

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDMS21-00007 and CDRZ23-03271, BENOIT MCVEIGH, DK ENGINEERING (APPLICANT), GEORGE MOORE (OWNER)**

**FINDINGS**

**A. Growth Management Element Performance Findings**

1. Traffic: Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis of any project that is estimated to generate 100 or more additional AM or PM peak-hour trips. One new single-family residence will be constructed on the newly created Parcel B, and one existing single-family residence will remain on Parcel A. The project consisting of a two-parcel subdivision and the addition of one new residence does not have the potential to generate more than 100 AM or PM peak-hour trips. Therefore, there would be a less than significant impact on traffic in the local area.
2. Water: The project site is within the water service boundaries of the East Bay Municipal Utility District (EBMUD). The project will require a new service connection and meter for Parcel B. The applicant's compliance with any applicable EBMUD requirements for establishing service to Parcel B will ensure that the project has reliable access to clean, potable water. Staff of the EBMUD has indicated in comments on this project that water service is available for metering and fire flow requirements. Thus, the project is not anticipated to significantly increase the demand for water service in the area.
3. Sanitary Sewer: The project site is within the service boundaries of the Central Contra Costa Sanitary District (Central San). Central San staff have advised that sanitary sewer service is available to the project site and that the project is not expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing, public facilities. The project will require a new service connection for Parcel B. The applicant's compliance with any applicable Central San requirements for establishing service to Parcel B and maintaining service to Parcel A will ensure that the project has reliable access to sanitary sewer services.
4. Fire Protection: Fire protection services for the project vicinity are provided by the San Ramon Valley Fire Protection District. Projects with the potential for development are generally referred to the Fire District for review and comment to ensure that the proposal does not conflict with applicable fire codes. Staff of the San Ramon Valley Fire Protection District indicated that they have no concerns with the two-lot subdivision which addressed their comments regarding access for fire apparatus and water/fire flow for buildings or portions of buildings. Future development of Parcel B will be required to comply with Fire District requirements and with current fire and building codes, including those requiring the installation of automatic fire sprinklers in new single-family residences. As a result, potential impacts of the project on fire protection services will be less than significant.

5. Public Protection: Public protection standards under Policy 4-c of the Growth Management Program (GMP) of the County General Plan require a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County. Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, through the Valley Station, located at the Alamo Plaza north of the project site. The project consisting of a two-parcel subdivision and the addition of one new residence would not induce a significant population increase within the County that would equal or exceed 1,000 persons. Therefore, the project will not result in the need for new or expanded police protection facilities or services in the County or the Alamo area. Furthermore, prior to the issuance of building permits, the applicant shall pay a fee of \$1,000.00 for residential construction on Parcel B for police services mitigation in the area as established by the Board of Supervisors.
6. Parks and Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The project consisting of a two-parcel subdivision and the addition of one new residence will not significantly increase population in the area or increase the demand for parks or recreational facilities. Nonetheless, payment of a Park Impact and Park Dedication Fee will be required prior to issuance of a building permit for a new residence on Parcel B. The fee will be used to acquire parkland and develop parks and recreation facilities to serve new residential development in the unincorporated areas of the County.
7. Flood Control and Drainage: Based on the Federal Emergency Management Agency (FEMA) National Flood Hazard map, the project site does not lie within a Special Flood Hazard Area (100-year flood boundary). Thus, the project will not significantly impede or redirect flood flows in the area. 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. According to the submitted preliminary stormwater control plan (SWCP), two bio-retention filters located on Parcel A and one bio-retention filter located on Parcel B will collect storm water discharge from both resultant parcels. The drainage area has been designed to maintain the existing natural drainage pattern. In agency comments, staff of the County Public Works Department indicated that the project is anticipated to be in compliance with drainage requirements upon implementation of a final SWCP.

## **B. Rezoning Findings**

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

Project Finding: The project includes a rezone of the approximately 2-acre property from A-2, General Agricultural District to R-40, Single-Family Residential District. On

November 5, 2024, the County Board of Supervisors adopted the Contra Costa County 2045 General Plan. The subject Minor Subdivision and Rezoning applications were deemed “complete” for processing on October 7, 2024; therefore, the County General Plan 2005- 2020 applies. As of October 7, 2024, the General Plan land designation was Single-Family Residential–Low Density (SL), which allows for the development of detached single-family residences at a density of 1 to 2.9 units per net acre and accessory buildings and structures on lots as large as 1 acre in area. No aspect of the project would change the allowed single-family residential land use on the lot or exceed the maximum allowed density pursuant to the County General Plan land use designation. The project includes the development of one new single-family residence on Parcel B within the R-40 zoning district, and one existing single-family residence will remain on Parcel A, consistent with the uses permitted in the SL land use designation. The project density within the R-40 district which requires a minimum 40,000 square feet in area is consistent with the range of densities permitted within SL. Additionally, the residential land uses permitted under the R-40 district on the project site located within the Urban Limit Line (ULL) are consistent with other applicable policies and goals of the General Plan associated with the 65/35 Land Preservations standard, growth management, transportation, utilities, conservation, and safety. The rezone to an R-40 district is also consistent with General Plan Policies 3-115 to 3-125 for the Alamo-Diablo-Blackhawk areas of the County. In particular, the rezone is consistent with Policy 3-122 in that it ensures that when rezoning in Alamo the appropriate single-family residential zoning includes R-20, R-40, R-65, R-100, or P-1. Finally, although the 2005-2020 General Plan applies to the project, the R-40 zoning district and the project are also consistent with the uses permitted in the RVL, Residential Very Low-Density (RVL) General Plan Envision 2045 land use designation at a density less than or equal to 1 unit per acre.

