

Recorded at the request of:
Contra Costa Count
Public Works Department

Return to:
Contra Costa County
Public Works Department
Real Estate Division
255 Glacier Drive
Martinez, CA 94553
Attn: Jewel Lopez

EXEMPT FROM RECORDING FEES PURSUANT TO GOV'T. CODE SECTION 27383 AND DOCUMENTARY TRANSFER TAX PURSUANT TO REVENUE AND TAXATION CODE SECTION 11922.

Ptn. Of Assessor's Parcel No.: 017-110-011

GRANT DEED

For Value Received, receipt of which is hereby acknowledged, DLT Ventures, LLC, a California Limited Liability Company

GRANTS to

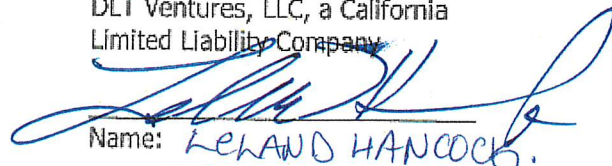
CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a flood control district, organized under the laws of the State of California,

The following described real property in the unincorporated area of the County of Contra Costa, State of California,

FOR DESCRIPTION AND PLAT MAP SEE EXHIBIT "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF.

GRANTOR:
DLT Ventures, LLC, a California
Limited Liability Company

Date 2-25-2020


Name: LEWAND HANCOCK.

Title: Principal

Date _____

Name: _____

Title: _____

ATTACH APPROPRIATE ACKNOWLEDGMENT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

On FEBRUARY 25, 2020, before me, KRISTINA PERRY,
Notary Public, personally appeared LELAND HANCOCK, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

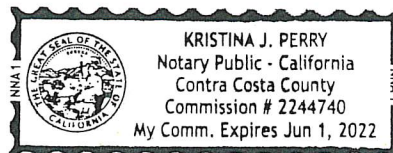
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Notary Public

(Seal)



Fee take along Marsh Creek Channel
from DLT Ventures LLC to CCCFC&WCD
Portion of APN 017-110-011
FCPID 5217

EXHIBIT "A"

Real property in the City of Brentwood, County of Contra Costa, State of California, being a portion of Lot 219, Amended Map of Subdivision No. 5, Brentwood Irrigated Farms, filed August 4, 1920 in Book 17 of Maps at page 372 also being a portion of the property described in the deed to DLT Ventures, LLC, a California limited liability company, recorded July 5, 2013 in Recorder's Series number 2013-0169015, Contra Costa County records, described as follows:

Fee Title

Commencing at point 2Z as shown on Marsh Creek Reach 3 & 4 composite Right of Way drawing ED-467 on file with Contra Costa County Public Works Records also as described in the deed to the Contra Costa County Flood Control and Water Conservation District, recorded December 1, 1965 in Book 5004 of Official Records at Page 541, records of said County, said point 2Z bears south 36°58'44" west distant 100.00 feet from point 2Y; thence north 53°01'16" west, 46.00 feet to the Point of Beginning being a point on the northwesterly right of way of Marsh Creek Channel (ED-467 & 5004 OR 541); thence southwesterly along said line south 36°58'44" west, 47.19 feet; thence south 49°31'34" west, 57.79 feet to a point on the northerly right of way of Deer Creek Channel (ED-467 & 5004 OR 541)); thence westerly along said line north 89°19'37" west, 68.75 feet; thence leaving said line north 64°17'00" east, 92.33 feet; thence north 36°48'05" east, 544.42 feet; thence north 16°42'33" west, 71.52 feet to a point on the southerly line of Sand Creek Channel (ED-467 & 5004 OR 541); thence easterly along said line north 89°49'39" east, 66.56 feet; thence south 26°35'48" east 35.59 feet to a point on the northwesterly line of said Marsh Creek Channel (ED-467 & 5004 OR 541); thence southwesterly along said line south 36°58'44" west, 548.86 feet to the Point of Beginning.

Containing an area of 20,715 square feet of land, (0.4756 acres) more or less.

Exhibit "B" a plat is attached hereto and by this reference made a part hereof.

