

**CONDITIONS OF APPROVAL FOR THE HANOVER COMPANY (APPLICANT) AND CHARLES & JUDITH DUNCAN, CHRISTINA & HAIGUSH HEIDI KOHLER, TIM & TOSHIKO MCKEEN, 3000 DEL HOMBRE HOLDINGS LLC, RECO INVESTORS, LLC (OWNERS): COUNTY FILES #GP18-0002, RZ18-3245, MS18-0010, DP18-3031**

**Project Approval**

1. The Vesting Tentative Map and Final Development Plan for a 284-unit apartment project on an assemblage of five parcels into one parcel 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 August 16, 2018;
- Revised Vesting Tentative Map for MS18-0010 and Revised Final Development Plans for DP18-3031 received on February 21, 2020;
- Preliminary Geotechnical Investigation Report, prepared by Engeo, dated April 6, 2018;
- Preliminary Stormwater Control Plan, prepared by BKF Engineers, dated February 10, 2020;
- Arborist Report, prepared by Hort Science | Bartlett Consulting dated May 9, 2019; and
- Child Care Needs Assessment and Mitigation Plan prepared by Coco Kids dated January 2019.

Approval is granted to allow for the following variances that meet the requirements of Section 26-2.2006 of the County Ordinance Code:

- *2.37 acres for the rezoning of the property to P-1*  
(where five acres is required for residential use)
- ~~*4-9 feet public road setback*~~  
(where 10 feet is required)

Approval is granted to allow for the following exception that meet the requirements of Section 92-6.002 of the County Ordinance Code:

- Exception to Collect and Convey Requirements

Concession is granted for the following:

- Develop and rent 24 units at an affordable rent to moderate income households, and 12 units at an affordable rent to very low income households (See COA #7).

Reduction in development standards is granted for the following:

- State density bonus parking ratio; 380 off-street parking spaces provided for this project. (See COA #7 and 19).
- A reduction in development standards to allow a driveway aisle width of 24 feet, per plans (COA #7 and 21).

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

2. This subdivision is approved contingent upon approval of a general plan amendment request, County File #GP18-0002 from Multiple-Family Residential-Very High Density (MV) to Multiple-Family Residential-Very High Special Density (MS) and a rezoning request, County File #RZ18-3245 from Single-Family Residential (R-15) and Planned Unit District (P-1) to P-1. If either, the general plan amendment or the rezoning application is not approved, then this approval shall be null and void.

**Application Fees**

3. The applications submitted were subject to an initial deposit of \$8,500 for General Plan Amendment, \$32,921 for rezoning, \$4,800 for minor subdivision, and \$4,700 for the final development plan. 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 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. 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.

### **Indemnity**

4. The applicant shall enter into an Indemnification Agreement with the County, and the Applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages (collectively, "Liabilities") arising from or related to the Project, the Applicant's application for a land use permit, the County's discretionary approvals for the Project, including but not limited to changes in the urban limit line, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, or the construction and operation of the Project, regardless of whether those Liabilities accrue before or after Project approval.

### **Compliance Report**

5. **At least 45 days prior to recordation of the Parcel Map, issuance of a grading or building permit, or tree removal, whichever occurs first**, 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 Parcel Map.

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,500, which shall be paid at the time of submittal of the compliance report.

6. This Final Development Plan Permit includes approval of the design for the 284-unit apartment building. Any changes to the approved plans stated above must be submitted for review and approval of CDD, and may require the submittal of an application, if deemed necessary.

### **Inclusionary Housing and Density Bonus**

7. This project is subject to Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(c) of the County Ordinance Code, in a residential development of 237 rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units.

The applicant, owner, and/or developer (Applicant) is required to construct 36 inclusionary units for the project. The Applicant has submitted an Inclusionary Housing Plan dated April 24, 2017, which proposes to construct and rent 24 moderate income housing units and 12 very low income housing units.

The Applicant submitted a density bonus request dated November 8, 2018, which proposed to construct five percent of the total units of the housing development for very low income households for a twenty percent density bonus pursuant to Government Code 65915(b)(1)(B), one concession, a request for parking ratio standards pursuant to Government Code 65915(p), and a reduction of development standards pursuant to Government Code 65915(e). A 237 unit rental housing project with a twenty percent density bonus would allow the 284 unit housing development.

