

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Housing and Community Improvement Division

No fee for recording pursuant to
Government Code Section 27383

DENSITY BONUS AND INCLUSIONARY HOUSING
DEVELOPER AGREEMENT
(Parker Place, Rodeo, formerly known as 375 Parker Avenue)

This Density Bonus and Inclusionary Housing Developer Agreement ("Agreement") is dated _____, 2022, and is between the COUNTY OF CONTRA COSTA, a political subdivision of the State of California (the "County"), and Harjap Singh and Parvinder Kaur, as trustees of the Harjap Singh and Parvinder Kaur Family Trust of November 19, 2008 ("Developer").

RECITALS

A. Developer owns that certain real property located in an unincorporated area of Contra Costa County on the corner of Parker Avenue and Fourth Street in Rodeo that comprises 0.562 acres, includes Assessor Parcel Number 357-151-002, and is more particularly described in Exhibit A (the "Property"). Developer desires to construct a residential project on the Property.

B. The residential development contemplated by Developer is Parker Place Apartments Rodeo, formerly known as 375 Parker Avenue (the "Development") and has been designated as County File #DP18-3021. The Development includes the construction of 1,710 square-feet of ground floor retail space and 22 housing units on the Property, including three studio units, three one-bedroom units, and 16 two-bedroom units, all located in one building. In addition, the Development will include off-street parking, landscaping, and long-term bicycle storage.

C. The Development is subject to Chapter 822-4 of the County's Ordinance Code (the "Inclusionary Housing Ordinance") because the Development is a residential development of more than five units. The Development is also subject to Chapter 822-2 of the County's Ordinance Code (the "Density Bonus Ordinance") because the County's General Plan and Zoning Ordinance permit the construction of a maximum of 16 housing units on the Property, and the Developer has requested that the Development be permitted to exceed the maximum allowable density.

D. Pursuant to Government Code section 65915 and the Density Bonus Ordinance, Developer has proposed to construct and rent one (1) Very Low-Income Units and two (2) Lower-Income Units in the Development in exchange for a 32 percent density bonus, parking ratios pursuant to Government Code 65915, and reductions in development standards. The term “Very Low-Income Units” means units that are rented to, and affordable to, Very Low-Income Households. The term “Lower-Income Units” means units that are rented to, and affordable to, Lower-Income Households. The terms “Very Low-Income Households” and “Lower-Income Households” have the meanings ascribed to them in Government Code section 65915. Together, the Very Low-Income Units and the Lower-Income Units are the “Affordable Units.”

E. Developer submitted, and the County has approved, the inclusionary housing plan and request for density bonus attached hereto as Exhibit B, (the “Plan”). Under the Plan, Developer will construct and rent a total of three (3) Affordable Units in the Development, as described in Section 6 below. The remaining units in the Development may be rented at market-rate and are not subject to the provisions of this Agreement. The waiver of development standards to allow a building height of 42 feet and highway setback of 2 feet, and parking ratios pursuant to Government Code 65915, have been granted to the developer.

F. On January 4, 2021, the County Zoning Administrator approved the Development with a density bonus of 6 units (the “Density Bonus”), waiver of certain development standards, and parking ratios pursuant to Government Code 65915. A copy of the permit, findings, and conditions of approval approved by the County Zoning Administrator on January 4, 2021 (collectively, the “Approval”), is attached as Exhibit D. Approval of the Development is subject to the conditions of approval set forth in the Inclusionary Housing and Density Bonus section of the conditions of approval for the Development (County File #DP18-3021) (the “Conditions of Approval”).

G. Pursuant to the Conditions of Approval, the Approval, the Inclusionary Housing Ordinance, the Density Bonus Ordinance, and Government Code section 65915, Developer is required to ensure that one (1) unit in the Development is affordable to and occupied by a very low-income household, and two (2) units in the Development are affordable to lower-income households, 15 percent of the total base rental units (maximum density calculation prior to density bonus) as inclusionary units with 20 percent of the required inclusionary units for rent to very low income households and the remaining inclusionary units for rent to lower income households, which includes one very-low income (50% AMI) unit and two lower income (80% AMI) units for a minimum of 55 years. In addition, Developer is required to cause this Agreement to be signed and recorded against the Property prior to the issuance of building permits or the recordation of a final map for the Development.

H. The Developer is entering into this Agreement to fulfill the Conditions of Approval and to obtain rights to develop the Development.

I. The County is entering into this Agreement in reliance on the Developer’s promise to meet the requirements of the Inclusionary Housing Ordinance, the Density Bonus

Ordinance, the Plan, and the Conditions of Approval, by which the stock of affordable housing in the community will be increased during the term of this Agreement.

The parties therefore agree as follows:

AGREEMENT

1. General. This Agreement is subject to the terms set forth below and each of the exhibits to this Agreement, all of which are incorporated herein by reference.

2. Exhibits. The following exhibits are attached to this Agreement:

Exhibit A – Legal Description of Property

Exhibit B – Inclusionary Housing Plan/Density Bonus Request

Exhibit C – Income Certification Form

Exhibit D –Permit, Findings, and Conditions of Approval for Development

3. Satisfaction of Conditions of Approval. Developer shall cause this Agreement to be recorded against the Property at least 90 days prior to the County’s issuance of building permits or recordation of the parcel map for the Development. The Developer shall pay all fees and charges incurred in connection with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and prior to the filing of a building permit or recordation of the Parcel Map. Execution, recordation, performance of and compliance with this Agreement constitutes performance of conditions number 9 through 17 of the Conditions of Approval and is sufficient in that respect to permit the issuance of building permits or recordation of the parcel map for the Development, subject to satisfaction of all other applicable conditions and compliance with all provisions of the law. Notwithstanding the foregoing, the Conditions of Approval, including conditions number 9 through 17, are to remain applicable to the Development, survive any transfer of title to the Property (whether voluntary or the result of a trustee’s sale, judicial foreclosure, or deed in lieu of foreclosure under or relating to any senior deed of trust or senior lien on the Property) or any assignment of Developer’s interest in the Development, and remain in effect throughout the Term (as defined in Section 5 below) notwithstanding the subordination of this Agreement to any senior regulatory agreement recorded against the Property in connection with other financing on the Property. Developer acknowledges and agrees that, in addition to the Density Bonus, Developer has received significant incentives pursuant to Government Code section 65915.

4. Obligations Run with the Land. The parties expressly intend the covenants and restrictions set forth in this Agreement to run with the land and to bind all successors in title to the Property, provided, however, that on the expiration of this Agreement, such covenants and restriction will expire.

Until the expiration of this Agreement, each and every contract, deed, or other instrument hereafter executed covering or conveying the Property, or any portion thereof, is to be

held conclusively to have been executed, delivered, and accepted subject to the covenants and restrictions of this Agreement, regardless of whether such covenants and restrictions are set forth in such contract, deed or other instrument, unless the County expressly releases such conveyed portion of the Property from the requirements of this Agreement.

5. Term. The term of this Agreement (the “Term”) begins on the date set forth in the introductory paragraph and ends on the date that is fifty-five (55) years after the date that all of the three (3) Affordable Units are occupied by qualified and income-certified households. County agrees to record a document acknowledging the termination of this Agreement following the expiration of the Term but County’s failure to record such document will not negate the automatic expiration and termination of this Agreement at the end of the Term.

6. Rental of Affordable Units. Pursuant to and in consideration of the Density Bonus and the additional incentives set forth in this Agreement, Developer shall cause at least three (3) units in the Development to be rented as Affordable Units, of which Developer shall rent not fewer than one (1) unit as a Very Low-Income Unit and not fewer than two (2) units as Lower-Income Units. Developer shall cause the Affordable Units to consist of the following number and types of housing units; provided, however, nothing in this Agreement prohibits Developer from renting one or more of the Lower-Income Units as Very Low-Income Units:

| <i>Unit Size</i> | <i>Very Low-Income Units</i> | <i>Lower-Income Units</i> |
|------------------|------------------------------|---------------------------|
| Studio | 1 | 0 |
| One-Bedroom | 0 | 0 |
| Two-Bedroom | 0 | 2 |
| Total: | 1 | 2 |

Developer shall construct and lease the Affordable Units concurrently with the construction and leasing of the other housing units in the Development. All Affordable Units shall be made available for occupancy no later than the time at which the first market-rate dwelling unit of the Development is available for occupancy. Developer may not market any Affordable Units until the County Department of Conservation and Development (“DCD”), acting on behalf of the County, has approved a marketing plan for the marketing of the Affordable Units. The Affordable Units may, at Developer’s discretion, float within the development and are not specific units within the Development, but Affordable Units must be dispersed throughout the Development, be consistent with the table above with respect to the number and types of housing units, and have access to all on-site amenities that are available to market rate units. All Affordable Units must comply with the Conditions of Approval and County Ordinance Code Section 822-4.412.

7. Income Certification; Records. Developer shall certify the income eligibility of each proposed tenant of an Affordable Unit to ensure the tenant qualifies as a Very Low-Income Household or a Lower-Income Household. The income levels of all applicants

for Affordable Units in the Development shall be certified prior to initial occupancy and annually thereafter. Developer shall require tenants and prospective tenants for Affordable Units to submit annually the income certification form attached hereto as Exhibit C with appropriate income documentation. Occupancy and income verification records for each tenant in an Affordable Unit shall be maintained by the Developer for the entire term of affordability.

At DCD's request, Developer shall submit a report and make available for the County's review and inspection the tenant records for each tenant residing in an Affordable Unit. Developer shall cause the tenant records for Affordable Units to include, the lease, the name, address, number of occupants per unit, number of bedrooms in the unit, monthly rent or cost (including utility allowance), initial address of each tenant, income certifications for each person occupying the unit, and the documents used to certify the tenant's income. Tenants of Affordable Units shall provide consent to the owners to allow these disclosures.

Developer shall submit to the County, in a form reasonably approved by the County, an annual report concerning leasing of the Affordable Units not later than the first day in April of each year during the Term. The annual report will include the tenant records for each tenant residing in an Affordable Unit during the previous year. Developer shall submit with each annual report the applicable compliance review application and fee pursuant to the Land Use Development Fee Schedule adopted by the Board of Supervisors.

8. Rent Levels. Each year, DCD will provide Developer with a schedule of maximum permissible rents for the Affordable Units, using guidance provided by the California Department of Housing and Community Development ("HCD"), and the maximum monthly allowances for utilities and services.

On or about April 1 of each year, when HCD issues to the County the annual update to the income limits, adjusted by household size, DCD shall issue to Developer new gross rent limits for the Affordable Units that include a reasonable utility allowance, and establish the affordable rent (i) for the Very Low-Income Units and (ii) for the Lower-Income Units (together, the "Affordable Rent") for the following calendar year. Such maximum gross rents will be calculated in compliance with California Health and Safety Code section 50053, using the income limits established by applicable law for the various household sizes. Developer may not charge tenants of the Affordable Units more than the Affordable Rent.

9. Increased Income of Tenant of an Affordable Unit.
 - a. Subject to Section 7 above, if upon certification of the income of a tenant of an Affordable Unit, Developer determines that the income of a tenant of a Very Low-Income Unit has increased and that it is above the applicable qualifying limit for a Very Low-Income Household, or that the income of a tenant of a Lower-Income Unit has increased and that it is above the applicable qualifying limit for a Lower-Income

Household (such occurrence, a “Disqualifying Event”), the tenant may continue to occupy the unit. Developer shall not renew the tenant’s lease of the Affordable Unit after expiration of the term of such lease.

- b. Upon the occurrence of a Disqualifying Event, Developer shall use commercially reasonable efforts to rent another unit in the Development to the tenant at a rental rate that is not subject to the terms of this Agreement.
 - c. Upon the occurrence of a Disqualifying Event, Developer shall give the tenant at least 60 days’ advance notice of the non-renewal of the lease.
10. Assurance of Continued Affordability. The incentive granted to the Developer by the County provides identifiable and actual cost reductions that support the development and leasing of the Affordable Units. In order for the County to meet the requirements of Government Code section 65917 that it ensure the continued affordability of the Affordable Units, during the Term, Developer may not rent any of the Affordable Units at rents that exceed those established pursuant to this Agreement.
11. Damages for Breach. In addition to any other remedy available to the County by law, if the Developer charges rent in excess of that allowed by this Agreement, Developer shall be liable to the County for damages in the amount of the rent charged or collected, whichever is greater, in excess of the maximums allowed herein, with interest compounded at the maximum rate allowed for judgments. For any other breach of this Agreement, after notice and opportunity to cure in the manner provided in Section 15, the County may, in addition to any other remedy authorized by law, elect that Developer, or any of its successors in interest, be liable to County in the amount of \$1,000 per day until the breach is cured.

The parties hereto understand and agree that, notwithstanding any provisions contained in this Agreement, or any other instrument or agreement affecting the Property, the restrictions and covenants hereunder are not intended by the parties hereto to either create a lien upon the Property, or grant any right of foreclosure, under the laws of the jurisdiction where the Development is located, to any party hereto or third party beneficiary hereof upon a default of any provision herein; rather they are intended by the parties hereto to constitute a restrictive covenant that is senior to any instrument or agreement granting a security interest in the Property, and that, notwithstanding a foreclosure or transfer of title pursuant to any other instrument or agreement, the restrictive covenants and provisions hereunder shall remain in full force and effect.

12. Property Maintenance. Throughout the Term, Developer shall keep the exterior of the Development and common amenities in good, marketable condition and ensure that the Affordable Units receive the same maintenance and scheduled upgrades as market-rate units in the Development. Developer shall certify annually in writing to the County that Developer has performed its obligations under this Section 12. Such certification shall be submitted with Developer’s annual report under Section 7. County shall be allowed to make reasonable periodic inspections of the Affordable Units during normal business

hours and by coordinating and scheduling such inspections in advance with Developer. Permission and consent from tenants of Affordable Units for such inspections shall be sought in accordance with applicable laws and the applicable leases. Developer shall also permit the County to inspect the exterior of the Development during normal business hours and by coordinating and scheduling such inspections in advance with Developer. Developer shall reasonably cooperate with the County during such inspections.

