

CONDITIONS OF APPROVAL FOR COUNTY FILES #CDRZ21-03260, CDS21-09588, CDDP21-03028, MONTE DAVIS FOR DISCOVERY BUILDERS INC (APPLICANT) AND JOSE AND MONICA LUIS (OWNERS)

Project Approval

1. The Rezoning, Tentative Map and Final Development Plan for a 15-lot Subdivision Project is APPROVED, as generally shown and based on the following documents:
 - Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on August 19, 2021.
 - Revised Plans received on April 8, 2022.
 - Geotechnical Investigation prepared by TRC Companies, dated June 3, 2021.
 - Stormwater Control Plan, prepared by Bellecci & Associates dated October 2021.
 - Tree Inventory, prepared by Traverso Tree Service, Inc. dated November 23, 2021.

Approval Contingent on Consistent Approval of Related Rezoning Application

2. This subdivision is approved contingent upon the Board of Supervisors' approval of a rezoning request, County File #CDRZ21-03260, to rezone the subject property from Heavy Industrial Zoning District (H-I), Railroad Corridor Combining District (-X) to Planned Unit District (P-1). If the rezoning application is not approved, then this approval shall be null and void.

Application Fees

3. The applications submitted were subject to an initial deposit of \$7,000 for rezoning, \$11,000 for subdivision, and \$6,500 for the final development plan. The applications are subject to time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge

interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Indemnification

4. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

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

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

6. This Final Development Plan Permit includes approval of the design for the 15-residential units. Any changes to the approved plans stated above must be submitted for review and approval of CDD, and may require the submittal of an application, if deemed necessary.

Project Phasing / Filing of Multiple Subdivision Maps

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

Residential Design Standards

8. The guide for development shall be the Single-Family Residential District, R-6.

Lot 15

9. Prior to CDD stamp-approval of plans for issuance of a building permit for a new residence on Lot 15, the applicant shall provide an updated site plan that provides the setbacks for the review and approval of CDD.

Homeowner's Association (HOA)

10. A homeowners association shall be formed for the ownership and maintenance of all common areas, including private streets, bioretention basins (Parcels A, B, D) and common open space (Parcel C) and landscaping.

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

11. Prior to recordation of the Final Map, Covenants, Conditions and Restrictions (CC&R's) shall be submitted for review by the CDD. This document shall provide for establishment, ownership and maintenance of private roads on and common areas, fencing, and establishment of signs. The CC&Rs shall require occupants to maintain garage spaces in a manner, which makes them available for off-street parking. The

CC&Rs shall specify that future residential development may be subject to the review and approval of CDD.

Park Impact Fee

12. Prior to CDD stamp-approval of plans for issuance of a building permit for a new residence, the applicant shall pay the applicable park impact fee as established by the Board of Supervisors.

Park Dedication Fee

13. Prior to CDD stamp-approval of plans for issuance of a building permit for a new residence, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors.

Child Care

14. Prior to CDD stamp-approval of plans for issuance of a building permit for a new residence, the applicant shall pay a fee of \$400.00 toward childcare facility needs in the area, as established by the Board of Supervisors.

Police Services District

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

Transportation Demand Management (TDM) Program

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

Signage

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

Restitution for Tree Removal

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

- A. Tree Restitution Planting and Irrigation Plan: Prior to the removal of trees or CDD stamp-approval of plans for issuance of building permits (e.g. demolition, grading or building), whichever occurs first, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of *twenty-three (23), 15-gallon trees*. The plan shall comply with the County Water Efficient Landscapes Ordinance. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan. The plan shall be implemented prior to final building inspection of each residence.
- B. Required Security to Assure Completion of Plan Improvements: Prior to removal of trees or CDD stamp-approval of plans for issuance of building permits (e.g., demolition, grading or building), whichever occurs first, the

- applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to the CDD. The bond shall include the amount of the approved cost estimate, *plus* a 20% inflation surcharge.
- C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.
- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the security and from the time the final inspection for the apartment building was approved. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s).
- E. Integration with Final Landscape Plan: The tree restitution planting and irrigation plans described in subsection (a) above may be incorporated as part of the Final Landscape Plan required pursuant to Condition #23 below. However, the planting plan shall identify the replacement trees required to replace removed protected trees, which are intended to satisfy this condition. In addition, the provided estimate shall only cover materials and labor associated with the implementation of the required tree restitution, and not for the full landscape plan.

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

Landscaping

20. Final Landscaping Plan: At least 30 days prior to CDD stamp-approval of plans for issuance of a grading permit or building permit for each residence, whichever occurs first, a final landscape and irrigation plan shall be submitted to the CDD for review and approval. The landscaping plan shall conform to the County Water Efficient Landscapes Ordinance.

