

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #MS19-0007,  
CAMPOS DEVELOPMENT, LLC (APPLICANT & OWNER)**

**FINDINGS**

**A. Growth Management Performance Standards**

1. Traffic: Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. This minor subdivision will create two new parcels that will result in the future development of a single-family residence for Parcel B. The project will not generate more than 100 peak-hour traffic trips to and from the subject property. Therefore, a traffic impact analysis is not required.
2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The subject property is served by the East Bay Municipal Utility District (EBMUD). In a letter dated August 16, 2019 EBMUD stated that subdivision of the subject property will require a main extension to service the new lot. Separate meters will be required for each lot.

In another letter dated October 26, 2020, EBMUD provided comments during the comment period of the Mitigated Negative Declaration (MND) in relation to water service, geology, and water conservation. In addition to the water service comments stated above, a minimum 20-foot right-of-way is required for installation of the new water mains.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting EBMUD regarding its requirements and permits.

3. Sanitary Sewer: The GMP requires new development to demonstrate that adequate sanitary sewer quantity and quality can be provided. The subject property is served by the Central Contra Costa Sanitary District. In a letter dated August 12, 2019 the Central Sanitary District stated the project resulting in the construction of one new residence is not expected to produce an unmanageable added capacity demand on the wastewater system. This work will be reviewed by the sanitary district and will be approved prior to issuance of a building permit from the County Building Department.

An Advisory Note is included in the Conditions of Approval and Advisory Notes

whereby the building plans must receive prior approval and be stamped by the Sanitary District.

4. Fire Protection: The GMP requires that a fire station be within one and one-half miles of development in urban, suburban and central business district area, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The subject property is in the service area of the Contra Costa County Fire Protection District. The applicant will be required to meet applicable Fire District requirements. Further, fire sprinklers will need to be installed in the new single-family residence as required by the Fire District. The District will inspect the roadway improvements, and the plans for the future single-family residence for compliance with its requirements for residential buildings. The future construction of one additional residence will not substantially increase the demand for fire services.
5. Public Protection: The GMP requires that 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 one new single-family residence will not significantly increase population in the area, and therefore, will not significantly increase the demand for police service facilities or personnel. Further, prior to the issuance of building permits, the applicant shall pay a fee of \$1,000.00 for residential construction on Parcel B for police services mitigation in the area as established by the Board of Supervisors.
6. Parks and Recreation: The GMP requires three-acres of neighborhood park per 1,000 in population. The one new single-family residence will not significantly increase population in the area, and therefore, will not significantly increase the demand for parks or recreational facilities. Further, prior to the issuance of building permits, the applicant shall pay Park Impact and Park Dedications fees for residential construction on Parcel B. The fees will be used to fund park and recreation improvements in the area as established by the Board of Supervisors.
7. Flood Control and Drainage: The subject property is not within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps.

The project Stormwater Control Plan (SWCP) and drainage improvements will be subject to the requirements of the County Code and the Public Works Department design standards, as well as the regulations of the national Pollutant Discharge Elimination System and Provision C.3 of the County Stormwater Management and

Discharge Control Ordinance. Accordingly, no flood control or risk assessment is required.

## **B. Tentative Parcel Map**

The following are required findings for the approval of a tentative map:

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

Project Finding: The subject property is within the Single-Family, Low-Density (SL) General Plan land use designation. The SL designation allows for a residential density between 1.0 and 2.9 single family units per net acre. The 0.9-acre site allows for a development density of 2.7 units per net acre. With approval of the Tentative Map, the project site would have a development density that would be consistent with the SL designation.

The subject property is located in a Single-Family Residential (R-20) Zoning District. The two lots that will be created by the February 25, 2020 Tentative Map are consistent with the lot area (minimum 20,000 square-feet), and lot depth (minimum 120 feet) requirements for the R-20 District, but the lot width for both lots is 110.8 feet (where 120 feet is required) and requires approval of a variance. The attached Tentative Map shows the tentative footprint of one single-family residence for Parcel B. The proposed single-family residence on Parcel B would meet all setback requirements of the R-20 Zoning District.