2. *The uses authorized or proposed in the land use district are compatible with the district and to uses authorized in adjacent districts.*

Project Finding: The R-40, Single-Family Residential zoning district is consistent with the SL, Single-Family Residential – Low Density (SL) General Plan land use designation for the subject property on October 7, 2024. Also, on October 7, 2024, the majority of properties in the immediate vicinity surrounding the subject property were located in a residential General Plan land use designation (SL or SV, Single-Family Residential – Very Low Density), including all parcels contiguous to the subject property located within an A-2 zoning district. No aspect of the project would change the allowed single-family residential land use on the lot pursuant to the County General Plan land use designations. The surrounding area of the subject property is an established neighborhood predominantly developed with single-family residences located within a variety of single-family residential districts (R-15, R-20, R-40, R-65, or R-100), planned unit district (P-1), or agricultural district (A-2). The minor subdivision results in two lots that are consistent with the R-40 zoning district requirements for minimum lot area and average width at a density allowed in the SL land use designation. Although the

existing visual character of the subject property would change with the new residential development of Parcel B, the height and setback of the new home is consistent with the requirements of the R-40 zoning district. In addition, this type of visual change is consistent with the Single-Family Residential – Low Density (SL) General Plan land use designation of the subject property, as a single-family residence is permitted by-right for each new lot that complies with the allowed density. Therefore, the residential uses authorized or proposed in the R-40 land use district are compatible with the R-40 district and uses in adjacent districts.

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

Project Finding: There is an increasing and continuous demand for additional housing stock within Contra Costa County, which the project's residential uses will contribute towards reducing. In addition, the project's location within an established neighborhood that is primarily residential in nature and within the County's Urban Limit Line helps sustain the County's 65/35 Land Preservation Standard.

### **C. Vesting Tentative Map Findings**

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

Project Finding: On November 5, 2024, the County Board of Supervisors adopted the Contra Costa County 2045 General Plan. The subject Minor Subdivision and Rezoning applications were deemed "complete" for processing on October 7, 2024. Therefore, the County General Plan 2005-2020 is the applicable general plan. The subject property is located within a Single-Family Residential, Low Density (SL) General Plan land use designation (General Plan 2005-2020). The project results in two new parcels, a 41,554-square-foot (0.95 acre) Parcel A and a 45,745-square-foot (1.05 acres) Parcel B. An existing single-family residence will remain on Parcel A, and one new single-family residence and new retaining walls will be constructed on Parcel B. Development of a single-family residence and associated accessory structures is compatible with the SL designation on lots generally as large as 43,560 square feet (one acre) in area. The SL designation allows for a residential density of 1 to 2.9 units per net acre of land. The two-lot subdivision results in 1.05 units per net acre. Although Parcel B is larger than 43,560 square feet in area, with a rezone to an R-40 district which requires a minimum 40,000 square-foot lot area, there is no potential for the project to exceed the maximum allowed density. Therefore, the project is consistent with the applicable policies for the SL land use designation.

General Plan Policies 3-115 to 3-125 are specific to the guidance of uses and development for the Alamo-Diablo-Blackhawk areas of the County. The project is consistent with policies 3-115, 3-116, 3-122, and 3-124 which are applicable to

residential development within the Alamo area in that it promotes the individuality and unique character of each community based on existing community images and promotes the character of the area as one of predominantly single-family residences. In particular, the project is consistent with the goal of policy 3-124 to ensure the continued rural character of the area. The surrounding area is generally developed with single-family residences, and the subdivisions immediately east of Green Valley Road have roads, curbs, and some sidewalks as would typically be found in a suburban environment. Yet there is an element of rural character in the vicinity of the project site where Green Valley Road lacks sidewalks and curbs. The project is not required to install sidewalks or curbs along its Green Valley Road frontage. One existing single-family residence would remain on Parcel A, and a single-family residence will be constructed on Parcel B. The project is compatible with the predominantly single-family residential neighborhood that surrounds it and maintains the element of rural character in this area with small roads that typically lack sidewalks and curbs.

Therefore, the project is consistent with the applicable general plan required by law and will not adversely affect the orderly development of property within the County.

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

Project Finding: The project includes conditions of approval that require the developer to comply with collect and convey regulations, storm drainage design, and design standards for private access roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required prior to grading the property and construction of any future residential buildings. In their comments on the project, the purveyors of water and sanitary services have advised of permitting requirements pertaining to the extension of water and public sewage services to Parcel B and maintaining those services to Parcel A. Therefore, as conditioned, the subdivision will fulfill construction requirements for this type of development.