Prior to requesting a final inspection for each residence, the approved landscaping shall be installed and evidence of the installation (e.g., photos) shall be provided for the review and approval of CDD.

Lighting

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

Air Quality

22. The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be stated on the face of all construction plans:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt 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. The applicant shall post a publicly visible sign with the developer/project manager's name and telephone number 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. **(Mitigation Measure AIR-2)**

Cultural Resources

23. If during the course of construction activities there is accidental discovery, the following steps shall be taken and included on the face all construction plans:

All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the appropriate County and other agencies.

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the NWIC and appropriate Contra Costa County agencies. **(MM CUL-1)**

24. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken and included on the face of all construction plans:

If human remains are encountered, work within 50 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods. The MLD will work with the Applicant and a qualified archaeologist to determine the proper treatment of the human remains and any associated funerary objects. Construction activities will not resume until either the human remains are exhumed, or the remains are avoided via project construction design change.

Upon completion of the assessment by an archaeologist, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the Northwest Information Center and appropriate Contra Costa agencies. **(MM CUL-3)**

Geology and Soils

25. Prior to recordation of the final map, the applicant shall provide an updated geotechnical report for the review and approval by the County's Geologist and the Department of Conservation and Development, Community Development Division (CDD). The scope of the geotechnical update report shall include logging of a minimum of at least three auger borings that are approximately 25 ft. deep, each. Provide adequate data on the engineering properties of the sand layers within the non-liquefiable cap (i.e., within approximately 20 ft. of the ground surface). If this screening investigation encountered sands that were considered to be possible

candidates for liquefaction, the liquefaction potential of this cap sands shall be performed. **(MM GEO-1a)**

26. Prior to recordation of the final map, the applicant shall provide evaluation liquefaction potential of sands penetrated in CPT-2. Additionally, estimate the amount of dry consolidation settlement for CPT-2. **(MM GEO-1b)**
27. The applicant shall provide additional design details on the mitigation of expansive soils (i.e., recommendations) addressing (a) thickness of the import fill material on building pads, (b) the project geotechnical engineer shall approve any import brought to the site, (c) the import shall not be more expansive or more corrosive than the native soils on the site, (d) specify the final grades recommended within approximately 3 ft. of the foundation to achieve compliance with the intent of the geotechnical engineers recommendation that positive drainage be provided to direct water away from the foundation, and (e) include a report from the corrosion protection engineer as an appendix to the Updated Geotechnical Report. It shall include test results; analysis of the data gathered and provide design recommendations to mitigate the hazard posed by corrosive soils. **(MM GEO-2)**
28. The Updated Geotechnical Report shall include a citation to the project plans and shall comment on their compliance with geotechnical recommendations and specifications. **(MM GEO-3a)**
29. The Updated Geotechnical Report shall comment on grading and drainage plans for the project, including the citing and design of the Stormwater C.3 basins. If they are available, provide comments on the foundation plans and associated exhibits. **(MM GEO-3b)**
30. The project geotechnical engineer shall provide adequate observation services to confirm that their foundation, final grading, and drainage recommendations have been implemented, as well as backfilling of utility trenches and construction of the private roads and flatwork. **(MM GEO-3c)**
31. *The following General Notes* shall be placed on Sheets that show drainage improvements and utility improvements.
 - The underground/ grading contractor shall provide a minimum of 24-hour notice to the entity charged with providing the monitoring services.

- The entity that is providing the monitoring service shall be identified (name of firm, mailing address, phone number, and email). **(MM GEO-4)**

Noise

32. The following noise reduction measures shall be implemented during project construction and shall be included on all construction plans.

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

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

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

Federal Holidays: Federal Holidays (opm.gov)

California Holidays: <http://www.ftb.ca.gov/aboutftb/holidays.shtml>

- B. 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.
 - C. 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.
 - D. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on State and Federal holidays. **(MM NOISE-1)**
33. A pre-construction meeting shall be held to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to the start of construction.
34. The applicant shall notify neighbors within 300 feet of the subject property at least one week in advance of demolition, grading, and construction activities.

Debris Recovery

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

Street Names

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

Electric Vehicle

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

Annexation to Delta-Diablo Sanitary District

38. Prior to the recordation of the Final Map, the applicant shall provide evidence that the annexation process has been initiated to annex to the Delta-Diablo Sanitary District for wastewater service.

Will Serve Letters

39. Prior to the first residential building permit, the applicant shall submit a will-serve letter from Golden State Water Company.

40. Prior to the first residential building permit, the applicant shall submit a will-serve letter from Delta-Diablo Sanitary District.

