

CONDITIONS OF APPROVAL FOR SUMMERHILL HOMES (APPLICANT) AND SAM MENDES, ET. AL (OWNERS): COUNTY FILES #CDRZ21-03258, CDSD21-09559, CDDP21-03001

Project Approval

1. The Rezoning, Vesting Tentative Map, and Preliminary and Final Development Plan for a 125-unit townhouse condominium project 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 January 11, 2021;
 - Revised Plans received on November 5, 2021;
 - Preliminary Geotechnical Exploration Report, prepared by Engeo, dated September 1, 2020;
 - Preliminary Stormwater Control Plan, prepared by RJA, dated March 22, 2021;
 - Tree Report, prepared by Hort Science | Bartlett Consulting dated January 11, 2021; and
 - Child Care Needs Assessment and Mitigation Plan prepared by Coco Kids dated October 2021.

Approval Contingent on Consistent Approval of Related and Rezoning Application

2. This subdivision is approved contingent upon the Board of Supervisors' approval of a rezoning request, County File #RZ21-03258 from Multiple-Family Residential (M-17 and M-29) and Single-Family Residential (R-15) to Planned Unit District (P-1). If 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 \$7,000 for rezoning, \$10,500 for subdivision, and \$5,000 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.

Indemnification

4. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, 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 fully in the defense.

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 125-townhouse condominium units. 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.

Project Phasing / Filing of Multiple Subdivision Maps

7. The filing of multiple Final Maps or multiple Parcel Maps must conform with Sections 66456.1 & 66463.1 of the Subdivision Map Act and is subject to the review and approval of the Community Development Division and the Public Works Department. Contra Costa County has the authority to impose reasonable conditions relating to the filing of multiple Final Maps or multiple Parcel Maps, and the conditions of approval for this subdivision permit shall apply to each subdivision phase. If multiple subdivision maps will be filed, the conditions of approval for this permit must be satisfied for each phase prior to recordation of individual maps, and a separate compliance review application will be required for each subdivision phase to determine the status of the conditions of approval for that phase.

Homeowner's Association (HOA)

8. A homeowners association shall be formed for the ownership and maintenance of all common areas, including private streets (Parcels A, B, C, D, E, F, G, H, I, J, K), and common open areas and landscaping.

Covenants, Conditions and Restrictions (CC&R's)

9. **Prior to recordation of the Final Map**, Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review by the CDD. This document shall provide for establishment, ownership and maintenance of private roads on Parcels A, B, C, D, E, F, G, H, I, J, K and common areas, fencing, and establishment of signs. The CC&Rs shall require occupants to maintain garage spaces in a manner, which makes them available for off-street parking. The CC&Rs shall indicate the location for the six parking spaces reserved for the respective six units with a one-car garage. The CC&Rs shall specify that future residential development may be subject to the review and approval of CDD.

Park Impact Fee

10. **Prior to issuance of the townhouse building permit**, the applicant shall pay the applicable park impact fee as established by the Board of Supervisors.

Park Dedication Fee

11. **Prior to issuance of the townhouse building permit**, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors.

Child Care

12. The applicant shall mitigate the need for the additional childcare spaces created by the proposed development via one or a combination of the following methods:

- The developer shall contribute funds to CocoKids to recruit and train additional family childcare 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 childcare 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 childcare providers in Walnut Creek 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 the 1st townhouse building permit**, the developer shall pay a fee of \$200 per unit to the County, to contribute expanding and improving childcare in the geographical region. For the Oak Road Townhouse Condominiums Project this fee would total \$25,000.

Police Services District

13. Election for Establishment of a Police Services District to Augment Police Services:

Prior to the recordation of the Final Map, the owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be per parcel annual amount (with appropriate future CPI adjustment) established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Transportation Demand Management (TDM) Program

14. 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 the 1st townhouse building permit**, 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.