### **Density Bonus – Concession/Incentive**

Pursuant to Government Code 65915, the Applicant may request one project concession/incentive for providing five percent of the total units of a housing development for very low income households (five percent is equal to 12 very low income units) within the development. For use of the earned concession, the Applicant requested to provide the remaining 24 inclusionary units as moderate

income units instead of lower income units, as required by the County Inclusionary Housing Ordinance.

The County accepted the Applicant's request to develop and rent 24 units at an affordable rent to moderate income households, and 12 units at an affordable rent to very low income households.

### **Density Bonus – Parking Ratio**

Pursuant to Government Code 65915(p), the Applicant is proposing 380 off-street parking spaces for this project, per plans.

### **Density Bonus – Reduction in Development Standards**

Pursuant to Government Code 65915(e), the Applicant is requesting a reduction in development standards to allow a parking driveway aisle width of 24 feet, per plans.

### **Inclusionary Housing and Density Bonus Developer Agreement**

8. **At least 90 days prior to the recordation of the Parcel Map or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever occurs first,** the Applicant shall execute an Inclusionary Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing, Chapter 822-2 Density Bonus, and Government Code 65915 to ensure that 24 of the approved units are affordable to and occupied by a moderate income household and 12 of the approved units are affordable to and occupied by a very low income household.

The 36 on-site inclusionary units identified will include:

- 21 Studio units at Moderate Income (120 percent AMI)
- 3 One-bedroom units at Moderate Income (120 percent AMI)
- 8 One-bedroom units at Very Low Income (50 percent AMI)
- 4 Two-bedroom units at Very Low Income (50 percent AMI)

Affordable rents shall be determined annually by the County. It shall be adjusted for household size.

The continued affordability of all very low and moderate income rental units shall remain restricted and affordable to the designated groups for fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

### Definitions

Terms and definitions used in these conditions of approval may be found in the above-referenced County Ordinance Codes and Government Code.

- A. Affordable rent - means a rent, including a reasonable utility allowance determined by the Department of Conservation and Development Director, that does not exceed the following calculations pursuant to Health & Safety Code section 50053:

Moderate income: 120 percent AMI, adjusted for assumed household size, multiplied by 30 percent and divided by 12.

Very low income: 50 percent AMI, adjusted for assumed household size, multiplied by 30 percent and divided by 12.

- B. Inclusionary Unit - means a rental unit that is required to be rented at an affordable rent to the households specified in Section 822-4.402.
- C. Moderate Income Households – means households earning up to 120 percent of the area median income for Contra Costa County as adjusted for family size as defined in Section 50093 of the California Health & Safety Code.
- D. Very Low Income Households – means a household whose income does not exceed the very low income limits applicable to Contra Costa County adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

**General**

9. The following are general terms for the granting of density bonus and the Inclusionary Housing Ordinance.
  - A. The Applicant hereby represents, warrants, and covenants that it will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and in such other places as the County may reasonably request. The Applicant shall pay all fees and charges incurred in connection with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and prior to the recordation of a Parcel Map or filing of a building permit, whichever occurs first.
  - B. The County will provide to the Applicant income certification forms to be completed by the renters. The income levels of all very low and moderate income household applicants for units in the project shall be certified prior to initial occupancy and annually thereafter and records shall be maintained by the Applicant over the entire term of the period of affordability.
  - C. The 36 inclusionary units in the project shall be available for rent on a continuous basis to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in renting the units, except to the extent that the units are required to be rented to very low income and moderate income households. There shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the rent of any unit in the Project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of renters of any unit or in connection with employment of persons for the construction of the project.
  - D. In addition to any other marketing efforts, the very low income and moderate income units shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential renters as clients or constituents. The Applicant shall translate marketing materials into Spanish

and Chinese. A copy of the translated marketing materials and marketing plan shall be submitted to the Department of Conservation and Development **prior to the marketing of the inclusionary units and on an annual basis with the annual report.**

Marketing may also include publicity through local television and radio stations as well as local newspapers including the Contra Costa Times, Classified Flea Market, El Mensajero, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

- E. Upon violation of any of the provisions of the Agreement by the Applicant, the County may give written notice to the Applicant specifying the nature of the violation. If the violation is not corrected to the satisfaction of the County within a reasonable period of time, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under this Agreement. Upon declaration of a default or if the County determines that the Applicant has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

### **Development Standards**

- 10. The inclusionary units are subject to the standards of Section 822-4.412 of the County Ordinance.
- 11. All inclusionary units must be constructed and occupied prior to or concurrently with the market rate units within the same residential development.