13. Management Responsibilities. Developer is responsible for all management functions with respect to the Development, including without limitation the selection of tenants, certification and recertification of household size and income for the Affordable Units, evictions, collection of rents and deposits, maintenance, landscaping, routine and extraordinary repairs, replacement of capital items, and security. The County has no responsibility for management of the Development.
14. Management Agent. Developer may self-manage the Development but if it hires a third-party manager, Developer shall cause the Development to be managed by an experienced management agent with a demonstrated ability to operate residential facilities like the Development in a manner that will provide decent, safe, and sanitary housing (the "Management Agent"). If Developer hires a Management Agent, Developer shall provide the County with the name, phone number and email address of the person or people primarily responsible for the operation of the Development.
15. Periodic Performance Review. The County reserves the right to conduct an annual (or more frequent, if deemed necessary by the County) review of the management practices of the Development. The purpose of each periodic review will be to enable the County to determine if the Development is being operated and managed in accordance with the requirements and standards of this Agreement. Developer shall reasonably cooperate with the County in such reviews.

If, as a result of a periodic review, the County determines in its reasonable judgment that the Development is not being operated and managed in accordance with any of the material requirements and standards of this Agreement, the County shall provide a written notice to Developer specifying the requirements and standards the County has determined are not being met (the "Performance Notice"). The County's failure to specify a particular requirement or standard of this Agreement in the Performance Notice does not waive Developer's obligation to operate and manage the Development in accordance with this Agreement. Developer shall remedy all items on specified in the Performance Notice as soon as practicable and in any event within thirty days of Developer receiving the Performance Notice; provided, however, if, in the sole and reasonable determination of the Director, any item cannot reasonably be remedied within thirty days, Developer shall have additional time as reasonably necessary to remedy all items specified in the Performance Notice, as long as Developer promptly commences efforts to remedy all items specified in the Performance Notice and diligently and in good faith continues to remedy all items as soon as reasonably possible. If in the Director's reasonable judgment Developer fails to remedy all items specified in the Performance Notice within the thirty-day period (as it may be extended pursuant to the preceding

sentence), the County may declare Developer to be in breach of this Agreement and thereafter subject to the per diem fine specified in Section 11.

16. Approval of Rules and Regulations. Developer shall submit its written tenant rules and regulations with respect to the Development to the County for its review and shall amend such rules and regulations in any way necessary to ensure the same comply with the provisions of this Agreement.
17. No Discrimination. Developer shall cause all of the Affordable Units in the Development be available for rent to members of the general public who are income eligible. Developer may not give preference to any particular class or group of persons in renting the Affordable Units, except to the extent required to cause each Affordable Units to be rented to a tenant meeting the income level required of each Affordable Unit. The Developer may not permit discrimination against or segregation of any person or group of persons on the basis of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the rental of any Affordable Unit in the Development. In addition, the Developer may not permit any such practice or practices of discrimination or segregation in connection with the employment of persons in the construction of the Development.
18. Marketing Plan.
 - a. No later than six (6) months prior to the date construction of the Development is projected to be complete, Developer shall submit to the County for approval its plan for marketing the Affordable Units to income-eligible households as required by this Agreement (the "Marketing Plan").
 - b. In addition to any other marketing efforts, Affordable Units shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential renters as clients or constituents. The Developer shall translate marketing materials into Spanish and Chinese. A copy of the translated marketing materials shall be submitted to DCD at least three (3) months prior to the date completion of the Development is projected to be complete.

Marketing may also include publicity through local television and radio stations as well as local newspapers including the East Bay Times, Classified Flea Market, El Mensajero Newspaper, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts (aka Post News Group), Korea Times, El Mundo, Hankook Ilbo, and the Sing Tao Daily.

- c. Upon receipt of the Marketing Plan, the County will promptly review the Marketing Plan and will approve or disapprove it within thirty (30) days after receipt. If the Marketing Plan is not approved, the County will give Developer specific reasons for such disapproval and Developer shall submit a revised Marketing Plan within fifteen (15) days of notification of the County's disapproval. Developer shall follow this

procedure for resubmission of a revised Marketing Plan until the Marketing Plan is approved by the County. No certificate of occupancy will be issued by the County for the Development until the Marketing Plan is approved by the County.

19. Tenant Selection Plan.

- a. No later than six (6) months prior to the date construction of the Development is projected to be complete, Developer shall submit to the County, for its review and approval, Developer's written tenant selection plan for the Affordable Units (the "Tenant Selection Plan").
- b. Upon receipt of the Tenant Selection Plan, the County will promptly review the Tenant Selection Plan and will approve or disapprove it within thirty (30) days after receipt. If the Tenant Selection Plan is not approved, the County will give Developer specific reasons for such disapproval and Developer shall submit a revised Tenant Selection Plan within fifteen (15) days of notification of the County's disapproval. Developer shall follow this procedure for resubmission of a revised Tenant Selection Plan until the Tenant Selection Plan is approved by the County. No certificate of occupancy will be issued by the County for the Development until the Tenant Selection Plan is approved by the County.

20. Lease Provisions.

- a. No later than four (4) months prior to the date construction of the Development is projected to be complete, Developer shall submit to the County for approval Developer's proposed form of lease agreement to be used when leasing Affordable Units for the County's review and approval. When leasing Affordable Units within the Development, Developer shall use the form of Affordable Unit lease approved by the County. The form of Affordable Unit lease must comply with all requirements of this Agreement and must, among other matters:
 - i. Provide for termination of the lease for failure to: (i) provide any information required under this Agreement or reasonably requested by Developer to establish or recertify the tenant's qualification, or the qualification of the tenant's household, for occupancy of tenant's Affordable Unit in accordance with the standards set forth in this Agreement, or (ii) qualify as a Very Low-Income Household or a Lower-Income Household as each individual case may be, as a result of any material misrepresentation made by such tenant with respect to the income computation.
 - ii. Be for an initial term of not less than one (1) year, unless by mutual agreement between the tenant and Developer, and provide for no increase in rent during such year. After the initial year of tenancy, the lease may be month-to-month by mutual agreement of Developer and the tenant. Notwithstanding the above, any rent increases are subject to the requirements of Section 8 above.

- iii. Include a provision that requires a tenant who is residing in an Affordable Unit required to be accessible and who is not in need of an accessible unit to move to a non-accessible Affordable Unit when a non-accessible Affordable Unit becomes available and another income qualifying tenant or prospective tenant is in need of an accessible Affordable Unit.
 - iv. Provide that a termination of, or refusal to renew a lease for, an Affordable Unit for any reason other than for a “just cause,” must be preceded by not less than sixty (60) days written notice to the tenant by Developer specifying the grounds for the action. Termination of, or refusal to renew, a lease for a just cause must be preceded by such notice as may be required by the written lease or applicable law. For purposes of this Agreement, “just cause” has the meaning given in Section 1946.2 of the California Civil Code (as the same may be amended or replaced from time to time). If said Section 1946.2 is hereafter repealed and not replaced, then “just cause” shall have meaning given by such statute immediately prior to such repeal.
- b. During the Term, Developer shall comply with the Marketing Plan and Tenant Selection Plan approved by the County.
- 21. Attorneys' Fees and Costs. In any action brought to enforce this Agreement, the prevailing party must be entitled to all costs and expenses of suit, including reasonable attorneys' fees. This section must be interpreted in accordance with California Civil Code section 1717 and judicial decisions interpreting that statute.
 - 22. Developer Representation. Developer represents and warrants that it is the owner of the Property and has full authority to execute this Agreement.
 - 23. Governing Law. This Agreement is governed by the laws of the State of California.
 - 24. Order of Precedence. In the event of any conflict or inconsistency between the terms of this Agreement and related obligations, the following order of precedence applies: The County's Ordinance Code, this Agreement, the Plan.
 - 25. Risk of Market Conditions. Developer bears sole responsibility for developing, constructing, and marketing the Affordable Units covered by this Agreement, pursuant to the approvals that the County issued for the Development and the requirements contained in this Agreement. The County has no obligation to amend this Agreement and Developer shall reimburse the County for all administrative costs associated with any modification of this Agreement that requires the approval of the County Board of Supervisors.
 - 26. Waiver of Requirements. Any of the requirements of this Agreement may be expressly waived by the County in writing, but no waiver by the County of any requirement of this Agreement extends to or affects any other provision of this Agreement, and may not be deemed to do so.

27. Amendments. This Agreement may be amended only by a written instrument executed by all the parties hereto or their successors in title that is duly recorded in the official records of the County of Contra Costa.
28. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining portions of this Agreement will not in any way be affected or impaired thereby.
29. Notices. All notices required or permitted by any provision of this Agreement are to be in writing and sent by overnight delivery or certified mail, postage prepaid and directed as follows:

County:

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
Attn: Housing & Community Improvement/Christine Louie

Developer:

Harjap Singh
1026 Turquoise Drive
Hercules, CA 94547

Notwithstanding the preceding, either party may change its address(es) for notice from time to time by notice delivered to the other party.

30. Contact Information.
 - a. Prior to Community Development Division stamp-approval of plans for issuance of a building permit, the Developer shall provide the name of the contact person representing the owner of the property for permit compliance and their contact information.
 - b. The Developer is responsible for keeping DCD informed of the contact information of the owner or designee who is responsible for compliance with this Agreement and how they may be contacted (i.e., mailing and email addresses, and telephone number) at all times.

[Remainder of Page Intentionally Left Blank]

The parties are signing this Agreement as of the date set forth in the introductory paragraph.

DEVELOPER:

Harjap Singh and Parvinder Kaur, as trustees of the Harjap Singh and Parvinder Kaur Family Trust of November 19, 2008.

By: Harjap Singh
Harjap Singh, Trustee

By: Parvinder Kaur
Parvinder Kaur, Trustee

(Signatures must be notarized.)

COUNTY:

COUNTY OF CONTRA COSTA

By: _____
John Kopchik, Director
Department of Conservation and
Development

(Signature must be notarized.)

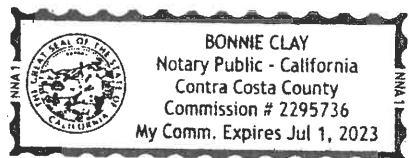
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On July 20th, 2022 before me, Bonnie Clay, Notary Public, personally appeared, Pravinder Kaur who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of ~~Texas~~ ^{California} that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Bonnie Clay

Signature *Bonnie Clay*

(seal).

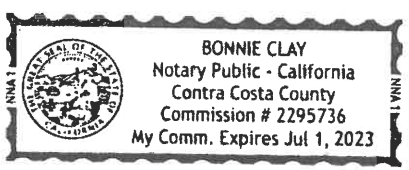
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On July 20th, 2022 before me, Bonnie Clay, Notary Public, personally appeared, Najjar Singh who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity, and that by his/~~her~~/~~their~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *Bonnie Clay*

(seal)

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

A PORTION OF LOTS 2, 3 AND 4 IN BLOCK 6, DESIGNATED ON THE MAP ENTITLED "OFFICIAL MAP OF AMENDED MAP NO. 2 OF BLOCK "A" AND AMENDED MAP OF BLOCKS 'B' AND '366' IN THE TOWN OF RODEO, CONTRA COSTA COUNTY, CALIFORNIA", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA ON MARCH 1, 1926 IN BOOK 1 OF OFFICIAL MAPS, AT PAGE 1 BOUNDED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERN LINE OF PARKER AVENUE, AS SAID AVENUE IS SHOWN ON SAID MAP, AND A LINE DRAWN PARALLEL WITH THE NORTHERN LINE OF SAID LOT 2 AND DISTANT 40.00 FEET SOUTHERLY THEREFROM, MEASURED AT RIGHT ANGLES THERETO, SAID PARALLEL LINE SO DRAWN BEING THE NORTHERN LINE OF 4TH STREET; AS DESCRIBED IN INSTRUMENT TO THE COUNTY OF CONTRA COSTA, IN BOOK 295 OF OFFICIAL RECORDS OF CONTRA COSTA COUNTY PAGE 205; RUNNING THENCE ALONG THE SAID NORTHERN LINE OF 4TH STREET NORTH 79 07' EAST, 175.00 FEET; THENCE NORTH 10 52' WEST, 140.00 FEET TO A POINT ON THE NORTHERN LINE OF SAID LOT 4; THENCE ALONG THE SAID LAST MENTIONED LINE SOUTH 79 07' WEST, 175.00 FEET TO A POINT ON THE SAID EASTERN LINE OF PARKER AVENUE; THENCE ALONG THE SAID LAST MENTIONED LINE SOUTH 10 52' EAST, 140.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: MINERAL RIGHTS RESERVED IN THE DEED FROM PHILLIPS PETROLEUM COMPANY, A CORPORATION, RECORDED SEPTEMBER 28, 1973 IN BOOK 7058 AT PAGE 57, OFFICIAL RECORDS, LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE AND WITH NO RIGHT OF SURFACE ENTRY.

Assessor Parcel Number 357-151-002

EXHIBIT B
INCLUSIONARY HOUSING PLAN AND DENSITY BONUS REQUEST



CONTINENTAL DEVELOPMENT CONSULTANTS

Civil Engineering • Land Planning & Zoning Entitlements • Building Design & Improvements • Construction Consulting

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

December 13, 2019

Subject: **Request for Reductions in Development Standards pursuant to Density Bonus Law**
Development Permit application (DP18-3021) for development of Mixed Use Residential
Address: 375 Parker Avenue, Rodeo Community
APN Number: 357-151-002-7 (Approx. 0.562 acre)

Attn: **Susan Johnson & Christine Louie**

Dear Susan & Christine:

We respectfully submit the subject application for approval of reductions in development standards set forth in *Rodeo Redevelopment Area PUD- Zoning Code & Design Guidelines* (Zoning Ordinance), pursuant to Government Code Section 65915(e) (1)

The project proposes 22 residential units and 1710 sq. ft. of retail space on 0.562 acre corner lot. The proposed development is in compliance with County's Zoning Code, Inclusionary Housing Ordinance and the Density Bonus Law, as explained below

Zoning Ordinance References:

1. Zoning Ordinance Division-V allows 30 units per acre which comes out to be total of 16.86 base units, rounded up to 16 base units, as referenced in paragraphs below.