Signage

15. **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

16. A qualified wildlife Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no more than 5 days prior to 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 will include trees within 100 feet of project construction activities. Prior to building demolition, the applicants for development on any project parcel shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) survey buildings proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the Biologist verifies seven to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31. Exclusion efforts shall be restricted during periods of sensitive activity. **(MM BIO-1a)**

17. If the project requires vegetation to be removed during the nesting season (February 1–August 31), pre-construction surveys shall be conducted 5 days prior to vegetation removal to determine whether or not active nests are present.

If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately-sized avoidance buffer based on the species and anticipated disturbance level. Based on input from the Biologist, the project applicant will delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and or yellow caution tape. The buffer zone will be maintained around the active nest site(s) until the young have fledged and are foraging independently. No construction activities shall be allowed within the avoidance buffer(s).

The qualified Biologist shall periodically monitor the active nest during construction activities to prevent any potential impacts that may result from the construction of the proposed project, until the young have fledged. **(MM BIO-1b)**

Tree Removal

18. A Tree Replacement Plan shall be submitted to and approved by Department of Conservation and Development, Community Development Division (CDD) prior to the removal of trees, prior to issuance of a demolition or grading permit, whichever occurs first. 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

19. Required Restitution for Approved Tree Removal: The following measures are intended to provide restitution for the removal of 74 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 **one hundred fifty (150), 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 each townhouse 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 #26 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.

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

Contingency Restitution Should Altered Trees Be Damaged

21. Trees to be Preserved but Altered – Pursuant to the conclusions of the arborist report, proposed improvements within the root zone of approximately seven 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 be 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 or the County's Ordinance, if one is adopted;
 - 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.
- C. 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.
- 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 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

22. Tree protection guidelines shall be implemented during construction through the clearing, grading, and construction phases as outlined on pages 12 and 13 in the arborist report prepared by HortScience dated January 4, 2021.

(MM BIO-5b)

23. 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.

24. 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.

25. 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

26. Final Landscaping Plan: **At least 30 days prior to CDD stamp-approval of plans for issuance of a grading permit or building permit for each townhouse building, whichever occurs first, a final landscape and irrigation plan shall be submitted to the CDD 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 for each townhouse building**, 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

27. **At least 30 days prior to applying for a building permit**, the applicant shall submit for review and approval by the Department of Conservation and Development, Community Development Division a Final Lighting Plan. Exterior lighting must 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

28. The contractor shall implement the following enhanced Best Management Practices (BMPs):
1. During site preparation and grading, all exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 3. 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.
 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).

5. 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.
6. 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.
7. Post a publicly visible sign with the telephone number of the project manager to contact 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.
8. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
9. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
10. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
11. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
12. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
13. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6-to-12-inch compacted layer of wood chips, mulch, or gravel.
14. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.

15. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points. **(MM AIR-2)**

29. The project shall implement the following:

1. **Prior to the issuance of grading or construction permits**, the applicant shall provide the Department of Conservation and Development, Community Development Division (CDD) with documentation to the satisfaction of CDD that all diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously, at a minimum, meet United States Environmental Protection Agency (EPA) emissions standards for Tier 4 Interim engines. Where Tier 4 equipment is not available, exceptions could be made for equipment meeting Tier 2 or Tier 3 standards that include California Air Resources Board (ARB)-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.
2. Minimize diesel generator use by providing line power to the site during early construction phases.
3. Avoid staging construction equipment near residences (i.e., within 200 feet of homes). **(MM AIR-3)**

Cultural Resources

30. 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 will be followed by regular periodic or "spot-check" archaeological monitoring as determined by the Archaeologist. If the Archaeologist believes that a reduction in monitoring activities is prudent, then a letter report detailing the rationale for making such a reduction and summarizing the monitoring results shall be provided to the Department of Conservation and Development, Community Development Division (CDD) for concurrence.

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 applicant for the proposed project 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 Department of Parks and Recreation (DPR) 523 forms and will be submitted to the Department of Conservation and Development, Community Development Division, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required. **(MM CUL-1)**

31. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, 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 whether 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 Resources 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 MLD or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC.
 - 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 NAHC 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 NAHC.