This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: James A. Stein

Licensed Land Surveyor
Contra Costa County Public Works Department

Date: 9/5/19

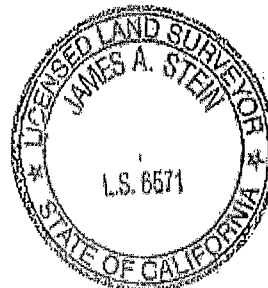


EXHIBIT "B"

PLAT TO ACCOMPANY EXHIBIT "A"

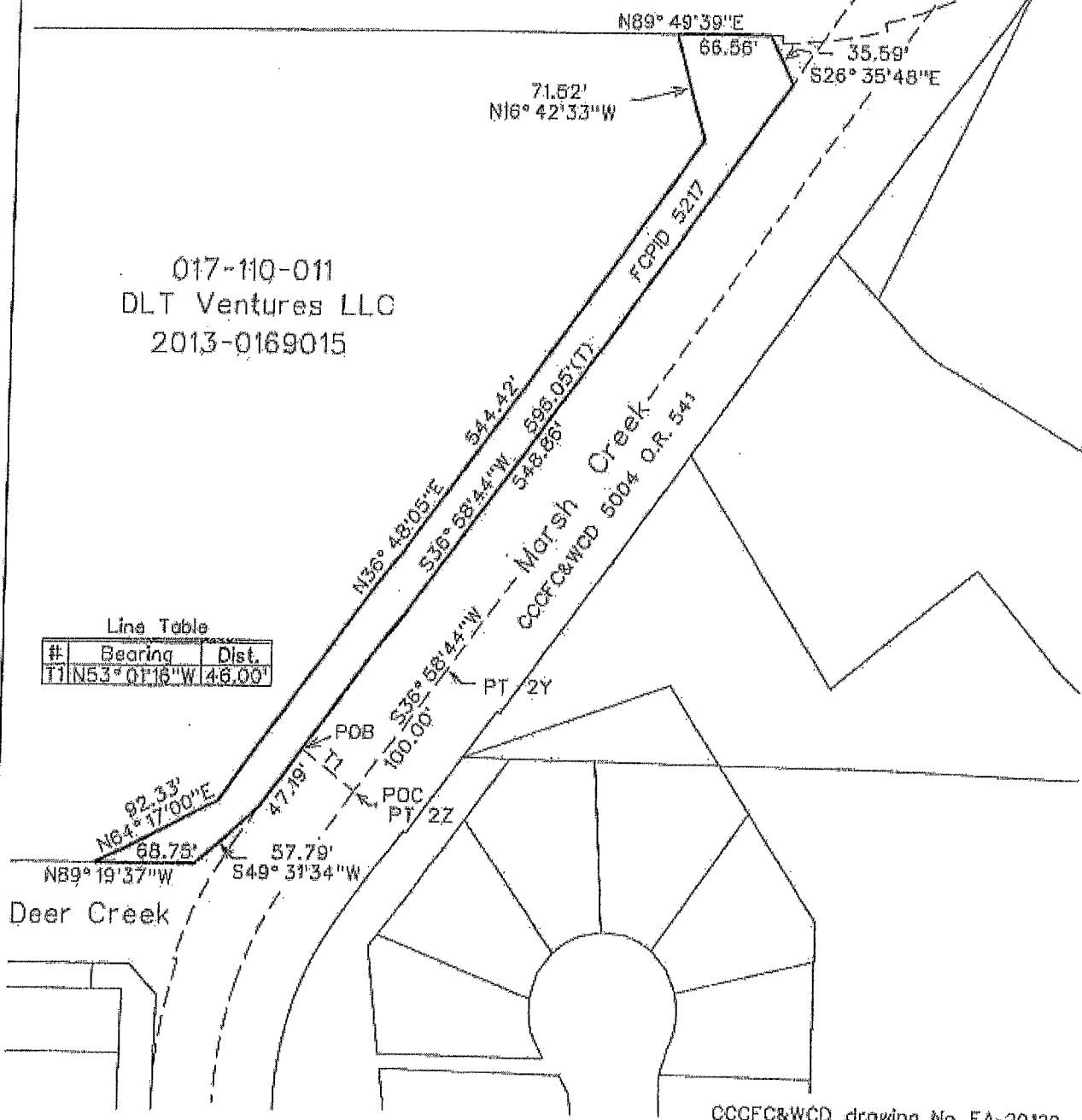


Sand Creek

017-110-011
DLT Ventures LLC
2013-0169015

Line Table

#	Bearing	Dist.
11	N53° 01' 16" W	46.00'



CCCFC&WCD drawing No. FA-20129

Three Creeks Channel Restoration

Instrument : Grant Deed		Scale	1"=100'	Date	August 2019
Series No.	Recorded	Drawn By	KI	File No.	FA-20129
		Checked By	JS	Cad File	DLT Ventures LLC.dgn