Inclusionary Housing Ordinance References:

1. For projects of five or more rental units, 15 percent of base units must be inclusionary units as per Section 822-4.402(a), which requires project to provide 2.4 inclusionary units on the site, whereas 3 inclusionary units are proposed
2. Of these three units, 80 percent (two units) are to be designated as lower income and 20 percent (one unit) are to be designated as very low income units.
3. Unit numbers 207 & 307 are lower income units, to be rented to a household with an 80% Area Median Income (AMI).
4. Unit number 112 is very low income unit, to be rented to a household with a 50% AMI.

Density Bonus Law References:

1. Pursuant to Government Code 65915(b)(1)(A), density bonus requires to provide at least 10 percent of the total units of a housing development for lower income households, which comes out to 2.2 units out of total 22 units. Three lower income units being proposed under the Inclusionary Housing Ordinance are proposed to be in compliance with both, the Inclusionary Housing Ordinance and the Density Bonus law
2. Government Code section 65915(f)(1) further allows density increase over the maximum allowable gross residential density.

Three lower income units are being proposed for 16 maximum units allowed under zoning ordinance, which calculates that 18.75% of the units are lower income. 18% of lower income units further allows a 32% increase in base density.

16 units + 32% increase = 21.12 units, rounded up is 22 units are proposed for the project

7473 W. Lake Mead Blvd. Suite 100, Las Vegas, Nevada 89128 • Phone (702)347-6137 • Fax (702)664-6237

www.continentaldc.com

3. Government Code section 65915- Sub-Division-P-Section-1 allows residential parking (inclusive of handicapped and guest parking) as stated below
 - Zero to one bedroom requires one onsite parking space
 - Two to three bedrooms: two onsite parking spaces
 - Proposal for residential uses: 38 spacesBased on this, proposed calculations for parking are:
 - 3 Studios x 1 = 3 parking spaces
 - 3 One Bedrooms x 1 = 3 parking spaces
 - 16 Two-Bedrooms x 2 = 32 parking spacesMaximum Total Residential Parking Required = 3 + 3 + 32 = 38 parking spaces are being proposed for the project, which meets the Government Code requirements
4. Government Code 65915(e)(1) further allows waiver or reduction of development standards unless the waiver or reduction would have a specific, adverse impact upon the health, safety, or the physical environment, and there is no feasible method to mitigate or avoid the specific adverse impact. Development standard pursuant to Government Code 65915(o) includes but is not limited to: height, setback, floor area ratio, onsite open-space requirement, or parking ratio.

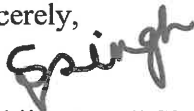
We hereby propose 2 feet street setback where 4 feet is required for perimeter landscaping; 42 foot tall building where 35 feet is required and 7 residential tandem parking spaces for mixed use development.

Furthermore, 4 ft. perimeter landscaping is proposed with a 2 ft balcony overhang of floors above, to add articulation to building elevations. In order to screen roof mounted mechanical equipment, 7 ft. high parapet is added to roof ht. of 35 ft. Similarly, Zoning Ordinance (Page 33) allows tandem spaces for residential use, which is not allowed in mixed use development.

This explains that the requested reductions in development standards will not be materially detrimental to the public health & safety or injurious to other property/properties in the project vicinity.

We hereby look forward for approval of our "Request for Reductions in Development Standards".

Sincerely,



Sukhjit "Tony" Singh
Principal Manager
702-287-0347; tony@continentaldc.com

DEVELOPMENT PLAN REVIEW

MIXED USE RESIDENTIAL

375 PARKER AVENUE

RODEO, CA 94572

COUNTY OF CONTRA COSTA

AREA - 0.562 ACRES

APN #357-151-002-7



VICINITY MAP
SCALE- N.T.S.

KEY MAP
SCALE- N.T.S.

PROJECT CONTACTS

OWNER
 HARJAP SINGH CHOHAN
 PHONE - (910) 551-4148
 Email: harjapsingh@gmail.com

CONSULTANT (PLANNING & DESIGN)
 CONTINENTAL DEVELOPMENT CONSULTANTS, INC.
 1500 WILSON AVENUE, SUITE 201,
 WOODLAND, CA 95695

CONTACT:
 TONY SINGH
 PHONE: (702) 287-0247
 Email: tony@continentaldc.com

PROJECT DATA

- JOB INFORMATION
- PROJECT NAME: MIXED USE RESIDENTIAL
- PROJECT LOCATION: 375 PARKER AVENUE, RODEO, CA 94572
- JURISDICTION: COUNTY OF CONTRA COSTA
- ASSESSOR'S PARCEL NUMBERS: #357-151-002-7
- SITE AREA: 0.562 ACRES (24,500 SQ. FT.)
- PLANNING INFORMATION
 - TOWNSHIP: M-2 (RODEO MIXED USE DIST.)
 - GENERAL PLAN: RODEO REDEVELOPMENT AREA ZONING
 - CODE: 0.1-1.0
 - CODE REFERENCE: 0.38 (REFER DPR-2 FOR DETAILS)
- FLOOR AREA RATIO (F.A.R.): 47 @ HIGHEST TOWER
- SETBACKS, DIVISIONS OF ZONING CODE, AND ALLOWABLE PROPOSED:

| | | | |
|----------------------|--------|-----------------------------|------------------|
| FRONT (PRIMARY ST.) | 0 FT. | 4 FT. PERIMETER LANDSCAPING | PROPOSED: 22 FT. |
| SIDE (SECONDARY ST.) | 10 FT. | | 43 FT. |
| REAR (SECONDARY ST.) | 0 FT. | | 44 FT. |
- HEIGHTS: MIXED USE - 0 FT ALLOWABLE: 35' W/ MAX. 2 STORIES OF RETAIL

SITE ANALYSIS

| | | |
|--------------------------------|------------------------|------------------------------|
| SITE AREA | | 0.562 ACRES (24,500 SQ. FT.) |
| IMPERVIOUS AREA | 9,020 SQ. FT. (36.8%) | |
| FIRST FLOOR BUILDING FOOTPRINT | 1,240 SQ. FT. (5%) | |
| CONCRETE SIDEWALK @ FRONT | 10,955 SQ. FT. (44.5%) | |
| PARKING & MANEUVERING | 21,195 SQ. FT. (86.3%) | |
| TOTAL IMPERVIOUS AREA | 1,955 SQ. FT. (7.7%) | |
| LANDSCAPING | 3,305 SQ. FT. (13.7%) | |
| TOTAL PERVIOUS AREA | 24,500 SQ. FT. (100%) | |

BUILDING ANALYSIS

| | | | | |
|--------------------|---------------|---------------|---------------|--|
| FLOOR | FIRST FLOOR | SECOND FLOOR | THIRD FLOOR | REMARKS |
| CONDITIONED AREA | 5,430 SQ. FT. | 8,550 SQ. FT. | 8,550 SQ. FT. | COMMERCIAL RETAIL LEASE OFFICE, STUDIO, 1 BEDROOM, 2 BEDROOM & CONNECTING HALLWAYS |
| UNCONDITIONED AREA | 3,450 SQ. FT. | 865 SQ. FT. | 865 SQ. FT. | BALCONY AREA (2ND & 3RD FLOOR) BUILDING FOOTPRINT |
| TOTAL AREA | 9,020 SQ. FT. | 9,020 SQ. FT. | 9,020 SQ. FT. | |

TOTAL BUILT-UP AREA

24,460 SQ. FT. (EXCLUDING FIRST FLOOR UNCONDITIONED AREA)

PROJECT DESCRIPTION

- CONSTRUCTION OF A THREE STOREY MIXED USE RESIDENTIAL BUILDING INCLUDING APPROX. 1710 SQ. FT. UNITS FOR MIXED USE RESIDENTIAL UNITS WITH 3 RESIDENTIAL UNITS FOR INCLUDING TROSBURG AND 17 MARKET RATE UNITS
- SIDEWALK & DRIVEWAY IMPROVEMENTS ALONG FOURTH STREET PER PLAN
- STORAGE UNDER SEPARATE PERMIT.

SHEET INDEX

- DPR-0 COVER SHEET
- DPR-1 EXISTING SITE (TOPOGRAPHIC SURVEY)
- DPR-2 GRADING PLAN
- DPR-3 FIRST FLOOR PLAN
- DPR-4 SECOND FLOOR PLAN
- DPR-5 THIRD FLOOR PLAN
- DPR-6 ROOF PLAN
- DPR-7.1 RENDERS ELEVATIONS
- DPR-7.2 RENDERS ELEVATIONS
- DPR-7.3 3-D VIEWS

CIVIL

- C1 COVER SHEET
- C2 GRADING PLAN
- C3 GRADING SECTIONS & DETAILS
- C4 DETAILS
- C4-CP1 EROSION CONTROL PLAN
- ERCP2 EROSION CONTROL BMP'S

LANDSCAPING

- L1 PRELIMINARY LANDSCAPE PLAN
- SITE PHOTOMETRICS PLAN
- E-1 PHOTOMETRIC PLAN

VIII. RETAIL AREA DETAILS (FIRST FLOOR ONLY)

646 SQ. FT. - #15 SQ. FT. - 450 SQ. FT.
 1770 SQ. FT.

XII. PARKING ANALYSIS (REFER DPR-2)

MIN. 10% OF 2,010 = 1201.0 SQ. FT.
 19.0% (280 SQ. FT.) INCLUDING SWALE
 MIN. 10% OF 4158 SQ. FT. = 415.8 SQ. FT.
 20.9% (870 SQ. FT.) LANDSCAPE ISLANDS IN PARKING AREA

LANDSCAPING

MIN. 10% OF 2,010 = 1201.0 SQ. FT.
 19.0% (280 SQ. FT.) INCLUDING SWALE
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 MIN. 10% OF 4158 SQ. FT. = 415.8 SQ. FT.
 20.9% (870 SQ. FT.) LANDSCAPE ISLANDS IN PARKING AREA

DPR-0

DATE: 10/24/2019
 JOB: HUS-0020
 DWG BY: DV
 CHK BY: SPK

PROJECT
 375 PARKER AVENUE
 MIXED USE RESIDENTIAL
 RODEO, CA 94572

CONTINENTAL DEVELOPMENT CONSULTANTS, INC.
 1500 WILSON AVENUE, SUITE 201,
 WOODLAND, CA 95695
 PHONE: (702) 287-0247
 FAX: (702) 664-8237
 Email: tony@continentaldc.com

CONSTRUCTION OF A THREE STOREY MIXED USE RESIDENTIAL BUILDING INCLUDING APPROX. 1710 SQ. FT. UNITS FOR MIXED USE RESIDENTIAL UNITS WITH 3 RESIDENTIAL UNITS FOR INCLUDING TROSBURG AND 17 MARKET RATE UNITS

SIDEWALK & DRIVEWAY IMPROVEMENTS ALONG FOURTH STREET PER PLAN

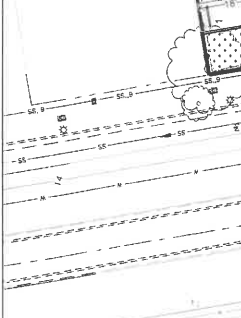
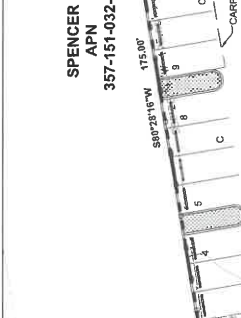
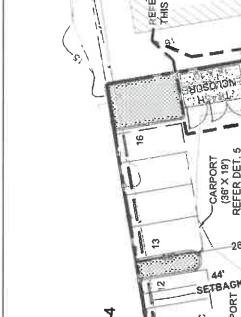
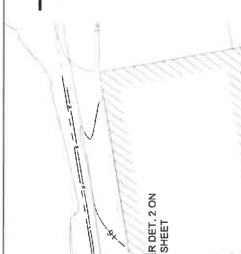
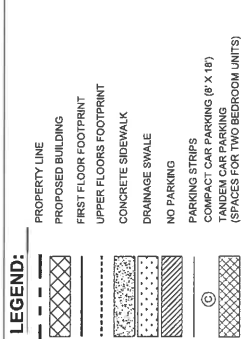
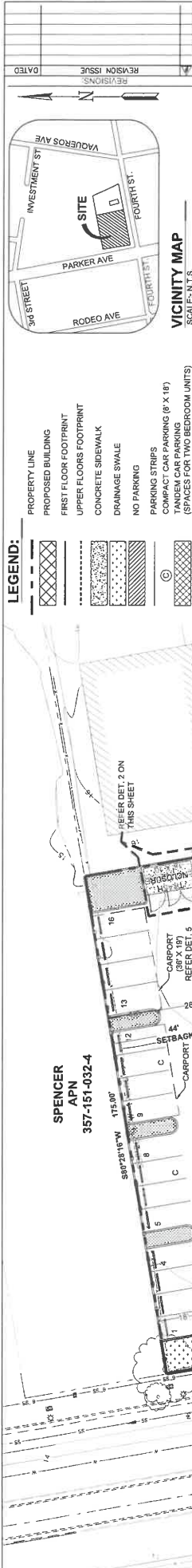
STORAGE UNDER SEPARATE PERMIT.