(MM CUL-3)

Geology and Soils

32. **At least 60 days prior to recording the final Subdivision Map or requesting issuance of construction permits or installation of utility improvements,** the applicant shall submit a design-level Geotechnical Exploration Report for the proposed project, based on adequate subsurface exploration, laboratory testing and engineering analysis. The scope of the Geotechnical Exploration Report shall address the following potential hazards: *(i)* grading, including removal of existing undocumented fill that is deemed to be unsuitable for use in engineered fills, preparation to receive fill, compaction standards for fill, etc., *(ii)* consolidation settlement, *(iii)* analysis of liquefaction potential, including estimating total settlement and differential settlement, and surface manifestation of liquefaction, *(iv)*

foundation design, (v) measures to protect improvements from the relatively shallow water table, (vi) laboratory testing to evaluate the expansive and corrosion potential soils, and measures designed to protect improvement that are in contact with the ground from these hazard, including the building foundation, parking garage slabs, flatwork, pavement and utilities, (vii) exploration/testing/and engineering analysis aimed at providing recommendations pertaining to foundation design, including foundation retaining walls, and pavement design, (viii) evaluation of the drainage design, including the proposed bio-retention facilities and their effect on planned improvements, (ix) address temporary shoring and support of excavations, (x) provide updated California Building Standards Code (CBC) seismic parameters, and (xi) outline the recommended geotechnical monitoring, commencing with clearing and demolition, extending through final grading, installation of drainage improvements, and including the monitoring of foundation-related work. **(MM GEO-1a)**

33. The design-level geotechnical report required by Mitigation Measure GEO-1a routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the proposed project. They allow the Geotechnical Engineer to (i) ensure geotechnical recommendations for the proposed project are properly interpreted and implemented by contractors, (ii) allow the Geotechnical Engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with Department of Conservation and Development, Community Development Division approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation-related work. 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 to that stage of construction, including monitoring and testing of backfilling required for utility and drainage facilities.

Similarly, a hold shall be placed on the final inspection for each residential building, pending submittal of a letter-report from the Geotechnical Engineer documenting the monitoring services associated with implementation of final grading, drainage, and foundation-related work. This can be one letter that addresses all residential buildings, or separate letters for each building. The geotechnical monitoring shall include documentation of conformance of retaining wall, pier hole drilling/foundation preparation work and installation of drainage improvements. **(MM GEO-1b)**

34. The Geotechnical Engineer shall prepare a final report that documents the field observations and testing services provided during construction as well as provide a professional opinion on the compliance of construction with the recommendations in the Preliminary Geotechnical Exploration. The final report can be segmented into an as-graded report that is issued at the end of rough grading, but prior to the installation of the foundations, and a second letter commenting on the inspections made during installation of foundations/parking lot/drainage facilities. The Department of Conservation and Development, Community Development Division (CDD) will place a hold on the final inspection, to ensure that the Geotechnical Engineer's grading-foundation inspection letter-report is provided **prior to requesting the final building inspection for each building**. This requirement may be satisfied by issuance of one letter for all residential buildings, or separate letters for each residential building. **(MM GEO-1c)**
35. All grading, excavation and filling shall be conducted during the dry season (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 Division, and the review/approval of the Department of Conservation and Development, Community Development Division (CDD). **(MM GEO-2)**
36. In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified Paleontologist to examine

the discovery. The Paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology [SVP] standards), evaluate the potential resource, 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 excavation plan shall be submitted to the Lead Agency for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the excavation plan. **(MM GEO-6)**

Hazard and Hazardous Materials

37. **Prior to the issuance of demolition permits for the existing 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 (ACM) and lead-based paint (LBP), and these materials shall be characterized for asbestos and lead by a reliable method. All activities involving ACM and LBP shall be conducted in accordance with governmental regulations, and all removal shall be conducted by properly licensed abatement contractors. **(MM HAZ-1a)**
38. **Prior to the issuance of a grading permit**, the applicant shall remove and dispose of all materials observed during the site reconnaissance for the Phase I Environmental Site Assessment (Phase I ESA) in accordance with applicable local, State, and federal regulations. The materials include, but are not limited to containers of cleaning supplies and insecticides. **(MM HAZ-1b)**
39. **Prior to the issuance of a grading permit**, the three on-site irrigation wells shall be properly closed under permit in accordance with applicable local, State, and federal regulations. **(MM HAZ-1c)**

