

FINDINGS AND CONDITIONS OF APPROVAL FOR R. ROSS AVEDIAN – P/A DESIGN RESOURCES, INC. (APPLICANT) & ROBERT FREITAS (OWNER); COUNTY FILES #MS18-0008 & RZ19-3249

I. FINDINGS

A. Growth Management Findings

1. Traffic: Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more additional AM or PM peak-hour trips. The project consisting of a two-lot subdivision has the potential to generate an estimated two AM and two PM peak-hour trips, and therefore, is not required to have a project-specific traffic impact analysis. Therefore, there would be a less than significant impact on traffic in the local area.
2. Water: The project site is not served by a water service provider. As no development is currently proposed, it is not anticipated that new water facilities will be required to accommodate the project, as there would be no increased requirements for water service. East Bay Municipal Utility District (EBMUD) has indicated that Parcel B may be served by EBMUD water service. Any future development would be required to be reviewed and approved by CCEHD or EBMUD to ensure existing and/or proposed water facilities meet applicable standards.
3. Sanitary Sewer: The project site is served by the Central Contra Costa Sanitary District (CCCSD). Although no development is included, the project would have the potential to construct one additional residence on Parcel B subsequent to subdividing the subject property. Any future development would be required to be reviewed and approved by CCCSD to ensure compliance with their wastewater standards. By meeting the development standards of CCCSD, the proposed project is expected to be accommodated by CCCSD facilities without expansion of the wastewater treatment system.
4. Fire Protection: Fire protection and emergency medical response services for the project vicinity are provided by San Ramon Valley Fire Protection District (SRVFPD). The SRVFPD submitted comments on the project application detailing requirements for emergency access, water supply, weed abatement, and SRVFPD review of building permit submittals, amongst other items. Currently, no development is included in this project. However, prior to submittal of building permits for any future development, the project plans

would be need to be reviewed and approved by the SRVFPD. As a result, potential impacts of the project on fire protection services would be less than significant.

5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, through the Valley Station, located approximately 10.5 miles driving distance to the north of the project site. Public protection standards under Policy 4-c of the Growth Management Program (GMP) of the County General Plan require a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County. The project would not induce a significant population increase within the County that would equal or exceed 1,000 persons. Although no development is proposed as part of this project, the project would have the potential to construct one additional residence on Parcel B subsequent to subdividing the subject property, which would directly increase the unincorporated San Ramon area population by an estimated three people, based on the Census 2010 estimate of 2.77 people per household for Contra Costa County. Therefore, the project will not increase the Sheriff or support facility requirements for the area.
6. Parks and Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The project would not induce a significant population increase within the County that would equal or exceed 1,000 persons. Although no development is included, the project would have the potential to construct one additional residence on Parcel B subsequent to subdividing the subject property, which would directly increase the unincorporated San Ramon area population by an estimated three people, based on the Census 2010 estimate of 2.77 people per household for Contra Costa County. Furthermore, the applicant would be required to pay a Park Impact Fee for each new residence, which is used to acquire parkland and develop parks and recreation facilities to serve new residential development in the unincorporated areas of the County. Thus, there would be a less than significant impact from this project on the use of the local public parks and recreational facilities by residents of the San Ramon area.
7. Flood Control and Drainage: The project lies within the 0.02% Zone X flood boundary as designated on the Federal Emergency Flood Rate Maps. No special requirements per the Federal Flood Insurance Program or the County Flood Plain Management Ordinance (Ordinance No. 2000-33) are applicable to future construction of any structures on this property.

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. PWD has stated that review of a final SWCP is required prior to construction of improvements. Conformance of the proposed project with this PWD requirement would ensure that there would not be any significant risk due to an increase in the project-related volume of runoff that would result in onsite or off-site flooding.