COVER SHEET
 EXISTING SITE (TOPOGRAPHIC SURVEY)
 GRADING PLAN
 FIRST FLOOR PLAN
 SECOND FLOOR PLAN
 THIRD FLOOR PLAN
 ROOF PLAN
 RENDERS ELEVATIONS
 RENDERS ELEVATIONS
 3-D VIEWS

COVER SHEET
 GRADING PLAN
 FIRST FLOOR PLAN
 SECOND FLOOR PLAN
 THIRD FLOOR PLAN
 ROOF PLAN
 RENDERS ELEVATIONS
 RENDERS ELEVATIONS
 3-D VIEWS

PRELIMINARY LANDSCAPE PLAN
 SITE PHOTOMETRICS PLAN
 PHOTOMETRIC PLAN

REVISIONS:
 DATE: _____
 REVISION: _____



ROOM ANALYSIS

| ITEM | STUDIO | ONE BEDROOM | TWO BEDROOM | REMARKS |
|--------------------|------------|------------------|------------------|--|
| # OF UNITS | 01 | 03 | - | STANDARD UNITS = 3 |
| AREA UNIT | 296 SQ.FT. | 470 & 707 SQ.FT. | - | INCLUSIONARY UNITS = 1 (VERY LOW INCOME) |
| INCLUSIONARY UNITS | 01 | - | - | |
| # OF UNITS | 01 | 08 | 08 | STANDARD UNITS = 8 |
| AREA UNIT | 497 SQ.FT. | 898 & 950 SQ.FT. | 898 & 950 SQ.FT. | INCLUSIONARY UNITS = 1 (LOW INCOME) |
| INCLUSIONARY UNITS | - | - | 01 | |
| # OF UNITS | 01 | - | 06 | STANDARD UNITS = 8 |
| AREA UNIT | 457 SQ.FT. | - | 898 & 950 SQ.FT. | INCLUSIONARY UNITS = 1 (LOW INCOME) |
| INCLUSIONARY UNITS | - | - | 01 | |

FLOOR AREA RATIO:
 LOT AREA: 24,500 SQ.FT.
 BUILDING FOOTPRINT: 8,020 SQ.FT.
 FAR: 32.7% (EXCLUDED UPPER LEVEL RESIDENTIAL)
 LOT COVERAGE: 32.7%

PARKING ANALYSIS:

- A) FOR (10) 2-BEDROOM UNITS
 - 13 SPACES (REQUIRED) 3 SPACES FOR 2-BEDROOM UNITS - GOVT. CODE 89015-SUB-DIVISION P - SECTION 1
 - 3 SPACES (REQUIRED) 1 SPACE FOR 0.1-BEDROOM UNITS - GOVT. CODE 89015-SUB-DIVISION P - SECTION 1
 - 3 SPACES (REQUIRED) 1 SPACE FOR 0.1-BEDROOM UNITS - GOVT. CODE 89015-SUB-DIVISION P - SECTION 1
 - 5 SPACES (REQUIRED) 1 SPACE PER 400 SQ.FT. RETAIL - RODEO ZONING CODE DIVISION - V)
- B) FOR (3) 1-BEDROOM UNITS
- C) FOR (3) STUDIOS
- D) FOR 1710 SQ.FT. RETAIL

TOTAL PROVIDED: 43 (INCL. 7 RESIDENTIAL TANDEM PARKING SPACES)

OF STANDARD PARKING SPACES (PARKING REQUIRED): 26 (80.4%)

OF COVERED SPACES: 24 (55.8%)

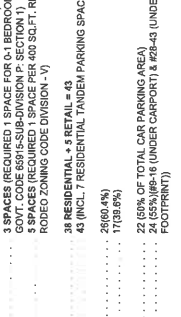
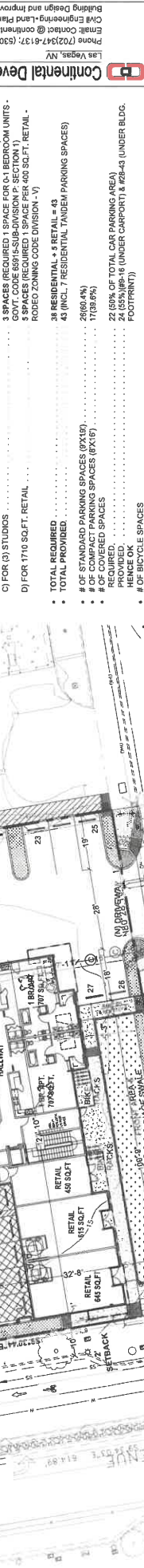
OF BICYCLE SPACES PROVIDED: 4

CONSTRUCTION NOTES

- RELOCATED ACCESSIBLE PATH OF TRAVEL AND VAN ACCESSIBLE PARKING OUT OF PROJECT BOUNDARY OF ADJACENT PROPERTY OWNED BY CLIENT.

TRASH ENCLOSURE NOTES

- TRASH ENCLOSURE TO BE CONNECTED TO ONSITE SEWER SYSTEM THROUGH FLOOR DRAIN.
- TRASH ENCLOSURE TO BE CONCRETE ON 2% SLOPE (MIN. 2%) TOWARDS FLOOR DRAIN.



NOTES:

- POSTS: 2.38" SQUARE STEEL TUBE; 8 FT TALL 0.04" THICK
- HORIZONTAL: 1.57" SQUARE STEEL TUBE; 0.04" THICK
- VERTICAL PICKET: 0.8" SQUARE STEEL TUBE; 0.04" THICK (24 PIECES IN TOTAL PER 10' SECTION) (EQUALLY SPACED) WITH CAP
- FINISHED GRADE
- CONCRETE FOOTING WITH SLOPED TOP

KEY:

- ALL STEEL BUSHES GALVANIZED
- ALL UNITS SPOT WELDED
- RUST PROOFING OF ALL MATERIAL W/ BLACK EPOXY
- ALL FOUR SIDES OF THE TUBES WELDED
- ALL VERTICAL PICKETS 1/2" O.C. (MAX.) EQUALLY SPACED

WOODEN FENCE

NOTES: 6 FT. X 8 FT. WESTERN RED CEDAR FENCE W/ CHECKER LATTICE ON TOP OR EQUIVALENT, IN NATURAL WOOD COLOR

TRASH ENCLOSURE

10" WIDE AND 3' LONG CONCRETE BUMPER OR CURB

8" HIGH, 8" WIDE CMU WALL

5" STUCCO OVER CMU BLDG. EXTERIOR (ONLY) - EXTERIOR (ONLY)

2 CUBIC YARD ORGANIC BIN

2 CUBIC YARD RECYCLE BIN

4 CUBIC YARD GARAGE BIN

8" THICK CONCRETE SLAB W/ FIBERMESH REINFORCING

20 GA. METAL PANEL FLOOR

PAINTED GRAY (TYP. MATCHING ROOF)

SCALE: 1/8" = 1'-0"

PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

1

WOODEN FENCE

3

GUARDRAIL (WROUGHT IRON FENCE)

4

CARPORT

5

TRASH ENCLOSURE

2

| REVISIONS: | DATE: |
|------------|-------|
| | |
| | |
| | |
| | |

Continental Development Consultants, Inc.
 Las Vegas, NV
 Phone: (702)417-6137; (505)465-3780 - FAX: (702)664-6237
 Email: Contact@continentalc.com
 Civil Engineering - Land Planning and Zoning Enhancements
 Building Design and Improvements - Construction Consulting

FIRST FLOOR PLAN
 MIXED USE RESIDENTIAL
 375 PARKER AVENUE
 RODEO, CA 94572

PROJECT TITLE
 DATE: 12/13/2019
 JOB: 145-RD-02
 DRAWN BY: SPK
 CHECK BY: SPK

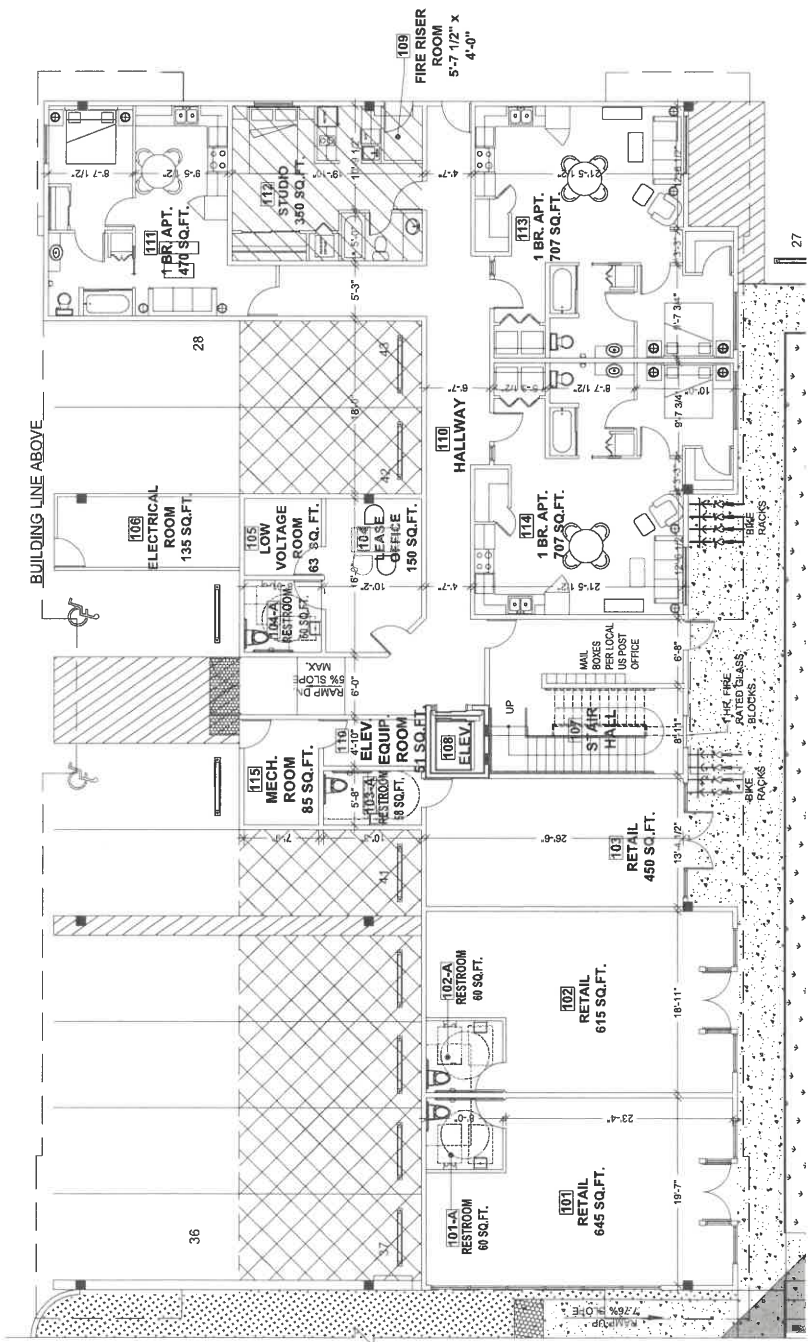
DPR-3

LEGEND:

- 2 x 6 WOOD STUD WALLS (REFER STR. PLANS)
- 12 x 12 COLUMN (BY STR. DESIGN)
- TANDEM PARKING
- INCLUSIVE HOUSING UNIT #112 FOR VERY LOW INCOME HOUSEHOLD TO BE RENTED TO A HOUSEHOLD WITH 50% AREA MEDIAN INCOME (AMI)
- ROOM #

UNIT BREAKDOWN (FIRST FLOOR)

| TYPE OF UNIT | # OF UNITS | AREA UNIT | INCLUSIVE UNIT FOR VERY LOW INCOME |
|-----------------------------------|------------|--------------------|------------------------------------|
| [111] ONE BEDROOM UNIT | 01 | 470 SQ.FT. | |
| [112] STUDIO UNIT | 01 | 380 SQ.FT. | 01 |
| [113] TAND. APT. ONE BEDROOM UNIT | 02 | 707 SQ.FT. | |
| TOTAL | 04 | 2234 SQ.FT. | 01 |



1 FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

| NO. | REVISIONS | DATE |
|-----|-----------|------|
| | | |
| | | |

Continental Development Consultants, Inc.
 Las Vegas, NV
 Phone (702)347-8137; (503)405-3780 • FAX (702)664-8237
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 Chief Engineering - Land Planning and Zoning Enhancements •
 Building Design and Improvements - Construction Consulting