### **Location**

- 12. Inclusionary units must be dispersed throughout the residential development and have access to all on-site amenities that are available to market rate units.



**Annual Reporting and Compliance Review**

13. **Prior to the initial occupancy of each inclusionary unit**, the Applicant shall submit to the Department of Conservation and Development, for review and approval, forms and documentation that demonstrates the tenants of the inclusionary units are qualified as a very low income or a moderate income household. **A hold shall be placed on the final inspection of the building permit** until the documentation has been deemed adequate by the Department of Conservation and Development.
14. **After the initial occupancy of the inclusionary units**, the Applicant shall submit an annual compliance review report to the Department of Conservation and Development for all inclusionary units. The report must include the name, unit number, household size, and income of each person occupying inclusionary units identify the number of bedrooms and monthly rent or cost (including utility allowance) of each inclusionary unit. Tenants in rental housing developments shall provide consent to the owners to allow these disclosures. **The annual compliance review report is due April 1.**
15. The Applicant is responsible for keeping the Department of Conservation and Development informed of the contact information of the owner or designee who is responsible for maintenance and compliance with this permit and how they may be contacted (i.e., mailing and email addresses, and telephone number) at all times.
  - A. **Prior to the recordation of the Parcel Map or CDD stamp-approval of plans for issuance of building permits**, the Applicant shall provide the name of the contact representing the owner of the property for permit compliance and their contact information.
  - B. **Should the contact subsequently change (e.g. new designee or owner), within 30 days of the change**, the Applicant shall issue a letter to the Department of Conservation and Development with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

### **Park Impact Fee**

16. **Prior to issuance of a building permit for the multiple-family residential building**, the applicant shall pay the applicable park impact fee as established by the Board of Supervisors.

### **Park Dedication Fee**

17. **Prior to issuance of a building permit for the multiple-family residential building**, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors.

### **Child Care**

18. The applicant shall mitigate the need for the additional child care spaces created by the proposed development via one or a combination of the following methods:
- The developer shall contribute the funds to CocoKids to recruit and train additional family child care providers, with special focus on recruiting provides to provide infant/toddler and school-age care. The fund amount shall be subject to review and approval of CocoKids and the CDD.
  - The developer shall contribute the funds directly to child care center located adjacent to elementary schools in the area to improve and expand facilities to provide care for school-age children. The fund amount shall be subject to review and approval of CocoKids and the CDD.
  - The developer shall contribute the funds directly to family child care providers in the area within two miles of the development to encourage providers to care for infants, toddlers, and school-age children. These funds may be used for training or the purchase of infant equipment. The fund amount shall be subject to review and approval of CocoKids and the CDD.
  - **Prior to issuance of a building permit for the multiple-family residential building**, the developer shall pay a fee of \$400 per unit to the

County, with the intent to support or expand child care in the geographical region as needed. The fee for this development would total \$113,600.

### **Parking**

19. Approval is granted for a total of 380 spaces (373 spaces required) provided on two levels of parking pursuant to Government Code Section 65915.p(1).
20. A total of 75 bicycle spaces shall be provided, consisting of 56 long-term bicycle spaces and 19 short-term bicycle spaces.
21. Approval is granted for a reduction of a parking driveway aisle width of 24 feet (25 feet required) pursuant to Government Code Section 65915(e).

### **Transportation Demand Management (TDM) Program**

22. The applicant shall implement a project-specific Final Transportation Demand Management (TDM) Program with the goal of encouraging residents of the development to use alternate modes of transportation. **Prior to CDD stamp-approval of plans for issuance of building or grading permits**, the applicant shall submit a conceptual TDM program, which complies with the standards of the County TDM Ordinance. The conceptual TDM Program shall be subject to review and approval of the CDD.

### **Police Protection**

23. **Prior to CDD stamp-approval of plans for issuance of a building permit for the multiple-family residential building**, the applicant shall pay the pro-rata share of the annual cost of the Resident Deputy (consistent with the 2020 costs paid by the participating apartments), plus an annual CPI adjustment, currently managed by the Contra Costa Centre Association.