**D. Vesting Tentative Map Findings – State Responsibility Area/Fire Hazard Severity Zone**

The project site is located in a state responsibility area (SRA; land in which the state is primarily responsible for wildfire protection and suppression) and high fire hazard severity zone. Pursuant to Government Code Section 66474.02, the legislative body of a county shall not approve a tentative map for an area located in a SRA, or located in a very high fire hazard severity zone as defined in Government Code Section 51177 unless it finds the following:

1. *The proposed subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code (PRC) Section 4290 and 4291 or is consistent with local ordinances that are certified by the State Board of Forestry and Fire Protection.*

Project Finding: PRC Section 4290 requires the State Board of Forestry and Fire Protection to adopt minimum fire safety standards for lands within a SRA related to defensible space and applicable to perimeters and access to all residential, commercial, and industrial building construction. PRC Section 4291 requires owners, lessees, operators, or maintainers of buildings or structures located within an SRA to maintain defensible space at all times. Fire protection services for the project vicinity are provided by the San Ramon Valley Fire Protection District. Projects with the potential for development are generally referred to the Fire District for review and comment. In correspondence received on October 21, 2025, staff of the San Ramon Valley Fire Protection District indicated that Ordinance No. 2023-38 (weed abatement) has not been certified by the State Board of Forestry and Fire Protection, however, they indicated that the provisions of PRC 4290 and 4291 still apply to projects and properties within their jurisdiction. Fire District staff indicated that upon formal submission of plans for improvements, new uses, or construction for issuance of a building permit, they review projects for consistency with PRC Section 4290 and 4291. The subdivision and future development of Parcel B will be required to comply with Fire District requirements and with current fire and building codes, including those requiring weed abatement and defensible space, and the installation of automatic fire sprinklers in new single-family residences. Furthermore, mitigation measures related to wildfire were identified in the Mitigated Negative Declaration prepared for the project which require the applicant to provide a written fire prevention management plan prior to construction or operation of a new residence which have been included as conditions of approval. Therefore, the two-lot subdivision will be consistent with the regulations adopted by the State Board of Forestry and Fire Protection for an area located in a state responsibility area.

2. *Structural fire protection and suppression services will be available for the subdivision through an entity that is organized solely to provide fire protection services (e.g., county, special district, or the Department of Forestry and Fire Protection).*

Project Finding: Fire protection and suppression services for the subdivision and the vicinity are provided by the San Ramon Valley Fire Protection District. There is no indication in comments received from staff of the Fire District that these services would be unavailable to the subdivision or vicinity in the event of wildfire in the area.

#### **E. Variance Findings**

The project involves subdividing the subject property into two lots with improvements to an existing driveway within an access easement. In order to comply with San Ramon Valley Fire Protection District requirements for access to an existing residence on Parcel A and a new residence on Parcel B, the existing driveway must be widened to 20 feet at the intersection of the driveway with Green Valley Road and transition to 16 feet along its remaining length. In addition, the driveway has to be wider at the top to match the garage width at the new residence on Parcel B which causes the driveway to extend out over the

existing downslope to the street. Therefore, the project includes variances to allow for a 0-foot front setback (where 25 feet is required) and an 8-foot side yard (where 20 feet is required) for construction of retaining Wall #1, the north retaining wall along the west side of the driveway with portion exceeding 3 feet in height. To minimize wall height on the east side of the driveway, two retaining walls are proposed with a separation of 5 feet between them. The project also includes a variance to allow a 5-foot front setback (where 25 feet is required) for the construction of Wall #3, which is the second retaining wall along the east side of the driveway.

1. *Required Finding: That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.*

Project Finding: The subject property is fairly steep, rising approximately 140 feet from the eastern property line to the western property line and is located in an area designated as a High Fire Hazard Severity Zone by the State. County records indicate that the existing residence on the subject property was constructed in 1969 with a driveway to the residence that runs in the southerly direction, opposite the direction of fire engine approach. Much of the steep hillside to the west and above the driveway is not currently supported by retaining walls. Thus, the project would construct engineered retaining walls where none currently exist. The new walls will structurally support the hillside and provide safer access to the existing residence on Parcel A and to the new residence on Parcel B and will allow for the widening of the driveway to accommodate fire district apparatus whereas it cannot access the lot currently. In addition, the new walls will limit any potential impacts to the public right-of-way at Green Valley Road due to any potential slope failure. The vicinity where the project is located is hilly and it is reasonable to expect that other properties in similarly hilly areas of the County would have or would require similar retaining walls for driveways or to support hillsides for development or safety concerns. The new retaining walls are substantially similar in purpose to retaining walls that have been constructed on other properties located in hilly terrain, and are a reasonable remedy to an existing, potentially hazardous situation. Therefore, the project does not constitute a grant of special privilege considering the current siting of the retaining walls where other residences face similar circumstances due to the topography in the area.

2. *Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The special circumstances applicable to the subject property include steep topography and existing improvements including an existing residence that will remain on Parcel A, a barn on Parcel B, two existing driveways, and the previous

grading for these improvements. Together with the steep natural terrain above the existing driveway, the existing developments constrain any new construction or the location of any new improvements. The project involves replacing the barn with a single-family residence on the same building pad and making the driveways wider. Placing the two existing driveways further west or constructing the new residence on Parcel B west of the existing driveway would require significant mass grading. Thus, it is appropriate to utilize the existing development pattern on the project site which leaves no room to relocate the retaining walls out of the front or side setbacks. In addition, the existing driveway leaves the street in a southerly direction, opposite the direction of fire engine approach which requires fire engines to make a very wide swing to enter the driveway. The subject property is the only hillside property in the immediate area with a driveway running in the opposite direction to the direction of the fire apparatus approach. The retaining walls will allow improvements including widening the driveway to allow fire apparatus to turn into a wider driveway. Building the engineered walls in their locations as designed allows the property owner to take advantage of property rights enjoyed by other properties in the vicinity and within the identical land use district.