B. Rezoning Findings

1. Required Finding: The change proposed will substantially comply with the General Plan.

Project Finding: The intent of the SL designation is to maintain low-density single-family residential neighborhoods. This designation allows a range of 1.0 and 2.9 single-family units per net acre. Sites can be as large as 43,560 square feet. Primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. After the proposed rezoning and subdivision of the property, Parcel B would remain consistent with the SL designation. This designation allows 1.0-2.9 units per net acre. The subdivision of the subject 69.34-acre parcel into two parcels, with a calculated density of approximately 0.04 units per net acre when using the General Plan's 75% calculation, and if Parcel B were to be developed in the future, it would meet the intent, as it would allow one residence on the one new parcel. Thus, the potential for future development of a residence on Parcel B is consistent with the existing density in the area and with the SL General Plan designation. The project also satisfies numerous policies, such as the County's Ranchette Policy, Policy 3-9, 3-28 and 3-29 regarding utilizing vacant properties in areas where the project would not create severe unmitigated adverse impacts on the environment or existing communities. Therefore, the project would be consistent with the SL General Plan designation.

2. Required Finding: 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 subject property is located within both the Agricultural Lands (AL) and the Single-Family Residential Low Density (SL) General Plan Land Use designations, as well as the Agricultural Preserve (A-4) Zoning District. The land to the northeast, west and south of the property are established open space and agricultural lands, and the area adjacent to the southeast of the subject property is the Norris Canyon Estates residential development. The rezoning of Parcel B from A-4 to A-20 is consistent with the surrounding area. The purpose of the A-20 zoning district is to provide and protect areas for agricultural uses by preventing the establishment of urban and any other incompatible land uses thereon, and the land uses allowed are all agricultural in nature. The subject property is already surrounded by agricultural and residential properties. Although there is no development included as a part of this project, development consistent with the A-20 zoning district would be consistent with surrounding agricultural and residential uses. Overall, the project is in harmony with the surrounding area and the uses established in the area.

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

Project Finding: The two-lot subdivision is located within an area that is composed of both agricultural lands and single-family residential development. The property currently has one residence on Parcel A, Parcel B is currently vacant, and no development is proposed in this project. The subdivision of the property would potentially allow for one additional single-family residence, and this new residence would be located in an area designated as Single Family Residential – Low Density in the General Plan, which is an allowed use. Overall, the project is consistent with the surrounding area consisting of single-family residential and agricultural development.

C. Tentative Map Findings

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

Project Finding: The subject property is located within both the Agricultural Lands (AL) and the Single-Family Residential Low Density (SL) General Plan Land Use designations, as well as the Agricultural Preserve (A-4) Zoning

District. The project would result in creating a new parcel within the SL designation, known as Parcel B. Although no development is included in this project, upon subdividing and rezoning Parcel B to A-20, one single-family residence and associated structures allowed by the A-20 zoning district could be developed on the new parcel. Development of a single-family residence and associated accessory structures is consistent with the SL designation. Parcel A would continue to be utilized for grazing and/or similar agricultural uses. According to its Williamson Act contract, the proposed Parcel A would continue to be utilized for cattle grazing and dry farming, and would thus remain in compliance with the intent and purpose of the AL designation. The project also satisfies numerous policies, such as the County's Ranchette Policy, Policy 3-9, 3-28 and 3-29 regarding utilizing vacant properties in areas where the project would not create severe unmitigated adverse impacts on the environment or existing communities. Thus, the project is consistent with the applicable policies for the AL and SL land use designations.

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

Project Finding: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of any future agricultural or residential buildings.

D. Variance Findings

1. Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

Project Finding: The project involves the subdivision of the subject 69.34-acre parcel into two new parcels. These two new parcels are proposed as Parcel A and Parcel B, with 38.38 acres and 30.96 acres of total area, respectively, and no development is proposed as part of this project. The proposed project also includes a variance to allow proposed Parcel A to have a total area of 38.38 acres, where the A-4 district requires a minimum of 40 acres. Although undersized for A-4, it remains in compliance with the minimum front, side and rear setbacks for the existing buildings, as well as the intended agricultural

uses to be preserved on-site through the existing Williamson Act contract. Additionally, the contract in its current form also only covers the 38.38 acres proposed for Parcel A, as the area of Parcel B was previously removed from the program. The A-4 district also requires a minimum average width of 300 feet and depth of 300 feet. Parcel A has an average width of 1,295 feet and a depth of 1,291 feet. As such, Parcel A would be substantially compliant with the A-4 district and would not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.

2. Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

Project Finding: The proposal to subdivide the 69.34-acre property would deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district. Overall, the project is compatible with the surrounding development in the area consisting of single-family residential and agricultural uses. The subject 69.34-acre property is bisected by Norris Canyon Road, but it is a single parcel. San Catanio Creek is adjacent to the south of Norris Canyon Road and runs parallel to it. The northern half of the property contains a single-family residence in the northeast corner with associated accessory structures and improvements, while the southern half is vacant. Additionally, the Williamson Act contract in its current form also only covers the 38.38 acres proposed for Parcel A, as the area of Parcel B was previously removed from the program. With the bisection by Norris Canyon Road and the agricultural preserve portion of the property to be maintained, implementing the current zoning standards would deprive the subject property of rights enjoyed by other properties developed as multiple-family development.

3. Required Finding: That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.

Project Finding: The proposal to allow proposed Parcel A to have a total area of 38.38 acres, where the A-4 district requires a minimum of 40 acres will meet the intent of the A-4 Zoning District. the two parcels would remain consistent

with the AL and SL designations. Parcel A would continue to be utilized for grazing and/or similar agricultural uses, and Parcel B could potentially be developed with a single-family residence. According to its Williamson Act contract, the proposed Parcel A would continue to be utilized for cattle grazing and dry farming, and would thus remain in compliance with the intent and purpose of the Agricultural Preserve District (A-4).

E. Findings for Granting an Exception to the Subdivision Ordinance (Title 9) Requirements

The project's applicant, P/A Design Resources, Inc., submitted an exception request letter dated January 29, 2020, requesting an exception from Chapter 96-10 "Underground Utilities" of the County Ordinance Code. Pursuant to Section 92.6002, minor exceptions can be granted when the required findings can be made.

1. Required Finding: That there are unusual circumstances or conditions affecting the property.

Project Finding: The 30.96-acre project site, Parcel B, contains approximately 950 linear feet of frontage along Norris Canyon and just as much along Ashbourne Drive. As this condition is existing, it is an unusual circumstance/condition affecting this property, and, therefore the finding can be made to grant the requested exception.

2. Required Finding: That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: The project site, Parcel B, contains approximately 950 linear feet of frontage along Norris Canyon and just as much along Ashbourne Drive. Requiring the undergrounding of utilities to a project site within the 30.96-acre parcel would place an undue burden on the property owner inconsistent with the requirements of similar projects.

3. Required Finding: 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. As such, the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Project Finding: Existing utilities in the area are typically above-grade and do

not interfere with public access or travel along Norris Canyon Road and surrounding areas. As such, the project will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

II. CONDITIONS OF APPROVAL FOR COUNTY FILES #MS18-0008 & RZ19-3249

1. **Tentative Map** approval is granted, based on the following documents received by the Community Development Division (CDD):
 - Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on July 31, 2018;
 - Revised Tentative Map, prepared by P/A Design Resources, received on October 29, 2018;
2. Approval is granted to allow for the following variances that meet the requirements of Section 26-2.2006 of the County Ordinance Code:
 - A. A total area of 38.38 acres for Parcel A (where the A-4 district requires a minimum of 40 acres).
3. The maximum number of lots approved for this subdivision is two (2) parcels.

Approval Contingent on Consistent Approval of Related Rezoning Application

4. This subdivision is approved contingent upon approval of a rezoning request for Parcel B, County File #RZ19-3249 from Agricultural Preserve District (A-4) to Exclusive Agricultural District (A-20). If the site is not rezoned, then this approval shall be null and void.

Application Fees

5. This application is subject to an initial application deposit of \$7,900, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current

costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

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 grading or building permits, whichever occurs first, the applicant shall submit the indemnification agreement between the applicant and Contra Costa County for the review and approval of CDD.

Compliance Report

7. **At least 45 days prior to recordation of the Parcel Map**, the applicant shall provide a permit compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map.

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,000 or the deposit amount at the time of submittal, which shall be paid at the time of submittal of the compliance report.

