

**FINDINGS AND CONDITIONS OF APPROVAL FOR THE BAYVIEW ESTATES
RESIDENTIAL PROJECT; DISCOVERY BUILDERS (APPLICANT & OWNER); COUNTY
FILE #s CDGP04-00013, CDRZ04-03148, CDSD04-08809, CDDP04-03080**

A. Growth Management Findings

1. **Traffic:** The project site is accessed from Palms Drive, an existing private paved road that links to Arthur Road, a public street 1400 feet to the west; and Central Avenue, which is a mostly paved public street, but terminates to a private gravel road some 475 feet west of the project site. Both Palms Drive and Central Avenue west of the project site currently provide two-way passage but are generally too narrow to meet current County Public Works standards.

Central Avenue is a local road with one travel lane in each direction north of the project site. This roadway is maintained by the County between Arthur Road and Darcie Way and becomes an unpaved private road as it extends to the project site and CCCSD Maltby pump station. This road would be widened and paved as part of the project, serving as the main access roadway to the project site. The posted speed limit between Arthur Road and Darcie Way is 25 miles-per hour and has a suggested speed limit of 5 miles-per-hour on the privately owned segment. Central Avenue currently is not a through street and would serve as a main access roadway to the project site. Palms Drive is a local road with one travel lane in each direction north of the project site. The surface pavement conditions are poor with uneven and missing pavement. The road is not a through street and would be extended to the project site as a secondary access.

Off-site road improvements to Palms Drive and Central Avenue are part of the overall project scope. The applicant proposes to improve these off-site roadways to meet the minimum standards necessary to have them accepted by the County as public streets, and to meet Contra Costa Fire Protection District Code standards for emergency vehicle accessibility. Analysis in the project EIR indicates that the project's projected trip generation of 1,360 additional daily trips with 107 AM peak hour vehicle trips and 143 PM peak hour trips would increase traffic volumes on residential roadway segments near the project site resulting in obstacles (or hazards) for project vehicle traffic. Therefore, in accordance with County requirements and design standards, the project has been conditioned to mitigate these impacts by providing even surface pavement, appropriate signage, delineation, and other features on Palms Drive (and Central Avenue if it becomes a public street) to improve vehicle transportation conditions and eliminate obstacles (or hazards). The Board of Supervisors incorporates by reference the findings regarding emergency access and roadways in the Statement of Overriding Considerations (section H(6)(B) of these Findings). The project EIR did

not find that the project's traffic volumes would have any substantial congestive effect on the area roadway arterials, and the Transportation Impact Analysis (Appendix E to the Draft EIR) found that any cumulative congestion effects of the project in combination with planned local and regional growth is addressed by the applicant's payment of the County's traffic impact fees.

2. **Water:** With 144 new residential units, the project would increase demand for potable water. The project would be served by the Contra Costa Water District (CCWD). Since the site is undeveloped, the current water demand is zero. For purposes of sizing water distribution infrastructure and estimating potential effects to the CCWD's water supplies, the estimated water demand rate is 148 gallons per capita per day (GPCD), which is the 2020 target in CCWD's 2015 UWMP. This estimated demand rate is conservative compared to CCWD's 2015 actual demand rate of 114 GPCD. The project's 356 new residents would result in a total water demand of 59 AFY. While this water demand would be an increase over no existing water usage, it would be offset by the anticipated water demand if the site were to be developed based on its current land use designation of Heavy Industrial District.

The CCWD holds entitlements to approximately 213,700 AFY of water. As of 2015, CCWD's demand was 119,420 AFY. The project, at approximately 59 AFY, would represent a 0.05 percent increase over 2015 demand levels. While water demand would increase as a result of the project, based on the CCWD's available water rights and the current level of water demand, it is expected that existing water supplies would be sufficient to serve the project, and no new or expanded entitlements would be needed. Also as noted above, the CCWD's water supply reliability goal is to meet 100 percent of demand in normal years and a minimum of 85 percent of demand during a drought. Any potential supply shortfalls experienced during dry year conditions will be met through a combination of a short-term conservation program or short-term water purchases (Draft EIR pp. 4.14-12; 2015 CCWD Urban Water Management Plan, p. 1-13; 2020 CCWD Urban Water Management Plan, p. 1-11). Consistent with the CCWD's Future Water Supply Study, a planned purchase of up to 1,700 AF of additional water supply by 2040 is necessary to meet the water supply reliability goal. Although the project would add to demand in drought years, the increase of the project's demand on CCWD's water supply is negligible and would not be considerable.

3. **Sanitary Sewer:** The Mt. View Sanitary District (MVSD) has reviewed the preliminary subdivision and approved of the proposed subdivision as well as the request to annex the project site to be wholly within the MVSD sphere of influence, subject to the approval by the LAFCO. MVSD issued a "Will Serve"

letter confirming its plan to provide wastewater utility service to the project site. MVSD is in the process of preparing an updated capacity study that will include the Bayview project site; the study is expected to be available sometime in 2022. Final project improvement plans will have to be prepared in accordance with current MVSD standards and will be evaluated against the updated capacity study and models. In light of the Will Serve letter issued by MVSD, it is presumed that the District has sufficient existing capacity to serve the project's anticipated wastewater demands, and the project would not result in the construction of new or expanded wastewater treatment facilities. In-tract wastewater will be conveyed via gravity sewer lines to the low point at northeast corner of the development. Sewer will be pumped via a private pump station and through a force main to the existing sewer in Palms Drive.

4. **Fire Protection:** According to County General Plan, Fire Protection Policies, the Fire Department shall strive to reach a maximum running time of 3 minutes and/or 1.5 miles from the nearest fire station, and new development shall pay its fair share of costs for new fire protection facilities and services; thus, the project will pay its fair share for fire protection services.

The project site is located within the service area of the Contra Costa County Fire Protection District (CCCFPD), one of seven fire protection districts serving the unincorporated County area. The CCCFPD provides fire and emergency medical services to a population of nearly one million people in a 304 square-mile District area, and through mutual aid, in and around the 19 cities and unincorporated communities of Contra Costa County, including nine cities and unincorporated areas with 24 fire stations, as well as full service to business and industry, including several petroleum refineries and chemical manufacturing plants.

The CCCFPD's service area covers the majority of the central part of the County and extends from Oakley on the east, Moraga on the south and the cities of Richmond, Pinole and Hercules on the west. The northern limits of the service area are defined by the shorelines of Suisun Bay and the Sacramento and San Joaquin rivers (Contra Costa County, 2020b). The Division maintains 24 fully staffed stations and more than 400 employees, and 2 more stations staffed with paid-on-call Reserve Firefighters. Minimum daily staffing is 77 personnel. The 24 on-duty companies are trained and regularly cross-staff numerous specialty response units including 18 wildland fire apparatus, 3 rescue units, a trench rescue unit, a fire rescue boat, and a mobile breathing air support unit (CCCFPD, 2020).

The CCCFPD provides fire protection and emergency medical aid to the project site from Fire Stations 9, 13 and 14. Station 9 is located approximately 3 miles south of the project site at 209 Center Avenue in Pacheco. Station 13 is located at 251 Church Street in Martinez, and Station 14 is located at 521 Jones Street in Martinez. Furthermore, the project applicant shall equip all dwelling units with residential automatic fire sprinkler systems, complying with the 2019 California Fire Code as adopted by the Contra Costa County Fire Protection District, or otherwise most current edition, subject to the review and approval of the Contra Costa County Fire Protection District.

5. **Public Protection:** The project site would be generally served by Muir Station, located at 1980 Muir Road in Martinez, approximately 2.5 miles south of the project site, although calls for Sheriff response may be responded to by personnel in other Stations within the County. The addition of 144 new residential dwelling units would result in approximately 356 new residents or approximately 0.04 percent of the Sheriff's Office countywide service population. Given existing resources available to service the new development and population on the project site, it is not anticipated that the project would result in the need for new physical facilities.

6. **Parks and Recreation:** The County General Plan Growth Management Element requires new development to provide 3 acres of neighborhood parkland per 1000 people. The project would result in approximately 356 new residents, which could increase the demand for existing parks and recreational facilities. The project includes development of an approximately 4.5-acre private neighborhood park on the project site, adjacent to the existing freshwater pond and marsh areas on the site. The proposed park would offer passive activities; no sport courts, sports fields, or programmed event features would be provided. Bicycle racks would be provided; however, no vehicular parking is proposed. Moreover, numerous existing neighborhood and regional parks or other recreational facilities exist near the project site. Close to the project site are the multi-purpose trail loop in the Waterbird Regional Preserve (0.5 miles away), the 5-acre Morello Park (one mile southwest), the 2-acre Holiday Highlands Park (1.1 miles southwest), and the 4.5-acre Mountain View Park 1.9 acres west – all of which have a wide range of recreation facilities. Because the proposed new neighborhood park would be included as part of the project, and given the existing available facilities, the project would not warrant the construction of additional new facilities off-site. Additionally, the applicant will be paying the current park impact and dedication fees for each of the 144 dwelling units.

7. **Flood Control and Drainage:** Runoff from roofs and paved areas on each of the 144 lots and the proposed streets would be collected and conveyed directly, or collected and discharged via the storm drain systems, into the bioretention treatment facility. The orifice within the outflow structure (located within the most downstream pond) would slowly meter outflows. After treatment and hydromodification, outflow from the bioretention area would be directed towards Pacheco Creek. Overflow would exit the bioretention area through an overflow outlet structure and, again, be directed towards Pacheco Creek. There is adequate hydraulic head to allow drainage into, and overflow away from the bioretention area without need for pumps. The discharge pipe from the outlet structure within the lowest pond (located in the future park area) would discharge to a dissipator pad just downstream of the pond to reduce flow energy and then meander its way to Pacheco Creek. The bioretention area as a whole would be sized, designed and constructed according to the criteria set in the most current CCCWP Stormwater C.3 Guidebook.

B. General Plan Amendment Findings

1. **Required Finding:** *Adoption of the proposed General Plan Amendment will not violate the County Urban Limit Line.*

Project Finding: No change to the County Urban Limit Line (ULL) is proposed. No extension of urban services beyond the ULL is proposed. The subject site is located entirely within the ULL, and therefore may be designated for “urban” or “non-urban” development, as defined in the Contra Costa County General Plan. The proposed land use designations, Single-Family Residential-High Density (SH) and Open Space (OS), are allowed.

2. **Required Finding:** *Adoption of the proposed General Plan Amendment is consistent with the 65/35 Land Preservation Standard.*

Project Finding: Adoption of the proposed General Plan Amendment (GPA) will not violate the 65/35 Land Preservation Standard (the “65/35 Standard”), established by county voters through adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the county may be designated for development with urban uses and at least 65 percent of the land must be designated for non-urban uses such as agriculture, open space, parks, etc. The subject site’s existing land use designations is Heavy Industry (HI). The proposed designations are Single-Family Residential-High Density (SH) and Open Space (OS). SH is an urban designation, while OS is non-urban.

Redesignating approximately 44.5 acres from HI to OS will slightly reduce the percentage of land countywide designated for urban uses.

3. **Required Finding:** *The proposed General Plan Amendment is consistent with the Contra Costa Transportation Authority Growth Management Program.*

Project Finding: The current iteration of the Contra Costa Transportation Authority (CCTA) Growth Management Program was established by county voters through adoption of Measure J-2004. The project complies with the objectives and requirements of the Growth Management Program and related CCTA resolutions. Analysis of the project's transportation impacts were conducted consistent with Measure J growth management guidelines. In addition, the project Environmental Impact Report was provided to the CCTA and the Regional Transportation Planning Committee for their review; no comments or objections to the project were received.

4. **Required Finding:** *Following adoption of the proposed General Plan Amendment, the General Plan will remain internally consistent, as required under Government Code Section 65300.5.*

Project Finding: The County General Plan comprises an integrated, internally consistent, and compatible statement of policies governing land use in the unincorporated areas of the county. The proposed GPA affects only the Land Use Element Map. The proposed land use designation changes are consistent and compatible with the General Plan's policies for the Vine Hill/Pacheco area as well as the overarching goals and policies of the General Plan related to land use, growth management, transportation, housing, noise, conservation, open space, and safety. Amending the Land Use Element Map as proposed does not interfere with the County's ability to otherwise implement the General Plan. Adoption of the proposed GPA will not result in an internal inconsistency within the General Plan.

5. **Required Finding:** *Adoption of the proposed General Plan Amendment is in the public interest, as required under Government Code Section 65358(a).*

Project Finding: Adoption of the proposed GPA is in the public interest. The Bay Area suffers from a severe housing shortage. The proposed plan for 144 new single-family homes will add to the housing stock and help to alleviate the housing shortage in the County. The Housing Element identifies housing quality as an issue with the County's housing market. More than 60 percent of the housing stock in unincorporated areas is more than 30 years old, the age when most homes begin to have major repair or updating needs. (Housing Element, pp. 6-3 to 6-4.) The project will add 144 new dwelling units to the County's

housing market. The project will include a mix of single-story and two-story houses ranging from 3-5 bedrooms. These homes would be constructed to modern building codes with enhanced life safety and energy efficiency components, consistent with County policies and goals. Furthermore, the current Heavy Industrial zoning and General Plan designations are no longer practical for the site, since the likelihood of heavy industrial uses being established on the site, which is immediately adjacent to residential uses, is not foreseeable given the steepness of the terrain and the access to the site through the residential areas. Thus, the General Plan Amendment to a residential designation is in the public interest.

The project includes the following additional components that also are in the public interest:

- Jobs-Housing Balance. The Housing Element identifies housing quality as an issue with the County's housing market. More than 60 percent of the housing stock in unincorporated areas is more than 30 years old, the age when most homes begin to have major repair or updating needs. (Housing Element, pp. 6-3 to 6-4.) The project will add 144 new dwelling units to the County's housing market. The project will include a mix of single-story and two-story houses ranging from 3-5 bedrooms. These homes would be constructed to modern building codes with enhanced life safety and energy efficiency components, consistent with County policies and goals. Furthermore, since there is a large housing demand in Contra Costa County, and the San Francisco Bay Area generally, the provision of new homes is desirable and will assist to improve the balance between housing and jobs. The project will provide 144 dwelling units near significant employment centers resulting in public benefits including, reduced congestion, community identity, and alleviation of pressure to develop less desirable sites since the project can be considered and in-fill development.
- Contribute to the County's Regional Housing Needs Allocation (RHNA). The adoption of the GPA is found to be in the public interest as it would allow for additional housing opportunities on a vacant underutilized property that may be developed to meet the housing demands and needs of the County and region. The development of 144 market rate units on the property is expected to contribute towards meeting the County's future 6th Cycle Housing Element RHNA. The 6th Cycle Housing Element covers the planning period from 2023 to 2031 and includes a RHNA of 7,610 housing units as determined by ABAG/MTC as the unincorporated County's fair share of development

towards the regional housing need. The subject property is listed in the current 5th Cycle Housing Element sites inventory as available land for the potential development of housing. The total number of market-rate units that the County is responsible for development is 3,133, and this project would provide a significant contribution towards meeting that goal.

- Parks and Open Spaces. The project will limit the effect of new residents on existing public park facilities through construction of an approximately 4.5-acre private neighborhood park (Parcel F). (See Open Space Element, p. 9-20.) The project includes preservation of more than 46 acres (approximately 60% of the total project site) as open space, including hillside meadow open space and wetland, salt marsh, freshwater marsh, open water, and alkali meadow thereby preserving the natural beauty as well as habitat value for plants and wildlife of land that would otherwise be designated for heavy industry use. In doing so the project contributes to achieving a balance of open space and urban areas to meet the social, environmental, and economic needs of the county as envisioned in the General Plan. (Open Space Element, p. 9-3 [Goal 9-C].) The presence of a local park for project residents will accommodate inevitable population growth without significantly impacting demand on public park and recreational facilities. The project will also include internal walking/hiking trail access for Bayview residents for the purpose of accessing the hill within the development for recreational purposes. Additionally, the project includes the provision of a recorded easement in favor of the County granting public bicycle and pedestrian access on Central Avenue for the purpose of enabling the public to access a potential future connection to the Iron Horse Trail.
- Public Utilities. The project would provide a new 12-inch water transmission main in off-site locations. As part of this configuration, the project would extend Contra Costa Water District's ("CCWD") existing 12-inch transmission main and connect this infrastructure to CCWD's existing 6-inch water mains in Central Avenue and Palms Drive. This infrastructure and these connections will benefit the over 400 homes in the adjacent Vine Hill neighborhoods in the Vine Hill area and address serious fire flow deficiency (i.e., water flow and pressure needed for fighting fires) identified by CCWD. The typical fire flow, as required by the California Fire Code, for a neighborhood of this size is 1500 gallons per minute (gpm) at 20 psi (from two fire hydrants). CCWD has indicated that existing fire flows of 945 gpm at the current

terminus of Central Avenue (at the north end of the project site) and 718 gpm at the current terminus of Palm Drive. As a result, the project will correct a serious existing life-safety deficiency by providing fire flows of 2,554 gpm and 1,781 gpm at Central Avenue and Palms Drive, respectively, thereby meeting (or exceeding) minimum required fire flow requirements.

Mt. View Sanitary District ("MVSD") is the sanitary sewer service provided for the Vine Hill neighborhoods, and has issued a "Will Serve" letter for the project. The sanitary sewer from the project will connect to the existing MVSD sewer system at the existing terminus of Palms Drive near the north end of the project site. MVSD has indicated that the existing sewer main (old 6" vitrified clay pipe) in Palms Drive is deficient because existing pipe material, size, and/or slope do not meet current MVSD standards. These deficiencies allow for excessive groundwater and stormwater infiltration and inflows, and also have to potential to cause blockages and overflows, which could result in public health issues. The project will replace the Palms Drive sewer main with 8" polyvinyl chloride pipe meeting current MVSD standards. As a result, the new sewer main provided by this project will alleviate the existing sewer problems discussed above.

- Emergency Access. The existing Central Avenue and Palms Drive both dead end just before the project site and do not provide for emergency vehicle turnarounds required by the California Fire Code. Additionally, Arthur Road is the only road to this Vine Hill neighborhood with over 400 existing homes. The project will provide a secondary emergency vehicle access (EVA) through the south side of the project site, connecting to the proposed in-tract streets, which then connect to existing Central Avenue and Palms Drive. The proposed in-tract streets will also connect Central Avenue and Palms Drive at two locations. As a result, the project will correct an existing life-safety deficiency by providing improved EVA access and circulation through a secondary EVA and Fire Code required emergency vehicle turnarounds. The Board of Supervisors incorporates by reference the findings regarding emergency access and roadways in the Statement of Overriding Considerations (section H(6)(B) of these Findings).

- Roadways. Central Avenue and Palms Drive provide access to the project site. Central Avenue lacks a continuous sidewalk and its

pavement condition over segments not maintained by the County is poor. Palms Drive is generally a private road. It does not have any sidewalk and the pavement over its entire length is poor. Palms Drive at certain locations also does not have a minimum of 20' of pavement required by code for fire access. The lack of sidewalk is an existing hazard for pedestrians. The poor pavement condition is an existing hazard for motorists, especially emergency vehicles. The project will construct a continuous sidewalk for Central Avenue and Palms Drive and repair the deteriorated pavement and widen the pavement where needed, all to meet current standards and Fire Code. As a result, the improved Central Avenue and Palms Drive will correct the existing road hazards.