3. *Required Finding: That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: Generally speaking, the intent and purpose of the R-40 Single-Family Residential District is to promote the orderly development and maintenance of low-density, single family residential neighborhoods. This includes allowing residential improvements and accessory structures that are compatible with the surrounding neighborhood. The retaining walls for the project are designed in a manner that meets the intent of the R-40 zoning district by maintaining safety for the subject property and the public right-of-way adjacent to the property. The chosen locations and heights of the walls do not hinder the intent and purpose of the respective land use district for low-density residential development. Instead, the walls increase safety for the property owners and surrounding properties.

## **F. Exception Findings**

Pursuant to County Code Section 96-14.002, the Advisory Agency may authorize exceptions to the requirements and regulations of County Code Title 9 (Subdivisions). Accordingly, below are the exceptions and findings for granting the requested exceptions.

### Underground Utilities

Approval of an exception to the Undergrounding of Utilities requirement of Chapter 96-10 of the County Code is based on the following findings:

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



Project Finding: The minor subdivision is creating only one additional lot along Green Valley Road. The existing overhead utilities extend the full length of Green Valley Road from Diablo Road, past the subject property to the Macedo Ranch Staging Area, a distance of about 2.0 miles. Between Diablo Road and Macedo Ranch there is not a single place where the undergrounding of the utility lines has taken place, and the overhead lines are unbroken. No other property owner in the vicinity was required to underground the overhead lines when their property frontage was improved for new subdivisions along Green Valley Road. Undergrounding a few hundred feet in front of the property would be unusual and uncharacteristic for the area. On a road with no other underground lines, doing so for the subject subdivision would provide no benefit to the area.

2. *That the exception is necessary for the preservation and enjoyment of substantial property rights of the Applicant.*

Project Finding: None of the properties on Green Valley Road have undergrounded existing utilities services. It is a substantial property right that the applicant should not be required to incur the huge expense of undergrounding the overhead lines when no other home or subdivision along Green Valley Road has been required to do so.

3. *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: Allowing the overhead lines to remain as they currently exist is not detrimental to the public, since the identical situation exists all along Green Valley Road and all properties that front Green Valley Road share the same situation.

#### **G. Tree Permit Findings**

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

1. *Reasonable development of the property would require alteration or removal of a code-protected tree, and this development could not be reasonably accommodated on another area of the lot.*
2. *Where the arborist or forester report has been required, and the director is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.*

Project Finding: Demolition of a barn and construction of new retaining walls, a new residence, grading, drainage improvements, and trenching for expanded utilities to the new residence require removal of the three valley oaks, one coast live oak, three coast redwoods, and one ash (trees #106 through #113) and will encroach into the driplines of one valley oak (tree #120) and three coast live oaks (trees #103 through #105). The subject trees are located within an A-2, General Agricultural zoning district and on a lot that upon rezoning of the property from A-2 to a R-40, Single-Family

Residential district is further subdividable. In addition, all of the subject trees would be located on a lot that is undeveloped upon demolition of an existing barn. Thus, all of the subject trees are code-protected pursuant to the County's Tree Protection and Preservation Ordinance. An Arborist Report prepared by Maija Wigoda-Mikkila, a certified arborist (November 20, 2023) for the project identifies measures that can be taken to preserve the four trees that would experience dripline encroachment. Upon implementation of these measures and as conditioned, the project will be consistent with the factors for tree removal or alteration.

#### **H. California Environmental Quality Act (CEQA) Findings**

A draft Initial Study and Mitigated Negative Declaration (IS/MND, State Clearinghouse Number SCH 2025031276) was prepared for the 1921 Green Valley Road project on March 25, 2025. The public review comment period for the draft IS/MND extended from March 26, 2025, through April 24, 2025. A Final MND has been prepared for the project, including the comments received on the draft IS/MND, responses to comments received, and staff-initiated text changes. The comments received and staff's responses to the comments do not substantially alter the findings regarding significant project-related impacts or require new or substantially revised mitigation measures. The text changes are not the result of any new significant adverse impact or result in any revisions to mitigations included in the pertinent section. Therefore, on the basis of the whole record before it, including the draft and final MND, the County Planning Commission finds that there is no substantial evidence that the project with identified mitigation measures will have a significant effect on the environment, that the draft and final MND SCH 2025031276 reflects the lead agency's independent judgment and analysis, that the MND has been prepared in compliance with CEQA State and County Guidelines and is adequate and complete, and that the preparation of an EIR is not required in accordance to Section 15064 of the CEQA and County Guidelines.

#### **CONDITIONS OF APPROVAL FOR COUNTY FILE #CDRZ23-03271 & CDMS23-00005**

1. **Vesting Tentative Map approval** is granted to subdivide the subject property into two parcels: Parcel A – 41,554 square feet and Parcel B – 45,745 square feet.
2. **Variance approval** is granted for a 0-foot front setback (where 25 feet is required) and an 8-foot side yard (where 20 feet is required) for construction of "Wall #1", and a 5-foot front setback (where 25 feet is required) for construction of "Wall #3".
3. **Exception approval** is granted from the undergrounding of utilities requirement of County Code Chapter 96-10 for existing facilities.
4. **Tree Permit approval** is granted to allow the removal of three valley oaks, one coast live oak, three coast redwoods, and one ash tree (trees #106 through #113) with a combined diameter of 149 inches, and work within the driplines of one valley oak (tree #120), and three coast live oaks (trees #103 through #105) with the combined diameter of 79 inches,

all on the subject property, for the demolition of a barn and construction of retaining walls, a new residence on Parcel B, grading, drainage, and site improvements.