SECOND FLOOR PLAN
 MIXED USE RESIDENTIAL
 375 PARKER AVENUE
 RODEO, CA 94572

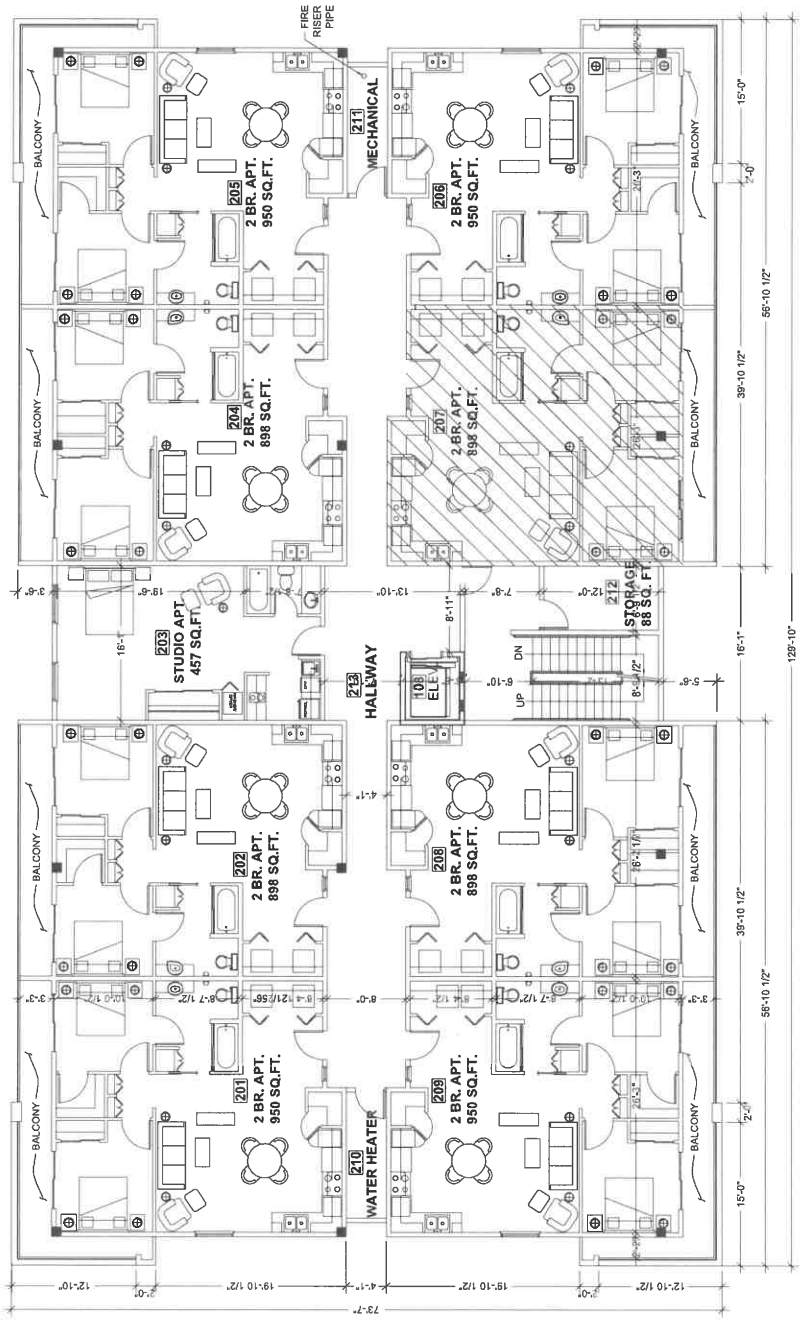
DWG: 18-11-2018
 JOB: 18-02-02
 DWG BY: DV
 CHK BY: SPK

DPR-4

LEGEND:
 2 x 6 WOOD STUD WALLS (REFER STR. PLANS)
 INCLUSIONARY HOUSING UNIT #897 FOR LOW INCOME HOUSEHOLD TO BE RENTED TO A HOUSEHOLD WITH 80% AREA MEDIAN INCOME (AMI)
 ROOM #

UNIT BREAKDOWN (SECOND FLOOR)

| TYPE OF UNIT | # OF UNITS | AREA/UNIT | INCLUSIONARY UNIT FOR LOW INCOME |
|-------------------------------------|------------|--------------------|----------------------------------|
| 203 STUDIO | 01 | 457 SQ.FT. | |
| 201, 205, 206, 209 TWO BEDROOM UNIT | 04 | 950 SQ.FT. | |
| 202, 204, 207, 208 TWO BEDROOM UNIT | 04 | 898 SQ.FT. | 207 01 |
| TOTAL | 09 | 7849 SQ.FT. | 01 |



1 SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

| NO. | REVISION | DATE |
|-----|----------|------|
| | | |
| | | |
| | | |

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 Building Design and Improvements • Construction Consulting

THIRD FLOOR PLAN
 MIXED USE RESIDENTIAL
 375 PARKER AVENUE
 RODEO, CA 94572

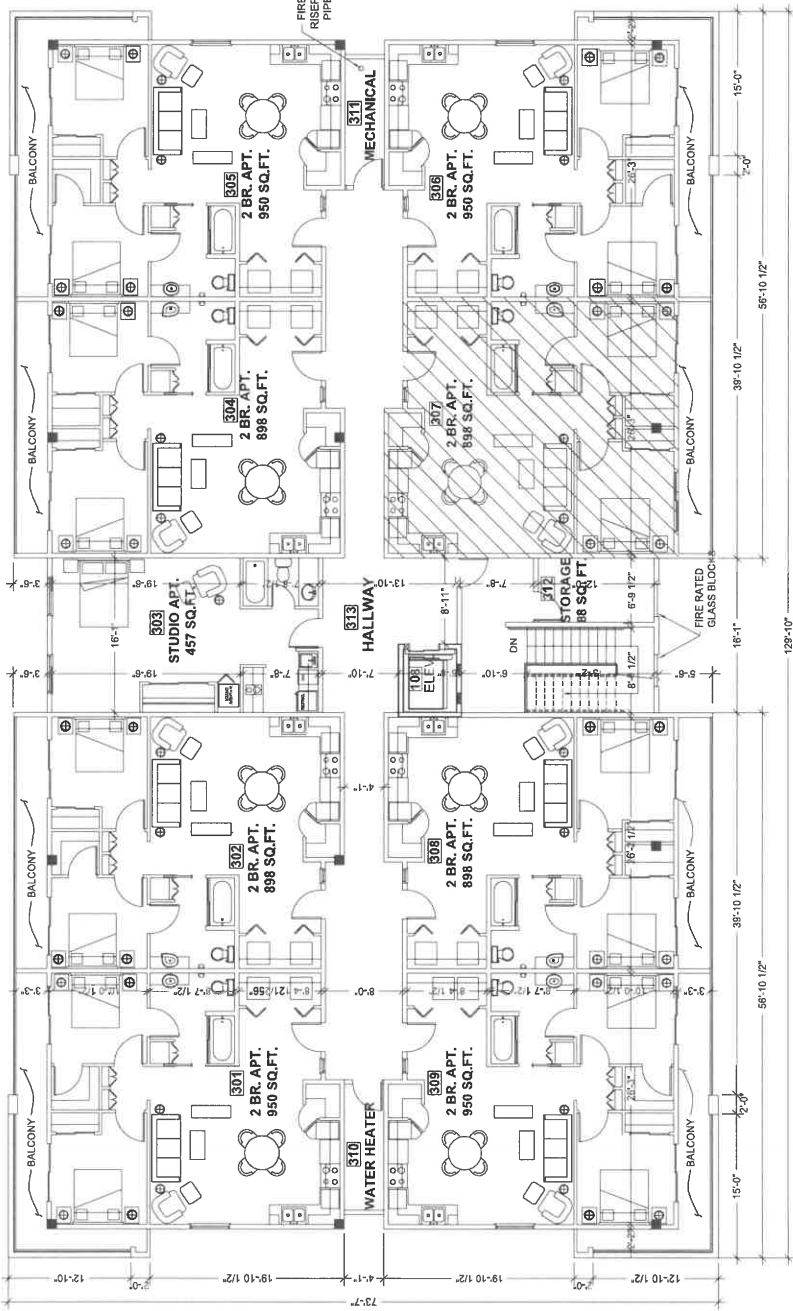
DATE: 12/13/2019
 JOB: HUS-RD-02
 DRAWN BY: J. SPK
 CHK BY: SPK

DPR-5

LEGEND:
 2 x 8 WOOD STUD WALLS (REFER STR. PLANS)
 INCLUSIONARY HOUSING UNIT #307 FOR LOW INCOME HOUSEHOLD TO BE RENTED TO A HOUSEHOLD WITH 80% AREA MEDIAN INCOME (AMI)
 ROOM #

UNIT BREAKDOWN (THIRD FLOOR)

| TYPE OF UNIT | # OF UNITS | AREA UNIT | INCLUSIONARY UNIT FOR LOW INCOME |
|--|------------|--------------------|----------------------------------|
| STUDIO | 01 | 457 SQ.FT. | |
| 305 306 308 TWO BEDROOM UNIT | 04 | 950 SQ.FT. | |
| 302 303 307 309 TWO BEDROOM UNIT | 04 | 898 SQ.FT. | 307 01 |
| TOTAL | 09 | 7846 SQ.FT. | 01 |



1 THIRD FLOOR PLAN
 SCALE: 1/8" = 1'-0"

EXHIBIT C

Income Certification Form

FORM OF INCOME CERTIFICATION
-To be completed by homebuyer or renter-

Applicant Name(s): _____

Applicant Address: _____

RETURN ALL CHECKLIST ITEMS TO:
CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
HOUSING AND COMMUNITY IMPROVEMENT DIVISION
30 MUIR ROAD
MARTINEZ, CA 94553

(i) **Checklist – to be completed and included with application**

Please read the application carefully and complete it accurately before signing. There may be legal consequences if the applicant provides false income and residence information. Submit copies of the following documents for all household members over the age of 18:

- Completed Income Certification (this document).
- Complete copy of most recently filed federal tax return, including all schedules and W-2 forms (state tax returns NOT required).
 - If self-employed, additionally submit two prior year's federal tax returns.
- Pay stubs from all income sources for the last three (3) months.
- All other current proof of income statements (including checks or award letters for Social Security, SDI, General Assistance, etc.).
- All investment account statements (e.g. checking & savings account, stock, and IRA statements) for the last three (3) months.
 - Attach a signed statement certifying no investment accounts (if applicable).
- Attach a detailed explanation of missing checklist items (if applicable).

Please Note: The above list is the minimum documentation we require to certify your income for a "Parker Place" unit. During the County's review process, we may request additional information in order to ensure qualification for the program.

CERTIFICACIÓN DE INGRESOS PARA

Para Ser completado por el comprador de vivienda o inquilino

Nombre del solicitante (s): _____

Dirección del solicitante: _____

REGRESA TODOS LOS ELEMENTOS DE LA LISTA DE COMPROBACIÓN PARA:
CONDADO DE CONTRA COSTA
DEPARTAMENTO DE CONSERVACIÓN Y DESARROLLO
HOUSING AND COMMUNITY IMPROVEMENT DIVISION
30 MUIR ROAD
MARTINEZ, CA 94553

Lista de Comprobación: para ser completado y incluido con la aplicación

Por favor, lea cuidadosamente la solicitud y completarla con precisión antes de firmar. Puede haber consecuencias legales si el solicitante proporciona información falsa sobre los ingresos y residencia. Entregue copias de los siguientes documentos para todos los miembros del hogar que son mayores de 18 años:

- Certificación de ingresos completo (Este documento).
- Copia completa de la declaración de impuestos federales más recientemente presentado, incluyendo todos los horarios y las formas W2 (las declaraciones de impuestos estatales no es necesario).
 - Si trabaja por cuenta propia, presenta los declaraciones de impuestos federales de los ultimo dos años anteriores.
- Talones de pago de toda las fuentes de ingresos de los últimos tres (3) meses.
- Toda otra prueba actual de las cuentas de resultados (incluyendo cheques o cartas de aprobación del Seguro Social, SDI, Asistencia General, etc.).
- Todos los estados de cuenta de inversión (por ejemplo, cuentas de cheques y de ahorros, valores, y declaraciones del IRA) para los últimos tres (3) meses.
 - Adjunte una declaración firmada que certifica no hay cuentas de inversión (si procede).
- Adjunte una explicación detallada de los puntos de la lista que faltan (si corresponde).

Nota: La lista anterior es la documentación mínima que requerimos para certificar sus ingresos para un hogar en "Parker Place". Durante el proceso de revisión del Condado, podemos solicitar información adicional para asegurar la calificación para el programa.

FORM OF INCOME CERTIFICATION

Income Certification

Property Address: _____

City: _____ Zip: _____

Telephone _____ Work Number: _____

Cell Number: _____ Email: _____

HOUSEHOLD COMPOSITION

| HH Mbr # | Head of Household Last Name | First Name & Middle Initial | Relationship to Head HH | Age | DL# | SS# or Alien Reg. No. |
|----------|-----------------------------|-----------------------------|-------------------------|-----|-----|-----------------------|
| 1 | | | HEAD | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |

INCOME (USE ALL INCOME SOURCES FOR ALL HOUSEHOLD MEMBERS OVER 18)

| HH Mbr# | (A) Employment or Wages | | (B) Soc. Security/Pensions | | (C) Public Assistance | | (D) Other Income | |
|---------------|-------------------------|--------|----------------------------|--------|-----------------------|--------|------------------|--------|
| | Monthly | Yearly | Monthly | Yearly | Monthly | Yearly | Monthly | Yearly |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Totals | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

Add totals from (A) through (D) above

(E) TOTAL INCOME:

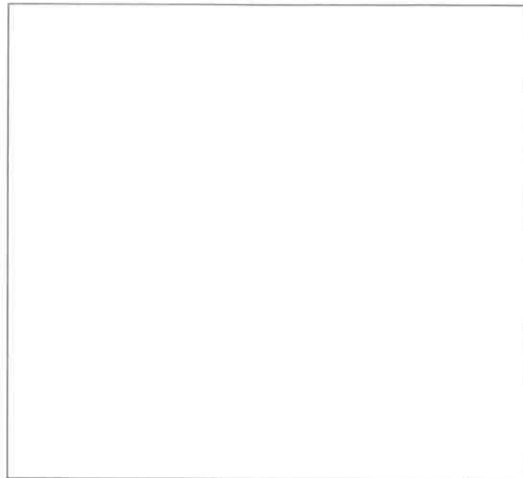
| |
|----|
| \$ |
|----|

Signature of Applicant: _____ Date: _____

Signature of Co-Applicant: _____ Date: _____

Certificación de Ingresos

Dirección: _____
 Ciudad: _____ Código Postal: _____
 Teléfono _____
 Número telefónico de trabajo: _____
 Número Celular: _____ Correo electrónico: _____



COMPOSICIÓN DEL HOGAR

| HH Mbr # | Apellido de la Cabeza del Familia/Hogar | Primero Nombre e Inicial del segundo nombre | Relación a la cabeza del familia/hogar | Edad | # de licencia (pa manejar, si se aplica) | # de Seguro Social o # de extranjero |
|----------|---|---|--|------|--|--------------------------------------|
| 1 | | | Cabeza del Familia/Hogar | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |

INGRESOS (USAR TODAS LAS FUENTES DE INGRESOS PARA TODOS LOS MIEMBROS DEL HOGAR SOBRE 18)

| HH Mbr# | (A) Empleo o Salarios | | (B) Seguro Social / Pensiones | | (C) Asistencia pública | | (D) Otra entrada | |
|---------|-----------------------|------------|-------------------------------|------------|------------------------|------------|------------------|------------|
| | Mensual | Anualmente | Mensual | Anualmente | Mensual | Anualmente | Mensual | Anualmente |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Totales | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |

Añadir totales de (A) a (D) por encima

(E) TOTAL INGRESOS::

\$ _____

Firma del solicitante: _____ Fecha: _____

Firma del Co-Solicitante: _____ Fecha: _____

PARTICIPATION DATA – FY 2022

Male Female

Name

1. **Status** (Check all that apply): 62 years or older Disabled
2. **Head of Household:** Are you the head of the household? Yes No
3. **If you are not the head of the household, is the head of the household female?** Yes No
4. **Household Size and Total Annual Household Income:**
 - A. Circle the total number of people in your household in the first column.
 - B. On the line corresponding to your household size, check the income range that includes your household's annual income.