On-Site Water

8. **Prior to filing of the Parcel Map**, the applicant shall comply with the following for Parcel B:
- A. Provide evidence from East Bay Municipal Utility District (EBMUD) that suitable water service is available for this parcel; or,
 - B. Have an "on site" producing water well or install a "test well" having a minimum yield of three gallons per minute with bacterial and chemical quality in compliance with the State standards for a pure, wholesome and potable water supply (Title 22, Section 64433). If the chemical analysis exceeds the State standards for "maximum contaminant levels" for water potability, a statement must be attached and "run with the deed" advising of these levels; or,
 - C. Have verifiable water availability data from adjacent parcels presented by the applicant, or knowledge of the same, known by the Health Services Department concerning water quality and quantity per (a) above; and, have a statement that "attaches and runs with the deed" indicating that a water well shall be installed on the subject parcel complying with the general requirements stated above prior to obtaining a Conservation and Development Department permit for construction.

Aesthetics

9. Prior to recordation of the parcel map, the project sponsor shall identify a building envelope on Parcel B, subject to the review and approval of CDD. This building envelope shall be limited to two acres in total area and shall be located in such a way as to minimize visual impacts as viewed from Norris Canyon Road. **(MM AES-1)**
10. Prior to the submittal of building permits on Parcel B, the project sponsor shall submit the proposed plans for the review and approval of CDD. In addition to architectural plans for the development, the plans shall include screening elements to minimize visual impacts as viewed from Norris Canyon Road. **(MM AES-2)**

Biological Resources

11. Prior to the submittal of building permits or any ground disturbance activities, the project sponsor shall employ a biologist familiar with State- and Federally-protected wildlife and plant species native to the Contra Costa County area shall conduct a preconstruction survey to assess the site's biological resources. This study shall identify all protected wildlife and plant species and provide mitigation measures to preserve these resources. These mitigation measures shall be implemented by the project sponsor and be monitored by the consulting biologist throughout construction of the project. **(MM BIO-1)**

12. The following general avoidance and minimization measures shall be implemented throughout the construction activities to avoid potential impacts to sensitive biological resources. **(MM BIO-2)**
 - A. All staging, maintenance, and storage of construction equipment will be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into waters of the U.S./State. No other debris, rubbish, creosote-treated wood, soil, silt, sand, cement, concrete or washings thereof, or other construction-related materials or wastes will be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the U.S./State. All such debris and waste shall be picked-up daily and properly disposed of at an appropriate site.
 - B. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a day from the project site.
 - C. No firearms will be allowed on the project site except for those carried by authorized security personnel, or local, State, or Federal law enforcement officials.
 - D. Project personnel shall not have dogs or cats in the project area.
 - E. Project personnel will not be permitted to smoke in the project area.
 - F. No pesticides of any kind will be used on the project site at any time during project implementation.
 - G. No equipment will be operated in areas of flowing or standing water. No fueling, cleaning, or maintenance of vehicles or equipment will take place within any areas where an accidental discharge to waters of the U.S./State

waters may occur.

- H. All equipment including excavators, trucks, hand tools, etc., that may have come in contact with invasive plants or the seeds of these plants, will be carefully cleaned before arriving on the site and shall also be carefully cleaned before removal from the site to prevent spread of these plants.
- I. Disturbance or removal of vegetation will not exceed the minimum necessary to complete construction.
- J. To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic will be restricted to established roads, construction areas, equipment staging, parking, and stockpile areas.
- K. Along the length of the onsite portion of San Catanio Creek, the work area will be delineated with orange silt fencing in order to minimize impacts to habitat beyond the work limit. This fencing will remain in place until all ground moving operations have ceased. Orange cyclone fencing, or other materials that can entrap small amphibians and reptiles and other small wildlife species, will not be used.
- L. For each onsite tree proposed for preservation, a root protection zone will be established, extending from the trunk to the dripline (the outer extent of the tree canopy). This root protection zone will be fenced off from the work area with construction fencing in order to protect the preserved trees from inadvertent damage due to ground moving, compaction, and/or limb removal within the footprint of the dripline.

Park Impact Fee

13. **Concurrently with filing the Parcel Map**, the applicant shall submit three (3) copies of a proposed deed disclosure statement for the review and approval of the CDD. The disclosure statement shall be used to notify prospective buyers of parcels which are not occupied by existing legally-established residences at the time of filing the Parcel Map, that prior to issuance of a building permit, they will be required to pay a park impact fee. The current park dedication fee is \$8,129.00 per residential unit. However, the actual fee amount collected will be that which is applicable at the time of building permit issuance. The approved deed disclosure shall be recorded concurrently with the deed for each approved parcel.