5. The approvals described above are granted based on and as generally shown on the following documents:
  - a. Application and materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on June 15, 2023;
  - b. Revised Vesting Tentative Map, Site Plan, Grading Plan, Utility Plan, Preliminary Stormwater Control Plan, Fire Protection Exhibit, and Rezoning Exhibit, prepared by dk Engineering, received on August 19, 2024;
  - c. Architectural Plans, residence on Parcel B, prepared by Douglas McQuillan Architect, received on February 14, 2024;
  - d. Arborist Report and Tree Protection Plan, prepared by Maija Wigoda-Mikkila, Certified Arborist, Traverso Tree, received on February 14, 2024;
  - e. Biological Resources Assessment for 1921 Green Valley Road, prepared by Monk & Associates, received on February 14, 2024;
  - f. Geotechnical Investigation, Proposed Minor Subdivision APNs 194-070-015 and 194-070-018, prepared by GFK & Associates, Inc., received on February 14, 2024;
  - g. Revised Stormwater Control Plan for 1921 Green Valley Road, report prepared by dk Engineering, received on August 19, 2024; and,
  - h. Phase I Environmental Site Assessment (ESA) Report for 1921 Green Valley Road, prepared by ALFA Environmental Assessment Services, received on June 10, 2025.
6. Any modifications to the project approved under this permit that is not required by a Condition of Approval herein shall be subject to the review and approval of the CDD.

### **Approval Duration**

7. The tentative map approval described above is granted for a period of three years. Map extensions may be granted for the project subject to proper request for extension and review and approval of the CDD.

### **Application Processing Fees**

8. The applications submitted were subject to an initial deposit of \$7,000 for rezoning and \$7,500 for minor subdivision. 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**

9. 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. The applicant shall provide written acknowledgement and acceptance of this condition of approval.

### **Compliance Report**

10. **Prior to filing of a Parcel Map, or CDD stamp approval of plans for the issuance of building or grading permits, whichever occurs first**, the applicant shall submit a report addressing compliance with the conditions of approval, for review and approval of the CDD. Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions of approval may be obtained from the CDD. The deposit for review of the Compliance Report is \$1,500.00; the actual fee shall be time and materials.

### **Fees**

#### Child Care Fee

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

#### Park Impact and Park Dedication Fees

12. **Prior to the issuance of a building permit** for construction of a single-family residence on Parcel B, the applicant shall pay the applicable park impact fee as established by the Board of Supervisors.

13. **Prior to the issuance of a building permit** for construction of a single-family residence on Parcel B, the applicant shall pay the applicable park dedication fee as established by the Board of Supervisors.

Police Services Fee

14. **Prior to the issuance of a building permit** for the construction of a single-family residence on Parcel B, the applicant shall contribute \$1,000.00 to the County for police services mitigation. The fee shall be paid to the Contra Costa County Application and Permit Center.

Deed Disclosure

15. **Prior to filing the Parcel Map**, the applicant shall submit a draft deed disclosure statement for the review and approval of the CDD. The draft document shall notify prospective buyers of Parcel B of the requirement to pay Child Care Fees (COA #11), the requirement to pay Park Impact and Park Dedication Fees (COA #12 and COA #13), and the requirement to pay Police Services Fees (COA #14) prior to issuance of a building permit. The approved deed disclosure shall be recorded concurrently with the deed for approved Parcel B.

**Trees**

General

16. The eight (8) trees approved for removal shall remain on the property until a grading or building permit for development of the subdivision has been obtained.
17. **Prior to any ground disturbance, or CDD stamp-approval of plans for the issuance of building or grading permits, whichever occurs first**, the applicant shall submit evidence that all tree protection measures as recommended in the approved consulting arborist's report have been installed.

Restitution for Tree Removal

18. The following measures are intended to provide restitution for the eight (8) code-protected trees (trees #106 through #113) with a combined diameter of 149 inches that have been approved for removal:
  - A. Planting and Irrigation Plan: **Prior to any tree removal, ground disturbance, or CDD stamp-approval of plans for the issuance of building or grading permits, 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 the Department of Conservation and Development, Community Development Division (CDD). The plan shall provide for the planting of **fifteen (15) trees**, minimum 15-gallons in size within the vicinity of the removed trees on Parcel B to the extent possible, or an equivalent and sufficient number/size of trees as recommended by the

licensed arborist or landscape architect. The plan shall comply with the County's Water Efficient Landscapes Ordinance and verification of such shall accompany the plan.

- B. Required Security to Assure Completion of Plan Improvements: **Prior to any tree removal, ground disturbance, or CDD stamp-approval of plans for the issuance of building or grading permits, whichever occurs first,** a security shall be provided to ensure that the approved planting and irrigation plan is implemented. The applicant shall submit an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation). Upon approval of the estimate by the CDD, the applicant shall submit a security to the CDD in 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 for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.00.
- D. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The CDD will retain the security for a minimum of 12 months and up to 24 months beyond the date of receipt of this letter.