### **Signage**

24. **At least 30 days prior to submittal of a building permit for signage**, a detailed sign program shall be submitted for the review and approval of CDD.

## **Biological Resources**

25. The following measures shall be implemented prior to demolition, construction activities, or tree removal:

- A qualified wildlife Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine if bat species are roosting near the work area no less than 7 days and no more than 14 days prior to tree removal, beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.). Visual surveys shall include trees within 0.25 mile of project construction activities. The type of survey will depend on the condition of the potential roosting habitat. If no bat roosts are found, then no further study is required.
- If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts.
- If roosts are determined to be present and must be removed, the bats shall be excluded from the roosting site before the facility is removed. A mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed prior to implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but cannot reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).
- If roosts cannot be avoided or it is determined that construction activities may cause roost abandonment, such activities shall not commence until permanent, elevated bat houses have been installed outside of, but near the construction area. Placement and height shall be determined by a qualified wildlife Biologist, but the height of the bat house will be at least 15 feet. Bat houses will be multi-chambered and will be purchased or constructed in accordance with CDFW standards. The number of bat houses required will

be dependent upon the size and number of colonies found, but at least one bat house will be installed for each pair of bats (if occurring individually), or of sufficient number to accommodate each colony of bats to be relocated.

**(MM BIO-1a)**

26. The following measures shall be implemented for construction work during the nesting season (February 15 through August 31):

- If construction or tree removal is proposed during the breeding/nesting season for migratory birds (typically February 15 through August 31), a qualified Biologist shall conduct pre-construction surveys for northern harrier, pallid bat, Townsend's big-ear bat, and other migratory birds within the construction area, including a survey buffer determined by a qualified Biologist based on professional experience, no more than 14 days prior to the start of ground disturbing activities in the construction area.
- If an active nest is located during pre-construction surveys, USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a qualified Biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.
- A qualified Biologist shall delineate the buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently. **(MM BIO-1b)**

**Tree Removal**

27. A Tree Replacement Plan shall be submitted to and approved by Contra Costa County Department of Conservation and Development prior to the removal of trees, and/or prior to issuance of a demolition or grading permit. The Tree Replacement Plan shall designate the approximate location, number, and sizes of

trees to be planted. Trees shall be planted prior to requesting a final inspection of the building permit. **(MM BIO-5a)**

### **Restitution for Tree Removal**

28. Required Restitution for Approved Tree Removal: The following measures are intended to provide restitution for the removal of 161 code-protected trees:

- A. Tree Restitution Planting and Irrigation Plan: **Prior to the removal of trees or CDD stamp-approval of plans for issuance of building permits (e.g. demolition, grading or building), whichever occurs first**, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of **100 24-inch boxed trees or larger**. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Ordinance, if one is adopted. 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 improvements on the plan. **The plan shall be implemented prior to final building inspection of the building.**
- B. Required Security to Assure Completion of Plan Improvements: **Prior to removal of trees or CDD stamp-approval of plans for issuance of building permits (e.g. demolition, grading or building, whichever occurs first**, the applicant shall submit a security (e.g. bond, cash deposit) that is acceptable to the CDD. The bond shall include the amount of the approved cost estimate, *plus* a 20% inflation surcharge.
- C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.
- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the security and from the time the final inspection for the apartment building 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. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s).

- E. Integration with Final Landscape Plan: The tree restitution planting and irrigation plans described in subsection (a) above may be incorporated as part of the Final Landscape Plan required pursuant to Condition #35 below. However, the planting plan shall identify the replacement trees required to replace removed protected trees, which are intended to satisfy this condition. In addition, the provided estimate shall only cover materials and labor associated with the implementation of the required tree restitution, and not for the full landscape plan.

29. Tree removal shall occur only with an approved grading or building permit.

**Contingency Restitution Should Altered Trees Be Damaged**

30. Trees to be Preserved but Altered – Pursuant to the conclusions of the arborist report, proposed improvements within the root zone of approximately 27 code-protected trees noted on the site plan to be preserved have been determined to be feasible and still allow for preservation provided that the recommendations of the arborist are followed. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages these trees, the applicant shall provide the County with a security (e.g. bond, cash deposit) to be submitted **prior to construction activities or CDD stamp-approval of plans for issuance of a building permit (e.g. demolition, grading or building), whichever occurs first**, to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity.