February 19, 2020

Leland Hancock
DLT Ventures
610 Discover Bay Blvd.
Discovery Bay, CA 94505

Re: Three Creeks Project – City Trail

Dear Mr. Hancock:

This letter is in response to the County's request received on February 7, 2020, to change the materials proposed for the future City Trail located along the Marsh, Sand Creek and Deer Creek bordering the Hancock Development site. The City understands that the proposal is to change the trail materials from asphalt concrete to pervious pavement or pervious concrete.

Please accept this letter as formal approval by the City for the future City-maintained trail to be pervious pavement or pervious concrete. The detailed design requirements for the pervious trail will be determined during the development review and approval process.

Sincerely,

Bruce Mulder
Parks and Recreation Director

Cc: tim.jensen@pw.cocounty.us - sent via email

ab/rp

Engineering Division
150 City Park Way
Phone (925) 516-5420
Fax (925) 516-5421

PUBLIC WORKS DEPARTMENT
Mailing Address
150 City Park Way, Brentwood, CA 94513
www.brentwoodca.gov

Operations Division
2201 Elkins Way
Phone (925) 516-6000
Fax (925) 516-6001



EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY

City of Brentwood
City of Clayton
City of Oakley
City of Pittsburg
Contra Costa County

February 24, 2020

Leland Hancock
DLT Ventures
610 Discovery Bay Blvd.
Discovery Bay, CA 94505

Subject: East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan Stream Setback Requirement

Dear Mr. Hancock:

The purpose of this letter is to document the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan ("HCP/NCCP" or "Plan") stream setback requirement for your property located at 760 Minnesota Avenue in the City of Brentwood (APN 017-110-011) (the "Property") as it relates to the Three Creeks Parkway Restoration Project ("Three Creeks Project"). The Three Creeks Project, once complete, will modify Marsh Creek and move the top of creek bank inland by about 25 feet.

The East Contra Costa County Habitat Conservancy has reviewed the conditions of the HCP/NCCP as it applies to your parcel. Development of APN 017-110-011 is considered a covered activity of the HCP/NCCP and will require compliance with various HCP/NCCP conditions.

One of the HCP/NCCP conditions on covered activities is the establishment of stream setbacks, which is measured from the top of the stream bank. Where native woody riparian vegetation is present, setbacks will extend, at a minimum, to the outer dripline of this vegetation. Stream setbacks are designed to protect existing habitat quality, to protect water quality and hydrologic processes through buffering, and allow for at least minimal restoration. The Implementation Policy of the East Contra Costa County Habitat Conservancy Regarding Application of the Stream Setback Conservation Measure 1.7 was approved by the East Contra Costa County Habitat Conservancy's Governing Board on February 24, 2020. Per this policy, the top of stream bank from which the setback will be measured from will be based on the existing top of stream bank as it exists, prior to any modifications from the proposed Three Creeks Project.

The Property is adjacent to Marsh Creek, Deer Creek, and Sand Creek. The stream setback requirements differ depending on the stream type. Marsh Creek requires a 75 ft setback while Deer Creek and Sand Creek require a 50 ft setback each. Separately, you may recall that in 2017, your team and the Conservancy reviewed some preliminary plans looking at these setbacks and proposed encroachments within the setbacks. The maximum allowable area of impact within these setbacks (encroachments) is 15% of the setback area.

Mr. Leland Hancock
February 24, 2020
Page 2

The setback was established to improve habitat values, which this Three Creeks Project accomplishes, thus for your parcel, the "top of the stream bank" from which the stream setbacks will be measured will be based on the original location of the creek banks prior to the Three Creeks Project. In addition, the maintenance activities required by the Three Creeks Project following project completion will not be factored into your setback encroachments.

Please contact me at (925) 674-7820 or via email at Abigail.Fateman@dcd.cccounty.us if you have any questions.