As a prerequisite of releasing the bond between 12- and 24-months following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the CDD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

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

#### Contingency Restitution Should Altered Trees Be Damaged or Removed

- 19. The following measures are intended to provide contingency restitution for the four (4) code-protected trees (1 valley oak and 3 coast live oaks) with a combined diameter of 79 inches that have been identified for preservation and may be altered due to grading or construction activities:

- A. Security for Possible Damage to Trees Intended for Preservation: **Prior to CDD stamp-approval of plans for the issuance of building or grading permits, whichever occurs first**, to address the possibility that construction activities damage trees that are to be preserved, the applicant shall provide the County with a security (e.g., cash deposit or bond) to allow for replacement of trees to be preserved that are significantly damaged or destroyed by construction activity, pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance.

The security shall be based on:

- 1) Extent of Possible Restitution Improvements – The planting of up to **six (6) trees**, minimum 15-gallons in size, in the vicinity of the affected tree(s), or an equivalent planting contribution as determined appropriate by the CDD, subject to prior review and approval of the Zoning Administrator CDD.
- 2) Determination of Security Amount – An estimate for the security shall be submitted for CDD review which accounts for all of the following costs:
  - i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor for up to six (6) trees as described in Section 1 above. The plan shall comply with the County's Water Efficient Landscapes ordinance and verification of such shall accompany the plan.
  - ii. The labor and materials for planting the potential number of trees and related irrigation improvements (accounting for supply, delivery, and installation of tree and irrigation) shown on the approved planting and irrigation plan.
  - iii. An additional 20% above the costs described in Sections B.i. and B.ii. above to account for potential inflation.
- 3) Initial Deposit for Processing of Security – The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.00.
- 4) Duration of Security – The security shall be retained by the County for a minimum of 12 months and up to 24 months beyond the completion of the tree altering improvements (i.e., date of final inspection). As a prerequisite of releasing the security, **between 12 and 24 months after final inspection**, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare and submit to the CDD for review an assessment of the trees' health. The report shall include any additional measures necessary for preserving the health of the trees and the measures shall be implemented by the applicant. In the event that the CDD determines that any trees intended for preservation have been damaged by

development activity, and that the applicant has not been diligent in providing reasonable restitution, then the CDD may require that all or part of the security be used to provide for mitigation of the damaged tree(s), including replacement of any trees that have died.

#### Arborist Expenses

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

#### New Tree Permit

21. Any required tree alteration, removal, or encroachment within the dripline of a code-protected tree(s) not identified in this permit may require submittal and approval of a separate Tree Permit application.

#### **Landscaping**

22. **Prior to issuance of a building permit for a new residence on Parcel B, or installation of landscaping, whichever is first**, a landscape and irrigation plan that is compliant with the County's Water Efficient Landscapes ordinance (WELO) shall be submitted to the CDD for review.
23. **Prior to issuance of a building permit for new retaining walls on Parcel B**, a landscape and irrigation plan for screening of all retaining walls by trees, shrubs and/or vines to the extent possible shall be submitted to the CDD for review.
24. If two or more trees are removed from the Green Valley Road public right-of-way adjacent to the eastern property boundary of Parcel B, at least four (4) of the replacement trees planted as restitution for the code-protected trees removed from the subject property (COA #18) shall be planted adjacent to the eastern property boundary of Parcel B and along the frontage of Green Valley Road for screening purposes.

#### **Site Lighting**

25. All outdoor lighting within the residential development area should be directed downward and/or be shielded to prevent light spillover onto adjacent properties.

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

26. The applicant, owners, and their contractors shall comply with the following restrictions and requirements:
- a. The transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 AM and 4:00 PM and prohibited on federal and state holidays.



- b. 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 days and dates that these holidays occur, please visit the following websites:

Federal Holidays: [www.federalreserve.gov/aboutthefed/k8.htm](http://www.federalreserve.gov/aboutthefed/k8.htm)

California Holidays: <http://www.sos.ca.gov/state-holidays/>

- c. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- d. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air compressors shall be located as far away from existing residences as possible.
- e. Construction equipment and materials shall be stored onsite.
- f. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary.
- g. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
- h. The applicant shall immediately notify the CDD of any damage that occurs to any trees during the construction process. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading

shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the particular situation.

- i. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
- j. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the CDD. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the tree.
- k. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- l. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- m. 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.
- n. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- o. 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.
- p. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- q. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- r. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- s. The property owner or site contractor shall 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 General Air Pollution Complaints phone number shall also be visible to ensure compliance with applicable regulations.

## General Provisions

27. Approval of this permit does not constitute a building permit. Grading and building permits from the County shall be obtained, as necessary, for any development approved as part of this permit.
28. **Prior to requesting a roof deck nail inspection, but after completion of roof frame,** for a new residence on Parcel B, the applicant shall submit evidence for review and approval of CDD, from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from natural grade or finished floor, whichever is lowest, indicated on building permit plans for purposes of determining compliance with maximum height limit of 35 feet.
29. **Prior to issuance of a grading permit,** the applicant shall test all imported soil and fill material to assess any contaminants of concern meet screening levels pursuant to the State Department of Toxic Substances Control Preliminary Endangerment Assessment Guidance Manual.
30. **Prior to final grading inspection,** the applicant shall submit documentation to the CDD and County Building Inspection (BI) verifying the test results and confirming the suitability of the imported soil/fill material for the intended land use.