40. The applicant shall complete the soil aeration and soil vapor testing during demolition and rough grading operations. Once the soil aeration is completed which consists of spreading excavated soil on the ground in an approximately 18-inch-thick layer, mixing of the soil (tilling) shall be performed regularly to maintain aerobic conditions (presence of oxygen). The soil shall be thoroughly tilled using equipment such as a Terex RS600 Reclaimer/Stabilizer. An Environmental Health Licensed Professional shall spot check to ensure that the process is implemented.

A total of six tilling passes shall be performed through the proposed excavation area (approximately 30 feet long by 20 feet wide and 6 feet deep with a total volume of 135 cubic yards). During the tilling operation, air quality monitoring shall be performed with a photo ionization detector (PID) 3 inches above the soils and also in the breathing zone. Dust control measures shall be implemented during the aeration process (as spelled out in MM AIR-2), and dust monitoring shall be performed in the perimeter of the project site.

Soil vapor sampling shall be performed at the end of aeration/tilling operations prior to backfill. If the soil vapor sampling finds no benzene Environmental Screening Level (ESL) exceedances, then the applicant shall have the Phase I Environmental Site Assessment and Phase II Environmental Investigation Report prepared by Roux Associates, Inc. (Roux) in August 2021, updated memorializing the implementation of the mitigation and confirming that no Recognized Environmental Conditions (REC) exist on the site and provide a copy to the Department of Conservation and Development, Community Development Division demonstrating that benzene levels no longer exceed the ESL.

If soil vapor exceedances are identified after soil excavation and aeration, then a Soil Management Plan (SMP) shall be prepared and forwarded to an appropriate environmental oversight agency for disposition. A copy of the SMP will also be provided to the Department of Conservation and Development, Community Development Division.

All construction work shall cease in the area of the underground storage tank (UST) as shown in the Roux report, including the aeration area, until the disposition of the

SMP is determined by the environmental oversight agency. Once the issue has been addressed to the satisfaction of the environmental oversight agency, evidence shall be provided to the satisfaction of the Department of Conservation and Development, Community Development Division and construction activities may resume on the former UST area. **(MM HAZ-1d)**

Hydrology and Water Quality

41. In accordance with Division 914 of the County Ordinance Code, the project 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 obtain a Flood Control Permit from the applicant and Permit Center, 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 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.

In accordance with Division 1014 of the County Ordinance Code, the applicant shall 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 2); and

The applicant shall 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 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 the Contra Costa Stormwater C.3 Guidebook of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (Division 1014) and be designed to discourage prolonged standing/ponding of water on-site. **(MM HYD-3)**

Noise

42. To reduce potential traffic noise impacts, the following multi-part mitigation measure shall be implemented for the proposed project:

- The project applicant shall ensure inclusion of ventilation systems that would permit windows to remain closed for prolonged periods. The systems must not compromise sound insulation of the exterior wall assemblies.
- Prior to issuance of building permits, the project applicant shall provide design plans which show that window and exterior door assemblies of units located within 175-feet of the centerline of Jones Road will have ratings of Sound Transmission Class (STC) 39 to reduce project traffic noise levels to meet the interior noise level standards. Alternatively, the project applicant shall provide a design-level noise study that demonstrates the specific window and door assembly sound ratings to achieve the required interior noise threshold for each of these impacted residential units.
- Prior to issuance of building permits, the project applicant shall provide design plans which show that window and exterior door assemblies of units located within 100-feet of the centerline of Oak Road will have ratings of STC 34 to reduce project traffic noise levels to meet the interior noise level standards. Alternatively, the project applicant shall provide a design-level noise study that demonstrates the specific window and door assembly sound ratings to achieve the required interior noise threshold for each of these impacted residential units. **(MM NOI-1)**

43. To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the proposed project:

- 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.
- The construction contractor shall control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The construction contractor shall designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.
- The construction contractor shall ensure that 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 are limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise approved by the Department of Conservation and Development, Community Development Division (CDD), with no construction allowed on weekends, federal, and State holidays as listed below: **(MM NOI-2)**

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)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (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:	Federal Holidays (opm.gov)
California Holidays:	http://www.ftb.ca.gov/aboutftb/holidays.shtml

44. 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.
45. The applicant shall notify neighbors within 300 feet of the subject property at least one week in advance of demolition, grading, and construction activities.