- Alleviate Public Nuisance. The project site is currently vacant property with a gate at the Central Avenue entrance. Adjacent residents have expressed concern about unauthorized activities at or near the site including dirt bikers trespassing on the vacant site and trash dumping. These are public nuisance concerns. The project will convert unused industrial land into needed housing compatible with the adjacent Vine Hill residential neighborhood. As the project is developed, the existing public nuisance issues will be abated once the currently vacant site becomes occupied by homes.
- **Community Benefits Agreement**. The applicant will enter into a Community Benefits Agreement and will provide up to \$2,000,000 in financial support to be used for projects within Contra Costa County, including but not limited to capital, operations and maintenance, inclusionary housing, open space and parks, streets and utilities, flood control, etc. This agreement directly supports the general welfare and interest of the County and its residents through the commitment of applicant-provided funding.
- **Voluntary Provision of Inclusionary Housing**. The project has been conditioned to provide five (5) moderate-income units, or pay an in-lieu fee of \$100,000 per unit.
- **Enhanced Pedestrian Improvements Along Arthur Road Connecting to Las Juntas Elementary**. As a condition of the project intended to augment benefits to the neighboring community, the applicant will provide sidewalk and path improvements and enhanced pedestrian crosswalks along Arthur Road and Karen Lane from the intersection of Arthur Road, Leabig Lane and Palms Drive to and

including the pathway from Karen Lane to Las Juntas Elementary School.

6. **Required Finding:** *Adoption of the proposed General Plan Amendment would not exceed the limit on such amendments specified under Government Code Section 65358(b).*

Project Finding: Pursuant to Government Code Section 65358(b), no mandatory element of the General Plan may be amended more than four times per calendar year. The proposed GPA affects the Land Use Element, a mandatory element, and is part of the first consolidated amendment of the Land Use Element for 2022.

C. Rezoning Findings

1. **Required Finding:** *The change proposed will substantially comply with the general plan.*

Project Finding: The project site is currently zoned Heavy Industrial District (H-I) and is proposed to be rezoned to Planned Unit District (P-1). The proposed zoning designation (P-1) for the subdivision will be consistent with the new General Plan land use designations of Single-Family Residential-High Density (SH) and Open Space (OS). The project sponsor proposes to develop a 144-lot residential subdivision on approximately 78.3-acres of vacant land. To support the proposed land use and density, the project proposes to amend the existing Contra Costa County General Plan land use map to change the existing Heavy Industry (HI) land use designation to the Single-Family Residential-High Density (SH)(5.0-7.2 units/net acre) and Open Space (OS) land use designations. The proposed change of the land use designation of the project site from HI to SH is compatible with the contiguous existing residential neighborhood to the north along Palms Drive and Central Avenue, which the General Plan also designates as SH. The proposal includes 144 units on 27.2 net developable acres of the project site. The density range of the SH land use designation in the General Plan is 5.0 to 7.2 units per net acre, which allows the project site a minimum of 136 units and a maximum of 196 units, which translates to 5.3 units per net acre, and is therefore within the allowable SH density range. Thus, the proposed project with 144 single-family units is consistent with the SH General Plan designation.

2. **Required Finding:** *The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent district.*

Project Finding: The project is a residential Planned Unit Development P-1 compatible with and generally and substantially based on the standards contained under the R-6 Single-Family Residential zoning district, and it includes open space areas with recreational uses. The project is consistent with the adjacent residential developments immediately north and contiguous with the project site, which are predominately R-6 single-family residential neighborhoods of comparable residential densities.

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

Project Finding: The project use will provide 144 new housing units that assist in meeting the housing supply needs identified in the Housing Element of the General Plan.

D. Findings Required For Approval Of The Tentative Map

The Planning Commission made the following required findings to approve the Tentative Map on February 23, 2022. The Board of Supervisors concurs with the following findings.

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

Project Finding: The project is consistent with the various elements of the General Plan, which provides 144 residential units with common and open space areas. The project is consistent with the new General Plan land use designations of Single-Family Residential-High Density (SH) and Open Space (OS) for the project site. The General Plan density range for properties designated by the SH land use designation is 5.0 to 7.2 units per net acre, which allows the project site a minimum of 136 units and a maximum of 196 units, which translates to 5.3 units per net acre, which is consistent with the allowable SH density range. Furthermore, the project is consistent with the respective Goals and Policies of the County's General Plan.

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

Project Finding: As required by the conditions of approval and the Mitigation Monitoring Reporting Program, the Vesting Tentative Map shall fulfill all applicable county-imposed construction requirements. The applicant will be required to comply with all requirements for access and drainage improvements that have been provided by the Public Works Department as conditions of approval for the project. Additionally, the applicant will also need to comply with any construction/development requirements imposed by the San Ramon Valley Fire Protection District, the Building Inspection Division and all applicable building codes, the Environmental Health Division, the East Bay Municipal Utility District, and the Central Contra Costa Sanitary District at the time of building permit issuance. These agencies were all solicited for their comments on the proposed subdivision and none has responded indicating an inability to serve and/or meet the demand. The county geologist determined that the site is feasible for construction from a geologic standpoint.

On March 7, 2022, two members of the public submitted a joint appeal of the Planning Commission's February 23, 2022 approval of the Tentative Map. The appeal objected to the Planning Commission's characterization of the project's emergency vehicle access and congestion effects. The Board of Supervisors upholds the Planning Commission's required findings to approve the Tentative Map and incorporates by reference Finding 1 of the Growth Management Findings, addressing traffic (section A(1) of these Findings), the findings regarding zoning (section E(3) of these Findings), the findings regarding emergency access and roadways in the Statement of Overriding Considerations (section H(6)(B) of these Findings), and information in the Board of Supervisors' staff report.

E. Findings of Approval of P-1 Zoning District and Final Development Plan

1. **Required Finding:** *The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.*

Project Finding: The applicant has indicated that they intend to commence construction within 2 ½ years off the effective date of the zoning change and plan approval.

2. **Required Finding:** *The proposed planned unit development is consistent with the County General Plan.*

Project Finding: (See Project Finding C(1) above.)

3. **Required Finding:** *In the case of residential development, it will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.*

Project Finding: The neighboring residential area consists of single-family residences, and the project will provide 144 residential units, which is consistent with the area. According to the Development Plan, the residences will consist of one or two-story elements with 3-5 bedrooms, and have setbacks similar to the surrounding properties in the area. Accessory dwelling units and secondary dwelling units are not part of the Development Plan. The design of the residences will be reviewed by staff prior to issuance of a building permit. Overall, the project is similar to the single-family development established in the surrounding area, although the neighboring residential community has an older, more varied collection of architectural styles.

4. **Required Finding:** *The development of a harmonious integrated plan justifies exceptions from the normal application of this code.*

Project Finding: The project site has varying terrain consisting of a steep hill in the northern area of the property, and significant wetland areas that will have to be avoided and preserved. As a result, residential development on the project site involves substantial constraints, and these constraints significantly reduce the buildable portion of the site. Development of the site will involve significant grading of the hillside, as well as installation of substantial infrastructure to minimize possible geotechnical issues related to the grading required to develop 144 residences. In addition, the residential project will need to handle project-related increases in stormwater runoff.

F. Tree Permit Findings

Required Finding: *The Board of Supervisors is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:*

1. Reasonable development of the property will require the removal of up to 30 trees. Replanting of trees is required, including a restitution for the replanted trees. All feasible efforts have been made to retain the maximum number of trees, as well as, to preserve those trees, which are exceptional due to their visual prominence on the site.

2. Development of this project cannot be reasonably accommodated on other parts of the property due to the size of the project site.

G. Findings for Exceptions to Title 9 of the County Ordinance Code for Subdivisions

1. **The Public Works Department recommends exceptions to the standards cited in Sections 98-4.002 (Minimum Requirements) and 92-4.012 (Collector Streets) and 92-4.056 (Minor Streets).**

- (1) **Required Finding:** *That there are unusual circumstances or conditions affecting the property.*

Project Finding: The proposed Bayview Estates Subdivision is a 78-acre 144-lot single-family detached residential development. It is on steep terrain with a hill on the west side and wetlands on the east side. To minimize the project's environmental impacts by maximizing the preservation of open space (the hill and wetlands), minimizing grading of the hill and grading into wetlands, minimizing the development footprint, and implementing Low Impact Development principles (e.g. minimize impervious surface) per County's C.3 Guidebook, Applicant has reduced the number of lots from 163 in the original project application to 144 in the current application, and reduced the development footprint to 32 acres (i.e. 41% of total project area). The gross density is 1.8 dwelling units per acre (DU/AC). The net density is 4.5 DU/AC.

- (2) **Required Finding:** *The exception is necessary for the preservation and enjoyment of a substantial property right of the Applicant.*

Project Finding: Although Applicant could have enlarged the development impact footprint beyond the current 32 acres (and thus required more grading into the hill and wetlands), which would have accommodated more lots and wider streets, Applicant believes that the currently proposed project, with fewer lots and narrower right of way widths, strikes a balance between property rights and protection of environment.

- (3) **Required Finding:** *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: The proposed 50' R/W for in-tract Central Ave. connects to and is consistent with the off-tract Central Ave., which also has a 50' R/W, near the northwesterly corner of Bayview. The proposed 50' R/W for in-tract Palms Dr. connects to and is consistent with the existing off-tract Palms Dr., which also has a 50' R/W, near the northwesterly corner of Bayview. The

expected Average Daily Traffic (ADT) for each of the in-tract Central Ave. and Palms Dr. is 680 vehicle trips per day (based on 9.44 per single-family dwelling, per Institute of Transportation Engineer's Trip Generation, 10th Edition). This ADT estimate is conservatively high since vehicle miles traveled has decreased by approximately 12 percent in California due to COVID (based on Caltrans Performance Measurement System data for August 2019 and August 2020). Regardless of the actual ADT, 36' pavement width is too wide for any two-lane street with fronting homes. Based on other East Bay communities, residents living on such streets will complain about speeding when the 85th percentile speed reaches 32 mph or higher. Therefore, from a traffic engineering perspective, it is suggested a 34' pavement width for all through streets within Bayview that are expected to have an ADT of 2,000 or less. However, it is recognized that 36' pavement width is needed to accommodate 20' fire access with parking on both sides. Cul-de-sac streets typically don't have the same speeding issues and can remain at 36' pavement. On streets that are single loaded such as C Dr., the elimination of parking on one side due to less parking demand and to allow for the down sloping bank away from the street to start sooner is acceptable thus reducing the pavement width to 32'. The proposed 36' pavement width would provide the required fire access of 20' with parking on both sides which matches Contra Costa County standard collector pavement configuration. Given that the proposed R/W width matches existing, the light traffic volume, and adequate fire access, the proposed exception will not be detrimental to public welfare.

The proposed 50' R/W for in-tract Minor streets would be consistent with or wider than similar residential streets in the vicinity. The in-tract Minor streets would have lighter traffic volumes than the in-tract Collectors.

The proposed 36' pavement width would provide the required fire access of 20' with parking on both sides and be wider than the County Minor Street required pavement configuration. Given that the proposed R/W width is the same as the width for an in-tract Collector, the light traffic volumes, adequate fire access and exceeds County Minor Street pavement width standard, the proposed exception will not be detrimental to public welfare.

The proposed 44' R/W for C Dr., a collector, would be narrower than the other two in-tract Collectors (Central Ave. and Palms Dr.). However, C Dr. with no parking on one side would still provide the required fire access of 20'. This stretch is single loaded with homes on only one side and therefore won't require driveway access or public utility service boxes on the side without the homes which minimize the need to have as much width

between the face of curb to the right of way. Given this, the proposed exception will not be detrimental to public welfare.

With respect to properties in the vicinity of Bayview, no adjacent residents will need to travel through the Bayview Estates as the project is at the dead-ends of Central Ave. and Palms Dr. Bayview's in-tract streets will have no negative effects on properties in the vicinity. Bayview will in fact enhance fire safety for all residents in the vicinity by extending a 12" watermain from the south, through Bayview, and connecting to the existing waterlines in Central Ave. and Palms Dr. This would enhance fire flow capacity for the existing hydrants and homes in a currently deficient area.

2. The Public Works Department recommends exceptions to the standards cited in Section 914-12.010 pertaining to the requirement for a detention basin to be maintained by a public entity in order to allow for the detention basin in Bayview Estates to be privately maintained by a Homeowners Association or equivalent private entity with property lien authority.

- (1) **Required Finding:** *That there are unusual circumstances or conditions affecting the property.*

Project Finding: The County lacks funding to maintain this detention basin.

- (2) **Required Finding:** *The exception is necessary for the preservation and enjoyment of a substantial property right of the Applicant.*

Project Finding: The detention basin is integral to the project and is required to in order to comply with County drainage and C.3 requirements. Applicant would not be able to exercise its property rights to develop the property without the detention basin.

- (3) **Required Finding:** *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: The detention basin is needed to comply with County drainage and C.3 requirements, which requirements are protective of public welfare.

H. CEQA FINDINGS

In accordance with CEQA and the CEQA Guidelines, and having received, reviewed, and considered the environmental impact report (EIR) and other information in the Record of Proceedings, the County adopts the below findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the County also

finds that the EIR reflects the County's independent judgment as the lead agency for the project.

1. Project Description. The description of the project is described in Chapter 3 of the environmental impact report for the project. Applicant has also entered into a Community Benefits Agreement (CBA), attached hereto, and described further in the Statement of Overriding Considerations. The County has sole discretion on the use of the CBA funds, including the funding of improvements, which are separate and independent of the Project approval. The Board of Supervisors incorporates by reference Finding 3 of the Findings of Approval of P-1 Zoning District and Final Development Plan regarding the scope of the Project Development Plan.

3. Environmental Impact Report. The project proposes, a General Plan Amendment (GPA), and to rezone a vacant 78.2-acre industrially zoned property for single-family-residential use. The project also includes a phased 144-lot Subdivision including a Vesting Tentative Map, a Final Development Plan for 144 single-family residences, a Tree Permit to remove up to 30 code-protected trees, and a grading permit to grade 900,000 cubic yards of earth material. The Department of Conservation and Development determined that an environmental impact report (EIR) was required for the project. Accordingly, the County prepared an EIR for the project (State Clearinghouse# 2008032074). The project EIR is composed of both a Draft EIR and Final EIR. The Notice of Preparation of the EIR was posted on June 7, 2017 and a public Scoping Meeting was held on July 17, 2017. Both written and oral comments were received during public comment period and the Scoping Meeting; the comments were responded to in the Draft EIR, which was released for public review on May 13, 2021 with a Notice of Availability. A 45-day comment period for the Draft EIR began on May 13, 2021 through June 28, 2021 and extended at the request of the public for an additional 2 weeks until July 12, 2021. During the comment period, the County received 21 comment letters on the Draft EIR for the proposed project. The comment topics included concerns about traffic congestion, views, tree removal, impacts to wildlife, adequacy of emergency services, sanitary and water service, and petroleum pipelines. The County's Responses to the comments received are provided in the Final EIR that has been prepared for the project.

The Final EIR also includes County-initiated updates and errata to the Draft EIR. These errata constitute minor text changes to the Draft EIR and occurred in Section 4.3: Biological Resources, Section 4.6: Greenhouse Gas Emissions and Energy, Section 4.12: Public Services and Recreation, Section 4.13: Transportation and Circulation, and Section 4.14: Utilities and Service Systems (see chapter 4 in

the Final EIR). The changes were made primarily to correct grammatical and typographical errors, as well as to improve accuracy and readability of certain passages. The text changes are not the result of any new significant adverse environmental impact, and do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the Draft EIR.

The Planning Commission conducted a hearing and certified the EIR for purposes of the tentative map and recommended approval of the General Plan Amendment to the Board of Supervisors on February 23, 2022.

For all potentially significant impacts discussed in these findings, the County finds that the inclusion of certain mitigation measures as part of project approval will reduce all impacts to a less than significant level. For vehicle miles traveled (VMT) effects in particular, the County finds that there are two significant and unavoidable impacts requiring overriding considerations. Therefore, with respect to the aforementioned VMT impacts only, these CEQA Findings contain a Statement of Overriding Considerations.

As required by CEQA, the County, concurrent with adopting these CEQA Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project, included as Appendix A to the Final EIR, and further incorporated as part of the Condition of Approval for the project. The County finds that this MMRP, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

For each of the environmental topic areas below, cumulative impacts were analyzed in the Draft EIR. For all environmental topics discussed in these findings, any impacts, including cumulative impacts, which were determined to have a less than significant effect without mitigation are either not discussed or not discussed at length in these findings, consistent with applicable law. A full discussion and analysis of all environment impacts, including those found to be less than significant, are located in Chapter 4 of the Draft EIR and the Final EIR, and the associated facts and conclusions are incorporated herein by this reference.

3. Effects Determined to be Less Than Significant. The County finds that, based upon substantial evidence in the record, the project will not have any significant effect on Land Use, Plans and Policies or Population and Housing, as detailed in Chapter 4.9 and Chapter 4.11 of the Draft EIR.

4. Effects Determined to be Mitigated to Less-Than-Significant Levels. For certain environmental topics, the Draft EIR identified certain potentially significant effects that could be mitigated to less-than-significant-levels. These topics are Aesthetics (detailed in Chapter 4.1 of the Draft EIR), Air Quality (detailed in Chapter 4.2 of the Draft EIR), Biological Resources (detailed in Chapter 4.3 of the Draft EIR), Cultural Resources and Tribal Cultural Resources (detailed in Chapter 4.4 of the Draft EIR), Geology and Soils (detailed in Chapter 4.5 of the Draft EIR), Greenhouse Gas Emissions and Energy (detailed in Chapter 4.6 of the Draft EIR), Hazards and Hazardous Materials (detailed in Chapter 4.7 of the Draft EIR), Hydrology and Water Quality (detailed in Chapter 4.8 of the Draft EIR), Noise (detailed in Chapter 4.10 of the Draft EIR), Public Service and Recreation (detailed in Chapter 4.12 of the Draft EIR), Transportation (detailed in Chapter 4.13 of the Draft EIR), and Utilities and Service Systems (detailed in Chapter 4.14 of the Draft EIR).

For each of the significant or potentially significant impacts identified in the above listed sections, changes or alterations have been required or incorporated into the project, as mitigation measures, which avoid or substantially lessen the significant effects as identified, with the exception of two significant and unavoidable Transportation impacts resulting from project VMT, which are discussed in the next section of these findings. Each of the mitigation measures is included as part of the Project's MMRP for the project, included as Appendix A to the Final EIR, and incorporated as part of the Condition of Approval for the Bayview Estates Residential Project.

Therefore, the County finds that based upon substantial evidence in the record, mitigations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Draft EIR and the Final EIR, and that no further mitigation is warranted as a matter of fact and as a matter of law.

The County also makes the following findings regarding certain environmental topics and mitigation measures in support of the foregoing:

- Aesthetics. The County Board of Supervisors find that there was sufficient analysis of the impacts of the project on scenic vistas and the visual character of public views of the site and its surroundings. (Final EIR, pp. 3-332, 19-6, Draft EIR Chapter 4.1) The views and simulations included in the Draft EIR are accurate and represent a reasonable depiction of impacts from public viewpoints, and constitutes substantial evidence to support the Draft EIR's conclusions. The Draft EIR concluded that the project would not substantially

alter the visual character of the site, as viewed from vantage points accessible by the public, and included photos showing the visual character of the project site that were representative of public views, as determined by the County's professional environmental consultant. (Final EIR, pp. 3-32, 19-9; Draft EIR Figures 4.1-2, 4.1-3, 4.1-4, 4.1-5.) The County finds, based upon substantial evidence in the record, that the project as a whole, including the proposed changes to the existing topography, would not degrade the existing visual quality of the site or surrounding area, nor would it adversely affect a scenic view or valuable community resource.