- A. Extent of Possible Restitution Improvements – The planting of **fifteen trees, 15-gallons in size** in the vicinity of the affected trees, or equivalent planting contribution, and subject to prior review and approval of CDD.

- B. Determination of Security Amount: The security shall submitted for all of the following costs:
- i. Preparation of landscape/irrigation plan by a licensed landscape architect or arborist, which shall comply with the State's Model Water Efficient Landscape Ordinance;
  - ii. Labor and materials estimate for planting the potential number of trees and related irrigation improvements that may be required, prepared by a licensed landscape contractor; and
  - iii. An additional 20% of the total of the above amounts to address inflation costs.
- B. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The applicant shall pay an initial fee deposit of \$200 at time of submittal for each security.
- C. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the security and from the time the final inspection for the apartment building 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. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s).

### **Tree Protection**

31. Tree protection guidelines shall be implemented during construction through the clearing, grading, and construction phases as outlined in the arborist report prepared by HortScience dated May 9, 2019 and shall be stated on the face of the construction plans. **(MM BIO-5b)**



32. Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on a site with trees to be preserved, the applicant shall install fencing at the dripline or other area as determined by an arborist report of all trees adjacent to or in the area to be altered. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by appropriate County staff.
33. No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline unless indicated on the grading plans approved by the County and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline, an arborist may be required to be present during grading and construction, an involved arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant.
34. No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the dripline within the dripline of any tree to be saved.

### **Landscaping**

35. **Final Landscaping Plan: At least 30 days prior to CDD stamp-approval of plans for issuance of a grading permit or building permit, a final landscape and irrigation plan shall be submitted to the CDDD for review and approval.** The landscaping plan shall conform to the State's Model Water Efficient Landscape Ordinance or the County's Ordinance, if one is adopted. **Prior to requesting a final inspection**, the approved landscaping shall be installed and evidence of the installation (e.g., photos) shall be provided for the review and approval of CDD.

### **Lighting**

36. Proposed exterior lighting shall be directed downward and away from adjacent properties and public/private right-of-way to prevent glare or excessive light spillover. **(MM AES-4)**

### **Air Quality**

37. During construction, the following Best Management Practices (BMP), as recommended by the BAAQMD, shall be implemented and stated on the face of the construction plans:

- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or more as needed.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks shall be paved as soon as possible.
- 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. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact both at Contra Costa County and at the office of the General Contractor regarding dust complaints. This person shall respond and take corrective action within 2 business days of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. **(MM AIR-2)**

38. During construction activities, all off-road equipment with diesel engines greater than 50 horsepower shall meet either United States Environmental Protection Agency or California Air Resources Board Tier IV Interim off-road emission

standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. **(MM AIR-3)**

### **Cultural Resources**

39. An archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology should inspect the site once grubbing and clearing are complete, and prior to any grading or trenching into previously undisturbed soils. This may be followed by regular periodic or "spot-check" historic and archaeological monitoring during ground disturbance as needed, but full-time archaeological monitoring is not required at this time. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California DPR 523 forms and shall be submitted to Contra Costa County Department of Conservation and Development, the Northwest Information Center, and the State Historic Preservation Office, as required. **(MM CUL-1)**

40. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is

required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98.

2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
  - The descendant identified fails to make a recommendation.
  - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission. **(MM CUL-3)**

## **Geology and Soils**

41. At least 60 days prior to issuance of construction permits or installation of utility improvements, the project applicant shall submit a design-level geotechnical report that provides geotechnical recommendations for the project based on adequate subsurface exploration, laboratory testing, and engineering analysis. The design-level geotechnical report shall address the following:

- Grading, including removal of existing undocumented fill
- Consolidation settlement
- Analysis of liquefaction potential, including estimating total settlement and differential settlement and surface manifestation of liquefaction
- Foundation design
- Measures to protect improvements from relatively shallow water table
- Further evaluation of expansive soils and corrosion potential of soils, including measures to protect improvements that are in contact with the ground from this hazard
- Exploration, testing, and engineering analysis to provide recommendations pertaining to foundation design, including retaining walls and pavement design
- Evaluation of the drainage design
- Address temporary shoring and support of excavations
- Provide updated California Building Code seismic parameters
- Outline recommended geotechnical monitoring

Prior to issuance of building permits, the project Geotechnical Engineer shall review construction drawings to ensure that the grading, drainage, and foundation plans are consistent with recommendations and specifications in the design level geotechnical report.