Inclusionary Housing Ordinance

41. The project is subject to the Inclusionary Housing Ordinance. Pursuant to Section 822-4.402 of the County Ordinance Code, a residential development of five or more for-sale units shall require at least fifteen percent of the for-sale units to be developed and sold as inclusionary units. The applicant is required to construct 2.25 units of inclusionary housing for the project.

As an alternative to the requirement to construct inclusionary housing, the applicant has proposed the payment of an in-lieu fee. This alternative for DCD to collect an in-lieu fee, as established in DCD's fee schedule, has been accepted.

Prior to the recordation of the final map or the issuance of a grading, building, or demolition permit for the housing development, whichever occurs first, the applicant shall pay the County the full amount of the inclusionary housing in-lieu fee. The current in-lieu fee calculation for the 15-unit for-sale housing project is \$6,600.06 per unit in the housing development. However, the actual fee collected will be that which is applicable prior to issuance of a grading permit, building permit, demolition permit, or recordation of the subdivision map, whichever occurs first.

This in-lieu fee is non-refundable and non-transferable.

42. Should the applicant choose not to satisfy the Inclusionary Housing Ordinance via the full payment of the in-lieu fee prior to the recordation of the Final Map or the issuance of a grading, building, or demolition permit, whichever occurs first, the

applicant shall comply with the County Ordinance Code Chapter 822-4 and construct the required number of inclusionary units on-site, off-site, or a combination of both on-site and off-site.

PUBLIC WORKS

CONDITIONS OF APPROVAL FOR SUBDIVISION CDSD21-09588

The applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the tentative map submitted to the Department of Conservation and Development on October 26, 2021.

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

General Requirements:

43. 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 tentative map received by the Department of Conservation and Development, Community Development Division, on October 26, 2021.
44. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing, and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Pullman Avenue):

45. The applicant shall construct curb, 5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, and pavement widening and transitions along the frontage of Pullman Avenue. The applicant shall construct face of curb 16 feet from the road centerline. Many of these improvements have already been installed but may need to be modified to accommodate the proposed onsite improvements.

46. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Pullman Avenue. 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.
47. The applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at the intersection of the private roads with Pullman Avenue.

Access to Adjoining Property:

Proof of Access

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

Encroachment Permit

49. The applicant shall obtain an encroachment permit from the Public Works Department for construction of driveways or other improvements within the right-of-way of Pullman Avenue.

Abutter's Rights

50. The applicant shall relinquish abutter's rights of access along Pullman Avenue except for the proposed private road intersections and driveways serving lots 14 and 15.

Road Alignment/Intersection Design/Sight Distance:

51. The applicant shall provide sight distance at the on-site driveways and Pullman Avenue 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.

Private Roads:

52. The applicant shall construct the on-site roadways and the internal road network (serving the residential development) to current County private road standards, subject to the review of the Fire District. Streets shall be a minimum of 20 feet in

width with a 5-foot sidewalk (width measured from curb face) along at least one contiguous side of the street. Although the proposed on-site roadways are to remain private, the pavement structural section shall conform to County public road standards.

Street Light Financing:

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

Pedestrian Facilities:

Pedestrian Access

54. 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.

55. The applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Parking:

56. Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Maintenance of Facilities:

57. The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Department of Conservation and Development, Community Development

Division and Public Works Department at least 60 days prior to filing of the Final Map for the first phase.

Drainage Improvements:

Collect and Convey

58. 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.
59. The nearest public drainage facility is DA 48D Line B located northeast of the site. Applicant shall verify its adequacy prior to discharging run-off.

Miscellaneous Drainage Requirements:

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

National Pollutant Discharge Elimination System (NPDES):

62. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

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

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works

Department. Trash capture devices shall meet the requirements of the County's NPDES permit.

- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance:

63. The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Final Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
64. 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).
65. Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
66. Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

67. Prior to filing of the Final Map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
68. 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.

Drainage Area Fee Ordinance:

69. The applicant shall comply with the drainage fee requirements for Drainage Area 48B as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Final Map.

ADVISORY NOTES

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

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

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

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

- B. The Applicant is subject to the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional Transportation Development Impact Mitigation (ECCRFFA/RTDIM) and Bay Point Areas of Benefit Area of Benefit as adopted by the Board of Supervisors prior to issuance of building permits.
- C. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.

- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- E. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- F. The applicant shall comply with the requirements of the following agencies:
- Department of Conservation and Development, Building Inspection Division
 - Contra Costa County Fire Protection District
 - Delta Diablo Sanitary District
 - Golden State Water
 - Contra Costa Water District