2. The proposed subdivision fulfills construction requirements.

Project Finding: The minor subdivision will accommodate one new single-family residence with access onto the private street Norris Road. The new residence will not create any significant traffic or circulation impacts. Development on the project site will be required to comply with County storm water requirements, as well as other conditions included in the Conditions of Approval and Advisory Notes. Prior to the issuance of building permits for Parcel B, the applicant will be required to contribute fees for parks and recreation, school districts, and police services.

## **C. Tree Permit**

The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a Tree Permit have been satisfied as follows:

1. Reasonable development of the property would require alteration or removal of a code-protected tree, and this development could not be reasonably accommodated on another area of the lot.
2. The arborist report indicates that some of the subject trees are in poor health and cannot be saved.

**D. Variance**

The following are required findings for the approval of a variance:

1. *Any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: The granting of a variance to allow a lot width of 110.8 feet (where 120 feet is required) for both parcels will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located. The configuration of the existing lot is already 110.8 feet in width and will not change with the subdivision of the property. The subject property cannot be subdivided in any other way to allow for the minimum required average width to be met without compromising other requirements. The surrounding lots have all been developed and are typically smaller than the subject property and the two proposed lots. Many of the properties adjacent to and within the vicinity of the subject property are also within the R-20 Zoning District and are substandard in width.

2. *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 subject property has an existing width of 110.8. In order to subdivide the lot and meet the minimum requirements of lot size and lot depth, the property must be subdivided in the proposed configuration. As the subject property is surrounded by other developed lots, it is not possible to widen the existing property to meet the required minimum lot width without approval of a lot line adjustment, which would cause the adjacent properties to be substandard in size or width. As mentioned above, many of the surrounding properties within

the R-20 Zoning District are also substandard in width. Thus, strict application of the minimum lot width would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity and within the identical land use district.

3. *Any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: The intent and purpose of the Single-Family Residential (R-20) land use district is to facilitate orderly development and maintenance of single-family residential neighborhoods. Single-family dwellings are an allowed use on each lot within the R-20 land use district. With the reduced lot width, a single-family residence can be constructed on Parcel B and still meet the required minimum setbacks. Therefore, approval of a reduced lot width meets the intent and purpose of the R-20 land use district.

#### **E. Exceptions**

The following are required findings for the approval of exceptions to the requirements of Title 9, Chapter 92-6 and Chapter 96-10:

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

Project Finding: An exception request from the sidewalk requirement was submitted for consideration in conformance with the requirements of Chapter 92-6 of the County Ordinance Code. Improvements have not been required of recent neighboring subdivisions, are not characteristic of the area, and there is no expectation to connect to other sidewalks via the land development process.

Chapter 96-10 of the County Ordinance Code requires all overhead utilities serving the subdivision, as well as existing facilities along the public street frontage, to be relocated underground. The applicant submitted an exception request from this Code requirement citing similar reasoning as with the sidewalk exception discussed above. Underground utilities are not characteristic of the area, and there is no expectation that any other utility lines in the neighborhood will be undergrounded via the land development process. The service lines to the new house on Parcel B will still be required to be installed underground.

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

Project Finding: As mentioned above, there are no other sidewalks in the neighborhood, and other properties also have overhead utility lines. Therefore, not relocating existing overhead utility lines for Parcel A underground, and not requiring sidewalks when they will not connect to any other sidewalks in the neighborhood is necessary for the preservation and enjoyment of a substantial property right of the applicant.

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

Project Finding: The utility lines for the existing residence on Parcel A are currently overhead, and there are not currently any sidewalks in the neighborhood. Therefore, allowing the utility lines for Parcel A to remain overhead, and not requiring sidewalks for the subdivision will not be materially detrimental to the public welfare or injurious to other people in the territory in which the property is situated.

#### **F. Environmental Review**

A Mitigated Negative Declaration (MND) identified several potential environmental impacts in the areas of: Air Quality, Tribal/Cultural Resources, Biological Resources, and Mandatory Findings of Significance. The MND was prepared indicating that no significant environmental impacts will be created by the proposed project, with the enforcement of the stated mitigation measures. The MND and corresponding documents were posted for public review on October 9, 2020. The public comment period for accepting comments on the adequacy of the environmental documents extended to October 29, 2020, during which 15 public comment letters were received.