## MITIGATION MEASURES FROM THE MITIGATION MONITORING PROGRAM APPLIED AS CONDITIONS OF APPROVAL FOR COUNTY FILE #CDRZ23-03271 & CDMS23-00005

## Biological Resources

31. Pre-Construction Nesting Bird Surveys – To avoid impacts to nesting birds, a nesting survey should be conducted **no more than 15 days prior to the commencement of demolition, construction, or tree removal, whichever is first**, if this work would commence between February 1st and August 31st. The nesting survey should include an examination of the barn onsite and all trees onsite and within 200 feet of the entire project site (i.e., within a zone of influence of nesting birds), not just trees slated for removal. The zone of influence includes those areas outside the project site where birds could be disturbed by earth-moving vibrations and/or other construction-related noise.

If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist should establish a temporary protective nest buffer around the nest(s). The nest buffer should be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and should be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known within the region of the project site but that are not expected to occur on the project site. Upon completion of nesting surveys, if nesting birds are identified on or within a zone of influence of the project site,

a qualified ornithologist/biologist that frequently works with nesting birds should prescribe adequate nesting buffers to protect the nesting birds from harm while the project is constructed.

No construction or earth-moving activity should occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later and would have to be determined by the qualified biologist. At the end of the nesting cycle, and fledging from the nest by its occupants, as determined by a qualified biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site. **MM BIO-1**

32. Pre-construction Western Bumblebee Surveys – To avoid “take” of western bumblebee, a qualified entomologist shall conduct a take avoidance survey for active bumblebee colony nesting sites in any previously undisturbed area prior to the start of construction, if the work will occur during the flying season (March through August). Survey results, including negative findings, shall be submitted to the Community Development Department (CDD) **prior to issuance of a grading or building permit, or the start of ground-disturbing activities, whichever is first.** Surveys shall take place during the flying season when the species is most likely to be detected above ground. The surveys shall occur when temperatures are above 60 degrees Fahrenheit (°F), on sunny days with wind speeds below 8 miles per hour, and at least 2 hours after sunrise and 3 hours before sunset as these are the best conditions to detect bumblebees. Surveyors shall conduct transect surveys focusing on detection conditions to detect bumblebees. Surveyors shall conduct transect surveys focusing on detection of foraging bumblebees and underground nests using visual aids such as binoculars. At a minimum, a survey report shall provide the following:

- If no western bumblebees or potential western bumblebees are detected, no further mitigation is required.
- If potential western bumblebees are seen but cannot be identified, the applicant shall obtain authorization from CDFW to use nonlethal netting methods to capture bumblebees to identify them to species.
- If protected bumblebee nests are found, a plan to protect bumblebee nests and individuals to ensure no take of western bumblebee species shall be developed by a qualified entomologist and submitted to the CDD for review. The County shall approve the plan prior to implementation. **MM BIO-2**

33. Pre-construction Bat Surveys – In order to avoid impacts to roosting pallid bat or Townsend’s big-eared bat, building and tree removal should only be conducted during seasonal periods of bat activity: between August 31 and October 15, when bats would be able to fly and feed independently, and between March 1 and April 1st to avoid

hibernating bats, and prior to the formation of maternity colonies. Then a qualified biologist, one with at least two years of experience surveying for bats, should do preconstruction surveys for roosting bats **no more than 14 days prior to issuance of a demolition, grading, or building permit, or the start of tree removal, whichever is first.** If the qualified biologist finds evidence of bat presence during the surveys, then the biologist should develop a plan for removal and exclusion, in conjunction with the CDFW.

If building or tree removal must occur outside of the seasonal activity periods mentioned above (i.e., between October 16 and February 28/29, or between April 2 and August 30), then a qualified biologist, one with at least two years of experience surveying for bats, should do preconstruction surveys **no more than 14 days prior to issuance of a demolition, grading, or building permit, or the start of tree removal, whichever is first.** If roosts are found, determination should be made whether there are any young. If a maternity site is found, impacts to the maternity site will be avoided by establishment of a non-disturbance buffer until the young have reached independence. The size of the buffer zone should be determined by the qualified bat biologist at the time of the surveys. If the qualified biologist finds evidence of bat presence during the surveys, then the biologist should develop a plan for removal and exclusion, when there are not dependent young present, in conjunction with the CDFW. **MM BIO-3**

## Cultural Resources

34. 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. A qualified archaeologist certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American Tribe that has requested consultation and/or demonstrated interest in the project shall be contacted to evaluate the significance of the finds and suggest appropriate mitigation(s) if deemed necessary. **MM CUL-1**

35. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

Prehistoric materials can include flake-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass ceramics, and other refuse. **MM CUL-2**

36. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains. **MM CUL-3**

### **Geotechnical**

37. **Prior to recordation of the parcel map or CDD stamp-approval of plans for issuance of a grading or building permit, whichever is first**, the project proponent shall submit for review by the CDD and the County Peer Review Geologist a final geotechnical report and landslide hazard assessment that is prepared by an engineering geologist working in combination with the project geotechnical engineer. The report shall be compliant with the standards required for projects within the SHZ and its scope shall include:

- an original geologic map prepared by the engineering geologist which shall interpret site conditions, including delineation of any potentially hazardous soil conditions, and measurements of the orientation of bedding and dominant jointing from measurements made on site or in the immediate vicinity;
- a slope stability analysis that is compliant with standards of the SHZ Mapping Act, including standards for an acceptable safety factor and justification for the method of analysis selected (e.g. displacement model or computer program utilized in the analysis; justification for any assumptions regarding seismic parameters and engineering properties of rock and soil that are made);
- a review of improvement plans and updated recommendations and specifications that are needed for the project, if any, including any mitigation measure needed to respond to the results of slope stability analysis;
- recommendations for geotechnical monitoring and testing during the construction period; and,
- laboratory test data to evaluate the corrosion potential of soils and bedrock.