- Biological Resources. The Draft EIR identifies potentially significant impacts to Creeping Wildrye Grassland. Moore Biological Consultants observed the grasslands and noted they were of poor quality, having been interspersed with ruderal grasses and subject to a host of disturbances, and this conclusion was peer-reviewed by the County's environmental consulting team and determined to be accurate. Consistent with the Response to Comment No. 2-6, which is incorporated herein by this reference, the County Board of Supervisors Finds that Mitigation Measure BIO-5a, developed by the County based on the evidence and conducted surveys, and is sufficient to mitigate any potential impacts to the creeping Wildrye Grassland. Use of a significantly higher mitigation ratio would have no proportion to the potential impacts of the project.

The Draft EIR also evaluates all direct and indirect impacts on biological resources from construction and operation of the project, evaluates cumulative impacts in conjunction with cumulative development in the region, and identifies and discusses feasible mitigation measures for all potentially significant impacts. (Final EIR pp. 3-30, 3-110, 3-132-171; Draft EIR pp. 4.3-1 to 4.3-64) The Final EIR adequately addresses, moreover, concerns about biological species and habitat. (See Final EIR at pp. 3-13 to 3-21) The EIR's analysis and conclusions, which were prepared by the County's expert consultant, and concurred with by Moore Biological Consultants, determined the project's operation is unlikely to impact burrowing owls, California black rails, California Ridgeway's rails, or salt-marsh harvest mice, since their presence was not detected on the project site, (Final EIR pp. 3-17; Draft EIR pp. 4.3-19) and none of the species have a high likelihood of occurrence on the project site. (Final EIR pp. 3-17; Draft EIR Appendix D, D-14; March 17, 2021, Biological Assessment, pp. 20) The evidence underlying the Final EIR's

project impact analysis on biological resources is adequate, according to the County's consultants and Moore Biological Consultants; separately and independently, the project's biological analysis was conducted in compliance with the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation on the subject, incorporated herein by this reference. (See Final EIR at pp. 3-8)

Based on the concurrence of multiple experts on biological resources, the conclusions of these consultants, guidance documents from regulatory agencies, and other evidence in the administrative record of proceedings, the County finds the conclusions in the Draft EIR and Final EIR are accurate and supported by substantial evidence.

- Hazards and Hazardous Materials. The Draft EIR identifies a potentially significant impact resulting from project development where existing crude oil and natural gas pipelines transect the project site. In analyzing impacts due to accidental upset of crude oil and natural gas pipelines, the Draft EIR includes a geotechnical evaluation (the "Milestone report") that preliminarily concludes that proposed grading would not damage the pipelines and a risk assessment of gas pipelines (the "Quest Report"), which concludes the ratio of site casualties to societal risk and risk of unintentional release to be substantially less than the significant threshold. (Draft EIR pp. 4.7-6, 4.7-15 to 4.7-17, 4.7-20; Final EIR pp. 3-4) The Milestone and Quest Reports are incorporated herein by this reference. In accordance with this evidence, Mitigation Measure HAZ-2 requires accurate mapping of the location of pipelines prior to commencement of any grading activities and will reduce the risk of damage to any pipelines in the area. (Draft EIR pp. 4.7-16 to 4.7-17) Furthermore, Mitigation Measure GEO-2 requires design-level geotechnical report that would include the engineering analysis for pipeline safety. Both Mitigation Measure HAZ-2 and Mitigation Measure GEO-2 will reduce potential impacts resulting from accidental upset to a less than significant level. (Draft EIR, pp. 4.7-16 to 4.7-17; Final EIR pp. 3-4). As a clarification, Mitigation Measure HAZ-2 will apply to all pipelines on the project site, and shall be clarified as follows:
 - Maximum fill heights over all pipelines, including without limitation the Santa Fe Pacific Partners L.P. (SFPP); Kinder Morgan Energy Partners, L.P (KMP); and Crimson-Chevron KLM (KLM) and Chevron pipelines shall not exert a calculated stress of more than what the pipelines can safely

tolerate, as determined by a professional engineer in accord with applicable industry standards and safety regulations based on observed pipe material and other factors.

- Transportation. Due to the suppressed travel conditions occurring because of the COVID-19 pandemic, traditional intersection counts were not used as a source of data. Instead, Streetlight Data was used to provide a technically robust baseline of traffic volumes for analysis. (Draft EIR, Appendix E pp. 25) Trip generation for the Project was based on data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), land use code 210 (single-family detached housing). As shown in the Draft EIR at Table 4.13-1, the project is estimated to generate 1,360 daily vehicle trip ends (680 inbound and outbound daily vehicle trips), with about 107 trips during a.m. peak hour and 143 trips during the p.m. peak hour. (Draft EIR pp. 4.13-6 – 4.13-7) Cameras were not used to estimate existing traffic or predict future traffic.
 - Utilities and Service Systems. The Draft EIR indicates the Mt. View Sanitary District (MVSD) has sufficient existing capacity to serve the project's anticipated wastewater demands and the project would not result in the construction of new or expanded wastewater treatment facilities. (Draft EIR pp. 4.14-15 to 4.14-16; Final EIR pp. 3-59, 6-3 to 3-61, 6-10) This is confirmed by MVSD's issuance of a will-serve letter, that it approved of the proposed subdivision as well as the request to annex the project site to be within the MVSD sphere of influence, subject to the approval by the LAFCO (Final EIR pp. 3-59), as well as two reports: a Sanitary Sewer Flow Monitoring & Hydraulic Modeling Report prepared by Carollo (Final EIR pp. 3-59 to 3-60) and a Sewer Capacity Study conducted by Aliquot (Final EIR pp. 3-59 to 3-61), which are part of the EIR and administrative record and incorporated herein by this reference. These reports and analyses constitute substantial evidence supporting the conclusion that no impacts to any wastewater treatment plant would be expected from the project.
5. **Project Alternatives.** The County hereby concludes that the Draft EIR and Final EIR set forth a reasonable range of alternatives to the project that address the significant impacts of the project, so as to foster informed public participation and informed decision making. The County finds that the alternatives identified and described in the Draft EIR and Final EIR, the analyses and determinations of which are incorporated herein by this reference, were considered and further finds them to be infeasible for the specific economic, social, or other

considerations set forth in the EIR and below pursuant to Public Resources Code section 21081(c).

- 1) Alternative 1: No Project/ Existing Conditions. Under Alternative 1, the project would not be constructed, and the 78.3-acre property would remain in its existing condition: mostly open and undeveloped land. Alternative 1 would eliminate all project-related impacts. (Draft EIR, pp. 5-3) Full analysis of Alternative 1 can be found in Chapter 5 of the Draft EIR.

The County rejects Alternative 1 because Alternative 1 would fail to achieve project objectives, as it would not maximize the development of new residential projects in the County to help fulfill regional and local (Contra Costa County) planning goals for the development of housing and would not introduce new residential uses in areas near employment centers in the Cities of Martinez, Concord, and Walnut Creek, near existing or planned urban development, and in areas near regional transportation. (Draft EIR pp. 3-4)

- 2) Alternative 2: Reduced Grading / 50 percent Development. Alternative 2 considers a reduced impact scenario that would develop the land for less intense use. In this scenario, the proposed number of housing units would be reduced by approximately 50 percent to yield a total of 72 new single-family units, which would be reconfigured on the project site, and would result in a 50% reduction in developable area.

Alternative 2 would not result in any new impacts not identified with the project, but also would not avoid any of the significant and unavoidable VMT impacts identified in the project as impacts are calculated on a per capita basis, as explained in the Draft EIR's Alternatives Chapter. Alternative 2 would avoid potentially significant greenhouse gas emissions impacts identified for the project, however, these impacts are already mitigated to a less than significant level with mitigation measure GHG-1 included in the Mitigation Monitoring and Reporting Program. (Draft EIR pp. 5-3 to 5-6) Full analysis of Alternative 2 can be found in Chapter 5 of the Draft EIR.

The County rejects Alternative 2 because Alternative 2 would not avoid any identified impacts of the project that are not already mitigated to a less than significant level under the project's Mitigation Monitoring and Reporting Program.

Moreover, the need for new housing, and the Reduced Density Alternative would result in the construction of only 72 homes. Pursuant to Government

Code section 65583, the County has identified the project site as one of the specific sites suitable for residential development to fulfill the County's share of regional housing needs. (Housing Element, pp. 6-71, Table 6-36 [Bayview Estates to provide 144 above moderate homes toward County RHNA allocations]; 2014 Land Inventory Appendix A, p. A-4 and Figure 4) Construction of the project therefore serves important housing policy goals of increasing housing stock of all types, from lower income to above moderate income households, and satisfies the County's specific goal of establishing almost 150 homes on the project site that are necessary to satisfy RHNA allocations. Critical project objectives here concern the maximization of new residential projects to fulfill regional and local planning goals for the development of housing, and to do so near employment centers in the Cities of Martinez, Concord, and Walnut Creek. (Draft EIR pp. 3-4) Failure to meet these objectives also signifies a failure to meet important public policies, including Goal 6 of the County's General Plan Housing Element: "Provide adequate sites through appropriate land use and zoning designations to accommodate the County's share of regional housing needs." (See also Housing Element Goal 3 and Policy 3.2) Thus, the County rejects Alternative 2 since it would fail to achieve all the project objectives, as it would not achieve the objective of maximizing the development of new residential projects in the County to help fulfill regional and local (Contra Costa County) planning goals for the development of housing. (Draft EIR pp. 3-4)

- 3) Alternative 3: Reduced Grading/ Light Industrial. Alternative 3 considers development of light industrial uses, rather than residential and open space uses, which would not require a zoning reclassification or a change to the current General Plan land use designation, since light industrial uses are permitted within existing designations on the project site.

Alternative 3 would involve a wholly different land use necessitating approximately three on-site employees assumed to reside in the project area, resulting in a relatively low VMT per weekday. Alternative 3 would still be expected to result in a significant and unavoidable project VMT impact, but may avoid the significant and unavoidable contribution to the cumulative VMT impact identified for the project. (Draft EIR pp. 5-6 to 5-9) Full analysis of Alternative 3 can be found in Chapter 5 of the DEIR.

The County rejects Alternative 3 because Alternative 3 would fail to achieve project objectives, as it would not maximize the development of new residential projects in the County to help fulfill regional and local (Contra Costa County) planning goals for the development of housing and would not

introduce new residential uses in areas near employment centers in the Cities of Martinez, Concord, and Walnut Creek, near existing or planned urban development, and in areas near regional transportation. (Draft EIR pp. 3-4)

- 4) Commercial, Mixed-Use Alternative. The Commercial, Mixed-Use Alternative would result in fewer homes and fail to meet the project objectives, including the County's specific goal of establishing almost 150 homes on the project site that are necessary to satisfy RHNA allocations. At present, the demand for housing exceeds the demand for commercial uses, and there is the positive jobs balance in the Martinez sphere of influence. Thus, the County rejects the Commercial, Mixed-Use Alternative since it would fail to achieve all the project objectives, as it would not achieve the objective of maximizing the development of new residential projects in the County to help fulfill regional and local (Contra Costa County) planning goals for the development of housing. (DEIR pp. 3-4) This project objective concerns separate and independent planning policies; this alternative is not feasible.

 - 5) Trail Alternative. Trails will be incorporated into the project's grading, and is included in the conditions of approval for the project. The hillside already was intended to include benches for erosion control and drainage along with access, and therefore incorporation of a trail does not substantially alter the nature or scope of grading, and thus environmental impacts would be the same or similar.

 - 6) Environmentally Superior Alternative. The Draft EIR identifies Alternative 3 as the environmental superior alternative because it avoids a significant and unavoidable impact of the project that no other analyzed alternative would avoid (except for the No Project Alternative, which avoids all impacts). As stated above, the County rejects Alternative 3 because Alternative 3 would fail to achieve project objectives.
6. **Statement of Overriding Considerations.** The EIR for the proposed project identified two significant and unavoidable effects related to vehicle miles traveled (VMT) for the project, including:
- 1) Total Home Based VMT per resident generated by the project would be greater than 15 percent below the regional VMT for similar uses in Contra Costa County, resulting in a significant impact for the project.

- 2) Total Home Based VMT per resident generated by the project would be greater than 15 percent below the regional VMT for similar uses in Contra Costa County, resulting in a significant impact for the project.

Contra Costa County is the lead agency under the California Environmental Quality Act (CEQA) for preparation, review, and certification of the Environmental Impact Report (EIR) for the Bayview Estates Residential Project. As the lead agency, the County is also responsible for determining the potential environmental impacts of the proposed action, which of those impacts are significant, and which impacts can be mitigated through imposition of feasible mitigation measures to avoid or minimize such impacts to a level of "less than significant." When a public agency determines that a project will have significant and unavoidable effects, Public Resources Code section 21081(b) requires that the public agency make findings of overriding considerations to demonstrate that economic, legal, social, technological, or other benefits of the project outweigh the significant environmental effects of the project. Accordingly, the County has made the requisite findings of overriding consideration and has found that the potential benefits of the project do in fact outweigh the environmental impacts. CEQA requires the lead agency to balance the benefits of a proposed project against its significant and unavoidable adverse environmental impacts when determining whether to approve the project. In particular, Public Resources Code section 21081(a) provides that no public agency may approve or carry out a project for which an EIR has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one more of three findings with respect to each significant effect.

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If a lead agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. The statement of overriding considerations does not substitute for, and is in addition to, findings required by CEQA Guidelines section 15091.

A. Summary of Significant Unavoidable Environmental Impacts

The Final EIR identified two significant and unavoidable effects related to vehicle miles traveled ("VMT") for the project, including:

- Impact TRF-3: Total Home Based VMT per resident generated by the project would be greater than 15 percent below the regional VMT for similar uses in Contra Costa County, resulting in a significant impact for the project.
- Impact C-TRF-8: The project with a General Plan amendment would increase the Countywide VMT, resulting in a significant cumulative impact for the project.

The following findings and statement of overriding considerations outlines the specific reasons to support the County's approval of the project.

While the positive jobs balance in the Martinez sphere of influence provides opportunities for reduced commute distances for the project residents, the Final EIR discloses that the project's total home-based VMT per resident is 20.6, which is 4.1 VMT per resident greater than 15 percent below the Contra Costa County average for residential uses. The County average rate for residential uses is 19.4 VMT per resident, and therefore the pertinent threshold here is 16.5 VMT per resident. Mitigation Measure TRF-3: Transportation and Parking Demand Management is proposed to reduce the VMT per resident from 20.6 to 16.5 consistent with a 20 percent reduction in the near-term. Nevertheless, the requirement to reduce VMT by 20 percent in the near-term using TDM strategies exceeds the expected level of VMT reduction supported by research, which is approximately 10 percent. (Final EIR pp. 3-29; July 16, 2021 Response to Comments Matrix pp. 12-13) Therefore, the level of VMT reduction associated with TDM measures is unlikely to mitigate the project's impact to a less-than-significant level, and impacts would be significant and unavoidable.

The Final EIR also discloses that the change in General Plan designation from Heavy Industry to a Single-Family Residential-High Density (SH) would increase VMT by 2,731. This comparison is based on the use of a conservative assumption that heavy industrial uses at the project site would observe a floor area ratio maximum of 0.1, whereas the General Plan allows up to 0.4 FAR for heavy industrial uses. Mitigation Measure TRF-3: Transportation and Parking Demand Management is proposed to reduce the VMT per resident by as much as 10 percent (or about 810 VMT), per the Final EIR. Therefore, the level of VMT reduction associated with TDM measures is unlikely to mitigate the project's

impact to a less-than-significant level, and impacts would be significant and unavoidable.

The Final DEIR also discloses that an increase in the number of affordable units in the project would not decrease the project's significant VMT impact. (Final EIR pp. 3-29) Even with the inclusion of Below Market Rate housing, the maximum amount of VMT reduction associated with implementation of TDM strategies available to the project is 10 percent, which is already accomplished by Mitigation Measure TRF-3: Transportation and Parking Demand Management. (Final EIR pp. 3-29; July 16, 2021 Response to Comments Matrix, pp. 13-14)

The Final EIR also discloses that participation in a Transportation Management Association or a VMT Banking or Exchange Program to mitigate Project VMT is not feasible. (Final EIR pp. 3-27 to 3-29; July 16, 2021 Response to Comments Matrix, pp. 13) Contra Costa County has no Transportation Management Association, and without such an existing, County-run organization or a County-wide mandate that other developments must participate in such a program, it is not viable to require the project to participate in a Transportation Management Association. (Final EIR p. 3-27) CCTA does not currently operate a VMT Banking or Exchange program and is not expected to operate such a program in the near future. (Final EIR pp. 3-29)

B. Overriding Considerations

As required under Public Resources Code section 21081 and CEQA Guidelines section 15093, the County Planning Commission, having reviewed and considered the project EIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the project EIR, has balanced the benefits of the proposed project against the identified unavoidable adverse impacts associated with the project, and hereby adopts all feasible mitigation measures with respect to such impact, certifies the project EIR, and approves this project.

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the County Planning Commission has determined that the significant and unavoidable adverse impact related to project VMT identified above is acceptable due to the following specific considerations in the record, which outweigh the unavoidable, adverse environmental impacts of the project. Each of the considerations in the record, standing alone, is sufficient to support approval of the project, in accordance with CEQA.

The project will have the following direct public benefits:

Jobs-housing balance. The Housing Element identifies housing quality as an issue with the County's housing market. More than 60 percent of the housing stock in unincorporated areas is more than 30 years old, the age when most homes begin to have major repair or updating needs. (Housing Element, pp. 6-3 to 6-4.) The project will add 144 new dwelling units to the County's housing market. The project will include a mix of single-story and two-story houses ranging from 3-5 bedrooms. These homes would be constructed to modern building codes with enhanced life safety and energy efficiency components, consistent with County policies and goals. Furthermore, since there is a large housing demand in Contra Costa County, and the San Francisco Bay Area generally, the provision of new homes is desirable and will assist to improve the balance between housing and jobs. The project will provide 144 dwelling units near significant employment centers resulting in public benefits including, reduced congestion, community identity, and alleviation of pressure to develop less desirable sites since the project can be considered an in-fill development.

- *Reduced Congestion:* Congestion results in loss of time and productivity, accidents, personal frustration, increase in pollution, adverse community reaction and additional adverse safety impacts due to use of residential streets for commuting purposes. (Transportation and Circulation Element, p. 5-8.) While average VMT for the project would remain above the pertinent threshold, given that certain project residents will have to commute to San Francisco and other distant locations, construction of the project means potentially shorter commute times for a significant portion of the project's residential population and a corresponding reduction in regional highway congestion due to nearby employment centers in Martinez, Walnut Creek and Concord. For example, the project is located in the sphere of influence of the City of Martinez. Major employers in Martinez include, the County, Contra-Costa Regional Medical Center, Department of Veterans Affairs, Kaiser Permanente, Shell Oil Products, and the VA Outpatient Clinic. (Housing Element, p. 6-14 [Table 6-6].)
- *Community Identity:* Situating residential development in proximity to employment centers such as Martinez and other locations where there are large employers creates the opportunity for common experiences among project residents, promoting community building and a sense of identity.
- *Alleviation of Pressure to Develop Less Desirable Sites:* Establishment of a residential development in an infill location near a major highway, as well as

near job centers, alleviates pressure to accommodate homes for the County's increasing population in less desirable locations, including open space areas where urban development does not presently exist, and which are not located in close proximity to major transportation corridors.

Contribute to the County's Regional Housing Needs Allocation (RHNA). The project would allow for additional housing opportunities on a vacant underutilized property that may be developed to meet the housing demands and needs of the County and region. The development of 144 market rate units on the property is expected to contribute towards meeting the County's future 6th Cycle Housing Element RHNA. The 6th Cycle Housing Element covers the planning period from 2023 to 2031 and includes a RHNA of 7,610 housing units as determined by ABAG/MTC as the unincorporated County's fair share of development towards the regional housing need. The subject property is listed in the current 5th Cycle Housing Element sites inventory as available land for the potential development of housing. The total number of market-rate units that the County is responsible for development is 3,133, and this project would provide a significant contribution towards meeting that goal.