A. Household Size

B. Total Household Income

| | | | |
|----------|---|---|--|
| 1 | <input type="checkbox"/> up to \$50,000 | <input type="checkbox"/> \$50,000-\$76,750 | <input type="checkbox"/> \$76,750-\$119,950 |
| 2 | <input type="checkbox"/> up to \$57,150 | <input type="checkbox"/> \$57,150-\$87,700 | <input type="checkbox"/> \$87,700-\$137,100 |
| 3 | <input type="checkbox"/> up to \$64,300 | <input type="checkbox"/> \$64,300-\$98,650 | <input type="checkbox"/> \$98,650-\$154,200 |
| 4 | <input type="checkbox"/> up to \$71,400 | <input type="checkbox"/> \$71,400-\$109,600 | <input type="checkbox"/> \$109,600-\$171,350 |
| 5 | <input type="checkbox"/> up to \$77,150 | <input type="checkbox"/> \$77,150-\$118,400 | <input type="checkbox"/> \$118,400-\$185,050 |
| 6 | <input type="checkbox"/> up to \$82,850 | <input type="checkbox"/> \$82,850-\$127,150 | <input type="checkbox"/> \$127,150-\$198,750 |

Check here if your income does not fall into any of the income ranges corresponding with your household size.

5. **Do you receive assistance from any of the following sources?**

- CalWORKs General Assistance Social Security Food Stamps
 Medi-Cal Section 8 WIC

6. **Race/Ethnicity** (Check only one, unless noted):

- American Indian/Alaskan Native Asian White
 Native Hawaiian/Pacific Islander Asian & White Black/African American
 American Indian/Alaskan Native & White Black/African American & White
 American Indian/Alaskan Native & Black/African American
 Other Multi-Racial: _____
 Hispanic Ethnicity (you must also check one of the racial categories if you select this category)

I hereby certify that the above information is true and correct to the best of my knowledge. I acknowledge and understand that the information provided here will be relied upon for purposes of determining my eligibility for this program. I acknowledge that a material misstatement fraudulently or negligently made in this or in any other statement made by me may constitute a federal violation and may result in the denial of my participation in this program.

Signature

Date

Programa para el Desarrollo de la Comunidad Información sobre los participantes del año 2022

Hombre Mujer

Nombre

Domicilio

Ciudad

Código postal

1. Marque lo que es aplicable: 62 años o mas de edad Discapacitada/o
2. Jefe de Casa: ¿Es usted el jefe de casa? Si No
3. Si no es el jefe de casa, ¿es dirigida la casa por una mujer? Si No
4. Número de Personas en el Hogar y Ingresos Anuales:
 - A. Circule en la primera columna el número de personas en su hogar
 - B. Al lado derecho del número que circuló, por favor marque las cajas que indican el ingreso total de todas las personas en su hogar (aproxime)

| A. Numero de personas en el hogar | B. Total de ingresos | | |
|-----------------------------------|---|---|--|
| 1 | <input type="checkbox"/> up to \$50,000 | <input type="checkbox"/> \$50,000-\$76,750 | <input type="checkbox"/> \$76,750-\$119,950 |
| 2 | <input type="checkbox"/> up to \$57,150 | <input type="checkbox"/> \$57,150-\$87,700 | <input type="checkbox"/> \$87,700-\$137,100 |
| 3 | <input type="checkbox"/> up to \$64,300 | <input type="checkbox"/> \$64,300-\$98,650 | <input type="checkbox"/> \$98,650-\$154,200 |
| 4 | <input type="checkbox"/> up to \$71,400 | <input type="checkbox"/> \$71,400-\$109,600 | <input type="checkbox"/> \$109,600-\$171,350 |
| 5 | <input type="checkbox"/> up to \$77,150 | <input type="checkbox"/> \$77,150-\$118,400 | <input type="checkbox"/> \$118,400-\$185,050 |
| 6 | <input type="checkbox"/> up to \$82,850 | <input type="checkbox"/> \$82,850-\$127,150 | <input type="checkbox"/> \$127,150-198,750 |

Marque esta caja si sus ingresos no llegan a las tarifas que corresponden con el tamaño de su hogar.

5. ¿Recibe usted asistencia de alguna de estas organizaciones?

- CalWORKs Asistencia General Seguro Social vales para alimentos
 Medi-Cal Sección 8 WIC

6. ¿Eres Hispano/Latino? Si No

7. Raza (Marque uno):

- Indio Americano/Nativo de Alaska Asiático Blanco
 Nativo de Hawái/de las Islas del Pacifico Asiático/Blanco Negro/Africano Americano
 Indio Americano/Nativo de Alaska/Blanco Negro/Africano Americano/Blanco
 Indio Americano/Nativo de Alaska/Negro
 Otro Multirracial: _____

Yo juro bajo pena de perjurio que la información proveída es verdadera y correcta. Yo reconozco que la información solicitada será para determinar mi elegibilidad para este programa. Yo acepto que material o declaraciones hechas mal o negligentemente por mí, pueden constituir una violación federal y pueden tener un resultado negativo en mi participación en este programa.

Firma

Fecha

EXHIBIT D
PERMIT, FINDINGS, AND CONDITIONS OF APPROVAL FOR DEVELOPMENT



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

APPROVED PERMIT

| | | | |
|-------------------|--|-------------------------------|--------------------------------|
| APPLICANT: | Sukhjit Tony Singh P.O. Box 1924 Woodland, CA 95776 | APPLICATION NO.: | DP18-3021 |
| | | ASSESSOR'S PARCEL NO.: | 357-151-002 |
| | | PROJECT LOCATION: | 375 Parker Avenue Rodeo, CA |
| OWNER: | Harjap Singh 1026 Turquoise Drive Hercules, CA 94547 | ZONING DISTRICT: | P-1 |
| | | APPROVED DATE: | January 4, 2021 |
| | | EFFECTIVE DATE: | January 15, 2021 |

This matter having not been appealed within the period of time prescribed by law, a DEVELOPMENT PLAN PERMIT to construct a three-story mixed-use building, which will have approximately 1,710 square-feet of retail space on the ground floor and 22 residential (apartment) units, including 3 affordable housing units and 19 market rate units in the RODEO area is hereby APPROVED, subject to the attached conditions of approval.

By: _____

Aruna Bhat
Aruna M. Bhat
County Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the action allowed by this permit is not undertaken within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #DP18-3021: SUKHJIT TONY SINGH (APPLICANT) & HARJAP SINGH (OWNER) AS APPROVED BY THE ZONING ADMINISTRATOR ON JANUARY 4, 2021

I. FINDINGS

A. Growth Management Performance (GMP) Standards

1. **Traffic**: Policy 4-c of the Growth Management Element of the County's General Plan requires a traffic impact analysis for any project that is estimated to generate 100 or more AM or PM peak-hour trips based upon the trip generation rates as presented in the Institute of Traffic Engineers (ITE). In addition, absent substantial evidence indicating that a project would generate a potentially significant level of Vehicle Miles Traveled (VMT), projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact. Based on the ITE Trip Generation Manual (10th Edition) Category for "Mid-Rise Residential with 1st-Floor Commercial" (Code 231), the mixed-use project would result in 76 average daily vehicle trips. Since the proposed development would yield less than 100 peak-hour AM or PM trips, a project-specific traffic impact analysis is not required and the project is assumed to have a less than significant impact on the circulation system in the project vicinity.
2. **Water**: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The project site is within East Bay Municipal Utility District's (EBMUD) service area. Pursuant to a letter from EBMUD, the proposed development may be served from the existing water main(s) on Parker Avenue. Since, Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense, the potential impact of the project on water supplies would be less than significant.
3. **Sanitary Sewer**: The GMP requires that new development demonstrate that adequate sanitary sewer quantity and quality can be provided. The project site is within the Rodeo Sanitary District service area and Rodeo Sanitary District staff indicated that sanitary sewer service is available (as the project would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing facilities). Prior to submitting for building permits, the Rodeo Sanitary District will need to review and approve the exterior sanitary sewer plans. The applicant is required to use the latest Central Contra Costa Sanitary District Standard Specification for the sanitary sewer system. In addition, the District will need to inspect the connection to the District sewer main on Parker Avenue at the time the connection is made.
4. **Fire Protection**: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central

business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. Fire protection and emergency medical response services for the project vicinity are provided by the Rodeo-Hercules Fire Protection District (Rodeo-Hercules FPD). The project is required to comply with the applicable provisions of the California Fire Code, the California Residential Code, and Contra Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. When it comes time to submit for building permits, the construction drawings would have to be reviewed and approved by the Rodeo-Hercules FPD. As a result, the project's potential impacts on fire protection would be less than significant.

5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides service to the unincorporated Rodeo area. Based on the United States Census Bureau's estimate of 3.11 persons per household (between 2014 – 2018) for Rodeo, the project would potentially increase the population by an estimated 68 people. Since this project would result in a relatively small change in population (per the United States Census Bureau data from April 1, 2010, Rodeo has an estimated population of 8,679 people, which means the project would result in an approximately 0.7835 percent increase in population for the area), the project would not impact the County's ability to maintain a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 members of the population. Thus, the project would not significantly affect the provision of police services to the Rodeo area.
6. Parks and Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. While the project as proposed will not result in a significant increase in the County population (as mentioned above), all residential projects are required to pay a Park Impact fee. Park fees are collected to fund the acquisition and development of parks in Contra Costa County to serve unincorporated County residents. This helps ensure that a less than significant impact to parks will result from the project.
7. Flood Control and Drainage: The project site lies within the Special Flood Hazard Area (100-yr flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps, and the applicant will be required to apply for a Floodplain Permit (prior to submitting for building permits).

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. The applicant is requesting an exception from the collect and convey requirements of the

County Ordinance Code to allow the project to discharge to an existing inadequate system with no additional offsite improvements required, provided that runoff from the project site does not exceed pre-development conditions and concentrated storm drainage is not discharged onto the adjacent property.

B. Development Plan Findings

The applicant is requesting approval of a Development Plan application to construct a 22-unit, three-story, mixed-use building, with approximately 1,710 square-feet of ground level retail space. The proposed building will be 43-feet tall and set back 2-feet from the property line adjacent to Parker Avenue and 22-feet from the property line adjacent to Fourth Street. In accordance with the County’s inclusionary housing ordinance, three (3) of the 22 units will be affordable units. Development involves complete site improvements, including landscaping improvements, frontage improvements along Fourth Street, the construction of two (2) carports along the northern property line, and a trash enclosure along the eastern property line. The applicant is also requesting an exception from the collect and convey requirements of the County Ordinance Code to allow the project to discharge to an existing inadequate system with no additional offsite improvements required.

1. Required Finding: *The proposed project shall be consistent with the purpose of the Rodeo (P-1) Zoning District.*

Project Finding: The subject property is located within the P-1, Rodeo Redevelopment Area Planned Unit District, which provides specific development standards and design guidelines, pursuant to the underlying general plan designation (which is the M-2, Downtown/Waterfront Rodeo Mixed Use District). The following table demonstrates the project’s compliance with the applicable development standards:

| | M-2, Downtown/Waterfront Rodeo Mixed Use District Requirements | Proposed |
|--------------------------------|---|---|
| Maximum Building Height | 35’ with a maximum 2 stories of economic use above the ground level (f) <i>(f) Commercial allowed only on ground floor and must have street frontage</i> | Pursuant to Government Code 65915(e), the applicant is requesting relief from development standards to allow a building height of 43’, where 35’ maximum height is allowed. |
| Floor Area Ratio | 0.1 – 1.0 (b) <i>(b) Excludes upper level residential</i> | 9,020 sq. ft. (gross floor area of ground level) / 24,500 sq. ft. (lot area) = 0.37 |

| | | |
|---|---|---|
| Maximum Lot Coverage | N/A | N/A |
| Residential Density (Units per net acre) | Lot size > 24,000 = 30 units per net acre | The applicant has submitted a density bonus request and has proposed to construct 18.75% percent of the total units of the housing development for lower income households for a 32 percent density bonus pursuant to Government Code 65915(b)(1)(A). A 16-unit project (the maximum density allowed at the project site is 30 units per net acre / (30/43,560)(24,500) = 16.87 units) with a 32 percent density bonus would allow a 22-unit housing development. |
| Front Yard Setback | 0' (i) County Code Section 82-12.402(a) requires a 10' "highway" setback <i>(i) A ten foot sidewalk is required between the street and the front of buildings</i> | Pursuant to Government Code 65915(e), the applicant is requesting a reduction of development standards to allow a highway setback of 2' from the western property line (frontage adjacent to Parker Avenue), where 10' is required. |
| Side Yard Setback | 0' | The building will be set back 43' from the eastern property line and 44' from the northern property line. The carports will be located along the northern property line (0' setback) and the trash enclosure will be located along the eastern property line (0' setback). |
| Street Side Yard Setback | 10' from street | 22' from the southern property line (frontage adjacent to Fourth Street) |
| Rear Yard Setback | 0' | N/A |

- Parking:** As part of the applicant's Density Bonus request, the applicant is requesting parking ratios pursuant to Government Code 65915(p). Pursuant to Government Code 65915(p), zero to one-bedroom units shall have one (1) onsite parking space and two to three-bedroom units shall have two (2) onsite parking spaces. In accordance with this standard (the applicant is proposing sixteen (16) two-bedroom units, three (3) one-bedroom units, and three (3) studios), the applicant is providing 38 off-street parking spaces for the residential portion of this project, which includes seven (7) tandem parking spaces. The five (5) remaining off-street parking spaces (1,710 sq. ft. of retail area/400 (1 space per 400 sq. ft of retail space) = 4.275 rounded up to 5 spaces) are designated for the commercial use and comply with the Rodeo Redevelopment Area Planned Unit District development standards. The applicant is providing a total of 43 off-street parking spaces, 50% of which must be covered (24 covered parking spaces provided = 56% covered parking spaces). In addition, 26 of the parking spaces shall be standard in size (9' x 19') and 17 of the parking spaces shall be compact in size (8' x 18'), which is

consistent with the Parking Incentives provided in the Rodeo Redevelopment Area Planned Unit District development standards, which allows up to 50% of the spaces to be designated as compact spaces (17 compact spaces = 40%).