A Mitigation Monitoring and Reporting Program has been prepared, based on the identified significant environmental impacts and mitigation measures in the MND. The mitigation measures in the Mitigation Monitoring and Reporting Program are included in the Conditions of Approval.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #MS19-0007:**

##### **Project Approval**

1. Minor Subdivision and Tentative Parcel Map: The Two-Lot Minor Subdivision is APPROVED, as generally shown and based on the following documents:

- Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on August 2, 2019;
  - Revised Tentative Parcel Map for Minor Subdivision MS19-0007 prepared by APEX Civil Engineering & Land Surveying dated February 25, 2020 and received by CDD on March 5, 2020;
  - Arborist Report dated September 23, 2019 (and revised December 18, 2019) prepared by Jennifer Tso, Certified Arborist (#WE-10270A), of Traverso Tree Service.
2. Tree Permit: A Tree Permit to allow the removal of 13 code-protected trees (eight (8) from Parcel A and five (5) from within the Blackwood Drive public right of way), is APPROVED, subject to the conditions below.
  3. Variance: A variance to allow a lot width of 110.8 feet for both Parcel A and Parcel B (where 120 feet is required) is APPROVED, subject to the conditions below.
  4. Exceptions: Exceptions from Title 9 to the sidewalk requirements for both parcels and the underground utility line requirement for Parcel A is APPROVED, subject to the conditions below.
  5. Any modifications to the project approved under this permit's Conditions of Approval shall be subject to the review and approval of the CDD.

### **Application Costs**

6. The Minor Subdivision application was subject to an initial deposit of \$5,400.00. The application is subject to time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

## **Indemnification**

7. 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.

## **Compliance Report**

8. Prior to filing a Parcel Map or at the time of application for a grading or building permit, whichever occurs first, the applicant shall submit an application for a COA Compliance Review and provide a report on compliance with the conditions of approval for the review and approval by the CDD. The fee for this application is a deposit of \$1,500.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions of approval may be obtained from the CDD.

## **Child Care Fee**

9. Prior to the issuance of building or grading permits for construction of a single-family residence on Parcel B, the applicant shall pay a fee toward childcare facility needs in the area as established by the Board of Supervisors.

## **Park Impact and Park Dedication Fees**

10. Prior to the issuance of building or grading permits for construction of a single-family residence on Parcel B, the applicant shall pay park impact and park dedication fees as established by the Board of Supervisors.

## **Police Services Fee**

11. Prior to the submittal of building or grading permits for the construction of a single-



family residence on Parcel B, the applicant shall contribute \$1,000.00 to the County for police services mitigation as established by the Board of Supervisors.

## **Tree Removal**

- 12.** The 13 trees approved for removal (eight (8) from Parcel A and five (5) from the Blackwood Drive public right of way) shall remain on the property until a building or grading permit for development of the subdivision has been obtained. All future development on both Parcel A and Parcel B shall be subject to the provisions of the County's Tree Protection and Preservation Ordinance. A tree permit will be required for tree removal on Parcel B.

## **Required Restitution for Approved Tree Removal**

- 13.** The following measures are intended to provide restitution for the 13 code-protected trees (eight (8) from Parcel A and five (5) from the Blackwood Drive public right of way) that have been approved for removal:

- A. Tree Restitution Planting/Irrigation Plan: Prior to removal of any tree or obtaining a building permit, 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 at least **eight (8) 25-gallon size** drought tolerant trees within Parcel A. 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.

Due to privacy concerns, Staff shall allow the neighbor at 2244 Blackwood Drive to review and comment on the tree planting plan.

- B. The tree restitution planting plan shall comply with the requirements of the State Model Water Efficient Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies. Information relating to this ordinance is available at the Application and Permit Center.