Debris Recovery

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

Street Names

47. **Prior to the recordation of the Final Map**, proposed names shall be submitted for review by the Department of Conservation and Development, GIS/Mapping Section. Alternate street names should be submitted. The Final Map cannot be certified by CDD without the approved street names.

Electric Vehicle

48. In accordance with the County's Electric Vehicle (EV) Ordinance, the applicant is required to install a listed raceway to accommodate a dedicated 208/240-volt branch circuit for each townhouse condominium unit.

Inclusionary Housing and Density Bonus

49. 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(a) of the County Ordinance Code, in a residential development of 125 ownership units, at least fifteen percent of the units shall be developed and rented as inclusionary units.

The applicant, owner, and/or developer (Applicant) is required to construct 10 inclusionary units for the project. The Applicant has submitted an Inclusionary Housing Plan dated February 22, 2021 and modified documents resubmitted on May 21, 2021, which proposes to construct and sell ten moderate income homes (affordable to households making up to 120% Area Median Income).

The project does not have a density bonus component.

Inclusionary Housing and Density Bonus Developer Agreement

50. **Prior to submittal of a building or grading permit application, whichever occurs first, and with the filing of a condition of approval compliance review**, the Applicant shall execute an Inclusionary Housing Agreement (Agreement) with the County pursuant to Chapter 822-4 Inclusionary Housing to ensure that 10 of the

approved units are affordable to and occupied by moderate income households, and that an in-lieu fee of \$387,753.52 is paid for the project. The Agreement shall be submitted to the Board of Supervisors for approval prior to executing.

51. The Agreement will establish the process for determining sales price of the units, buyer eligibility, and additional program details.

Definitions

Terms and definitions used in these conditions of approval may be found in the above-referenced County Ordinance Code 822-4.

General

52. The following are general terms for implementation of 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 filing of a building permit or grading permit.
- B. The 10 inclusionary units in the project shall be available for sale 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 selling the units, except to the extent that the units are required to be sold to a household with income no higher than 120% of Area Median Income. 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.

- C. In addition to any other marketing efforts, the inclusionary units shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential buyers as clients or constituents. Marketing materials shall be made available online for at least one month prior to the first sale; and shared with County Housing staff to promote to its mailing lists. 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.

- D. 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 the 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

53. The inclusionary units must be constructed and finished in compliance with the approved Inclusionary Housing Plan. They are subject to the standards of Section 822-4.412 of the County Ordinance.
54. All inclusionary units must be constructed and occupied prior to or concurrently with the market rate units within the same residential development. Phased development may be allowed with the approval of the Director or Assistant Deputy Director, provided that each phase includes the appropriate number of inclusionary units.

Location

55. 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

56. **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 buyers of the inclusionary units are qualified as a lower income household or a very low 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.
57. **After the initial occupancy of the inclusionary units and until all ten units have been sold to qualified buyers**, 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, address within the development, household size, and income (at the time of purchase) of each person occupying inclusionary units, number of bedrooms, monthly HOA fees, and sales price. Additionally, during this compliance period, each occupant must provide a certificate of owner occupancy. Developer is responsible for ensuring the information is accurate and complete, and that the buyer occupants have agreed to provide it.

The annual compliance review report is due April 1 annually until all ten inclusionary units have been sold in compliance with the Agreement.

58. 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 submittal of a building or grading permit application, whichever occurs first, and with the filing of a condition of approval compliance review**, 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.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT CDSD21-9559

The Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions 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 November 5, 2021.