Community Benefits Agreement. The applicant and County agree to enter into a Community Benefits Agreement ("CBA", see attached), which requires funds to be provided by applicant to the County. County, at its sole discretion, may use these funds for, among other improvements, sidewalk repairs and related pedestrian improvements from the intersection of Arthur Road and Palms Drive and Leabig Lane, to the Las Juntas Elementary School. Said pedestrian improvements are not a part of the project; would occur separately and independently from the project; and are exempt from CEQA pursuant to California Code of Regulations Sections 15301 and 15302 ("Class 1 exemption" and "Class 2 exemption", respectively), and California Public Resources Code Section 21080.25.

Parks and open spaces. The project will limit the effect of new residents on existing public park facilities through construction of an approximately 4.5-acre private neighborhood park (Parcel F). (See Open Space Element, p. 9-20.) The project includes preservation of more than 46 acres (approximately 60% of the total project site) as open space, including hillside meadow open space and wetland, salt marsh, freshwater marsh, open water, and alkali meadow thereby preserving the natural beauty as well as habitat value for plants and wildlife of land that would otherwise be designated for heavy industry use. In doing so the project contributes achieving a balance of open space and urban areas to meet the social, environmental, and economic needs of the county as envisioned in the General Plan. (Open Space Element, p. 9-3 [Goal 9-C].) The present of a local park

for project residents will accommodate inevitable population growth without significantly impacting demand on public park and recreational facilities.

Correct Existing Life-Safety Deficiency – Fire Flow. The project would provide a new 12-inch water transmission main in off-site locations. As part of this configuration, the project would extend Contra Costa Water District's ("CCWD") existing 12-inch transmission main and connect this infrastructure to CCWD's existing 6-inch water mains in Central Avenue and Palms Drive. This infrastructure and these connections will benefit the over 400 homes in the adjacent Vine Hill neighborhoods in the Vine Hill area and address serious fire flow deficiencies (i.e., water flow and pressure needed for fighting fires) identified by CCWD. The typical fire flow, as required by the California Fire Code, as adopted by the Contra Costa Fire Protection District, for a neighborhood of this size is 1500 gallons per minute (gpm) at 20 psi (from two fire hydrants). CCWD has indicated that existing fire flows are of 945 gpm at the current terminus of Central Avenue (at the north end of the project site) and 718 gpm at the current terminus of Palm Drive. As a result, the project will correct a serious existing life-safety deficiency by providing fire flows of 2,554 gpm and 1,781 gpm at Central Avenue and Palms Drive, respectively according to CCWD's analysis, thereby meeting (or exceeding) minimum required fire flow requirements.

Sanitary Sewer. Mt. View Sanitary District ("MVSD") is the sanitary sewer service provided for the Vine Hill neighborhoods, and has issued a "Will Serve" letter for the project. The sanitary sewer from the project will connect to the existing MVSD sewer system at the existing terminus of Palms Drive near the north end of the project site. MVSD has indicated that the existing sewer main (old 6" vitrified clay pipe) in Palms Drive is deficient because existing pipe material, size, and/or slope do not meet current MVSD standards. These deficiencies allow for excessive groundwater and stormwater infiltration and inflows, and also have to potential to cause blockages and overflows, which could result in public health issues. The project will replace the Palms Drive sewer main with 8" polyvinyl chloride pipe meeting current MVSD standards. As a result, the new sewer main provided by this project will alleviate the existing sewer problems discussed above.

Emergency access. The project would correct existing life-safety deficiencies due to non-compliant emergency vehicle access (EVA), based on requirements pursuant to the California Fire Code (Fire Code) as amended and adopted by the Contra Costa County Fire Protection District (Fire District). Currently, Arthur Road is the only road to this Vine Hill neighborhood with over 400 existing homes. The Fire Code requires two separate fire apparatus access roads. The project would provide a secondary EVA from the south side of the project site to meet code requirements. Currently, Arthur Road extends into the Vine Hill neighborhood

with Central Avenue and Palms Drive branching off Arthur Road. Both Central Avenue and Palms Drive dead end at the project site. These dead-end roads exceed the maximum code-prescribed length without a code-prescribed turnaround. The project would extend both Central Avenue and Palms Drive into the project site and provide connection between the two roads, as well as provide code-prescribed turnarounds for all in-tract dead-end roads, all to Fire Code requirements. Currently, segments of the existing Palms Drive have pavement width of less than 20', and segments of both Central Avenue and Palms Drive have damaged and missing pavement. Fire Code requires a minimum clear width of 20' with pavement structural section sufficient to sustain fire truck wheel loads. The project would repair and replace existing deficient pavement to meet Fire Code requirements and, where open space exists, provide for homes with sprinklers and other fire-safety improvements. Accordingly, by improving Central Avenue and Palms Drive and turning both streets into through streets, by providing a third access road into the neighborhood, and by replacing open space with residential development equipped with sprinklers, the project will provide a greater level of emergency vehicle access than the Fire Code requires and will improve emergency vehicle access for surrounding developments. It should also be noted that, separately from this project, the adjacent approved Palms 10 subdivision (Tract 8744) would also improve a segment of Palms Drive adjacent to the project site.

Roadways. Central Ave and Palms Drive provide access to the project site. Central Avenue lacks a continuous sidewalk and its pavement condition over segments not maintained by the County is poor. Palms Drive is generally a private road. It does not have any sidewalk and the pavement over its entire length is poor. Palms Drive at certain locations also does not have a minimum of 20' of pavement required by code for fire access. The lack of sidewalk is an existing hazard for pedestrians. The poor pavement condition is an existing hazard for motorists, especially emergency vehicles. The project will construct a continuous sidewalk for Central Avenue and also Palms Drive repair the deteriorated pavement, and widen the pavement where needed, all to meet current standards and Fire Code. As a result, the improved Central Ave and Palms Drive will correct the existing road hazards.

Elimination of Public Nuisance. The project site is currently vacant property with a gate at the Central Avenue entrance. Adjacent residents have expressed concern about unauthorized activities at or near the site including dirt bikers trespassing on the vacant site and trash dumping. These are public nuisance concerns. The project will the project will convert unused industrial land into needed housing compatible with the adjacent Vine Hill residential neighborhood. As this project is

developed, the existing public nuisance issues will be abated due to the currently vacant site being occupied by homes.

7. **Certification of EIR.** On the basis of the whole record before it, including the EIR, and in accordance with Section 15090, the Board of Supervisors finds that:

- The EIR has been completed in compliance with CEQA;
- The EIR reflects the County's independent judgement and analysis;
- The EIR was presented to the decision-making body of the Lead Agency and the decision-making body reviewed and considered the information contained in the EIR prior to approving the project.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified impacts and mitigation measures in the EIR. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the EIR are implemented. All mitigation measures are included in the Conditions of Approval for the project.

Recirculation is Not Required

Pursuant to CEQA Guidelines Section 15088.5(a), recirculation of a Draft EIR is required only if:

- "1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;*
- 2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;*
- 3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or*
- 4) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."*

None of the text edits or changes to the Draft EIR meet any of the above conditions. Therefore, recirculation of any part of the Draft EIR is not required. The information presented in the project EIR support this determination by the County.

Differences of Opinion Regarding Environmental Analysis

In making its determination to certify the EIR and to approve the project, the Commission recognizes that the project involves controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Commission has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as other testimony, letters, and reports submitted for the record. The Commission recognizes that some of the comments submitted on the EIR, and at the hearing, disagree with the conclusions, analysis, methodology and factual bases stated in the EIR. The EIR was prepared by experts, and that some of these comments were from experts, thus creating a disagreement among experts. The Commission has reviewed and considered, as a whole, the evidence and analysis presented in the EIR and in the record, and has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, this understanding has enabled the Commission to make its decisions after weighing and considering the various viewpoints on these important issues.

Documents and Records

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the County:

- The Notice of Preparation and other public notices issued by the County in conjunction with the project, including but limited to the Notice of Preparation of the EIR posted on June 7, 2017;
- The Draft EIR, released for public review on May 13, 2021 and all attachments thereto and sources cited therein;
- All written and verbal comments submitted by agencies, organizations, the applicant, and members of the public during the public comment period and responses to those comments;
- The Mitigation Monitoring and Reporting Program;
- All findings and resolutions adopted by the County in connection with the project, and all documents cited or referred therein;

- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the County, the applicant, or their consultants, or responsible or trustee agencies with respect to the Project;
- All documents submitted to the County by agencies, or members of the public, or applicant in connection with the Project, including, but not limited to, the Biological Assessment prepared by Moore Biological Consultants, dated March 17, 2021 (FEIR, pp. 3-132) and the Response to Comments Matrix provided to the County on July 16, 2021; and
- The Final EIR, released in November 2021.

The foregoing findings are adopted based upon the entire record, and the Commission intends to rely upon all supporting evidence in the record for each of its findings. The location and custodian of the documents and materials that comprise the record is Contra Costa County, Department of Conservation and Development, 30 Muir Road, Martinez, CA, 94553, telephone (925) 655-2705.

**CONDITIONS OF APPROVAL FOR THE BAYVIEW ESTATES RESIDENTIAL PROJECT;
DISCOVERY BUILDERS (APPLICANT & OWNER); COUNTY FILE#s CDGP04-00013,
CDRZ04-03148, CDSD04-08809, CDDP04-03080**

Project Approval

1. This approval, including a Vesting Tentative Map, Development Plan, and a Tree Permit to remove up to 30 code-protected trees, is based on the applications/exhibits/reports/letters received by the Department of Conservation and Development, Community Development Division (CDD) and/or referenced in the Bayview Estates Residential Project Environmental Impact Report or the Conditions of Approval enumerated below, including the following:
 - Vesting Tentative Map, dated September 25, 2020.
 - Final Development Plan and Design Standards, dated August 3, 2021.
 - Tree Report and addendum prepared by Traverso Tree Service, dated October 23, 2019.
 - Preliminary Stormwater Control Plan (SWCP) prepared by Balance Hydrologics dated May 29, 2020.
 - Geotechnical Exploration prepared by ENGEO, dated August 15, 2003.
 - Supplemental Geotechnical Recommendations prepared by ENGEO, dated June 27, 2006.
 - Geotechnical Review of Vesting Tentative Map prepared by ENGEO, dated January 27, 2011.
 - Geotechnical Response to Peer Review Comments prepared by ENGEO, dated January 27, 2011.
 - Geotechnical Plan Review and Response to Comments prepared by ENGEO, dated June 19, 2019.
 - Wetland Delineation and Preliminary Jurisdictional Determination for the Bayview Residential Subdivision Project Contra Costa County, California prepared by Douglas Herring & Associates, dated October 29, 2007.
 - Wetland Delineation Map, dated October 29, 2007 and revised November 18, 2008.
 - Confirmation of the Extent of Corps of Engineers Jurisdiction at the Bayview Residential Subdivision, dated July 16, 2009.
 - Updated Biological Assessment prepared by Moore Biological Consultants, dated March 17, 2021.

- Project Draft EIR and Final EIR, dated May 2021 and November 2021 respectively.

Subdivision Entitlements Approval

2. Project File #s CDGP04-00013/CDRZ04-03148/CDSD04-08809/CDDP04-03080 are APPROVED contingent upon the following Board of Supervisors actions:
 - A. Approval of the proposed General Plan amendment to redesignate the project site from Heavy Industry (HI) to Single Family Residential-High Density (SH) and Open Space (OS) land use designations (File# CDGP04-00013).
 - B. Approval of the proposed Rezoning from Heavy Industrial District (H-I) to Planned Unit District (P-1) for predominantly single-family-residential use (File# CDRZ04-03148) and the Preliminary and Final Development Plan for the project (File# CDDP04-03080).

If either the general plan amendment or the rezoning application and development plan are not approved, then this approval shall not be legally binding and void; the filing of Final Maps shall be prohibited.

Maximum Number of Lots

3. This approval allows is for a maximum of 144 residential lots.

Application Fees

4. The applications submitted were subject to an initial deposit of \$17,305 for the General Plan Amendment and Rezoning, \$2,850 for the Major Subdivision, and \$3,500 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 Agreement

5. Within 10 days after project approval, the applicant shall enter into an Indemnification Agreement with the County, and the applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages (collectively, "Liabilities") arising from or related to the project, the applicant's applications (i.e., general plan amendment, rezoning, vesting tentative map, and development plan), the County's discretionary approvals for the project, including but not limited to the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, or the construction and operation of the project, regardless of whether those Liabilities accrue before or after project approval.

Compliance Report

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

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.

Child Care

8. **Prior to the issuance of grading or building permits**, the developer shall pay a fee of \$400.00 per lot upon which a residence is being built for childcare facility needs in the area as established by the Board of Supervisors.

Park Impact Fee

9. **Prior to submittal of a grading or building permit for a new residence**, the applicant shall pay the applicable park impact fee as established by the Board of Supervisors. Park Dedication fees and associated credits shall be applied to the required Park Impact fee.

Park Dedication Fee

10. **Prior to submittal of a grading or building permit for a new residence**, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors. The private park provided in the Bayview Residential project meets or exceeds the Park Dedication standards for partial credit for private space; therefore, the project is eligible for a credit equal to fifty percent of the Park Dedication fee per unit.

Police Services District

11. **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.

MITIGATION MEASURES REQUIRED FOR COMPLIANCE WITH CEQA

The County hereby incorporates by reference the attached Mitigation Monitoring and Reporting Program from the Final EIR. Each mitigation measure is therein a condition of project approval.

Aesthetics (AES-1): Construction Screening

The project shall incorporate into all construction contracts and ensure implementation of the following measures.

12. To the extent feasible, during all site preparation and exterior construction activities, a screened security fence shall be placed and maintained around the perimeter of the project site abutting residential areas. Visual screening along Central Avenue and bordering the perimeter of the property abutting residential areas shall be placed and maintained and removed upon completion of construction work. The County shall determine the appropriate height, material and final placement of such fencing, as appropriate and effective given the relative change in elevation and viewpoints to the site.
13. Construction staging areas shall be located in the interior of the project site, away from the property boundary and remain clear of all trash, weeds and debris etc. Construction staging areas may include other areas of the project site when necessary, but shall be located away from adjacent properties and I-680 to minimize visibility from public view to the extent feasible.

Air Quality (AIR-1): Best Management Practices (BMPs) for Controlling Particulate Emissions

The project applicant shall implement the following BAAQMD Best Management Practices for particulate control. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities but also during vehicle and equipment movement on unpaved areas.

14. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
15. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
16. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
17. All vehicle speeds on unpaved roads shall be limited to 15 mph.

18. 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.
19. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, § 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
20. 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 accordance with manufacturer's specifications prior to operation.
21. 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.

Air Quality (AIR-2): Enhanced Exhaust Emissions Reduction Measures

The applicant shall implement the following measures during construction to further reduce construction-related exhaust emissions.

22. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
 - (1) Where access to alternative sources of power are available, portable diesel engines shall be prohibited; and
 - (2) All off-road equipment shall have:
 - a) Engines that meet or exceed either USEPA or CARB Tier 3 off-road emission standards, and
 - b) Engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy. Acceptable options for reducing

emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such are available.

Biological Recourses (BIO-1a): Avoidance and Minimization for Impacts to Special-Status Plants

23. A qualified botanist with a minimum of four years of academic training and professional experience in botanical sciences and a minimum of two years of experience conducting rare plant surveys shall conduct surveys (no more than 5 calendar days prior to construction activities) for special-status plant species with a moderate or high potential to occur in the project site (i.e., Bolander's water hemlock, soft bird's-beak, Mason's lillaeopsis, Congdon's tarplant, small spikerush, fragrant fritillary, delta tule pea, delta mudwort, and Suisun Marsh aster) in all suitable habitat that would be potentially disturbed by the project.
24. If no special-status plants are found during focused surveys, the botanist shall document the findings of found species in a letter to CDFW and the County, and no further mitigation will be required.
25. If special-status plants are found during focused surveys, the following measures shall be implemented:
 - a) Information regarding the special-status plant populations shall be reported to the CNDDDB, mapped, and documented in a technical memorandum provided to the County.
 - b) If federally or state listed species are identified during floristic preconstruction surveys, the project proponent shall mark these plants for avoidance and comply with applicable laws (i.e., the federal and State Endangered Species Acts) including through coordination or consultation with regulatory agencies (i.e., USFWS and/or CDFW), as appropriate, and as described in items d and e, below.
 - c) If other special-status plant populations (i.e., California Rare Plant Ranked or locally significant plants) are identified during floristic preconstruction surveys and can be avoided during project implementation, they shall be clearly marked in the field by a qualified botanist and avoided during construction activities. If a Rank 3 or Rank 4 plant species is detected during the survey, the survey report shall analyze species rarity consistent with CEQA Guidelines

(Section 15380) to determine if species protection is warranted. If the plants do not warrant protection, then no further action is needed for these species.

- d) If special-status plant populations are identified and cannot be avoided, the project proponent shall coordinate or consult with the County and regulatory agencies, as appropriate, on relocation of special-status plants. To the extent feasible, special-status plants that would be impacted by the project shall be relocated within local suitable habitat. This can be done either through salvage and transplanting or by collection and propagation of seeds or other vegetative material. Any plant relocation or reintroduction through seeds or other vegetative material would be done under the supervision of a qualified botanist or restoration ecologist.
- e) If rare plants can be avoided, prior to vegetation removal, ground clearing or ground disturbance, all on-site construction personnel shall be instructed as to the species' presence and the importance of avoiding impacts to rare plant species and their habitat through the Worker Environmental Awareness Program training as described in Mitigation Measure BIO-2a.
- f) The project proponent shall prepare a Rare Plan Relocation/Reintroduction and Monitoring Plan for relocated or reintroduced special-status plants which shall detail relocation or reintroduction methods or appropriate replacement ratios (e.g., at least 1:1 based on number of relocated plants or the area occupied by rare plants, as appropriate for the species) and methods for implementation (e.g., planting methods, need for supplemental irrigation, or weed control), success criteria (e.g., greater than 70% survival or ground coverage following 5 years), monitoring and reporting protocols, and contingency measures that shall be implemented if the initial mitigation fails (e.g., replanting to achieve success criteria). The plan shall be developed in coordination with the appropriate agencies prior to the start of local construction activities with the objective of providing equal or better habitat and populations than the impacted area(s). The County shall approve the plan.
- g) If special-status plants are relocated from the project or reintroduction of plants or seed is implemented, the project proponent shall maintain and monitor the relocation sites and/or restored areas for 5 years following the completion of construction and restoration activities. The project proponent shall submit monitoring reports to the County at the completion of restoration and for 5 years following restoration implementation. Monitoring reports shall include photo-documentation, planting specifications, a site

layout map, descriptions of materials used, and justification for any deviations from the mitigation plan.

Biological Recourses (BIO-2a): Worker Environmental Awareness Program Training

26. A project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist for the project and attended by all construction personnel prior to beginning work onsite. Typical credentials for a qualified biologist include a minimum of four years of academic training and professional experience in biological sciences and related resource management activities, and a minimum of two years of experience conducting surveys for each species that may be present within the project area. The training could consist of a recorded presentation that could be reused for new personnel. The WEAP training shall generally address but not be limited to the following:
- a) Applicable State and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance.
 - b) Special-status plant and animal species with potential to occur at or in the vicinity of the project site, their habitat, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the project, and the boundaries within which the project construction shall occur, avoidance measures, and a protocol for encountering such species including a communication chain.
 - c) Pre-construction surveys associated with each phase of work.
 - d) Known sensitive resource areas in the project vicinity that are to be avoided and/or protected as well as approved project work areas.
 - e) Best management practices (BMPs) and their location on the project site for erosion control and/or species exclusion.