Required Security to Assure the Completion of Plan Improvements: Prior to removal of the trees, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the restitution plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the **eight (8) 25-gallon size** draught tolerant trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
  - An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Fee Deposit for Processing a Security: The County ordinance requires that the applicant pay fees for all staff time and material costs associated with processing a 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 and up to 24 months following the completion of replanting and construction or grading activity to ensure that the restitution plan is successfully implemented. 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 prepare a report on the planted trees' health and successful implementation of the plan. If CDD determines that the applicant has not been diligent in implementing the plan, then CDD may require that part or all of the security be used to implement the plan.

### **Arborist Expense**

- 14.** The expenses associated with all required arborist services shall be borne by the applicant and/or property owner.

### **State Model Water Efficient Landscaping Ordinance (WELO)**

- 15.** If any landscaping is proposed to be installed during development for Parcel B that equals 500 square-feet or more, prior to issuance of a building permit a Compliance Review application shall be submitted and approved that shows compliancy with the State's Model Water Efficient Landscape Ordinance (WELO).

### **Construction Period Restrictions and Requirements**

- 16.** The applicant shall comply with the following restrictions and requirements:

- A. 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 information on the calendar dates that these holidays occur, please visit the following websites:

Federal Holidays:

[http://www.opm.gov/Operating\\_Status\\_Schedules/fedhol](http://www.opm.gov/Operating_Status_Schedules/fedhol)

California Holidays:

<http://www.sos.ca.gov/holidays.htm>

- B. Transportation of large trucks and heavy equipment is 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.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- D. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air compressors shall be located as far away from existing residences as possible.
- E. Construction equipment and materials shall be stored onsite.
- F. The construction site shall be maintained in an orderly fashion. Litter and debris

shall be contained in appropriate receptacles and shall be disposed of as necessary.

- G. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.

**MITIGATION MEASURES APPLIED AS ADDITIONAL CONDITIONS OF APPROVAL FOR COUNTY FILE MS19-0007:**

The applicant shall implement and complete the Mitigation Measures identified in the Mitigated Negative Declaration and included in the Mitigation Monitoring and Reporting Program, as additional Conditions of Approval for County File MS19-0007:

**Air Quality**

- 17.** Mitigation Measure AIR-1: The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- C. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph;
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator;
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

## **Biological Resources**

- 18.** Mitigation Measure BIO-1: Prior to any earth-moving activity or construction that would occur on-site during the nesting season (February 1 through August 31), the applicant shall have a preconstruction nesting survey conducted by a qualified ornithologist. Nesting surveys must be completed during springtime of the year during which construction will occur in order to avoid potential impacts to nesting birds.

An established buffer shall be fenced with orange construction fencing. A qualified biologist shall periodically monitor the nest site(s) to determine if grading activities occurring outside the buffer zone disturbs the birds, and if the buffer zone should be increased to prevent nest abandonment. No disturbance shall occur within the minimum 300-foot buffer zone for raptors and 50-foot zone for common passerines until a qualified biologist has determined that the young have fledged (left the nest), and are flying well enough to avoid project construction zones, typically by July 15th, but sometimes not until into August.

Any qualified biologist hired to conduct nesting surveys or that monitors any active nests shall have the authority to shut the job down if this is necessary to protect the nesting birds. At the time the ornithologist determines that the young have fledged the nest and that the young are no longer dependent upon the nesting tree, the project may resume without any restrictions for nesting birds. Once the young fledge and the nest is no longer in use, as determined by the ornithologist, any tree that must be removed to accommodate the project may be removed without further requirements for nesting birds. Until such nesting surveys are conducted that confirm or negate this species' presence, impacts to this hawk from reasonably anticipated future development on the remainder parcel are considered potentially significant pursuant to CEQA.

## **Tribal and Cultural Resources**

**19.** Mitigation Measure CUL-1: The following mitigation measures shall be implemented during project-related ground disturbance and shall be included on all construction plans:

- A. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery should be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations. It is recommended that such deposits be avoided by further ground disturbance activities. If such deposits cannot be avoided, they should be evaluated for their significance in accordance with the California Register of Historical resources;

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits 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.

- B. 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.

## **PUBLIC WORKS CONDITIONS OF APPROVAL FOR COUNTY FILE #MS19-0007:**

The applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the

Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the tentative map submitted to the Department of Conservation and Development on March 5, 2020.