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

General Requirements:

59. 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 November 5, 2021.
60. The Applicant shall submit improvement plans prepared by a registered civil engineer 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. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Jones Road and Oak Road)

61. The Applicant shall construct curb, 10-foot sidewalk (measured from face of curb), necessary longitudinal and transverse drainage and street lighting along the frontage of Jones Road and Oak Road.
62. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Jones Road and Oak 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.

63. The Applicant shall construct a driveway with modified curb returns, subject to review and approval by the Public Works Department, in lieu of standard driveway depressions at Jones Road and Oak Road.

Access to Adjoining Property:

Proof of Access

64. 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.

Encroachment Permit

65. 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 Jones Road.
66. The Applicant shall obtain an encroachment permit from the City of Walnut Creek, if necessary, for construction of driveways or other improvements within the right-of-way Oak Road.

Site Access

67. The Applicant shall only be permitted access at the locations shown on the approved site/development plan.
68. The Applicant shall restrict vehicular access along the Jones Road and Oak Road frontage of this property, with the exception of the access points shown on the applicant's site plan, as specifically approved under these conditions of approval.

Abutter's Rights

69. The Applicant shall relinquish abutter's rights of access along Jones Road and Oak Road with the exception of the proposed private road intersections and the proposed pedestrian walkways.

Road Alignment/Intersection Design/Sight Distance:

70. The Applicant shall provide sight distance at the driveway on Jones Road for a design speed of 45 miles per hour. Applicant shall provide sight distance at the driveway on Oak Road for a design speed of 45 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:

71. The Applicant shall construct a paved turnaround at the end of the proposed private roads serving lots 1-2, lots 5-10, and lots 13-16 subject to Fire District Approval.

72. The Applicant shall construct the on-site roadway system and the internal road network to current County private road standards with a minimum traveled width of 26 feet, within a 27-foot access easement. The Applicant shall construct the on-site private courts serving lots 1-2, lots 5-10, and lots 13-16 to current County private road standards with a minimum traveled width of 20 feet, within a minimum 21-foot access easement. Said roads are also subject to the review of the Fire District. Although the proposed on-site roadways are to remain private, the pavement structural section shall conform to County public road standards. A reduction to the vertical gradient standards shall be allowed to reduce the minimum curb grade to 0.6%.

73. All driveway centerlines shall intersect Jones Road and Oak Road perpendicular to the face of curb.

Streetlights:

74. The Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Bicycle - Pedestrian Facilities:

Pedestrian Access

75. 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.
76. 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:

77. 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:

78. The Applicant shall underground all new and existing utility distribution facilities or as specifically required by utility companies. Applicant 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:

79. The maintenance obligation of all common and open space areas, private roadways, any private street lights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to filing of the Final Map.
80. Prior to filing of the Final Map, the property owner(s) shall establish a new maintenance entity (i.e. Mello-Roos District) and/or enter into an existing formed maintenance entity for the direct and incidental costs for Park and Trail Maintenance. Direct and incidental costs include but are not limited to landscape maintenance, park benches, pathways, picnic and seating areas, and trash removal. 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

81. 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.

82. The nearest public drainage facilities are a 72-inch storm drain located in Jones Road and a 30-inch storm drain in Oak Road. Applicant shall verify the adequacy of the existing system prior to discharging run-off.

83. The applicant shall not discharge stormwaters into the Contra Costa Canal or any other water conveyance or impounding facility for domestic water consumption.

Miscellaneous Drainage Requirements:

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

85. The Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

86. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, within the onsite private streets, roadways, courts, and common areas.

National Pollutant Discharge Elimination System (NPDES):

87. 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 area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.

- 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 Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- 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.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance:

88. The Applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
89. 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).
90. Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

91. Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
92. Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
93. 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.
94. All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

Drainage Area Fee Ordinance:

95. The Applicant shall comply with the drainage fee requirements for Drainage Area 44B as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

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 shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors prior to issuance of building permits.
- 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. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- E. This project is subject to the development fees in effect under County Ordinance as of July 2, 2021, 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 be 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