Biological Recourses (BIO-2b): General Conservation Measures during Construction

The project proponent shall ensure that the following general measures are implemented by the contractor during construction to prevent and minimize impacts on special-status species and sensitive biological resources.

27. Ground disturbance and construction footprints will be minimized to the

greatest degree feasible.

28. Vehicles shall observe a 15 mile-per-hour speed limit within the project site.
29. The contractor shall provide closed garbage containers for the disposal of all food-related trash items. All garbage shall be collected daily from the project site and placed in a closed container from which garbage shall be removed weekly. Construction personnel shall not feed or otherwise attract fish or wildlife to the project site.
30. As necessary, erosion control measures shall be implemented to prevent any soil or other materials from entering any nearby aquatic habitat. Erosion control measures shall be installed at work site boundaries adjacent to aquatic habitat to prevent soil from eroding or falling into the area.
31. Erosion control measures shall be implemented as described in the project SWPPP. Sediment control measures shall be furnished, constructed, maintained, and later removed. Plastic monofilament of any kind (including those labeled as biodegradable, photodegradable, or UV-degradable) shall not be used. Only natural burlap, coir, or jute wrapped fiber rolls that are certified weed-free shall be used.
32. All fueling and maintenance of vehicles and equipment and the location of project staging areas shall occur at least 100 feet from any aquatic habitat and associated freshwater and saltmarsh vegetation. Spill kits containing cleanup materials shall be available on-site.
33. No equipment used in support of project implementation (e.g. excavator) shall enter or cross waters in the project area while water is flowing.
34. Project personnel shall be required to report immediately any harm, injury, or mortality of a listed species (federal or state) during construction, including entrapment, to the construction foreman, qualified biologist, or County staff. The County or their consultant shall provide verbal notification to the USFWS Endangered Species Office in Sacramento, California, and/or to the local CDFW warden or biologist (as applicable) within 1 working day of the incident. The County or their consultant shall follow up with written notification to the appropriate agencies within 5 working days of the incident. All special-status species observations shall be recorded on California Natural Diversity Data Base (CNDDDB) field sheets/IPaC and sent to the CDFW/USFWS and by County staff or their consultant.

Biological Recourses (BIO-2c): Avoidance, Minimization, and Protection Measures for Sensitive Amphibians and Reptiles

The following conservation measures shall be implemented to minimize or eliminate potential adverse impacts on California red-legged frog (CRLF) and western pond turtle (WPT) during project construction.

35. Consistent with the USFWS California Red-legged Frog Survey Protocol, a habitat assessment shall be prepared and submitted to the USFWS to support their determination of the species' potential to occur on site. If the USFWS agrees that the habitat assessment establishes species absence, or if subsequent protocol-level surveys requested by the USFWS following their review of the habitat assessment establish species absence, then no further action shall be needed to protect this species. In the absence of USFWS coordination, CRLF shall be presumed present within suitable aquatic habitat on the site and protective measures described below shall be followed.
36. A qualified biologist shall survey the work sites within 5 calendar days prior to the onset of construction for CRLF and WPT to determine presence (and life stage) of these species on the project site. Additionally, a qualified biologist shall conduct a pre-construction survey of project aquatic habitat for CRLF and WPT immediately prior to the start of construction activities, beginning with installation of exclusion fencing. The surveys will consist of walking the project work limits adjacent to areas where natural habitat is present to ascertain presence of these species (e.g., grasslands adjacent to suitable aquatic habitat within the project site).
37. Prior to conducting preconstruction surveys, the qualified biologist shall prepare a relocation plan that describes the appropriate survey and handling methods for WPT and identifies nearby relocation sites where individuals would be relocated if found during the preconstruction surveys. The relocation plan shall be submitted to CDFW for review prior to the start of construction activities. The animal shall be relocated to equivalent or better WPT habitat relative to where it was found.
38. A qualified biologist shall monitor installation of exclusion fencing to identify, capture, and relocate WPT if found, and halt or observe work in the vicinity of CRLF if encountered onsite. The qualified biologist shall have the authority to stop construction activities proximate to these species and develop alternative work practices, in consultation with construction personnel and resource agencies (as appropriate), if construction activities are likely to affect special-status species or other sensitive biological resources. Unless explicitly authorized by the USFWS

(e.g., through issuance of a Biological Opinion), CRLF shall not be relocated if encountered within the project site. Rather CRLF shall be allowed to disperse of their own volition while all work is halted within 50 feet of individuals. If a CRLF is not dispersing on its own volition, the qualified biologist shall monitor the frog while exclusion fence installation or other work continues, as long as they can ensure the safety of the frog. The qualified biologist shall immediately inform the construction manager that work should be halted or modified (in the case of a buffer or non-dispersing individual), if necessary, to avert avoidable take of listed species. Should egg masses, metamorphs, or tadpoles of CRLF be identified within project site aquatic habitat during these initial surveys or at any time during project construction, the USFWS shall be contacted prior to continuation of work near the discovery. If WPT and/or CRLF are not observed during pre-construction surveys or installation of the exclusion fence, continued biological monitoring during construction is not necessary. If either of these species are observed onsite at any time, the project applicant shall coordinate with USFWS and /or CDFW as necessary to determine the appropriate measures to avoid species' take.

39. The project proponent or its contractors shall install temporary exclusion fencing around key project boundaries (i.e., at the work limit of aquatic habitat and associated marsh vegetation to be preserved under the project) and around all staging and laydown areas to exclude CRLF and WPT from project construction activities:
- Fencing shall be installed immediately prior to the start of construction activities under the supervision of a qualified biologist.
 - The project applicant or their contractor shall ensure that the temporary exclusion fencing is continuously maintained until all project construction activities are completed. Daily fence inspections shall be conducted by the qualified biologist during the first week of construction. Thereafter, the qualified biologist may train the contractor to conduct regular inspections and coordinate findings with the qualified biologist. Similarly, vehicles or equipment parked overnight at the project staging areas or work areas shall be inspected for harboring species each morning by the qualified biologist (or the trained contractor) before they are moved.
 - The wildlife exclusion fencing shall be a minimum height of 3 feet above ground surface, with an additional 4 to 6 inches of fence material buried such that animals cannot burrow under the fence.

- The exclusion fence shall not cross the marsh associated with Pacheco Creek along the south edge of the site or bisect marsh vegetation to allow wildlife movement to continue through these areas when work is not occurring.
40. All onsite excavations of a depth of 8 inches or greater shall be either backfilled at the end of each workday, covered with heavy metal plates, or escape ramps shall be installed at a 3:1 grade to allow wildlife that fall in a means to escape.

Biological Recourses (BIO-3a): Nesting Bird Protection Measures

41. Project staging, project construction, vegetation removal (e.g., clearing and grubbing), vegetation management activities requiring heavy equipment, or tree trimming shall be performed outside of the bird nesting season (February 1st through August 31st) to avoid impacts to nesting birds; if these activities must be performed during the nesting bird season, a qualified biologist shall be retained to conduct a pre-construction survey in the project construction and staging areas for nesting birds and verify the presence or absence of nesting birds no more than 5 calendar days prior to construction activities or after any construction breaks of 5 calendar days or more. Surveys shall be performed for the project construction and staging areas and suitable habitat within 250 feet of the project construction and staging areas in order to locate any active passerine (perching bird) nests and within 500 feet of the project construction and staging areas to locate any active raptor (birds of prey) nest. If nesting birds and raptors do not occur within 250 and 500 feet of the project area, respectively, then no further action is required if construction begins within 5 calendar days.
42. If active nests are located during the pre-construction bird nesting surveys, no-disturbance buffer zones shall be established around nests, with a buffer size established by the qualified biologist. Typically, these buffer distances are between 50 feet and 250 feet for passerines and between 300 feet and 500 feet for raptors. These distances may be adjusted depending on the level of surrounding ambient activity and if an obstruction, such as a building or structure, is within line-of-sight between the nest and construction. Reduced buffers may be allowed if a full-time qualified biologist is present to monitor the nest and has authority to halt construction if bird behavior indicates continued activities could lead to nest failure. Buffered zones shall be avoided during construction-related activities until young have fledged or the nest is otherwise abandoned.

Biological Recourses (BIO-3b): Avoid and Minimize Impacts to California Black Rail and Ridgway's Rail

43. To minimize or avoid the loss of individual California black rail and Ridgway's rail, construction activities, including vegetation management activities requiring heavy equipment, adjacent to tidal marsh areas (within 500 feet [150 meters] or a distance determined in coordination with USFWS or CDFW, shall be avoided during the breeding season from February 1 through August 31.
- If areas within or adjacent to rail habitat cannot be avoided during the breeding season (February 1 through August 31), protocol-level surveys shall be conducted no more than 5 calendar days prior to construction activities, or after any construction breaks of 5 calendar days or more, to determine rail nesting locations. The surveys will focus on potential habitat that could be disturbed by construction activities during the breeding season to ensure that rails are not breeding in these locations. Survey methods for rails will follow the Site-Specific Protocol for Monitoring Marsh Birds, which was developed for use by USFWS and partners to improve bay-wide monitoring accuracy by standardizing surveys and increasing the ability to share data (Wood et al. 2017). Surveys are conducted during the approximate period of peak detectability, January 15 to March 25 and are structured to efficiently sample an area in three rounds of surveys by broadcasting calls of target species during specific periods of each survey round. Call broadcasting increases the probability of detection compared to passive surveys when no call broadcasting is employed. This protocol has since been adopted by Invasive Spartina project (ISP) and Point Blue Conservation Science to survey Ridgway's rails at sites throughout San Francisco Bay Estuary. The survey protocol for Ridgway's rail is summarized below.
 - Previously used survey locations (points) should be used when available to maintain consistency with past survey results. New survey points should be at least 200 meters apart along transects in or adjacent to areas representative of potentially suitable marsh habitat. Points should be located to minimize disturbances to marsh vegetation. Up to 8 points can be located on a transect.
 - At each transect, three surveys (rounds) are to be conducted, with the first round of surveys initiated between January 15 and February 6, the second round performed February 7 to February 28, and the third round March 1 to March 25. Surveys should be spaced at least one week apart and the period between March 25 to April 15 can be used to complete surveys delayed by logistical or weather issues. A Federal Endangered Species Act Section 10(a)(1)(A) permit is required to conduct active surveys.

- Each point on a transect will be surveyed for 10 minutes each round. A recording of calls available from USFWS is broadcast at each point. The recording consists of 5 minutes of silence, followed by a 30-second recording of Ridgway's rail vocalizations, followed by 30 seconds of silence, followed by a 30-second recording of California black rail, followed by 3.5 minutes of silence.
- If no breeding Ridgway's rails or black rails are detected during surveys, or if their breeding territories can be avoided by 500 feet (150 meters), then project activities may proceed at that location.
- If protocol surveys determine that breeding Ridgway's rails or black rails are present in the project area, the following measures would apply to project activities conducted during their breeding season (February 1- August 31):
 - A USFWS- and CDFW-approved biologist with experience recognizing Ridgway's rail and black rail vocalizations will be on site during construction activities occurring within 500 feet (150 meters) of suitable rail breeding habitat.
 - If a Ridgway's rail or black rail vocalizes or flushes within 10 meters, it is possible that a nest or young are nearby. If an alarmed bird or nest is detected, work will be stopped, and workers will leave the immediate area carefully and quickly. An alternate route will be selected that avoids this area, and the location of the sighting will be recorded to inform future activities in the area.
 - All crews working within 500 feet of aquatic habitats during rail breeding season will be trained and supervised by a USFWS- and CDFW-approved rail biologist.
 - If any activities will be conducted during the rail breeding season in Ridgway's rail- or black rail-occupied marshes, biologists will have maps or GPS locations of the most current occurrences on the site and will proceed cautiously and minimize time spent in areas where rails were detected.
- For vegetation management activities in suitable habitat for Ridgway's rail or black rail, the following measures will be implemented:

- Any herbicides to be used will be EPA-certified for use in/adjacent to aquatic environments.
- Vegetation management activities will be limited to areas outside of tidal marsh and non-tidal pickleweed marsh habitats.

Biological Recourses (BIO-4a): Avoidance and Minimization Measures for Salt Marsh Harvest Mouse

44. A USFWS and CDFW-approved biologist, with knowledge of and experience with salt marsh harvest mouse habitat requirements, will conduct pre-construction surveys for the species and identify and mark suitable salt marsh harvest mouse marsh habitat prior to project initiation.
45. Ground disturbance to suitable salt marsh harvest mouse habitat (including, but not limited to pickleweed, and emergent salt marsh vegetation including bulrush and cattails) will be avoided to the extent feasible. Where salt marsh harvest mouse habitat cannot be avoided - such as for channel excavation, access routes and grading, or anywhere else that vegetation could be trampled or crushed by work activities - vegetation will be removed from the ground disturbance work area plus a 10-foot buffer around the area, as well as any access routes within salt marsh harvest mouse habitat, utilizing mechanized hand tools or by another method approved by the USFWS and CDFW. Vegetation height shall be maintained at or below 5 inches above ground. Vegetation removal in salt marsh harvest mouse habitat will be conducted under the supervision of the USFWS- and CDFW-approved biologist.
46. To protect salt marsh harvest mouse from construction-related traffic, access roads, haul routes, and staging areas within 200 feet of salt marsh harvest mouse habitat will be bordered by temporary exclusion fencing. The fence should be made of a smooth material that does not allow salt marsh harvest mouse to climb or pass through, of a minimum above-ground height of 30 inches, and the bottom should be buried to a depth of at least 6 inches so that mice cannot crawl under the fence. Any supports for the salt marsh harvest mouse exclusion fencing (e.g., t-posts) will be placed on the inside of the project area. The last 5 feet of the fence shall be angled away from the road to direct wildlife away from the road. A USFWS- and CDFW-approved biologist with previous salt marsh harvest mouse experience will be on site during fence installation and will check the fence alignment prior to vegetation clearing and fence installation to ensure no salt marsh harvest mice are present.

47. All construction equipment and materials will be staged on existing roadways and away from suitable wetland habitats when not in use.
48. Vegetation shall be removed from all non-marsh areas of disturbance (driving roads, grading and stockpiling areas) to discourage presence of salt marsh harvest mouse.
49. A USFWS- and CDFW-approved biologist with previous salt marsh harvest mouse monitoring and/or surveying experience will be on site during construction activities occurring in suitable habitat. The biologist will document compliance with the project permit conditions and avoidance and conservation measures. The USFWS-and CDFW-approved biologist has the authority to stop project activities if any of the requirements associated with these measures is not being fulfilled. If salt marsh harvest mouse is observed in the work area, construction activities will cease in the immediate vicinity of the salt marsh harvest mouse. The individual will be allowed to leave the area before work is resumed. If the individual does not move on its own volition, the USFWS-approved biologist would contact USFWS (and CDFW if appropriate) for further guidance on how to proceed.
50. If the USFWS- and CDFW-approved biologist has requested work stoppage because of take of any of the listed species, or if a dead or injured salt marsh harvest mouse is observed, the USFWS and CDFW will be notified within one day by email or telephone.
51. For vegetation management activities in suitable habitat for salt marsh harvest mouse, the following measures shall be implemented:
 - Any herbicides to be used will be EPA certified for use in/adjacent to aquatic environments.
 - Work in upland habitat within 100 feet of salt marsh harvest mouse habitat will be scheduled to avoid extreme high tides when there is potential for salt marsh harvest mouse to move to higher, drier grounds, such as ruderal and grassland habitats.

Biological Recourses (BIO-4b): Avoidance and Minimization Measures for Bats

52. No more than 5 calendar days prior to construction activities, a qualified biologist who is experienced with bat surveying techniques, behavior, roosting habitat, and identification of local bat species shall conduct a pre-construction habitat

assessment of the project site to characterize potential bat habitat and identify potentially active roost sites. No further action is required if the pre-construction habitat assessment does not identify bat habitat or signs of potentially active bat roosts within the project site (e.g., guano, urine staining, dead bats, etc.).

53. If the surveying biologist identifies potential roosting habitat or potentially active bat roosts within or in the immediate vicinity of the project site, including trees that could be trimmed or removed under the project, the following measures shall be implemented:
- 1) Removal of or disturbance to trees identified as potential bat roosting habitat or active roosts shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid bat maternity roosting season (approximately April 15 to August 31) and period of winter torpor (approximately October 15 to February 28).
 - a. If removal of- or disturbance to trees identified as potential bat roosting habitat or active roosts during the periods when bats are active is not feasible, a qualified biologist will conduct pre-construction surveys within 5 calendar days prior to disturbance to further evaluate bat activity within the potential habitat or roost site.
 - b. If active bat roosts are not identified in potential habitat during pre-construction surveys, no further action is required prior to removal of- or disturbance to trees within the pre-construction survey area.
 - c. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species.
 - i) If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist. Such measures may include postponing the removal of or disturbance to trees, or establishing exclusionary work buffers while the roost is active. A minimum 100-foot no disturbance buffer shall be established around special-status species, maternity, or hibernation roosts until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer may be adjusted by the qualified

biologist, in coordination with CDFW, depending on the species present, roost type, existing screening around the roost site (such as dense vegetation), as well as the type of construction activity that would occur around the roost site, and if construction would not alter the behavior of the adult or young in a way that would cause injury or death to those individuals. Active maternity roosts shall not be disturbed without advance CDFW approval until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.

- ii) If a common species, non-maternity or hibernation roost (e.g., bachelor daytime roost) is identified, disturbance to- or removal of trees or structures may occur under the supervision of a qualified biologist as described under 2) below.
- 2) The qualified biologist shall be present during tree disturbance or removal if active non-maternity or hibernation bat roosts or potential roosting habitat are present. Trees with active non-maternity or hibernation roosts of common species or potential habitat shall be disturbed or removed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50°F to ensure bats are active and can abandon any potential roosts as disturbance from the clearing activities occurs, and when wind speeds are less than 15 mph.

Trimming or removal of trees with active (non-maternity or hibernation) or potentially active roost sites of common bat species shall follow a two-step removal process:

- a. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using hand tools (e.g., chainsaws).
- b. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using hand tools or other equipment (e.g. excavator or backhoe).
- c. All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to

escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.

- 3) Bat roosts that begin during construction are presumed to be unaffected as long as a similar type of construction activity continues, and no buffer would be necessary. Direct impacts on bat roosts or take of individual bats will be avoided.

Biological Recourses (BIO-5a): Salvage and Reintroduction of Creeping Wildrye Grassland

The following measures shall be implemented prior to construction to avoid or minimize impacts to creeping wildrye grassland within the project site.

54. A qualified botanist shall identify the boundaries of creeping wildrye grassland within the project site during the flowering season (between June and July) and prior to site grading. Boundaries of this sensitive natural community shall be mapped and flagged for avoidance, if feasible.
55. Where avoidance of this community is infeasible, the perennial grasses shall be harvested at the appropriate time and under the direction of the qualified botanist from locations where grading and/or ground disturbance will occur within the project site.
56. Harvested grasses shall be stored for reintroduction into suitable habitat within upland portions of the project site that will be preserved as open space.
57. The project applicant shall contract a qualified restoration ecologist to prepare a Monitoring Plan for relocated / transplanted creeping wildrye grasses within the project site. The plan shall detail methods and location for relocating or reintroducing the grasses, success criteria, monitoring methods and maintenance for successful establishment, reporting protocols, and contingency measures to be implemented if the initial mitigation fails. The plan shall be developed in coordination with the appropriate agencies prior to the start of local construction activities, with the objective of providing equal or better habitat and populations than the impacted area(s). The recommended success criteria for relocated plants shall be 1:1 ratio [number of plants established: number of plants impacted] after two years, unless otherwise specified by CDFW. The plan shall be submitted to the County and CDFW prior to the start of local construction activities within the creeping wildrye grassland.