The applicant shall comply with the following conditions of approval prior to filing of the Parcel Map.

### **General Requirements**

**20.** In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Vesting Tentative Map received by the Department of Conservation and Development, Community Development Division, on March 5, 2020.

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

### **Roadway Improvements - Public (Blackwood Drive Frontage)**

**22.** The applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, pavement widening and transitions along the frontage of Blackwood Drive. Applicant shall construct face of curb 18 feet from the right of way centerline.

#### Exception (Subject to Advisory Agency findings and approval):

The applicant is granted an exception from installation of sidewalk along the subdivision frontage in that such improvements have not been required of recent neighboring subdivisions, are not characteristic of the area, and there is no expectation to connect to other sidewalks via the land development process.

Any cracked and displaced curb or gutter shall be removed and replaced along the project frontage of Blackwood Drive. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.

### **Roadway Improvements - Private (Norris Road Frontage)**

- 23.** The applicant shall construct curb, necessary longitudinal and transverse drainage, pavement widening and transitions along the frontage of Norris Road. Applicant shall construct face of curb 16 feet from the centerline of the existing 30-foot right of way.
- 24.** The applicant shall construct a paved turnaround along the project frontage per County and Fire District standards.

### **Road Dedications**

- 25.** The applicant shall convey to the County, by Offer of Dedication, 25 feet of right of way along the north property line to provide for an ultimate 50-foot-wide right of way for Norris Road. The north property line coincides with the centerline of the existing 30-foot-wide private easement for Norris Road. Additional right of way shall be dedicated to encumber the turnaround area with one foot of additional clearance.
- 26.** The applicant shall convey to all holders of private access and/or utility easement rights over Norris Road between the subject property and Mountain View Boulevard an additional easement to encumber the right of way dedication described above.
- 27.** Dedicate a 6-foot wide Public Access and Utility Easement adjacent to the length of the dedicated right of way along Mountain View Boulevard.

### **Access to Adjoining Property**

#### Proof of Access

- 28.** 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.

#### Encroachment Permit

- 29.** 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 Blackwood Drive.



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

### Sight Distance

- 30.** Applicant shall provide sight distance at the intersection of the private driveways with Blackwood Drive and Norris Road 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 these intersections, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at these intersections shall be setback to ensure that the sight line is clear of any obstructions.

### **Street Lights**

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

### **Utilities/Undergrounding**

- 32.** The applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Blackwood Drive. 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 shall be granted an exception from the undergrounding requirements of the Ordinance Code in that underground utilities are not characteristic of the area, and there is no expectation that any other utility lines in the neighborhood will be undergrounded via the land development process. The service lines to the new house on Parcel B will still be required to be installed underground.

## **Drainage Improvements**

### Collect and Convey

- 33.** 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.
- 34.** The nearest public drainage facility is the existing 24-inch storm drain located along the south side of Blackwood Drive. Applicant shall verify its adequacy prior to discharging run-off to it.

### **Miscellaneous Drainage Requirements**

- 35.** The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- 36.** The applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
- 37.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be reserved over the proposed storm drain line traversing Parcel A in favor of Parcel B.

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

- 38.** 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:

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

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

**39.** The applicant will 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, this 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.

### **Debris Recovery**

**40.** Prior to final inspection, the developer shall demonstrate compliance with the CALGreen debris recovery program, which requires at least 65 percent of the jobsite debris generated by construction to be recycled, or otherwise diverted from landfill disposal.

## **ADVISORY NOTES**

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

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

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

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

- B.** The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements, which include grading and drainage compliance. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- C.** The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- D.** The applicant must submit building plans to the Contra Costa County Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire District.

- E.** The applicant must submit building plans to the Central Contra Costa Sanitary District and comply with its requirements. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Sanitary District.
- F.** The applicant is responsible for contacting the East Bay Municipal Utility District regarding its requirements and permits.
- G.** The applicant is responsible for contacting the Contra Costa Mosquito & Vector Control District regarding its requirements and permits.
- H.** The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors.
- I.** This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, Bay Delta Region (Region 3), 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.
- J.** This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- K.** 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.