Regarding bicycle parking, the project provides eight (8) bicycle parking spaces, where four (4) spaces are required. In addition, the project complies with the location requirements (per the Rodeo Redevelopment Area Planned Unit District development standards) because the bike racks will be located near the building entry (visually prominent location / an area with high pedestrian activity), underneath an overhang (for passive shelter).

A 6-foot tall western red cedar fence will be constructed along the northern property line to provide screening. Pursuant to the Rodeo Redevelopment Area Planned Unit District development standards, if a parking lot borders residential areas, a 6-foot high screening is required.

- **Landscaping:** Regarding landscaping requirements, the preliminary landscape design has been reviewed for compliance with the Rodeo Redevelopment Area Planned Unit District's development standards. One tree shall be planted for every 4 parking spaces and a 4-foot minimum width of landscape area shall border pedestrian pathways. Consequently, the applicant is proposing to plant 12 trees (43 parking spaces / 4 = 11 trees required) and provide a 4-foot minimum width of landscape area bordering the pedestrian pathways along Parker Avenue and Fourth Street. Sites with 5,000 square feet or more of parking surface must also provide landscaping on 10% of the parking space surface area. The main C.3 bio-retention feature, which will be located along the project frontage of Fourth Street in front of the proposed building, is approximately 1,401 square feet in area, which exceeds this requirement (6,894 square-feet of parking space surface area x 10% = 689.4 square feet of landscaping (excluding perimeter landscaping and tree well areas) required). The final landscape plans will be reviewed by staff upon project approval (prior to submittal of building and/or grading permits).
- **Design:** The Rodeo Redevelopment Area Planned Unit District encourages the placement of buildings close to the street frontage, with windows and entries facing the street. The proposed development is consistent with this standard, and the design of the building also incorporates encouraged façade design elements, such as the use of projections, recesses, and variations in building height (window awnings and parapet walls), in order to enhance the streetscape. The building will have a stucco finish, and will be painted white and gray, with black accents. A decorative screen will shield covered parking (within the building) from view from Parker Avenue. The proposed trash enclosure also complies with applicable design standards because it is

screened with walls (stucco finish, painted to match the building exterior) and has a metal roof. The carports will be metal, painted to match the building exterior.

The preliminary exterior lighting plan has been reviewed for compliance with the Rodeo Redevelopment Area Planned Unit District's development standards, which includes using lighting to emphasize building entries and landscape features, and to provide security lighting which is adequate for surveillance, but avoids over-lighting. All outdoor lighting shall be directed down and screened away from adjacent properties and streets. The final exterior lighting plan will be reviewed by staff upon project approval (prior to submittal of building and/or grading permits).

The project site is also located within the Rodeo Specific Plan area. Pursuant to the Rodeo Specific Plan, the primary objectives of the mixed-use district include increasing the amount of housing opportunities available while preserving the retail sales potential of the downtown, particularly along the Parker Avenue corridor. The project is consistent with the Rodeo Redevelopment Area Planned Unit District and the Rodeo Specific Plan because it is a mixed use project that provides ground floor commercial space (at the corner of Parker Avenue and Fourth Street), which preserves the retail sales potential of the downtown, and provides 22 residential units (including 3 inclusionary housing units and 19 market rate units), which increases the amount of housing opportunities available in the area. Thus, the project as proposed complies with the intent and purpose of both the Rodeo Redevelopment Area Planned Unit District and the Rodeo Specific Plan regarding design and use.

2. Required Finding: *The proposed project shall be compatible with other uses in the vicinity, both inside and outside the district.*

Project Finding: As mentioned above, the project site is located within the M-2, Downtown/Waterfront Rodeo Mixed-Use General Plan land use designation area, which encourages the revitalization of downtown Rodeo through efforts to concentrate commercial/office uses into logical groupings and to provide for economic reuse of the area through the provision of multiple-family residential buildings. The County's General Plan also includes policies for development in the Rodeo area (3-146 through 3-164). Specifically, Policy 3-155 provides guidance for the revitalization of Old Town Rodeo (which includes the project site) and retaining and increasing opportunities for live/work space is encouraged, as is establishing a mixture of land uses, including residential and commercial.

The project site is located on the northeast corner of the intersection of Parker Avenue and Fourth Street. Surrounding uses include convenience stores and service stations, a Mobile Home & RV Park, single-family and multi-family housing, schools,

restaurants, and retail stores. Due to the mixed-use zoning of the project site and surrounding properties, the proposed development would not divide an established community and would be substantially compatible with other uses in the vicinity, both inside and outside the district, while also meeting the intent and purpose of the underlying land use designation area, which encourages mixed use development. The proposed use of each ground floor commercial tenant space is subject to the Rodeo Redevelopment Area Planned Unit District Land Use Matrix, which will help ensure that the future use of each commercial tenant space is compatible with other uses in the vicinity, both inside and outside the district.

C. Exception Findings:

The applicant is requesting an exception from the collect and convey requirements of the County Ordinance Code to allow the project to discharge to an existing inadequate system with no additional offsite improvements required. Pursuant to Chapter 92-6 of the County code, these exceptions may be granted based upon the following findings:

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

Project Finding: Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant proposes to drain the storm water flows from the project site to the bio retention basin at the southwest corner of the site, conveyed through a 24-inch existing public storm drain pipe with an outfall in Rodeo Creek, approximately 345 feet from the basin. The applicant determined that post project conditions will nominally increase 10-year peak flows by 0.09 cfs from existing 0.95 cfs, however 100-year pre and post project peak flows (1.73 cfs) remain unchanged. Although section 914-2.004 of the County Ordinance requires that all storm water originating on the project site be collected and conveyed to an existing adequate storm drainage system which conveys the storm water to an adequate natural watercourse, drainage studies verify that compliance with section 914-2.004 will not be met, which necessitates a request for an exception from the Advisory Agency (Contra Costa County Public Works Department) per section 92-6.002 of the County Ordinance Code.

Offsite drainage study proves that the existing public storm drain pipe is adequate for 10-year flow, in the case Rodeo Creek is flowing empty. However, in the event, Rodeo Creek is also flowing at 10-yr recurrence interval, backflows will occur at the existing

24-inch pipe. Furthermore, a FEMA Study also concludes that Rodeo Creek has existing flood issues from an undersized rectangular channel beginning from 3rd street and extending downstream to the San Pablo Bay. So the existing drainage system will continue to remain inadequate due to resulting backflows from the water surface elevation in Rodeo Creek, even if the improvements are constructed at the project frontage. This validates that due to unusual circumstances, improvements to the public storm drain system in the project vicinity would be an unnecessary burden to the applicant.

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

Project Finding: Site design parameters for retaining post-development-onsite flows are fully utilized and post project conditions will release a small amount of additional peak flow. These flows have to be collected and conveyed into the existing public storm drainage to allow the proposed improvements to be constructed in compliance with applicable development standards and design guidelines. In addition, the M-2, Downtown/Waterfront Rodeo Mixed-Use General Plan land use designation encourages the revitalization of downtown Rodeo through efforts to concentrate commercial/office uses into logical groupings and to provide for economic reuse of the area through the provision of multiple-family residential buildings (the mixed-use land use designation allows both residential and commercial/office uses in a single project). As such, the requested exception is necessary for the preservation and enjoyment of a substantial property right of the applicant, which is to allow for the betterment of the project site.

- 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: Typically, section 914-2.004 requires the construction of improvements to make the system adequate. However, the small increase in runoff from post-developed conditions will not significantly alter existing drainage patterns, which are already inadequate as explained above. The proposed development is physically suitable for the project site regarding use, density, and design. The Rodeo Municipal Advisory Council, which specifically focuses on the public welfare of its residents, also supports the project. Therefore, it can be determined that the granting of this exception will not be materially detrimental to the public welfare or injurious to other property in the project vicinity.

Through further independent analysis and utilizing the drainage information provided by the applicant, the County determined that the project will not generate additional peak flows and will not detrimentally impact Rodeo Creek. The applicant has

requested an exception to the Division 914 collect and convey requirement to allow the project to drain to the existing storm drain system that outfalls to Rodeo Creek. The Public Works Department is not opposed to the granting of the exception for the reasons outlined in the request provided that the existing drainage pattern is not significantly altered and storm drainage is not discharged onto adjacent property. The applicant will be required to submit a final Hydrology and Hydraulic Report to verify that development does not discharge additional runoff into the existing storm drainage system (and to ensure the project does not substantially alter the existing drainage pattern of the area).

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #DP18-3021

1. **Development Plan approval** is granted for the construction of a three-story mixed-use building, with approximately 1,710 square-feet of ground floor retail space and 22 apartment units (3 affordable housing units and 19 market rate units). Development also includes the construction of two (2) carports along the northern property line and a trash enclosure along the eastern property line, subject to the conditions of approval listed below.
2. **Exception approval is granted** from the collect and convey requirements of the County Ordinance Code allow the project to discharge to an existing inadequate system with no additional offsite improvements required.
3. The Development Plan and Exception approvals described above are granted based on, or as generally shown on, the following documents received by the Community Development Division (CDD):
 - Application and materials submitted to the Department of Conservation and Development; Community Development Division (CDD) on June 12, 2018;
 - Storm Water Control Plan, prepared by Continental Development Consultants, dated October 21, 2018;
 - On-Site Drainage Calculations Report, prepared by Continental Development Consultants, dated October 26, 2018;
 - Geotechnical Investigation Report, prepared by Friar Associates, Incorporated, dated October 29, 2018;
 - Noise Impact Assessment, prepared by Marc Papineau with Environmental Service, dated November 23, 2018;
 - Inclusionary Housing Plan dated July 8, 2019;

- Density Bonus Request dated July 8, 2019, and correspondence from the applicant on December 13, 2019 and January 23, 2020;
 - Revised project plans, received on February 13, 2020.
4. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify the Development Plan.

Application Fees

5. This application is subject to an initial application deposit of \$6,620. The application is subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fees due must be paid prior to an application for a grading or building permit, or within 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

6. Prior to submitting for building permits, the Applicant(s) shall enter into an Indemnification Agreement with the County, and the Applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages (collectively, "Liabilities") arising from or related to the Project, the Applicant's application for a 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, regardless of whether those Liabilities accrue before or after Project approval.

Compliance Report

7. Prior to CDD-stamp approval of plans for the issuance of building or grading permits, whichever occurs first, the applicant shall provide a permit compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant

to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,500 or the required deposit amount at the time of submittal, which shall be paid at the time of submittal of the compliance report.

Signage

8. No signage is approved with this permit. Any proposed signage shall conform with all conditions of approval and design guidelines for the Rodeo Planned Unit District (P-1) area and must be reviewed and approved under a Rodeo Administrative Review application.

Inclusionary Housing and Density Bonus

9. This project is subject to Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are pursuant to this chapter. Pursuant to Section 822-4.402(a) of the County Ordinance Code, in a residential development of 16 rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units.

The applicant, owner, and/or developer (Applicant) is required to construct 2.4 inclusionary units for the project. The Applicant has submitted an Inclusionary Housing Plan dated July 8, 2019, which proposes to construct and rent two (2) lower income (80% Area Median Income (AMI)) housing units and one (1) very low income (50% AMI) housing unit.

The Applicant submitted a density bonus request dated July 8, 2019, and correspondence on December 13, 2019 and January 23, 2020, which proposed to construct 18.75% percent of the total units of the housing development for lower income households for a 32 percent density bonus pursuant to Government Code 65915(b)(1)(A), a request for parking ratios pursuant to Government Code 65915(p), and a reduction of development standards pursuant to Government Code 65915(e). A 16-unit rental housing project with a 32 percent density bonus would allow the 22-unit housing development.

Density Bonus – Parking Ratio

This is a mixed-use project which includes commercial first floor space and residential on all three floors of the building. Pursuant to Government Code 65915(p), the Applicant is proposing 38 off-street parking spaces for the residential use, which includes tandem parking spaces for the residential portion of this project, per plans. All remaining off-street parking is designated for the commercial units.

Density Bonus – Reduction of Development Standards

Pursuant to Government Code 65915(e), the Applicant is requesting a reduction of development standards to allow:

Building Height of 43 feet

Highway Setback of 2 feet

Inclusionary Housing and Density Bonus Developer Agreement

10. **At least 90 days prior to submittal of a building or grading permit application, whichever occurs first, and with the filing of a condition of approval compliance review**, the Applicant shall execute an Inclusionary Housing and Density Bonus Housing Agreement (Agreement), form to be provided by the County, with the County pursuant to Chapter 822-4 Inclusionary Housing, Chapter 822-2 Density Bonus, and Government Code 65915 to ensure that two (2) of the approved units are affordable to and occupied by lower income households and one (1) of the approved units is affordable to and occupied by a very low income household. The Agreement shall be submitted to the Board of Supervisors for approval.