58. Monitoring reports shall include photo-documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the monitoring plan.

Biological Recourses (BIO-5b): Enhancement and Creation of Valley Oak Woodland

59. The project applicant shall mitigate for temporary disturbance of oak woodland in support of the project through restoration or preservation / enhancement / creation of oak woodland at a ratio of 1:1 (restored/enhanced/preserved area: impacted area) through one of the following options:
- 1) Planting replacement trees within the project site on areas of the hill that will be preserved as open space following development. The project sponsor shall contract with a qualified restoration ecologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) for oak woodland habitat to be restored as part of the project. The HMMP would be subject to approval by Contra Costa County. The HMMP shall include a detailed description of restoration/ enhancement/preservation actions proposed such as a planting plan, a weed control plan to prevent the spread of invasive and non-native species within restored areas, and erosion control measures to be installed around the restored area following mitigation planting to avoid or minimize sediment runoff throughout the project site; restoration performance criteria for the restored area that establish success thresholds over a period of 5 years; and proposed monitoring/maintenance program to evaluate the restoration performance criteria, under which progress of restored areas are tracked to ensure survival of the mitigation plantings. The program shall document overall health and vigor of mitigation plantings throughout the monitoring period and provide recommendations for adaptive management as needed to ensure the site is successful, according to the established performance criteria. An annual report documenting the results and providing recommendations for improvements throughout the year shall be provided to the County.

In designing the Tree Replacement Plan, the arborist shall review the final project grading plans to ensure that adequate tree preservation methods, guidelines, and conditions are in place. The project arborist shall host pre-demolition meetings with the general contractor and demolition contractor to determine clearance pruning, stump removal techniques, fencing placement and, timing to establish a Tree Protection Zone (TPZ). The arborist shall conduct post-demolition meetings to review and confirm tree protection fencing for grading and construction. All vehicles, equipment,

and storage of job site materials and debris, shall be kept outside of the TPZ. The arborist shall incorporate standard protocols set forth in the American National Standards Institute (ANSI) *A300 Construction Management Standard, Part 5 and the International Society of Arboriculture's Best Management Practices: Managing Trees During Construction*.

- 2) Paying an in-lieu fee to a natural resource agency or a non-profit organization that would use the fees to protect or enhance oak woodland habitat of the region. If an in-lieu fee is used for mitigation, the amount of the in-lieu fee shall be determined either by calculating the value of the land with oak woodland habitat proposed for removal, or by some other calculation. An alternate calculation shall reflect differences in the quality of habitat proposed for removal, and may consider the cost of comparable habitat (fee title or easement) in nearby areas. The amount of the in-lieu fee and entity receiving the funds shall be subject to review and approval by Contra Costa County.

Biological Recourses (BIO-6a): Protection of Jurisdictional Wetlands and Other Waters

For project development within or adjacent to state and federal jurisdictional wetlands and waters, protection measures shall be applied to protect these features. These measures shall be implemented prior to and throughout all site disturbance and construction activities and shall include the following:

60. An updated wetland delineation shall be submitted to USACE for verification to establish the boundaries and current jurisdictional status of the aquatic features in the site. The verified wetland delineation shall be used to quantify the project impacts to aquatic resources for permitting purposes.
61. To the maximum extent feasible, project construction activities within or adjacent to wetlands or waters shall be conducted during the dry season (between June 15 and October 15) and the disturbance footprint shall be minimized in these areas.
62. Stabilize disturbed, exposed slopes immediately upon completion of construction activities (e.g., following cut and fill activities and installation of bioretention pond infrastructure) to prevent any soil or other materials from entering aquatic habitat. Plastic monofilament of any kind (including those labeled as biodegradable, photodegradable, or UV-degradable) shall not be used. Only natural burlap, coir, coconut or jute wrapped fiber rolls and mats shall be used.

63. A protective barrier (fence) shall be erected around any wetlands or waters designated for complete avoidance in project construction plans and regulatory permits to isolate it from construction or other ground-disturbing activities.
64. A fencing material meeting the requirements of both water quality protection and wildlife exclusion may be used. Fences must be properly installed with final approval by a County representative, including adequate supports or wire backing for use if windy conditions are anticipated, and with the lower edge keyed in to the soil to ensure a proper barrier. Signage shall be installed on the fencing to identify sensitive habitat areas and restrict construction activities.
65. No equipment mobilization, grading, clearing, or storage of vehicles, equipment or machinery, or similar activity shall occur until a County representative has inspected and approved the wetland protection fence.
66. The project proponent shall ensure that the temporary fence is continuously maintained until all construction or other ground-disturbing activities are completed.
67. Drip pans and/or liners shall be stationed beneath all equipment staged nearby jurisdictional features overnight to minimize spill of deleterious materials into jurisdictional waters. Equipment maintenance and refueling in support of project implementation shall be performed in designated upland staging areas and work areas, and spill kits shall be available on-site. Maintenance activity and fueling must occur at least 100 feet from jurisdictional wetlands and other waters or farther as specified in the project permits and authorizations.

Biological Recourses (BIO-6b): Permits and Compensation for Impacts to Wetlands and Waters

68. Prior to and throughout site disturbance and construction activities, to offset unavoidable permanent impacts to approximately 0.02 acres of the side-hill seep and the fill of less than 0.1 acres for construction of the storm drain outfall along the bank of Pacheco Creek, the project applicant shall secure the appropriate permits and provide compensatory mitigation as determined by the regulatory agencies with jurisdiction over the impacted aquatic resources during the permitting process. To establish the jurisdictional status of the various aquatic features in the site, the updated wetland delineation will be submitted to USACE for verification. The necessary permits will depend on the jurisdictional status of the features. While the outfall in Pacheco Creek is expected to require permits from USACE (Nationwide 7), CDFW (1602 Streambed Alteration Agreement), and

RWQCB (401 Certification), the permitting scenario of the side-hill seep is less predictable. It is possible USACE will verify this feature as outside Clean Water Act jurisdiction due to spatial and hydrological isolation from other Waters of the U.S. If the seep is verified as non-jurisdictional, the Regional Water Quality Control Board Water would be expected to issue a Notice of Applicability to authorize its fill pursuant to Water Quality Order No. 2004-0004-DWQ.

At a minimum, or as determined by the USACE, compensation acreage for impacted wetlands and waters would meet a 1:1 ratio (created/restored/enhanced: impacted) to achieve no net loss of aquatic resources. Compensation may include on-site or off-site creation, restoration, or enhancement of jurisdictional resources, as determined by the permitting agencies. On-site or off-site creation/restoration/enhancement plans must be prepared by a qualified biologist prior to construction, include a planting plan and planting methods, monitoring and reporting requirements, performance criteria (e.g., species diversity and vegetative cover thresholds), and maintenance requirements, and is subject to review and modification by resource agency permits. Implementation of creation/restoration/enhancement activities by the project applicant (or permittee) shall occur prior to project impacts, whenever possible, to avoid temporal loss. On- or off-site creation/restoration/enhancement sites shall be monitored by the applicant for at least five years to ensure their success, or as otherwise required by resource agencies.

Cultural Recourses (CUL-1a): Prehistoric and/or Historic-Period Archaeological Resources

69. If prehistoric or historic-period archaeological resources are encountered during project implementation, including ground disturbance associated with project construction, all construction activities within 100 feet shall halt, and a qualified archaeologist, defined as an archaeologist meeting the U.S. Secretary of the Interior's Professional Qualification Standards for Archeology, shall inspect the find within 24 hours of discovery and notify the County of their initial assessment. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.

If the County determines, based on recommendations from a qualified archaeologist and a Native American representative (if the resource is Native American-related), that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5) or a tribal cultural resource (as defined in PRC Section 21080.3), the resource shall be avoided if feasible. If avoidance is not feasible, the County shall consult with appropriate Native American tribes (if the resource is Native American-related), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2, and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource, determined by a qualified professional or California Native American tribe, as is appropriate (according to PRC Section 21084.3). All significant cultural materials recovered shall, at the discretion of the consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

In considering any suggested mitigation proposed by the consulting professional to mitigate impacts to cultural resources, the County shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures, such as data recovery, shall be instituted. The resource shall be treated with the appropriate dignity, taking into account the resource's historical or cultural value, meaning, and traditional use, as determined by a qualified professional or California Native American tribe, as is appropriate. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. All significant cultural materials recovered shall, at the discretion of the consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards. At the County's discretion, all work performed by the consulting professional shall be paid for by the proponent and at the County's discretion, the professional may work under contract with the County.

Cultural Recourses (CUL-1b): Discovery or Recognition Human Remains During Construction Activities

In the event of discovery or recognition of any human remains during construction activities, the following steps shall be taken:

70. There shall be no further excavation or disturbance of the location where human remains are found or within 100 feet until:
- a) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - b) If the coroner determines the remains to be Native American:
 - i) The coroner shall contact the Native American Heritage Commission within 24 hours;
 - ii) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
 - iii) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work 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; or
71. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:
- a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;
 - i) The identified descendant fails to make a recommendation; or
 - ii) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Geology and Soils (GEO-1): Grading Plans

72. At least 60 days prior to issuance of grading permits: The project applicant shall include in the project's preliminary grading plan the recommendations made in Engeo's Geotechnical Exploration Bay View Subdivision report dated August 15, 2003, the Geotechnical Review of Rough Grading Plan and Supplemental Recommendations dated June 27, 2006, and supplemental Plan Review and Response to Peer Review Comments Memo dated June 19, 2019, and Response to CCCFCD Comments Regarding Geotechnical Feasibility Bayview dated May 29, 2020, except as superseded by specific geotechnical recommendations related to engineering or the physical aspects of project construction in the Geologic Peer Reviews dated August 9, 2006, April 14, 2006 and June 30, 2020 by Darwin Myers Associates (DMA) on behalf of the County, to the extent that all recommendations apply to the proposed grading plan. These recommendations include oversight of grading operations which shall be conducted by a California Certified Engineering Geologist or Registered Professional Geotechnical Engineer.

The final grading plans shall be in accordance with the Contra Costa County Grading Ordinance (Title 7 Division 716) and reviewed and approved by the Contra Costa Department of Conservation and Development prior to the commencement of project construction. If any slopes or areas of concern are observed to be unstable during grading, the California certified engineering geologist or registered professional geotechnical engineer shall oversee the removal of the suspected material and reconstruction of the slope as a buttress fill slope with engineered slope stabilization features such as geogrid reinforcement.

Geological Reports shall be reviewed by the County's Peer Review Geologist (Fee: \$3,600 + time-and-materials costs).

Prior to issuance of residential building permits: Final inspection of excavated slopes and graded slopes shall be completed by a California certified engineering geologist or registered professional geotechnical engineer with knowledge of the project conditions. The slope stability considerations for the site shall be submitted to and approved of by the Contra Costa Department of Conservation and Development prior to the commencement of project construction.

Geology and Soils (GEO-2): Design-level Geotechnical Investigation

73. At least 60 days prior to issuance of grading permits: The project applicant shall prepare and submit to the County a site-specific, design level geotechnical

investigation for the project. The investigation shall analyze expected ground motions at the site from known active faults in accordance with the 2019 California Building Code ("Title 24"), which requires that all designs accommodate ground accelerations expected from known active faults. The investigation shall review improvement and grading plans and update geotechnical design recommendations for proposed walls, foundations, foundation slabs and surrounding related improvements (e.g., utilities, roadways, parking lots and sidewalks) including maintaining pipeline safety for existing pipelines. The report shall be subject to technical review and approval by a California certified engineering geologist or registered professional geotechnical engineer.

All recommendations by the engineering geologist and/or geotechnical engineer shall be incorporated into the final design. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase, shall be incorporated in the project, all foundations and other project structures must comply with the performance standards set forth in the California Building Code. The final seismic considerations for the site shall be submitted to and approved of by the Contra Costa Department of Conservation and Development prior to the commencement of project construction.

Geological Reports shall be reviewed by the County's Peer Review Geologist (Fee: \$3,600 + time-and-materials costs).

Geology and Soils (GEO-3): Fill Placement

74. The project applicant shall incorporate the geotechnical recommendations pertaining to proposed fill placement and site preparation including the fill transition zone areas for the grading plan for the project, as specified in Engeo's Geotechnical Exploration Bay View Subdivision report dated August 15, 2003, and the Geotechnical Review of Rough Grading Plan and Supplemental Recommendations dated June 27, 2006, and supplemental Plan Review and Response to Peer Review Comments Memo dated June 19, 2019 and Response to CCCFCD Comments Regarding Geotechnical Feasibility dated May 29, 2020, except as superseded by specific geotechnical recommendations related to engineering or the physical aspects of project construction in the Geologic Peer Reviews dated August 9, 2006, April 14, 2006, and June 30, 2020 by Darwin Myers Associates (DMA) on behalf of the County. In addition, the project applicant shall adhere to County grading and construction policies to reduce the potential for geologic hazards, including settlement and differential settlement. All construction activities and design criteria shall comply with applicable codes and

requirements of the 2019 California Building Code ("Title 24"). The final grading plan reflecting the applicant recommendation for the site pertaining to fill placement shall be submitted to and approved by the Contra Costa Department of Conservation and Development prior to the commencement of project construction.

Geology and Soils (GEO-4): Terraced Slopes/Drainage

75. The project applicant shall ensure routine inspections and maintenance of terraced slopes conducted by qualified professionals. Maintenance measures shall include maintaining vegetative cover of exposed slopes upland of the proposed development after construction, for the operational life of the project, consistent with the provisions of the project's SWPPP, as identified in Section 4.7, Hydrology and Water Quality, if this EIR. Drainage conveyances on the cut terraces shall be maintained to ensure a minimum of 85 percent of total conveyance capacity, as specified in the Stormwater Management Facilities Operation and Maintenance Agreement. Any evidence of gully or rill erosional effects shall be remedied immediately by the project applicant through additional hydroseeding or other industry standard measures and best practices for erosion control.

Geology and Soils (GEO-5): Treatment of Paleontological Resources

76. If paleontological resources are encountered, all construction activities within 100 feet shall halt and the County shall be notified. A qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards shall inspect the findings within 24 hours of discovery. If it is determined that the project could damage a paleontological resource or a unique geologic feature (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified paleontologist shall prepare and implement a detailed treatment plan in consultation with the County. Treatment of unique paleontological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the

portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

Greenhouse Gas Emissions (GHG-1): GHG Emissions Reduction Plan

77. Prior to the County's approval of the first building permit for the project, the project applicant shall submit to the County a "GHG Emissions Reduction Plan" ("Plan") for implementation over the useful life of the project (generally estimated to be at least 30 years) in accordance with the requirements of this mitigation measure. The Plan shall document the GHG reduction measures that will be combined and implemented to achieve the required emissions reduction of at least 182 MT CO₂e /year, and a quantification of the emissions reductions achieved with the combination of measures identified in the Plan.
- a) On-Site Reduction Measures. The project applicant shall implement any combination of the following GHG emissions reduction measures to, cumulatively, achieve the required emissions reduction of at least approximately 182 MT CO₂e /year to achieve the GHG efficiency target of 3.86 MTCO₂e/SP.
 - i) Meet the project's electricity demand with rooftop solar PV and/or through purchase of 100% zero-carbon electricity. The project will purchase 100% zerocarbon electricity (e.g., through MCE's "Deep Green" or "Local Sol" plans, or through PG&E's "Solar Choice" plan).
 - ii) Electrification. The project applicant shall demonstrate on project plans submitted to the County for review and approval that each of the 144 homes include electric heating and cooling or all loads, and will either use additional on-site solar or purchase 100 percent zero-carbon electricity (e.g., through MCE's "Deep Green" or "Local Sol" plans or PG&E's "Solar Choice" plan). Alternatively, default gridsupplied electricity would be incorporated into the project.
 - iii) Hearth Reduction. The project applicant shall demonstrate on project plans submitted to the County for review and approval that hearths will not be installed in any of the project homes.
 - iv) EV Chargers and Promotion.

- The project applicant shall demonstrate on project plans submitted to the County for review and approval the proposed installation of residential electrical vehicle (EV) chargers in at least 100 of the 144 homes. This mitigation involves measures beyond the required installation of charging capability (i.e., wiring) required by CALGreen Building Code.
 - The project applicant shall submit to the County promotional materials that specifically promote EV use through messaging (e.g., flyers, fact sheets), vehicle subsidies, and/or test-drive events specific for residents of project homes. The project applicant shall also submit to the County documents that quantify the number or rate of EV ownership and for all project homes for the prior year.
 - The target for this measure is that at least 50 percent of residents with EV chargers (corresponding to 35 percent of project households) own an EV and use the EV for 80 percent of household driving by 2035, however, this target may vary depending on the level of implementation and resulting emissions reduction achieved by other measures in this mitigation measure.
- v) Additional Energy Measures-High-Efficiency Appliances. Throughout occupancy of the project, and if appliances are offered by homebuilders, the Project applicant shall offer homebuyers Energy Star-rated high-efficiency appliances (or other equivalent technology) that have efficiency levels at or above measures required by CALGreen, for installation in project homes.
- b) Implementation, Monitoring, and Enforcement. The project applicant shall implement the approved GHG Reduction Plan (Plan) throughout operation of the project.
- On-site Measures. For physical GHG reduction measures to be incorporated into the design of the project (Mitigation Measures GHG-1a), the measures shall be included on the drawings and submitted to the County Planning Director or his/her designee for review and confirmation prior to issuance of the first grading and/or building permit for horizontal construction of each of the up to three development phases proposed. The County Planning Director or his/her designee shall confirm completion of the implementation of these measures as part of the final inspection and prior to issuance of

the final certificate of occupancy (CO) for each development phase of the project. For operational GHG reduction measures (Mitigation Measures GHG-1a), the measures shall be implemented on an indefinite and ongoing basis, as described below in Reporting and Monitoring of this mitigation measure:

- Reporting. The project applicant shall submit a GHG Reduction Report (Report) to the County Planning Director or his/her designee within one year after the County issues the final CO for each development phase of the project. The report shall summarize the project's implementation of GHG reduction measures, over past, current, and anticipated project phases, if applicable; describe compliance with the conditions of the Plan; show calculations of the emissions reduction achieved toward the minimum reduction required (182 MT CO₂e /year); and include a brief summary of any revisions to the Plan since any previous report was submitted.
- Monitoring. The County or its designee shall review the report to verify that the Plan is being implemented in full and monitored in accordance with the terms of this mitigation measure. The Plan shall be considered fully attained when the County or its designee makes the determination, based on substantial evidence, that the proposed project has achieved the required emissions reduction of at least approximately 182 MT CO₂e /year and is unlikely to exceed the applicable significance threshold at any time in the future, after implementation of this mitigation.
- Enforcement: Notwithstanding the foregoing, the County retains its discretion to enforce all mechanisms under the Municipal Code and other laws to enforce non-compliance with the requirements of this mitigation measure. The County retains the right to request a Corrective Action Plan if the report is not submitted, or if the GHG Reduction Measures in the Plan are not being fully implemented and/or maintained, and also retains the right to enforce provisions of that Corrective Action Plan if specified actions are not taken or are not successful at addressing the violation within the specified period of time. The County shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.

Noise (NOI-1): Temporary Construction Noise

78. Prior to issuance of grading and/or building permits, the applicant shall create and implement a developments-specific noise-reduction plan to reduce noise at sensitive receptors along Central Avenue to below 75 dBA Lmax, which shall be enforced via contract specifications. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce construction-related noise to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. Examples of measures that can effectively reduce noise impacts include locating equipment in shielded and/or less noise-sensitive areas, selection of equipment that emits low noise levels, and/or installation of noise barriers such as enclosures to block the line of sight between the noise source and the nearest receptors. Other feasible controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical equipment screen walls. In addition, the applicant shall require contractors to limit construction activities in the northernmost 500 feet of the project site to daytime hours between 8:00 am and 5:00 pm Monday through Friday. The plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan.