An investigation that does not adequately respond to each provision above shall require submitting supplemental data. **MM GEO-1**

38. A deposit of \$3,600 shall accompany the submittal of the geotechnical documents subject to review by the County Peer Review Geologist.

39. **Prior to requesting final building inspection for a new residence or retaining walls,** the applicant/project proponent shall submit a letter or report from the geotechnical engineer documenting the monitoring work performed as indicated in the Landslide Hazard Assessment (MM GEO-1), including a map showing location and depth of subdrains and their cleanouts (if any), compaction test result and description of the bedrock exposures made during construction (i.e., lithology, degree of weathering, and orientation of bedding, etc.), and the opinion of the geotechnical engineer on compliance of the as-graded and as-built improvements with recommendations in the geotechnical report. **MM GEO-2**
40. Should unique paleontological materials 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). **MM GEO-3**

#### **Wildfire**

41. **Prior to CDD stamp-approval of plans for issuance of a grading or building permit, whichever is first,** the applicant shall develop and submit to the CDD and the Fire District a written plan to establish, implement, and maintain a fire prevention program at the project site throughout all phases of construction of the development. **MM FIRE-1**
42. **Prior to recordation of the parcel map or CDD stamp-approval of plans for issuance of a grading or building permit, whichever is first,** the applicant shall submit to the CDD and the Fire District a written fire prevention management plan for all combustible materials stored outside and/or vegetation growth including but not limited to trees, weeds, grass, and vines, that is capable of being ignited and endangering property. **MM FIRE-2**

#### **PUBLIC WORKS**

#### **CONDITIONS OF APPROVAL FOR PERMIT CDMS23-00005**

#### **COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE PARCEL 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 require the review and approval of the Public Works Department and are based on the revised vesting tentative map received by the Department of Conservation and Development, Community Development Division, on July 21, 2025.

44. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, 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 (Green Valley Way):**

45. Any cracked and displaced curb, gutter shall be removed and replaced along the project frontage of Green Valley Road. Concrete shall be saw-cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.
46. Applicant shall construct a street type connection with curb returns as shown on the referenced site plan in lieu of standard driveway depressions at the private drive onto Green Valley Road.

**Access to Adjoining Property:**

Proof of Access

47. Applicant shall provide 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

48. Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Green Valley Road.

**Abutter's Rights**

49. Applicant shall relinquish abutter's rights of access along Green Valley Road with the exception of the proposed private road intersection.

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

50. Applicant shall provide sight distance at the intersection of the private driveway with Green Valley Road in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.



**Private Roads:**

51. Applicant shall construct an on-site roadway system to current County private road standards with a minimum traveled width of 16 feet within a minimum 25-foot access easement.
52. Applicant shall construct a paved turnaround at the end of the proposed private road, and size said turnaround to ensure any passenger or delivery vehicles exiting the project onto Green Valley Road can do so only in a forward direction.
53. Any proposed roadway over 15.9% in grade shall be surfaced with grooved concrete or open-graded asphalt.

**Countywide Street Light Financing:**

54. 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.

**Parking:**

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

**Utilities/Undergrounding:**

56. Applicant shall underground all new and existing utility distribution facilities. Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Exception (Subject to Advisory Agency findings and approval):

Applicant shall be granted an exception from the undergrounding requirements of the Ordinance Code because of the large parcels involved and the rural nature of the area.

**Maintenance of Facilities:**

57. Property owner shall record a Statement of Obligation in the form of a deed notification, to inform all future property owners of their legal obligation to maintain the proposed retaining walls, including those constructed within the public right-of-way.

**Drainage Improvements:**

Collect and Convey

58. 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 a 15" CMP located along Green Valley Road. Applicant shall verify its adequacy prior to discharging runoff.

**Miscellaneous Drainage Requirements:**

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

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

62. To reduce the impact of additional stormwater runoff from this development on Green Valley Creek, one cubic yard of channel excavation material will be removed from the inadequate portion of Green Valley Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of offsite by the developer, at his cost. The site selection, land rights, and construction staking will be by the Flood Control and Water Conservation District.

OR

Upon written request, the applicant may make a cash payment in lieu of actual excavation and removal of material from the creek. The cash payment will be calculated at the rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the Flood Control District's standard impervious surface area ordinance. The Flood Control and Water Conservation District will use these funds to work on the creek annually.

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

63. 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:

- a. Minimize the amount of directly connected impervious surface area.
- b. 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.
- c. Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- d. 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.
- e. Other alternatives comparable to the above as approved by the Public Works Department.

**Stormwater Management and Discharge Control Ordinance:**

64. 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 Parcel Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
65. 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).
66. 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.
67. Prior to filing the Parcel 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.
68. Prior to filing the Parcel 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.

69. 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.

**ADVISORY NOTES**

**THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.**

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

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

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

- B. Prior to applying for a building permit, the applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- Contra Costa County Public Works Department
- Contra Costa County Building Inspection Division
- Contra Costa Environmental Health Division
- San Ramon Valley Fire Protection District
- Central Contra Costa Sanitary District (Central San)
- East Bay Municipal Utility District (EBMUD)

- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Alamo Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

- D. This project is subject to the development fees in effect under County Ordinance as of October 7, 2024, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.