code, Noise Insulation Standards. These plans shall be included in the construction drawings.

This Condition of Approval implements Mitigation Measure Noise 3 of MND SCH 2018122029.

40. Vibration rollers shall not be used for construction at any time. All construction drawings shall include this restriction.

This Condition of Approval implements Mitigation Measure Noise 4 of MND SCH 2018122029.

41. The following noise reduction measures shall be implemented during project construction. The noise reduction measures shall be included on all construction drawings.

- A. The applicant 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.
- B. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away

from existing residences as possible.

- C. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- D. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The Department of Conservation and Development phone number shall also be visible to ensure compliance with applicable regulations.
- E. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- F. All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:
 - New Year's Day (State and Federal)
 - Birthday of Martin Luther King, Jr. (State and Federal)
 - Washington's Birthday (Federal)
 - Lincoln's Birthday (State)
 - President's Day (State and Federal)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (State and Federal)
 - Veterans Day (State and Federal)
 - Thanksgiving Day (State and Federal)
 - Day after Thanksgiving (State)
 - Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal Holidays: www.federalreserve.gov/aboutthefed/k8.htm

California Holidays: www.sos.ca.gov/holidays.htm

This Condition of Approval implements Mitigation Measure Noise 5 of MND SCH 2018122029.

Recreation

42. At the time of application for a grading permit, the applicant shall provide an area on the project site for recreational facilities or contribute a fair share to nearby recreational facilities. As proposed, the subdivision includes a 80,255 sq. open space parcel and a 15,884 sq. ft. storm drainage parcel. Inclusion of a tot lot, playground, or other recreational facility on a portion of either parcel could be used to meet this requirement. CDD and Public Works staff shall review the onsite recreational facility for compliance with the County C.3 requirements to ensure that the impact of the onsite recreational facility on storm water drainage would be less than significant. The onsite recreational facility shall be included on all construction drawings.

This Condition of Approval implements Mitigation Measure Recreation 1 of MND SCH 2018122029.

Construction

43. Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements.

- A. A dust and litter control program shall be submitted for the review and approval of the Community Development Division staff. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- B. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

Debris Recovery

44. At least 15 days prior to the issuance of a grading permit or building permit, the developer shall demonstrate compliance with the Debris Recovery CalGreen program.

Street Name(s)

45. Prior to the recordation of the Final Map, proposed street name(s) shall be submitted for review by the Department of Conservation and Development, GIS/Mapping Section. The Final Map cannot be certified by CDD without the approved street name(s).

PUBLIC WORKS CONDITIONS OF APPROVAL FOR COUNTY FILE SD17-9478

The 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. The Conditions of Approval are based on the Vesting Tentative Map submitted to the Department of Conservation and Development on March 4, 2019.

The applicant shall comply with the following conditions of approval prior to filing 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 March 4, 2019.

47. The applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Baltimore Court)

48. The applicant shall construct curb, necessary longitudinal and transverse drainage, street lighting, pavement widening, overlay and transitions along Baltimore Court from the subdivision boundary to the existing curb approximately 75 feet north of Lindell Drive. Curb to curb street width shall generally vary between 28 and 32 feet with a 20-foot transition to conform to the existing 25-foot wide improved street as shown on tentative map sheet TM06. 5-foot wide monolithic sidewalk (width measured from face of curb) shall be constructed along the southeast side of the street. Any additional necessary signage, striping, traffic calming or safety improvements shall be constructed as directed by the Public Works Department and Fire District.

Exceptions (Subject to Advisory Agency findings and approval)

The applicant shall construct the on-site portion of Baltimore Court to County public minor street standards and convey to the County, by Offer of Dedication, 50 feet of right-of-way. Sidewalks shall be monolithic with the curb.

Access to Adjoining Property

Proof of Access

49. The applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

50. The applicant shall furnish proof to the Public Works Department that legal access to the property is available from the existing terminus of Baltimore Court.

Encroachment Permit

51. The applicant shall obtain an encroachment permit from the Application and Permit Center for construction of driveways or other improvements within the right-of-way of Baltimore Court.

Road Alignment/Intersection Design/Sight Distance

Sight Distance

52. The applicant shall provide sight distance at the intersection of the private streets with Balmore Court in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.

Private Roads

53. The applicant shall construct a paved turnaround at the end of the proposed private roads serving Lots 1-20.

54. The applicant shall construct the on-site roadways and the internal road network serving Lots 1-20 to current County private road standards with a minimum traveled width of 20 feet, within a 25-foot access easement. Said roads are also 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.

55. All driveway centerlines shall intersect Balmore Court perpendicular to the face of curb.

Bicycle - Pedestrian Facilities

Pedestrian Access

56. 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.

57. The 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

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

Utilities/Undergrounding

59. All new utility distribution facility services shall be installed underground. 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 sen/ice stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Drainage Improvements

Collect and Convey

60. 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 stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

61. The existing storm drain facility near the northeast corner of the subject property has been reviewed by the applicant's engineer and has been determined to be an acceptable point of discharge for stormwater runoff from this subdivision.

Miscellaneous Drainage Requirements

62. The applicant shall design and construct all storm drainage facilities in compliance

with the Ordinance Code and Public Works Department design standards.

63. The applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
64. The property owner shall dedicate a public drainage easement over any man-made drainage system which conveys stormwater run-off from public streets, including stormwater management facilities.
65. Private storm drain easements, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over all storm drains traversing the "numbered lots" of the subdivision.
66. All storm drains within the public street right-of-way shall have a minimum diameter of 18-inches.

National Pollutant Discharge Elimination System (NPDES)

67. 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).
68. Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:
 - Minimize the amount of directly connected impervious surface area.
 - Install approved full trash capture devices on all catch basins (excluding catch basins within bio-retention 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.
- Distribute public information items regarding the Clean Water Program and lot specific IMPS to buyers.

Stormwater Management and Discharge Control Ordinance

69. 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.
70. 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).
71. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
72. 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, including facilities jointly accepting runoff from public street rights of way, and grant access to relevant public agencies for inspection of stormwater management facilities.
73. 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 proper owners.

74. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. seq, the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90-days of the approval date of this permit.

- B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- C. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.

- D. The applicant must submit building plans to the Contra Costa County Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District.
- E. The applicant must submit building plans to the West County Wastewater District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Wastewater District.
- F. The applicant must comply with applicable requirements of the East Bay Municipal Utility District.
- G. The applicant is responsible for contacting the Contra Costa Mosquito & Vector Control District regarding its requirements and permits.
- H. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinances for the West Contra Costa (WCC) Transit/Pedestrian, West Contra Costa Transportation Advisory Committee (WCCTAC) Bridge/Road, and El Sobrante Areas of Benefit as adopted by the Board of Supervisors.
- I. 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.
- J. 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,