Public Services (PUB-1): Fire Protection and Emergency Medical Services

79. The project applicant shall equip all dwelling units with residential automatic fire sprinkler systems, complying with the 2016 edition of the National Fire Protection Association Standard 13D, or otherwise most current edition, subject to the review and approval of the Contra Costa County Fire Protection District.

Transportation (TRF-1): Construction Management and Traffic Control

80. Prior to issuance of grading and/or building permits, the project applicant and construction contractor(s) shall develop and submit a Construction Management and Traffic Control Plan for the review and approval of the County's Public Works Department. The Construction Management and Traffic Control Plan shall be submitted to the Public Works Department a minimum of 60 days prior to the initiation of construction activities:
- A set of comprehensive traffic control measures, including scheduling of major truck trips to avoid peak traffic hours, types of vehicles and maximum speed limits for each type of vehicle, expected daily truck trips, staging areas, emergency routes and access, detour signs if required, lane closure

procedures, flag person requirements, signs, cones for drivers, a street sweeping plan and designated construction access routes.

- Identification of roadways to be used for the movement of construction vehicles to minimize impacts on motor vehicle, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area.
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur.

Transportation (TRF-2): Construction Routes and Road Maintenance

81. Prior to issuance of grading and/or building permits and prior to commencement of project construction activities, which would include any construction-related deliveries to the site, the project applicant shall document to the satisfaction of the Contra Costa County Public Works Department, the road conditions of the construction route that would be used by project construction-related vehicles. The project applicant shall also document the construction route road conditions after project construction has been completed. The project applicant shall repair roads that are damaged by construction related activities to County standards and to a structural condition equal to that which existed prior to construction activity. As a security to ensure that damaged roads are adequately repaired, the project applicant shall make an initial monetary deposit, in an amount to be determined by the Department of Public Works, to an account to be used for roadway rehabilitation or reconstruction. If the County must ultimately undertake the road repairs, and repair costs exceed the initial payment, then the project applicant shall pay the additional amount necessary to fully repair the roads to pre-construction conditions.

Transportation (TRF-3): Transportation and Parking Demand Management (TDM)

82. Prior to issuance of building permits, the project applicant shall develop a TDM program for the proposed project, including any anticipated phasing, and shall submit the TDM Program to the County Department of Conservation and Development for review and approval. The TDM Program shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. The TDM Program shall be designed to achieve the trip reduction, as required to reduce the VMT per resident from 20.6 to 16.5, to the extent feasible, consistent with a 20 percent

reduction in the near-term. Trip reduction strategies may include, but are not limited to, the following:

- Pedestrian improvements, on-site or off-site, to connect to existing and planned pedestrian facilities, nearby transit stops, services, schools, shops, etc.
- Bicycle network improvements, on-site or off-site, to connect to existing and planned bicycle facilities, nearby transit stops, services, schools, shops, etc.
- Enhancements to bus service during peak commute times.
- Compliance with a future County VMT/TDM ordinance.
- Participation in a future County VMT fee program.

Transportation (TRF-4): Palms Drive and Central Avenue Road Improvements

83. Pursuant to timing deemed appropriate by the County and in accordance with County requirements and design standards, the project applicant will provide even surface pavement, appropriate signage, delineation, and other features on Palms Drive (and Central Avenue if it becomes a public street) to improve vehicle transportation conditions and eliminate obstacles (or hazards).

Transportation (TRF-6): Pedestrian and Bicycle Infrastructure

84. Pursuant to timing deemed appropriate by the County and in accordance with County requirements and design standards, the project applicant shall provide:
- Continuous sidewalks on at least one side of Palms Drive and Central Avenue to connect the project site to the existing pedestrian facilities on Arthur Road to improve pedestrian transportation conditions.
 - Even surface pavement, appropriate signage, delineation, and other features on Palms Drive and Central Avenue to improve bicycle transportation conditions.
 - Sidewalks for all streets within the project site including facilities on both sides of each street and curb ramps at each street intersection.

Transportation (TRF-7): Emergency Vehicle Access

85. Pursuant to timing deemed appropriate by the County and in accordance with County requirements and design standards, the project applicant shall provide even surface pavement, appropriate signage, delineation, and other features on Palms Drive and Central Avenue to accommodate emergency vehicles.

Hazards and Hazardous Materials (HAZ-1): Construction Best Management Practices (BMPs)

86. During all phases of construction and grading, the use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects of accidental release of hazardous materials to groundwater and soils. These shall include the following:
- 1) Follow manufacturer’s recommendations on use, storage and disposal of chemical products used in construction;
 - 2) Avoid overtopping construction equipment fuel gas tanks;
 - 3) During routine maintenance of construction equipment, properly contain and remove grease and oils; and
 - 4) Properly dispose of discarded containers of fuels and other chemicals.

Hazards and Hazardous Materials (HAZ-2): Accidental Upset – Pipelines

87. The project shall ensure the following fill and excavation parameters are met to reduce the risk of damage to pipelines:
- 1) Prior to issuance of grading permits and before the commencement of any grading activities, the tops of the five pipelines shall be accurately located on site, and confirmed to be a minimum of 6 feet below the existing ground surface. If it is determined that the any pipeline top is less than six feet below the surface, and will be at risk of impact during proposed grading excavation, one of the following additional safety measures shall be undertaken: deepening the pipeline, providing mechanical protection such as steel or concrete barriers, or elevating the proposed final road elevation.
 - 2) Maximum fill heights over the Santa Fe Pacific Partners L.P. (“SFPP”); Kinder Morgan Energy Partners, L.P (“KMP”); and Crimson-Chevron KLM (“KLM”) and Chevron pipelines shall exert a calculated stress of more than what the pipelines can safely tolerate, as determined by a professional engineer in accord with applicable industry standards and safety regulations based on observed pipe material and other factors.
 - 3) Prior to final design and construction, a refined analysis of field determined bay mud thickness and bay mud consolidation properties shall be conducted.

Though not anticipated, if bay mud is found to exert a calculated stress of more than what the pipeline can safely tolerate, as determined by a professional engineer in accord with applicable industry standards and safety regulations based on observed pipe material and other factors, then one or both of the following additional safety measures shall be undertaken: reduce proposed fill thickness or use lightweight fill such as cellular concrete or Geofoam encasement (or its equivalent).

- 4) The as-built burial depths of the pipelines and the final proposed subgrade elevations shall result in all pipelines having a minimum burial depth in accord with prevailing regulatory code or pipe owner requirement, whichever is more stringent. If any pipeline does not have a cover in accordance with regulatory minimums, one of the following additional safety measures shall be undertaken: deepening the pipeline, providing mechanical protection such as steel or concrete barriers, or elevating the proposed final road elevation.

Street Names

88. **At least 30 days prior to filing the Final Map**, proposed street names (public and private) shall be submitted for review by the Department of Conservation and Development, Graphics Section. Alternate street names should be submitted. The Final Map cannot be certified by CDD without the approved street names.

Development Standards, Design and Architecture, Landscape Plans, and Fencing

89. Compliance with the final development plan and design standards, dated August 3, 2021 ("Design Standards") shall be required for construction of new homes, or any subsequent building footprint alteration. The Design Standards include minimum setbacks for the lots, as well as building heights. The Community Development Division (CDD) shall review proposed architectural plans for new house construction or subsequent building footprint alteration to confirm compliance prior to issuance of a building permit. Any future amendments to the Design Standards shall require CDD review and approval. The Design Standards shall be included in the CC&Rs. The Design Standards shall be enforceable by CDD.

The architecture elevations and street landscape for the production homes shall provide articulation along the streetscape on straight roads sufficient to avoid a visually linear appearance.

As provided for in the Design Standards, there shall be 5 home plans/designs (1 single-story and 4 two-story homes) with 3 variations for each plan. The Bayview

Estates development standards shall generally be as indicated in the August 3, 2021 Design Standards:

Min. Lot Size	6,000 sf
Front Setback (House)	15 ft
Front Setback (Garage)	20 ft (front access)
Front Setback (Garage)	15 ft (side access)(Plan 5)
Front Setback (Porch)	10 ft
Side Setback	5 ft (10 ft Street side on corner lots)
Rear Setback	15 ft

Maximum heights shall be pursuant those shown in the Design Standards for each home plan/design.

90. **At least 30 days prior to the issuance of building permits**, the applicant shall submit floor plans and elevations (showing building height) for the models of the production homes for the review and approval of the CDD. The models of the production homes shall comply with the design standards indicated above.
91. **At least 30 days prior to issuance of building permits**, the applicant shall also submit a fencing plan for the whole of the Bayview Estates Residential Project for the review and approval of the CDD.
92. **Prior to recording of the final map**, a Final Landscape Plan for the landscaping of common areas of the subdivision shall be submitted for the review and approval of the CDD. The plan shall be prepared by a licensed landscape architect, and must comply with the state's Model Water Efficient Landscape Ordinance, or the county's Water Efficient Landscape Ordinance if the county's ordinance has been adopted.
93. Prior to issuance of grading permits and/or building permits for residential development of each lot, a Final Landscape Plan that has been prepared by a licensed landscape architect shall be submitted for the review and approval of the CDD. The plan must comply with the state's Model Water Efficient Landscape Ordinance, or the county's Water Efficient Landscape Ordinance if the county's ordinance has been adopted, and shall be installed prior to occupancy of the building permit for that lot.

Homeowners Association and Conditions, Covenants, and Restrictions (CC&Rs)

94. **Prior to Recordation of the Final Map**, a homeowners association (HOA) shall be formed for the ownership and maintenance (through homeowners assessments) of all common areas including private streets, common landscaping, drainage and, stormwater control devices. An HOA shall be created and the Covenants, Conditions and Restrictions (CC&R) and can be recorded concurrently with the final map. The CC&Rs shall be submitted for review and approval of the CDD. This document shall provide for the creation of an HOA that is responsible for maintenance of the private streets, drainage, and retaining walls, landscaping/common areas. During long-term operation of the storm drain system, the HOA shall be responsible for hiring a contractor to complete regular maintenance activities, such as de-silting culverts and removing vegetation and debris from storm drain inlets, to assure that facilities are operating at their design capacities and to prevent on-site and downstream drainage/flooding problems. The HOA shall be responsible for maintenance of all common subdivision drainage devices and all stormwater treatment facilities required for compliance with Provision C.3 of the county's Municipal Regional Permit that regulates stormwater discharge.

GHAD Annexation/Creation

95. **Prior to filing the first Final Map**, in addition to other requirements, the Applicant or property owner shall identify an existing Geologic Hazard Abatement District (GHAD), or establish a new GHAD for the project to address the prevention, mitigation, abatement, and control of geological hazards in accordance with Public Resources Code section 26500 et seq. ("GHAD Law"). Prior to annexation into an existing GHAD or formation of the new GHAD, a draft "Plan of Control" prepared by a Engineering Geologist certified pursuant to Section 7822 of the California Business and Professions Code shall be provided to the CDD, which shall contain the contents set forth in Public Resources Code section 26553.

Construction Period Requirements and Restrictions

96. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
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:

www.opm.gov/policy-data-oversight/pay-leave/federal-holidays/#url=2022

State Holidays:

<https://www.calhr.ca.gov/employees/pages/state-holidays.aspx>

97. Transport of heavy equipment and trucks is limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M., and is prohibited on weekends and the State and Federal holidays identified above.
98. Contractors and subcontractors shall fit all internal combustion engines on construction equipment with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and generators as far away from existing residences as possible.
99. The project proponents shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
100. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

101. The project proponents shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.

Construction and Demolition Debris

102. **At least 30 days prior to the issuance of the building and/or demolition permit(s)**, the developer shall submit a "Debris Recovery Plan" demonstrating how they intend to recycle, reuse or salvage building materials and other debris generating from the demolition of existing building and/or the construction of new buildings.

At least 30 days prior to the final inspection of the first residential unit not including models, the developer shall submit a completed "Debris Recovery Report" documenting actual debris recovery efforts including the quantities of recovered and landfilled materials) that resulted from the project.

Tree Removal and Replacement

103. The following measures are intended to provide restitution for the removal of up to 30 code-protected trees (see also Mitigation Measure BIO-5b):
- A. Tree Planting and Irrigation Plan: **Prior to tree removal**, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the restoration or preservation, enhancement, or creation of oak woodland at a ratio of 1:1 (restored/enhanced/preserved area to the impacted area) minimum 15 gallons in size (see Mitigation Measure BIO-5b). The plan shall comply with the state's Model Water Efficient Landscape Ordinance or the county's Water Efficient Landscape Ordinance, if the county's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, suitable soil preparation, installation of trees and irrigation).
 - B. Security Bonding to Assure Tree Replacement: The applicant shall submit a security that is acceptable to the CDD. The security shall be provided to ensure that the approved planting and irrigation plan is implemented. The

security shall be the amount of the approved cost estimate described in Section A. above, 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 for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.

- D. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond (or portions thereof as lot development proceeds) between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

- E. Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the CDD determines that the applicant has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented.

Tree Preservation Requirements for Trees Not to be Removed

104. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the county with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. The applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).

- A. Amount of Security: The security shall be an amount sufficient to cover:

- i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the county's Water Efficient Landscape Ordinance, if the county's ordinance has been adopted, and verification of such shall accompany the plan. If applicable, the plan shall be implemented prior to final building inspection.

If all proposed work within the driplines is to be conducted at one time, the estimated cost to prepare the plan shall provide for the planting or replacement trees, minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the CDD. If lot development occurs on an individual basis over time, the property owners of individual lots will comply with these tree permit requirements (including Sections A.ii, A.iii, B, and C below) for impacts to those trees to be preserved listed in the June 29, 2016 arborist report for their respective lots. The calculation of the number of replacement trees will then be based on the diameters listed in the June 29, 2016 arborist report, subject to review and approval of the CDD.

- ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
 - iii. An additional 20% above the costs described in Sections A.i and A.ii above to account for inflation potential.
- B. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.
- C. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the CDD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the

applicant. In the event that the CDD determines that trees intended for preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the CDD may require that all or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died.

Arborist Expenses

105. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

New Tree Permit

106. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities have been approved by the CDD under this Tree Permit. Any tree alteration, removal, or encroachment within a dripline not identified with this permit may require submittal of another Tree Permit application for review and consideration by the CDD.

Construction Restrictions Relating to Trees

107. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.

Construction Timing of the Neighborhood Park

108. The neighborhood park shall be constructed at the mid-point of site development, prior to issuance of the approximately 70th residence permit.

Park Dedication and Park Impact Fees

109. Prior to issuance of residential building permits, the applicant is required to comply with the park impact requirements of the County's Park Dedication Ordinance and shall pay the current Park Impact and Park Dedication fees (see Conditions 9 & 10 above).

Community Benefits Agreement

110. The applicant has agreed to enter into a Community Benefits Agreement with the County to fund projects benefiting the community near the project. The agreement will detail the timing and amount of the agreed-upon community benefit payments. Prior to filing of the first final map for the project, the applicant shall provide Department of Conservation and Development staff with evidence that the applicant and County have entered into a Community Benefits Agreement.

Trail Access

111. **Regional Trail Easement:** The applicant shall record an easement in favor of the County, or other public agency named by the County, granting public bicycle and pedestrian access on Central Avenue. The purpose is to enable the public to access a potential future connection to the Iron Horse Trail through a roadway and sidewalk that will be maintained by the HOA. The easement shall be granted before the first Final Map is recorded.
112. **Internal Trails:** The applicant shall provide internal walking/hiking trail access for Bayview residents for the purpose of accessing the hill within the development for recreational purposes. Hill access trails will be incorporated into the grading design of the drainage/erosion control benches. The applicant shall show the trail access on the grading plans and the plans shall be submitted to the Community Development Division for review prior to approval of site grading permits.

Off-Site Street and Sidewalk Improvements

113. **Enhanced Pedestrian Improvements Along Arthur Road Connecting to Las Juntas Elementary:** The applicant shall design and construct sidewalk and path improvements and enhanced pedestrian crosswalks along Arthur Road and Karen Lane from the intersection of Arthur Road, Leabig Lane and Palms Drive to and including the pathway from Karen Lane to Las Juntas Elementary School (collectively, "Enhanced Pedestrian Improvements"). A more precise description of the scope of the Enhanced Pedestrian improvements is provided in Attachment A to this document. The County will review and approve the project plans to be provided by the applicant. The County will provide the applicant with encroachment permits and all other authorizations necessary for applicant to construct at no charge to the applicant. The applicant will not have to obtain any

Right-of-Way, or permits, or any regulatory approvals. Applicant will not have to pay for inspections or secure bonds for these improvements. Applicant will assist the County's pursuit of any necessary authorizations from Caltrans. The Enhanced Pedestrian Improvements shall be completed prior to the issuance of the building permit for the 49th home in the project. However, the Director of Conservation and Development may authorize the issuance of additional building permits pending completion of the Enhanced Pedestrian Improvements if the Director determines, in his or her sole discretion, that the applicant has made and continues to make a good faith effort towards completion of the Enhanced Pedestrian Improvements and that the delay in completion is not due to fault of the applicant (e.g., delay in County approvals or required Caltrans authorizations).

Inclusionary Housing

114. **(A.) Inclusionary Housing Agreement:** Prior to recording the first Final Map or issuance of the first building or grading permit, whichever occurs first, the developer shall enter into an Inclusionary Housing Agreement for the on-site development and sale of five (5) inclusionary housing units affordable to moderate income households. Alternatively, the developer may satisfy this condition of approval, in whole or in part, by payment to the County of an in-lieu fee equal to \$100,000 per inclusionary housing unit that the developer elects not to develop and sell on-site.

(B.) Inclusionary Housing Plan: At least 120 days prior to filing the first Final Map for recordation or submitting an application for the first building or grading permit, whichever occurs first, the developer shall submit to the County an Inclusionary Housing Plan that includes the information identified in County Ordinance Code Section 822-4.414. The Inclusionary Housing Plan shall include whether the developer will satisfy this condition of approval, in whole or in part, by payment of an in-lieu fee.

(C.) Inclusionary Housing Unit Standards:

- 1) The project is a phased residential development. The Inclusionary Housing Units shall be constructed in proportion to the construction of the market-rate units. The parties agree that the phasing schedule for construction of the Inclusionary Housing Units will be as described in the plan.

- 2) The Inclusionary Housing Units must be dispersed throughout the residential project. The parties agree that the Inclusionary Housing Units will be located within the residential project as described in the plan.
- 3) The Inclusionary Housing Units must have access to all on-site amenities that are available to the market-rate units.
- 4) The construction quality and exterior design of the Inclusionary Housing Units must be comparable to the market-rate units. However, the Inclusionary Housing Units may be smaller in size, developed on smaller lots, and have alternative interior finishes.

(D.) Sale of Inclusionary Housing Units:

- 1) The developer will sell five (5) Inclusionary Housing Units in a condition meeting the reasonable satisfaction of the County and in accordance with the approved Inclusionary Housing Agreement.
- 2) The project is a phased residential development. The Inclusionary Housing Units shall be made available for sale in proportion to the sale of the market rate units. The developer may revise the phasing with the written consent of the County.
- 3) The initial sale of each Inclusionary Housing Unit must be at a price that does not exceed the affordable sales price to a buyer that is a moderate-income household. Notwithstanding the foregoing, the maximum affordable sales price may not exceed the appraised value of the unit.
- 4) The initial sale of an Inclusionary Housing Unit may occur only to a household that meets the following criteria:
 - The household is a Moderate Income Household;
 - The household has not owned a residence within the previous three years; and
 - The household has no more than \$250,000 in assets. This amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and assets in medical savings accounts.
- 5) Based on the information provided to the developer by the buyers of the Inclusionary Housing Units, the developer or its third-party designee will determine the income-eligibility of each buyer of an Inclusionary Housing Unit prior to permitting the buyer to purchase and occupy the Inclusionary Housing Unit. The developer will submit a completed Income Certification Form to the County not later than 30 days prior to

the close of escrow. The developer will retain all records related to income eligibility for at least five years.