All grading, excavation and filling shall be conducted during the period of April 15 through October 15 only, and all areas of exposed soils shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the Grading Inspection Section, and the review and approval of the Department of Conservation and Development, Community Development Division.

A hold shall be placed on the "final" grading inspection, pending submittal of a report from the project Geotechnical Engineer that documents their observation and testing services during construction. Similarly, a hold shall be placed on the final building inspection until the Geotechnical Engineer submits a report documenting the monitoring services provided and implementation of all applicable recommendations. The final grading and construction plans for the project shall be reviewed by the project Geotechnical Engineer. Grading and construction activities shall meet the requirements of the recommendations included in the design-level geotechnical study. **(MM GEO-1)**

42. A qualified paleontological monitor (as defined by the Society of Vertebrate Paleontology) retained by the project proponent shall be present during all phases of ground disturbance in excess of 15 feet below the existing ground surface or to the depth of Pleistocene deposits, whichever is greater. The role of the paleontological monitor shall be limited to monitoring of known or inferred Pleistocene deposits. This may be followed by regular periodic or "spot-check" paleontological monitoring during ground disturbance as needed, but full-time monitoring is not required at this time. In the event that Pleistocene fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The applicant's construction contractor shall notify a qualified paleontologist to examine the discovery, and shall notify the Department of Conservation and Development within 24 hours of the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the Department of Conservation and Development, Community Development Division for review and approval prior to implementation. The applicant shall adhere to the recommendations in the approved plan. **(MM GEO-6)**

### **Greenhouse Gas Emissions**

43. Prior to issuance of building permits, the applicant shall prepare ~~and submit a~~ Climate Action Plan (CAP) Development Checklist completed for the project ~~to the County of Contra Costa that demonstrates to the County's satisfaction that~~ demonstrates the project would be constructed and operated to be consistent with measures required in the CAP Development Checklist. The checklist shall be submitted to the Department of Conservation and Development, Community Development Division. **(MM GHG-2)**

### **Hazard and Hazardous Materials**

44. Prior to the issuance of demolition permits for the two existing residences and associated structures, the applicant shall retain a licensed professional to conduct asbestos and lead paint surveys. These surveys shall be conducted prior to the disturbance or removal of any suspect asbestos-containing materials and lead-based paint, and these materials shall be characterized for asbestos and lead by a reliable method. All activities involving asbestos-containing materials and lead-based paint shall be conducted in accordance with governmental regulations, and all removal shall be conducted by properly licensed abatement contractors. **(MM HAZ-1)**

### **Hydrology and Water Quality**

45. In accordance with Division 914 of the Ordinance Code, the project applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system that conveys the stormwater to a natural watercourse. Any proposed diversions of the watershed shall be subject to hearing body approval. Prior to issuance of a grading permit, the applicant shall submit improvement plans for proposed drainage improvements, and a drainage report with hydrology and hydraulic calculations to the Engineering Services Division of the Public Works Department for review and approval that demonstrates the adequacy of the in-tract drainage system and the downstream drainage system. The applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project between the site and the outfall of the downstream storm drain system to the Walnut Creek Channel prior to discharging runoff. If the downstream system(s)

is not adequate to handle the Existing Plus Project condition for the required design storm, improvements shall be constructed to make the system adequate. The applicant shall obtain access rights to make any necessary improvements to off-site facilities.

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); and

Submit a Final Stormwater Control Plan 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 (Division 1014) prior to issuance of a building permit. Improvement Plans shall be reviewed to verify consistency with the Final Stormwater Control Plan and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (Division 1014)

**(MM HYD-3)**

### **Noise**

46. 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 the construction plans:

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall



be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.

- The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.
- Restrict noise-generating construction activities (including construction-related traffic, excluding interior work within the building once the building envelope is complete) at the project site and in areas adjacent to the project site to the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by CDD, with no construction allowed on weekends, federal and State holidays, as listed below: **(MM NOI-1)**

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	<a href="http://www.opm.gov/fedhol">http://www.opm.gov/fedhol</a>
California Holidays	<a href="http://www.edd.ca.gov/eddsth.htm">http://www.edd.ca.gov/eddsth.htm</a>

47. A pre-construction meeting shall be held to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to the start of construction.