Park Dedication Fee

14. **Prior to submittal of a building permit for a new residence**, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors.

Child Care

15. **Concurrently with filing the Parcel Map**, the applicant shall submit a proposed deed disclosure statement for the review and approval of the CDD. The disclosure statement shall be used to notify prospective buyers of parcels which are not occupied by existing legally-established residences at the time of filing the Parcel Map, that prior to issuance of a building permit, they will be required to pay a per parcel fee toward childcare facility needs in the area as established by the Board of Supervisors. The current childcare fee is \$400 per parcel. However, the actual fee amount collected will be that which is applicable at the time of building permit issuance. The approved deed disclosure shall be recorded concurrently with the deeds for each approved parcel.

Cultural Resources

16. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, 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. **(MM CUL-1)**
17. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

Prehistoric materials can include flake-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal,

shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass ceramics, and other refuse. **(MM CUL-2)**

18. If human remains are encountered, work within 50 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies. **(MM CUL-3)**

Geology and Soils

19. At least 60 days prior to the issuance of a grading or building permit, whichever occurs first, the applicant shall submit a geology, soil, and foundation report that meets the requirements of Subdivision Ordinance Section 94-4.420 for review by the County Peer Review Geologist, and review and approval by the CDD. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include evaluation of: (i) based on adequate subsurface exploration, laboratory testing and engineering analysis, the required investigation shall include evaluation of potential hazards and provide appropriate recommendations to mitigate any significant hazards that are confirmed to be present (i.e. landslide, liquefaction, slope creep, expansive and corrosive soils). Detailed design recommendations shall be provided, including (ii) clearing and grading (iii) residential driveway design, (iii) residential foundation design, (iv) drainage, (v) C.3 basin design/ construction, (vi) undergrounding of utilities (particularly within landslide areas), and (vii) operative California Building Code seismic design parameters. **(MM GEO-1)**

20. During site grading, drainage and foundation-related work, the project geotechnical engineer shall provide observation and testing services to ensure that the construction is in compliance with recommendations in the approved geotechnical report. 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 shall be presented in a final geotechnical report, to be submitted to the County and kept on file. **(MM GEO-2)**

21. Prior to recording the Parcel Map, the applicant shall submit a deed disclosure related to the potential ground failure hazards (liquefaction and landslide), and shall include complete bibliographic citation to the 2000 and 2003 Geologic Feasibility Investigations of Berlogar Geotechnical Consultants, indicate where a copy of these reports can be accessed. Submit a draft of the proposed language to be used in the Deed Disclosure for review and approval by CDD. This review shall be for the purpose that the language used adequately characterizes the hazard posed by ground failure and adverse soils conditions. Following approval of the language, that applicant shall record the deed disclosure and shall provide a copy of the recorded deed disclosure to the CDD. **(MM GEO-3)**

22. At the time of application for a building or grading permit, whichever occurs first, 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. **(MM GEO-4)**

Noise

23. To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project, and shall be stated on the face of all construction plans **(MM Noise-1)**:
 - 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. 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.
- D. 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: http://www.opm.gov/Operating_Status_Schedules/fedhol/2020.asp
California: <http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

Police Services

- 24. **Concurrently with filing the Parcel Map**, the applicant shall submit two copies of a proposed deed disclosure statement for the review and approval of the CDD.

The approved statement shall be used to notify prospective buyers of parcels which are not occupied by existing legally-established residences at the time of filing the Parcel Map, that prior to issuance of a building permit, they will be required to contribute \$1,000.00 to the County for police services mitigation. The fee may be paid to the Contra Costa County Application and Permit Center. The approved deed disclosure shall be recorded concurrently with the deed for each approved parcel.

25. **Prior to issuance of a building or grading permit on any parcel that is not occupied by a legal residence;** the applicant shall contribute \$1,000.00 to the County for police services mitigation. The fee shall be paid to the Contra Costa County Application and Permit Center.