- 6) Developer may independently source qualified buyers for the Inclusionary Housing Units, determine income-eligibility of such buyers, and complete the Income Certification Form, and/or developer may also hire or utilize one or more third party vendors or brokers to source qualified buyers for the Inclusionary Housing Units, determine income-eligibility of such buyers, and complete the Income Certification Form. If necessary, the County agrees to cooperate with such third parties hired by the developer.
- 7) Prior to the close of escrow for the initial sale of each Inclusionary Housing Unit, Developer shall ensure that the following documentation is entered into and/or obtained:
 - i. Appraisal. Developer shall require the buyer to obtain and deliver to developer a third party appraisal obtained by the buyer in connection with its financing of the purchase of the Inclusionary Housing Unit (or if no appraisal is required, the buyer shall nevertheless obtain a third party appraisal from a third party appraiser who regularly appraises residential real estate in Contra Costa County for institutional lenders), which appraisal shall set forth the market value of the Inclusionary Housing Unit as if the Inclusionary Housing Unit were unencumbered by this Agreement (the "Appraised Market Value"). The Appraised Market Value shall be used in connection with the calculation of amounts payable to the County under the resale restriction and memorialized by a promissory note and secured by a deed of trust.
 - ii. Resale Restriction. Developer shall ensure that the County and the buyer execute, acknowledge, and deposit into escrow for recordation against the Inclusionary Housing Unit a resale restriction. The resale restriction shall record immediately after the grant deed conveying the Inclusionary Housing Unit and before any deed of trust or other instrument securing any financing to the buyer.
 - iii. Promissory Note. Developer shall require the buyer to execute a promissory note in favor of the County that obligates the buyer to pay the County the amount required under Section 822-4.410(b)(3)

of the Ordinance. The promissory note will be subject to County's reasonable review and approval.

- iv. Deed of Trust. Developer shall ensure that the County and the buyer execute, acknowledge, and deposit into escrow for recordation against the Inclusionary Housing Unit a deed of trust to secure performance of the buyer's covenants under the resale restriction and payment of the amounts due under the promissory note. The deed of trust shall record immediately after the grant deed conveying the Inclusionary Housing Unit and concurrent with the resale restriction, subordinate only to the lien for the first mortgage loan obtained by the buyer to finance the purchase of the Inclusionary Housing Unit.

(E.) Inclusionary Housing Unit Restrictions:

- 1) In accordance with County Ordinance Code section 822-4.410(b), Inclusionary Housing Units must remain affordable to moderate income households for the term of affordability. Upon the initial sale of each Inclusionary Housing Unit, the developer will cause agreements to be recorded in the official records against the Inclusionary Housing Unit. The agreements will stipulate that the Inclusionary Housing Units are to remain affordable to moderate income households for the term of affordability of not less than 55 years. Each recorded agreement will be a covenant running with the land, binding on the assigns, heirs, and successors of the developer during the term of the resale restriction.
- 2) The buyer's first mortgage amount may not exceed the amount needed to finance the purchase of the Inclusionary Housing Unit and the buyer's closing costs. The buyer may not refinance any other debt or receive funds at the close of escrow, except to reimburse the buyer for overpayment of estimated buyer closing costs.
- 3) The initial purchaser of each Inclusionary Housing Unit must agree to occupy the unit as their principal residence for at least three years unless an emergency requires the earlier sale of the unit.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR SUBDIVISION CDSD04-08809 AND DEVELOPMENT PLAN CDDP04-03080

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the vesting tentative map prepared by Isakson & Associates dated September 25, 2020.

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

General Requirements

115. 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 prepared by Isakson & Associates dated September 25, 2020 excepting as noted below.
116. 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 (On-Site)

117. Although the on-site streets will likely remain private, there is the possibility they could become public streets. With that goal in mind, all on-site roads are to be constructed to County public road standards, including, but not limited to pavement structural sections, curbs, sidewalks, street lights, drainage conveyance and treatment infrastructure, signage and pavement markings. Typical roadway sections and related grading require hinge points for fill or embankment to be located at or beyond the right of way line.

Exceptions

Exceptions from Sections 98-4.002 (Minimum Requirements) 92-4.012 (Collector Street) and 92-4.056 (Minor Street) relative to roadway classification and related pavement and right of way widths will be allowed provided they meet the configurations shown on the referenced Vesting Tentative Map with the

exception of the 44-foot right of way section shown. This right of way should be 46 feet in width to provide a 2-foot buffer to the back of sidewalk.

Internal subdivision streets shall remain private and cannot be accepted by the County as public streets until improvement and dedication of the private road portions of Palms Drive or Central Avenue are accepted by the County.

Roadway Improvements (Off-Site)

118. The applicant shall widen, construct, or re-construct Palms Drive and Central Avenue to County public roads standards. In the case of Central Avenue, off-site improvements shall extend from the subdivision boundary westerly to conform to the end of the existing curb and sidewalk approximately 100 feet east of Darcie Way. Palms Drive improvements shall extend from the submission boundary westerly to Arthur Road. These roads shall have a minimum 28-foot travelway, curbs, a five foot-wide sidewalk along at least one continuous side of the street, drainage conveyance and treatment infrastructure, street lights, signage and pavement markings. Opportunities to enhance bicycle and pedestrian use of these roads shall be considered, subject to review and approval of Public Works and Conservation and Development.
119. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the frontages of Palms Drive and Central Avenue, or Arthur Road. Concrete shall be saw cut prior to removal. New curb and gutter shall be doweled into existing improvements.

Access to Adjoining Property

Proof of Access.

120. 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.
121. Applicant shall furnish proof to the Public Works Department that legal access to the property is available from Palms Drive and Central Avenue.
122. Applicant shall furnish proof to the Public Works Department that legal access to the adjacent parcels between the subdivision and Contra Costa Canal (APN 380-043-003, 006 & 007) is available from Palms Drive, Central Avenue, or a public

street. If no such easements exist, the applicant shall take measures to assure said adjacent parcels are not "land-locked" by the subdivision.

123. Encroachment Permit. Applicant shall obtain an encroachment permit from the Application and Permit Center, for construction of any necessary off-site improvements within the County maintained right-of-way of Central Avenue, Arthur Road or other public streets.
124. Abutter's Rights. Abutter's rights of access along the secondary frontage of corner lots shall be prohibited in the subdivision's covenants, conditions, and restrictions (CC&Rs). In the event the streets are conveyed to the County as public rights of way, the abutter's rights of access to these secondary frontages shall be relinquished as a condition of acceptance by the County.

Right of Way Easements and Dedications

125. Property Owner shall dedicate Private Access Easements in favor of the subdivision lots over all on-site streets.
126. At the Property Owner's option, the subdivision streets may be dedicated to the County for public access, but the County will not accept this dedication without first having public street access up to the actual subdivision. If dedicated at this time, the offer of dedication shall be by separate instrument, not on the Final Map. The street rights of way shall remain as separate entities, i.e. do not extend fronting lot lines to the center of the street.
127. Property Owner shall dedicate Public Utility Easements over all proposed streets and 5 feet beyond as shown on the street typical sections pursuant to the Vesting Tentative Map.

Road Alignment/Intersection Design/Sight Distance

Sight Distance.

128. Provide sight distance along all streets based on a design speed of 30 miles per hour.
129. The applicant shall submit a preliminary improvement plan and profile to the Public Works Department for review showing all required improvements to the

offsite roadways (Palms Drive and Central Avenue). The preliminary plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 30 miles per hour. The plan shall extend a minimum of 175-feet beyond the proposed limits of the work.

Traffic and Transportation Mitigation and Fee Credits

130. The applicant, prior to constructing any public improvements, shall contact Public Works Department to determine the extent of any eligible credits or reimbursements against Area of Benefit Fees adopted by County Ordinance.
131. Transportation and Parking Demand Management (TDM). Prior to issuance of Building Permits, the applicant shall develop a TDM program and submit said Program to the County Department of Conservation and Development for review and approval. This program could include off-site improvements, the construction of which may be subject to further permitting and review by Public Works. As a potential stake-holder in the implementation of this Program, the applicant and DCD shall include Public Works in the review and approval process where applicable (see Mitigation Measure TRF-3).

Countywide Street Light Financing

132. Property Owner 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.

Landscaping

133. All landscaping to be maintained by the property owner or homeowner's association shall be submitted to the Community Development Division for review and approval.

Bicycle - Pedestrian Facilities

134. Pedestrian Access. 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

135. 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" signage and/or markings shall be installed along these portions of the roads subject to the review and approval of the Public Works Department and Fire Marshal. In the event the streets are conveyed to the County as public rights of way, parking restrictions will be subject to approval by the Board of Supervisors.

Utilities/Undergrounding

136. Applicant shall underground all new and existing on-site utility distribution facilities, including those along the subdivision frontage of Central Avenue. 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.

Construction

137. The project applicant and construction contractor(s) shall develop and submit a Construction Management and Traffic Control Plan for the review and approval of the County's Public Works Department. The Construction Management and Traffic Control Plan shall be submitted to the Public Works Department a minimum of 60 days prior to the initiation of construction activities:
- A set of comprehensive traffic control measures, including scheduling of major truck trips to avoid peak traffic hours, types of vehicles and maximum speed limits for each type of vehicle, expected daily truck trips, staging areas, emergency routes and access, detour signs if required, lane closure procedures, flag person requirements, signs, cones for drivers, a street sweeping plan and designated construction access routes.
 - Identification of roadways to be used for the movement of construction vehicles to minimize impacts on motor vehicle, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area.

- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur (see Mitigation Measure TRF-1).
138. Prior to commencement of project construction activities, which would include any construction-related deliveries to the site, the project applicant shall document to the satisfaction of the Contra Costa County Public Works Department, the road conditions of the construction route that would be used by project construction-related vehicles. The project applicant shall also document the construction route road conditions after project construction has been completed. The project applicant shall repair roads that are damaged by construction related activities to County standards and to a structural condition equal to that which existed prior to construction activity. To ensure that damaged roads are adequately repaired, the project applicant shall include line items for roadway rehabilitation or reconstruction, in an amount to be determined by the Department of Public Works, in the overall project estimate of improvements. Said improvements shall be secured by the project's Subdivision Agreement along with the requisite cash deposit and surety bonds. Substituent agreements and cash/bond releases for partially completed improvements will not be considered until all off-site road repairs have been accepted as complete by the County (see Mitigation Measure TRF-2).

Maintenance of Facilities

139. Property Owner shall develop and enter into a maintenance agreement or Homeowner's Association that will insure that the proposed private road and street lights will be maintained, and that each parcel/lot in this subdivision that will use the proposed private road and street lights will share in its maintenance.
140. The maintenance obligation of all common and open space areas, private roadways, any private street lights, public and private landscaped areas, parks, open space, 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 for the first phase.

Drainage Improvements

Collect and Convey.

141. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy of any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system is inadequate to handle the existing plus project stormwater runoff for the 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.
142. Preliminary design of the proposed detention/stormwater management basin requires additional refinement that may have impacts on the basin's performance, specifically:
- Prior to accepting the basin configuration, owner shall submit a geotechnical report signed and stamped by a registered geotechnical engineer that demonstrates that the through seepage, under seepage, oversaturated soil conditions and steep levee side slope will not impact the basin embankment.
 - Owner shall submit for County for review a geotechnical report, signed and stamped by a registered geotechnical engineer, substantiating the stability of the steep 2:1 slope embankment on the eastern side of the development, along Drive "C" (and bioretention basin), and adjacent to wetlands in an area prone to flooding.
143. The applicant shall insure the maintenance of the detention/stormwater management basin through either an existing public maintenance entity or by the creation of a public maintenance entity. The entity shall have an adequate revenue source to assure perpetual maintenance.

Exceptions

An exception from Section 914-12.010 (Detention Basins – Maintenance) is granted to allow the detention/stormwater management basin to be privately maintained by a Homeowners Association or equivalent private entity with property lien authority. Maintenance practices, procedures and responsibilities of the stormwater detention aspects of this dual-function basin shall be incorporated into the Stormwater Management Facilities Operation and

Maintenance Plan and related Agreement prepared for compliance with the County's Stormwater Management and Discharge Control Ordinance.

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

Miscellaneous Drainage Requirements

145. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
146. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
147. Private storm drain easements, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over all proposed storm drain lines traversing private lots within the subdivision.
148. Construct new maintenance roads for use by the Contra Costa County Flood Control District (CCCFCD) to provide access to the District's property east of the subdivision as shown on the approved Vesting Tentative Map. Alignment and specifications for this replacement road are to be to CCCFCD standards and subject to their review and approval.
149. Convey to the Contra Costa County Flood Control District, by separate instrument, access easements with minimum widths as shown on the approved Vesting Tentative Map over the new maintenance roads (above).

Floodplain Management

150. A portion of the project is located in a Special Flood Hazard Area (SFHA – the 100 year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant shall be aware of the requirements of the National Flood Insurance Program (Federal) and the County Floodplain Management Ordinance (Ordinance No. 2000-33) as they pertain to future construction of any structures on this property.
151. Prior to issuance of a Grading Permit, the applicant shall prepare and submit an application for a Conditional Letter of Map Revision (CLOMR) to FEMA for review and approval of the anticipated changes to the mapped Special Flood Hazard Areas that will result from the construction of the subdivision.

152. For any phase of construction located within a currently designated SFHA, after completion of finish grading and lot pad certification, but prior to issuance of Building Permits within that subdivision phase, the applicant shall prepare and submit an application for a Letter of Map Revision (LOMR) to FEMA for review and approval to formally remove all proposed home sites from the mapped SFHA.

Creek Structure Setbacks

153. Unless otherwise designated for "Open Space" or protected by a levee, the applicant shall relinquish "development rights" over those portions of the site within the structure setback area of Pacheco Creek and Vine Hill Creek. The structure setback area shall be determined by using the criteria outlined in Chapter 914 14, "Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed.
154. Hold Harmless. The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion.

National Pollutant Discharge Elimination System (NPDES)

155. 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 Public Works.
- Shallow roadside and on-site swales.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.

Stormwater Management and Discharge Control Ordinance

156. 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. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
157. 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).
158. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
159. Prior to filing of the first final map, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

160. In addition to maintenance of routine stormwater management and treatment facilities, per Mitigation Measure GEO-4: Terraced Slopes/Drainage, Owner shall ensure routine inspections and maintenance of terraced slopes conducted by qualified professionals. Maintenance measures shall include maintaining vegetative cover of exposed slopes upland of the proposed development after construction, for the operational life of the project, consistent with the provisions of the project's SWPPP, as identified in Section 4.7, Hydrology and Water Quality, of this EIR. Drainage conveyances on the cut terraces shall be maintained to ensure a minimum of 85 percent of total conveyance capacity, as specified in the Stormwater Management Facilities Operation and Maintenance Agreement. Any evidence of gulley or rill erosional effects shall be remedied immediately by the project applicant through additional hydroseeding or other industry standard measures and best practices for erosion control.
161. Prior to filing of the first 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.
162. 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.
163. 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

164. The applicant shall comply with the drainage fee requirements for Drainage Area 57 as adopted by the Board of Supervisors prior to initiation of the use requested with this application.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

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

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the following agencies and departments; the applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project:

- Contra Costa County, Building Inspection Division
- Contra Costa County, Public Works Department
- Contra Costa County, Flood Control District
- Contra Costa County Fire Protection District
- Contra Costa County, Health Services, Environmental Health Division
- Contra Costa Water District
- Mt. View Sanitary District
- California Department of Fish and Wildlife
- United States Army Corps of Engineers
- United States Fish & Wildlife Service

- 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, 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.

- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

- E. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Martinez Area of Benefit as adopted by the Board of Supervisors.

- F. There are earthen levees on each side of Pacheco Creek where the applicant had previously proposed a water line to cross the flood control channel. The Contra Costa County Flood Control District (FC District) is concerned that any excavation or grading on or near the levees might undermine their structural integrity. The applicant should be aware that a Flood Control Permit is required for any work within FC District property. Furthermore, to maintain the structural integrity of the levees, the FC District will not allow any trenching or excavation on or near the levees or its' footings.

- G. Although the Stormwater Control Plan (SWCP) 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.

ATTACHMENT A

Preliminary Scope of Work ENHANCED PEDESTRIAN IMPROVEMENTS (Component of Safe Route to School Program)

The applicant shall design and construct sidewalks and other pedestrian improvements along Arthur Road (on both sides, where feasible) and Karen Lane, from the intersection of Arthur Road, Leabig Lane and Palms Drive to and including the pathway from Karen Lane to Las Juntas Elementary School including but not limited to:

1. Enhanced pedestrian intersection improvements at the intersection of Arthur Road and Karen Lane, which may include bulb-outs, raised crosswalks(1), and/or RRFB (Rectangular Rapid Repeating Flashing Beacon). (There is currently a yellow crosswalk at the intersection.)
2. Continuous pedestrian infrastructure or gap closures along the east side of Arthur Road and the west side, where feasible.
 - a. A priority segment would be Arthur Road between Palms Drive/Leabig Lane and the Landmark Missionary Baptist Church/Amalia Avenue.
 - b. In addition to Arthur Road/Karen Lane crossing, an additional enhanced crosswalk (with curb ramps, bulb-outs, raised crosswalk, and/or flashing beacons) will be constructed somewhere along Arthur Road to provide another opportunity for pedestrians to get from the east side of Arthur Road (assuming continuous sidewalk is not practical on the entire segment) to the west side of Arthur Road, where there will be continuous sidewalk. Public Works shall approve the design and location of additional potential mid-block crosswalks and any other pedestrian or traffic calming improvements.
 - c. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along both sides of Arthur Road and on both sides of Karen Lane from the school entry to Arthur Road. 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.
3. The pathway from Karen Lane to Las Juntas Elementary will be reconstructed to County or other applicable standards.
4. The County and applicant (or applicants contractor) will collaborate in any necessary consultation with Caltrans relative to improvements at the I-680 on/off ramps on Arthur Road.

APPROXIMATE QUANTITIES:

- **1,180lf of new sidewalk**
- **1,725lf of removed and replaced sidewalk**
- **27 driveways averaging 22' wide**
- **7 pairs of added or replaced curb ramps**
- **Two enhanced crosswalks – raised with RRFB**

- **520sf of reconstructed pathway**

Additional conditions:

- County supplies/obtains all permits (or assist in obtaining Caltrans permits as needed) and inspections (including all discretionary and non-discretionary approvals).
- No requirement to obtain ROW (if ROW is required, County will obtain).
- Includes demolition and disposal.
- Includes traffic control.
- Includes raising valve boxes if within sidewalk.
- No relocation of poles, unless required for minimum sidewalk width.
- No relocation of services.
- New concrete sidewalk per County standard and C&G, where there is none.
- R&R existing but damaged sidewalk, C&G.
- Narrow sidewalk to 3' if existing landscape is encroaching (sidewalk on other side). (Leave existing landscaping if in road ROW to accommodate 5ft sidewalks.)
- No sidewalk if tree or hardscape encroachment prevents installation; unless installation can be reasonably accommodated depending on situational factors at site of the landscape or hardscape.

(1) Design consistent with: *National Association of City Transportation Officials: Urban Street Design Guide: Speed Table*: <https://nacto.org/publication/urban-street-design-guide/street-design-elements/vertical-speed-control-elements/speed-table/>

MAP TO EXHIBIT A PRELIMINARY SCOPE OF WORK