48. The applicant shall notify neighbors within 300 feet of the subject property at least one week in advance of demolition, grading, and construction activities.
49. To reduce potential traffic and BART noise impacts, prior to issuance of building permits, the applicant shall submit evidence to the satisfaction of the Department of Conservation and Development, Community Development Division to demonstrate that the project includes a code compliant mechanical ventilation system that would permit windows to remain closed for prolonged periods. **(MM NOI-2)**

### **Transportation**

50. Prior to issuance of building permits, the applicant shall prepare and submit a Construction Traffic Control Plan. The plan shall include the following items. The approved plan shall be implemented during construction.
- Project staging plan to maximize on-site storage of materials and equipment
  - Permitted construction hours
  - Location of construction staging
  - Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations
  - Provisions for street sweeping to remove construction related debris on public streets
  - A set of comprehensive traffic control measures including preparation of traffic control plans, as needed; scheduling of major truck trips and deliveries to avoid peak-hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction haul routes.
  - Survey of the pavement condition on roadways to be used as part of haul route prior to the commencement of any work on site. The survey shall include a video tape of the roadways. The applicant shall complete any remedial work prior to initiation of use and provide a bond assuring completion of the remediation work, the amount which shall be deemed sufficient by the Public Works Department.
  - The applicant shall provide a pavement analysis for those roads along the proposed haul routes or any alternate route(s) that are proposed to be utilized by hauling operation. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over

the construction period of the project. The study shall provide recommendations to mitigate identified impacts. **(MM TRANS-1a)**

51. Prior to requesting a final inspection, the following improvements shall be installed on Las Juntas Way between Coggins Drive and Del Hombre Lane:

- The Iron Horse Trail crossing of Las Juntas Way shall be enhanced with one or more of the following measures, as approved by the Public Works Department:
  - Advance stop bars
  - Narrowed travel lanes
  - Curb extensions
  - Improved crosswalk lighting
  - A pedestrian/bicyclist actuated trail crossing warning device,
  - Other similar measures as approved by the Public Works Department.**(MM TRANS-1b)**

52. Prior to requesting a final inspection, the project applicant shall install a crosswalk across Del Hombre Lane, with curb ramps on either end. The crosswalk's eastern curb ramp shall be located south of the parking garage entry for the project and north of the corner of Del Hombre Lane and Honey Trail Lane. The applicant will work with the Public Works Department on the optimal location to serve pedestrians while minimizing impacts to existing trees on the west side of Del Hombre Lane. **(MM TRANS-1c)**

53. Prior to issuance of building permits, the applicant shall prepare and submit plans to the Contra Costa County Public Works Department depicting street lighting along the project frontages to provide a lit pedestrian path of travel along the project frontage, connecting to the Iron Horse Trail. The approved plans shall be incorporated into the project. **(MM TRANS-1d)**

**PUBLIC WORKS**  
**CONDITIONS OF APPROVAL FOR PERMIT DP18-3031/MS18-0010**

**Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on February 21, 2020.**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE PARCEL MAP.**

**General Requirements:**

54. In accordance with Section 92-2.006 of the Ordinance Code, this development 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 Site Plan received by the Department of Conservation and Development, Community Development Division, on February 21, 2020.
55. Improvement plans prepared by a registered civil engineer shall be submitted 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 (Del Hombre):**

56. The applicant shall construct curb, 8-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Del Hombre, as shown on sheets C.3.0 and C.5.0 of the Site Plan received by the Department of Conservation and Development, Community Development Division, on February 21, 2020. The applicant shall construct face of curb a minimum of 14 feet from the road centerline.

57. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Del Hombre Lane and Roble Road. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.

58. The applicant shall construct a street-type connection with 20-foot radii curb returns in lieu of standard driveway depressions at the private Driveway on Del Hombre Lane.

~~59. The applicant shall install the following safety related improvements or other similar measures as approved by the Public Works Department on Las Juntas Way between Coggins and Del Hombre:~~

- ~~— Advance stop bars~~
- ~~— Narrowed travel lanes~~
- ~~— Curb extensions~~
- ~~— Improved crosswalk lighting~~
- ~~— A pedestrian/bicyclist actuated trail crossing warning device~~

~~Curb ramps shall be designed and constructed in accordance with current County standards. Truncated domes shall be installed on all curb ramps.~~

### **Access to Adjoining Property:**

#### Proof of Access

60. 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.