The three (3) on-site inclusionary units identified will include:

- 1 Studio unit at Very Low Income (50% AMI)
- 2 Two-bedroom units at Lower Income (80% AMI)

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

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

Definitions

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

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

Lower income: 80 percent AMI, adjusted for assumed household size, multiplied by 30 percent, and divided by 12.

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

- B. Inclusionary Unit - means a rental unit that is required to be rented at an affordable rent to the households specified in Section 822-4.402.
- C. Lower Income Households – means a household whose income does not exceed the lower income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.
- D. Very Low Income Households – means a household whose income does not exceed the very low income limits applicable to Contra Costa County adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

General Terms (Density Bonus and the Inclusionary Housing Ordinance)

- 11. The following are general terms for the granting of density bonus and the Inclusionary Housing Ordinance.
 - A. The Applicant hereby represents, warrants, and covenants that it will cause the Agreement to be recorded in the real property records of Contra Costa County, California, and in such other places as the County may reasonably request. The Applicant shall pay all fees and charges incurred in connection with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and prior to the filing of a building permit or grading permit.
 - B. The County will provide to the Applicant income certification forms to be completed by the renters. The income levels of all very low income household and lower income household applicants for units in the project shall be certified prior to initial occupancy and annually thereafter and records shall be maintained by the Applicant over the entire term of the period of affordability.
 - C. The three (3) inclusionary units in the project shall be available for rent on a continuous basis to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in renting the units, except to the extent that the units are required to be rented to a very low income household and lower income households. There shall be no discrimination against or segregation of any person or group of persons, on account

of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the rent of any unit in the Project nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of renters of any unit or in connection with employment of persons for the construction of the project.

- D. In addition to any other marketing efforts, the lower income units and very low income unit shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential renters as clients or constituents. The Applicant shall translate marketing materials into Spanish and Chinese. A copy of the translated marketing materials and marketing plan shall be submitted to the Department of Conservation and Development **prior to the marketing of the inclusionary units and on an annual basis with the annual report.**

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

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

Development Standards (Inclusionary Units)

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

Location (Inclusionary Units)

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

Annual Reporting and Compliance Review (Inclusionary Units)

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

Aesthetics

18. **At least 30 days prior to submitting for building or grading permits**, a lighting plan shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The lighting plan shall meet the guidelines specified in the Rodeo Redevelopment Area Planned Unit Development

Zoning Code and Design Guidelines and provide that all outdoor lighting shall be directed down and screened away from adjacent properties and streets. **(Aesthetics 1)**

19. **At least 30 days prior to submitting for building or grading permits**, a Final Landscape Plan shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The plan shall meet the guidelines specified in the Rodeo Redevelopment Area Planned Unit Development Zoning Code and Design Guidelines. The plan shall also 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.

Prior to receiving a final building inspection, the applicant shall submit photos of the installed landscaping to CDD staff as proof of completion.

Air Quality

20. The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans. **(Air Quality 1)**
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt 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.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

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

Cultural Resources

- 21. **Prior to demolition or other ground disturbance**, a qualified archaeologist shall conduct further archival and field study to identify archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of buried archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>. **(Cultural Resources 1)**
- 22. Should archaeological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until a professional archeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s). **(Cultural Resources 2)**
- 23. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 10 feet of the find, the Community Development Division (CDD) shall be notified within 24 hours, and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, and historic features such as privies or walls and other structural remains. **(Cultural Resources 3)**
- 24. If human remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Contra Costa County Coroner has been contacted, pursuant to Section 7050.5 of the California Health and Safety Code. **(Cultural Resources 4)**
- 25. Appropriate mitigation of any discovered cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring, or mitigation phases shall

be properly conserved, catalogued, evaluated, and curated, and a report shall be prepared documenting the methods, results, and recommendations. The report shall be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.
(Cultural Resources 5)

Geology and Soils

26. **At least 30 days prior to requesting building permits for any improvements on any portion of the site**, the project proponent shall submit a geotechnical update report that evaluates potential geologic and geotechnical hazards, and which provides specific standards and criteria for site grading, drainage and foundation design. The scope of the investigation shall include (i) evaluation of the sand layers in Borings B-1 and B-3 based on adequate subsurface exploration, laboratory testing and engineering analysis, (ii) laboratory test data to evaluate the hazard posed by expansive and corrosive soils, (iii) and detailed recommendations to mitigate the hazard posed by compressible soils and undocumented fill, along with recommendations to mitigate any hazards posed by liquefiable sands, or adverse properties of soils that are confirmed to be present on the site. **(Geology 1)**
27. The geotechnical / engineering geologic investigation required by Geology 1 shall reference the construction drawings, including grading and drainage plans, foundation plans and associated details and comment on their consistency with the geotechnical recommendations for the project. **(Geology 2)**
28. To facilitate adequate drainage, the corrective grading for the project shall include raising the elevation of the building pad, along with the area within 5 ft. of the pad, a minimum of 1 ft. above existing grade. Any import fill material required for the project must be approved for use by the project geotechnical engineer before it is brought to the site. **(Geology 3)**
29. The required geotechnical report update shall be subject to technical review by the County Peer Review Geologist, and review and approval by the Zoning Administrator. **(Geology 4)**
30. **Prior to requesting the final building inspection**, the developer / owner shall submit a letter from the project geotechnical engineer that documents the inspections and testing performed during construction, and provide the professional opinion of the project geotechnical engineer on compliance of the as-graded / as-built project with the recommendations in the geotechnical report. **(Geology 5)**
31. Should a unique paleontological resource or site or unique geologic feature be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the Community Development Division (CDD) has

been notified, and a qualified paleontologist contacted and retained to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).
(Geology 6)

32. A \$3,600 deposit is required for the technical review of the required geotechnical update report. However, the actual deposit collected will be that which is applicable at the time of submittal of the initial compliance review.

Noise

33. The following construction restrictions shall be implemented during project construction and shall be included on all construction plans **(Noise 1)**:

- A. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
- B. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
- C. All construction activities shall be limited to the hours of 8:00 am to 5:00 pm, Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:
- New Year's Day (State and Federal)
 - Birthday of Martin Luther King, Jr. (State and Federal)
 - Washington's Birthday (Federal)
 - Lincoln's Birthday (State)
 - President's Day (State and Federal)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (State and Federal)
 - Veterans Day (State and Federal)
 - Thanksgiving Day (State and Federal)
 - Day after Thanksgiving (State)
 - Christmas Day (State and Federal)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2020.asp
California: <http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

- D. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except the hours are limited to 9:00 am to 4:00 pm.
 - E. The applicant shall designate a construction coordinator who will be responsible for implementing the Conditions of Approval related to construction activities and responding to complaints. The person's name and contact information (including the contact information for the Contra Costa County Building Inspection Department: 925-674-7204 / 925-674-7210 / 925-674-7200) shall be posted clearly around the project site. The construction coordinator shall be available during all construction activities and shall maintain a log of complaints. The complaint log shall be available for review by County staff upon request.
34. Permanent equipment such as air conditioning and exhaust fans shall be specified and installed in a manner that avoids creation of noise nuisance for tenants and neighbors. **(Noise 2)**
35. Provide sound-rated exterior construction. Outdoor-to-indoor noise intrusion (for residential units) can be reduced to a level below the County's interior standard of 45 dBA DNL by providing sound-rated exterior construction (e.g., windows, sliding glass doors, exterior walls, roof) and floor/ceiling assemblies in accordance with the current California Green Building Standards Code. **(Noise 3)**
- A. To limit the maximum indoor noise levels, the composite OITC over the building skin should be OITC 30 for bedrooms or OITC 25 for other rooms.
 - B. Provide exterior sound-rated windows and doors with OITC 27.
 - C. Use tested sound-rated assemblies. If non-tested assemblies are used, the OITC (and STC) rating achieved will need to be field tested for verification.
 - D. Provide mechanical ventilation systems (e.g.: air conditioning) such that windows and doors can remain closed for all apartment units.
36. Commercial spaces shall be constructed with exterior wall and roof assemblies that meet a composite OITC rating of at least 35, with exterior windows having a minimum OITC rating of 30. In lieu of meeting this prescriptive standard, the California Green Building Standards Code allows an alternative performance method that exterior wall and roof

assemblies be constructed in a manner that reduces indoor 1-hour Leq to 50 dBA, or below, during all hours.

Wall and floor ceiling assemblies separating tenant spaces or separating tenant spaces from other spaces, shall provide an STC rating of at least 40. **(Noise 4)**

37. Install Lexan panels on the balcony rails. **(Noise 5)**

Transportation Demand Management (TDM) Program

38. **Prior to submitting for building permits**, the applicant shall submit a Transportation Demand Management (TDM) Program to County staff for review and approval. The TDM program must include at least the following:

- A. **Owner-Occupied Units.** Upon a residential dwelling being sold or offered for sale, the sponsor shall notify and offer to the buyer or prospective buyer, as soon as it may be done, materials describing public transit, ridesharing, and nonmotorized commuting opportunities available in the vicinity of the project. Such information shall be transmitted no later than the close of escrow;
- B. **Rental Units.** Upon a residential dwelling being rented or offered for rent, the sponsor shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the Department of Conservation and Development. The materials shall be provided no later than the time the rental agreement is executed.

The sponsor and all subsequent owners of the project shall provide deed notification of mandatory participation in the TDM program to all subsequent purchasers and owners of the project.

Electric Vehicle (EV) Ordinance

39. In accordance with the County's Electric Vehicle (EV) Ordinance, the project is required to provide four (4) EV charging spaces (10% of the 38 proposed residential parking spaces; no additional EV charging spaces required for the nonresidential use, since fewer than 10 nonresidential parking spaces are proposed).

Park Impact/Dedication Fee

40. **Prior to issuance of building or grading permits** for construction of the three-story mixed-use building, the applicant shall pay a park dedication fee. The current park

dedication fee is \$5,855.00 per apartment unit. However, the actual fee collected will be that which is applicable at the time of building permit issuance.

Child Care Fee

41. **Prior to issuance of building or grading permits** for the construction of the three-story mixed-use building, the applicant shall pay a per unit fee toward childcare facility needs in the area as established by the Board of Supervisors. The current childcare fee is \$100 per apartment with two or more bedrooms. However, the actual fee collected will be that which is applicable at the time of building permit issuance.

Debris Recovery

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

PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT DP18-3021

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on February 13, 2020.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requirements:

44. 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 site plan received by the Department of Conservation and Development, Community Development Division, on February 13, 2020.

45. Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Fourth Street and Parker Avenue):

46. Applicant shall construct County standard curb, 10-foot sidewalk, necessary longitudinal and transverse drainage, and along the frontage of Fourth Street. Applicant shall construct face of curb in alignment with existing curb on Fourth Street. The existing driveway ramp on Fourth Street shall be removed and replaced with County standard curb, gutter and sidewalk.
47. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Parker Avenue and Fourth Street. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.
48. Applicant shall construct a street-type connection with 20-foot radii curb returns in lieu of a standard driveway depression at the driveway onto Fourth Street.

Access to Adjoining Property:

Proof of Access

49. Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

50. Applicant shall obtain an encroachment permit from the Application and Permit Center, for construction of driveways or other improvements within the right-of-way of Fourth Street and Parker Avenue.

Site Access

51. Applicant shall only be permitted access at the locations shown on the approved site plan received by the Department of Conservation and Development on February 13, 2020.

Sight Distance:

52. Applicant shall provide sight distance at the on-site driveways on Parker Ave for a design speed of 40 miles per hour. Applicant shall provide sight distance at the on-site driveways on Fourth Street for a design speed of 35 miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at these driveways. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Bicycle - Pedestrian Facilities:

Pedestrian Access

53. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
54. 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.

Utilities/Undergrounding:

55. All new utility distribution services shall be installed underground. 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.

Drainage Improvements:

Collect and Convey

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

57. The nearest public drainage facility is the storm drain line located on the south side of Fourth Street. Applicant shall verify its adequacy prior to discharging run-off.

Exception (Subject to Advisory Agency findings and approval)

58. Applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code discharge to an existing inadequate system with no additional offsite improvements required, provided that runoff from the site does not exceed pre-development conditions and concentrated storm drainage is not discharged onto adjacent property. Applicant shall submit a final Hydrology and Hydraulic Report to verify the development does not discharge additional runoff into the existing storm drainage system.

Miscellaneous Drainage Requirements:

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

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

National Pollutant Discharge Elimination System (NPDES):

61. 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.
- Shallow roadside and on-site swales.
- Filtering Inlets.

- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance:

62. 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 issuance of a building permit. 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.
63. 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).
64. 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.
65. Prior to issuance of a building permit 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.
66. Prior to issuance of a building permit 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.
67. 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.

Area of Benefit Fee Ordinance:

68. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Hercules/Rodeo/Crockett, West Contra Costa Traffic Advisory Committee (WCCTA) Bridges/Roads, and West Contra Costa Traffic Advisory Committee Transit/Pedestrian Areas of Benefit Areas of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of building permit.

ADVISORY NOTES

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

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

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

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

- B. The project is located in a Special Flood Hazard Area (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.
- C. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- D. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- E. The applicant must comply with the requirements of the Rodeo-Hercules Fire Protection District. The applicant is required to submit plans to the Fire District for approval.

- F. The applicant must comply with the requirements of the Rodeo Sanitary District. The applicant is required to submit plans to the Sanitary District for approval. The plans must be stamped by the District prior to submittal of the building permit application.
- G. The applicant must comply with the requirements of the East Bay Municipal Utility District.
- H. The applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and permits.