Sincerely,



Abigail Fateman
Executive Director
East Contra Costa County Habitat Conservancy

Enclosure (1): Implementation Policy of the East Contra Costa County Habitat Conservancy Regarding Application of the Stream Setback Conservation Measure 1.7

cc: Tim Jensen, Contra Costa County Flood Control and Water Conservation District
Erik Nolthenius, City of Brentwood

**Implementation Policy of the
East Contra Costa County Habitat Conservancy
Regarding Application of the Stream Setback Conservation Measure 1.7**

Purpose:

The purpose of this policy is to set forth guidelines on how to apply *Conservation Measure 1.7 Establish Stream Setbacks* to a development project within the Urban Development Area ("UDA") that is adjacent to and preceded by a stream restoration project. This policy applies only when the restoration project is an East Contra Costa County HCP/NCCP Preserve System restoration project or is supported by the East Contra Costa County Habitat Conservancy.

Background:

As set forth in the East Contra Costa County HCP/NCCP ("HCP/NCCP" or "Plan"), *Conservation Measure 1.7. Establish Stream Setbacks* applies to all development projects covered by the Plan.

The stream setback, as defined in the Plan, is measured from the top of the stream bank in an aerial perspective, and where native woody riparian vegetation is present, setbacks will extend, at minimum, to the outer dripline of this vegetation. Stream setbacks will be established for all perennial, intermittent, and ephemeral streams for all covered activities within the Plan's UDA. Stream setback requirements for the Plan were developed on the basis of an extensive literature review of applicable research from both local and national sources and in consultation with United States Fish and Wildlife Service ("USFWS"), California Department of Fish and Wildlife ("CDFW"), United States Army Corps of Engineers, State Water Resources Control Board, Regional Water Quality Control Board, and the Environmental Protection Agency.

The required stream setbacks are designed to maintain existing habitat value for covered species, which is generally low within the UDA. The setbacks were designed in the HCP/NCCP to maintain a limited restoration potential, and although the conservation measure is not intended to be an urban creeks restoration program, it may serve as such.

The stream setback measure is intended to achieve the following purposes.

- Maintain or improve water quality by filtering sediments and pollutants from urban runoff before they reach the stream.
- Allow for protection of preserved and restored riparian woodland and scrub within and adjacent to the stream channel.
- Maintain a buffer zone between urban development and existing and restored nesting habitat for Swainson's hawk and other bird species.
- Maintain and enhance the water quality of the stream to protect native fish populations, including populations of special-status species that occur in downstream reaches (e.g., fall-run Chinook salmon in Marsh Creek).

- Maintain a more viable wildlife corridor for some species (e.g., California red-legged frog, foothill yellow-legged frog) than would be present with a narrower buffer zone.
- Maximize the natural flood protection value of the floodplain.
- Provide for recreational trails along the corridor that are compatible with wildlife use.

Stream restoration projects may modify the location of the top of the stream bank either by altering the stream bank itself or by extending the outer dripline of the riparian vegetation along the stream. Therefore, the top of the stream bank post-restoration may differ from the pre-existing top of the stream bank. Because restoration projects can vary depending on the scope and purpose, restoration projects in this implementation policy are specific to Preserve System restoration projects or projects supported by the Conservancy within the UDA. Such projects are expected to be very limited, if not rare occurrences, and have been identified as "key restoration priorities" in HCP/NCCP Figures 5-2 and 5-3.

The Plan does not provide any specific guidance on how to apply the stream setback conservation measure for a situation where stream restoration occurs in advance of a development project. The Plan only defines the stream setback as being measured from the top of stream bank or the outer dripline of riparian vegetation, and does not offer any further guidance if the top of stream bank has been altered since Plan implementation (2007) due to restoration efforts.

Due to this potential variation in the top of the stream bank resulting from restoration projects, this Implementation Policy and following guidelines are warranted to define the top of stream bank.

Guidelines for applying *Conservation Measure 1.7 Establish Stream Setbacks* when a Preserve System or Conservancy supported stream restoration project precedes a development project within the UDA:

1. The stream setback will be measured from the top of the stream bank as it exists at the time of Plan adoption *and* prior to a stream restoration project. Where native riparian vegetation is present, minimum setbacks must extend to the outer dripline of the riparian vegetation, or the specified number of feet measured from top of stream bank, whichever is greatest; and
2. The development project must maintain a buffer from the new, modified top of stream bank adequate to maintain habitat value for covered species, to be determined through the Conservancy permitting process.