61. The applicant shall furnish proof to the Public Works Department that legal access to the property is available from Roble Road.

Encroachment Permit

62. The applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Del Hombre and Las Juntas Way.

Right-of-way Vacation (Transfer from BART to County)

63. The applicant shall apply for the vacation of Del Hombre currently owned by BART and pay the appropriate fees for the transfer from BART to County.

Site Access

64. The applicant shall only be permitted access at the locations shown on the approved site/development plan.

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

Sight Distance

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

**Private Roads (Roble Road):**

66. The applicant shall construct the portions of Roble Road along its property to current County private road standards with a minimum traveled width of 28 feet, within a 45+/- foot access easement as proposed on the vesting tentative map. An 8-foot sidewalk (width measured from curb face) shall be constructed as shown on sheets C.3.0 and C.5.0 of the Site Plan received by the Department of Conservation and Development, Community Development Division, on February 21, 2020. Although the proposed on-site roadway is shown as private, the pavement structural section shall conform to County public road standards.

**Road Dedications:**

67. The property owner shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future width of 12 feet along the frontage of Del Hombre.

**Landscaping:**

68. The applicant shall submit four sets of landscape and automatic irrigation plans and cost estimates, prepared by a licensed landscape architect, to the Public Works Department for review and to the CDD for review and approval, prior to filing of the Parcel Map. The applicant shall pay appropriate fees in accordance with County Ordinance.
69. All landscaping to be maintained by the property owner shall be submitted to the CDD for review and approval.

**Pedestrian Facilities:**

Pedestrian Access

70. 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.
71. 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:**

72. "No Parking" signs shall be installed along Del Hombre subject to the review of the Public Works Department and the review and approval of the Board of Supervisors.

73. 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:**

74. The applicant shall underground all new and existing utility distribution facilities. 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.

**Maintenance of Facilities:**

75. The applicant shall insure that all public and private street lights, landscaping, and any retaining walls on-site be privately maintained in perpetuity. A maintenance plan of operation for all common areas and perimeter walls/fences shall be submitted for Public Works Department review. The County will not accept these properties or facilities for ownership or maintenance
76. Prior to final occupancy, the property owner(s) shall establish a new maintenance entity (CFD) for direct and incidental costs for the maintenance of streets and trails in the project area. The applicant shall be aware that this annexation process must comply with State Proposition 218 requirements that state the property owner must hold a special election to approve annexation. This process takes approximately 4 to 6 months to complete.

**Drainage Improvements:**

Collect and Convey

77. 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.

Exception (Subject to Advisory Agency findings and approval)

78. The applicant shall be permitted an exception for "offsite collect and convey" diversion requirements and the use of a pump system. Prior to issuance of a grading permit, the applicant shall submit improvement plans for proposed drainage improvements, and a drainage report with hydrology and hydraulic calculations to the Engineering Services Division of the Public Works Department for review and approval that demonstrates the adequacy of the in-tract drainage system and the downstream drainage system. The applicant shall verify the adequacy of any downstream drainage facility accepting stormwater from this project between the site and the outfall of the downstream storm drain system to the Walnut Creek Channel prior to discharging runoff. If the off-site conveyance system or ultimate drainage facility or natural watercourse to which stormwater is proposed to be diverted is inadequate, the applicant shall be responsible for all costs related to the construction and/or right-of-way acquisition related to any necessary improvements to make the system adequate. The applicant shall comply with the drainage fee requirements for Drainage Area 44B as adopted by the Board of Supervisors prior to filing of the Parcel Map with this application if the exception for diversion is granted by the hearing body.

**Miscellaneous Drainage Requirements:**

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

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

81. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for

municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Shallow roadside and on-site swales.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above as approved by Public Works Department.

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

82. 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 Parcel 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.

83. 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).
84. 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.
85. Prior to final occupancy, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
86. Prior to final occupancy, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
87. 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**

**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 Central County Area of Benefit as adopted by the Board of Supervisors.
- C. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534, 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. This project is subject to the development fees in effect under County Ordinance as of September 5, 2019, 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.

F. The applicant shall comply with the requirements of the following agencies:

- Department of Conservation and Development, Building Inspection Division
- Contra Costa County Fire Protection District
- Central Contra Costa Sanitary District
- Contra Costa Water District