Debris Recovery

26. Prior to Permit Issuance, developer shall submit Construction Waste Management Plan, which identifies approved methods to comply with CalGreen requirement to recycle and/or salvage for reuse a minimum of 65%, or current CalGreen mandate, of construction and demolition (C&D) waste materials generated at jobsite.
27. Prior to Final Inspection, developer shall submit Construction Waste Management Final Report containing information and supporting documentation that demonstrates compliance with CalGreen requirement to recycle and/or salvage for reuse a minimum of 65%, or current CalGreen mandate, of C&D waste materials generated at jobsite.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR SUBDIVISION MS18-0008/RZ19-3249

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the vesting tentative map/development plan submitted to the Department of Conservation and Development on October 29, 2018.

UNLESS OTHERWISE SPECIFIED, COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements

28. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on October 29, 2018.
29. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Norris Canyon/Ashbourne Drive)

30. Applicant shall locate any vehicular entrance gates a minimum of 20 feet from edge of pavement to allow vehicles to queue without obstructing through traffic. Sufficient area shall be provided outside any gate to allow a vehicle to turn around and re-enter Norris Canyon Road in a forward direction.
31. Applicant shall pave the first 50 feet of all new driveways, measured from the existing edge of pavement of Norris Canyon Road or Ashbourne Drive into the property, to allow vehicles to pull completely off of the roadway and still remain on a paved surface, and to prevent dust, gravel, and debris from spilling onto Norris Canyon Road or Ashbourne Drive.

Encroachment Permit

32. 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 Norris Canyon Road.

Abutter's Rights

33. Applicant shall relinquish abutter's rights of access along Norris Canyon Road with the exception of the existing driveway serving Parcel A.

Road Alignment/Intersection Design/Sight Distance

Sight Distance

34. Applicant shall provide sight distance at the intersection of the private driveways with Norris Canyon Road and Ashbourne Drive 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 set back to ensure that the sight line is clear of any obstructions.

Street Lights

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

Utilities/Undergrounding

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

Exception (Subject to Advisory Agency findings and approval)

Applicant is granted an exception from the undergrounding requirements of the Ordinance Code relative to existing facilities due to the rural nature of the area and to be consistent with standards imposed on similar large-lot agricultural

subdivisions. New services to serve Parcel B shall are still required to be installed underground.

Drainage Improvements

Collect and Convey

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

Hold Harmless

38. The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek bank failure or erosion.

Miscellaneous Drainage Requirements

39. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

National Pollutant Discharge Elimination System (NPDES)

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

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project

design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- A. Minimize the amount of directly connected impervious surface area.
- B. Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- C. Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- D. 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.
- E. Shallow roadside and on-site swales.
- F. Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

- 41. The applicant shall not be subject to the requirements of Provision C.3 of the County Stormwater Management and Discharge Control Ordinance, since the proposed project will not create or replace at least 10,000 square feet of impervious surface. However, the project is subject to all other provisions of the County Stormwater Management and Discharge Control Ordinance (§1014, Ordinance No. 2005-01) and future development applications on the subject parcel may be required to comply with Provision C.3.

ADVISORY NOTES

ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED IN ORDER TO INFORM THE APPLICANT OF ADDITIONAL REGULATIONS, ORDINANCES, AND REQUIREMENTS THAT MAY BE APPLICABLE TO THE PROPOSED PROJECT.

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 90-day period after the project is approved.

The ninety (90) day period, in which you may protest the amount of any fee or the 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 Department of Conservation and Development within 90 days of the approval date of this permit.

- B. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the South County, Tri-Valley, SCC Sub Regional and SCC Regional Areas of Benefit as adopted by the Board of Supervisors.
- C. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- E. Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the *Stormwater C.3 Guidebook*. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard

Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.

- F. This project is subject to the development fees in effect under County Ordinance as of November 28, 2018, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may specified in the conditions of approval.
- G. The applicant shall comply with the requirements of the following agencies:
- Contra Costa County Building Inspection Division
 - Contra Costa County Public Works Department
 - Contra Costa Environmental Health Division
 - East Bay Municipal Utility District
 - Central Contra Costa Sanitary District