

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD24-09696: ANDY BYDE, CALIBR VENTURES INCORPORATED (APPLICANT) COJAM, LLC (OWNER)

FINDINGS

I. Tentative Map Findings

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

Project Finding: The General Plan land use designation for the project site is Residential Very-Low Density (RVL). The project is to subdivide 9.83 acres into 19 residential lots and have a new private road off North Gate Road to provide access to all 19 lots. The primary land uses permitted in this designation include detached single-family homes and accessory buildings and structures. As the project will result in single-family residential properties, the project is consistent with the allowed uses of this General Plan Designation.

The General Plan also determines the allowed density for an area. The General Plan land use designation of the RVL allows ≤ 1 units per net acre. This would ordinarily result in a maximum density of 8 units on the site (8.09 acres x 0.99=8). However, the project proposes to utilize a Density Bonus pursuant to the State Density Bonus Law, under Government Code Section 65915. Government Code Sections 65915(j)(1) and 65915(c)(5) states that either granting a density bonus, concession, incentive, or waiver, "Shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval." This language means that the applicant's requests made pursuant to the Density Bonus Law do not require a General Plan Amendment to accommodate the additional density in the proposed project. Therefore, due to the density bonus request, a 19-lot subdivision is consistent with the allowed density of the RVL General Plan designation.

Each of the following factors has also been evaluated and found to be consistent with General Plan policies including the Land Use Element, Housing Element, Conservation, Open Space, and Working Lands Element, Public Facilities and Services Element, Health and Safety Element and Growth Management Element based on the following:

- The project is consistent with the Land Use Element by providing affordable housing, minimizing off-site impacts and avoiding the introduction of non-compatible uses. The project protects the Resource Conservation Designation as the project does not encroach into that area.
- The project is consistent with the Housing Element by requiring the new residences to comply with California Title 24 and Building Energy Efficiency Standards and provides three very-low income housing units and 16 above moderate income housing units which may be counted towards the Counties regional housing needs allocation numbers which were designated by the Association of Bay Area Governments.

- The project is consistent with the Conservation, Open Space, and Working Lands Element by protecting the Resource Conservation Designation which consists of Walker Canyon creek by not developing within the creek and adhering to the creek structure setback requirements. The project includes planting of Oak Trees along the western boundary to provide screening and enhance the visual appearance of the North Gate area.
- The project is consistent with the Public Facilities and Services Element by requiring the project to pay for childcare and park dedication and park impact fees for each unit and obtain approval from all utility districts prior to servicing the project.
- The project is consistent with the Health and Safety Element which requires the project to obtain approval from the Fire District to ensure the project has site-specific fire protection plan in place and is consistent because the project submitted a geotechnical report and is required to comply with relevant geotechnical conditions of approval.
- The project is consistent with the Growth Management Element by providing housing opportunities for very low-income individuals.

Therefore, based on the entire record and as summarized herein, the vesting tentative map is consistent with the County General Plan.

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

Project Finding: As required by the conditions of approval, the project does not pose any significant traffic impacts and must comply with the "collect and convey" requirements and design standards for construction of public roads. Prior to issuance of building permits, the applicant is required to contribute fees for parks and recreation, school districts, child care and police services. Payment of these fees along with compliance with the applicable California Building Code will fulfill all obligations related to construction of the project. Therefore, based on the proposal, no physical circumstances would restrict the developer from completing the project.

II. Tree Permit Findings

Required Finding: The Zoning Administrator is satisfied that necessary factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied.

- *Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot;*
- *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: An Arborist Report dated July 2024 prepared by Darya Barar ISA Certified Arborist No. WE-6757A, identified 52 trees on the site. The report recommended retaining 11 trees whereas the applicant will retain 18 (13 require work within the dripline) trees. In order to develop the parcel, 34 code-protected trees are to be removed in order to accommodate the 19 residential units. Reasonable development could not be accommodated on another portion of the lot in order to accommodate the density requested. The Tree Protection and Preservation Ordinance states that the director of the department may attach conditions to ensure compliance with the chapter and code. These conditions may include a requirement to replace any or all trees on a comparable ratio of either size or quantity. To meet this requirement the applicant would be required to submit and implement a landscaping and irrigation plan that includes replacement of the trees that have been removed. Conditions of approval are included that require the applicant to plant at least 34 replacement trees and to provide a security bond for the 18 trees to be preserved.

III. California Environmental Quality Act (CEQA) Findings

The project is exempt under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), as determined through preparation of a CEQA Section 15183 Initial Study/Consistency Checklist by the County. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide a statutory exemption that mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which a Final Environmental Impact Report was certified (in this case, the Contra Costa County 2045 General Plan and Climate Action Plan Environmental Impact Report (State Clearinghouse Number 2023090467)) shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site such that the prior FEIR is not adequate for purposes of the subject proposal. A Consistency Checklist was prepared pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) to determine whether the proposed project required additional environmental review. The Consistency Checklist found that the project is in conformance with the analysis and conclusions of the prior FEIR and that no further CEQA review or documentation is required pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. The project is exempt from CEQA, and further environmental analysis of the proposed project is not required because:

- No significant impacts peculiar to the proposed project or its site have been identified. With (1) adherence to applicable 2045 General Plan goals, policies and actions, along with (2) adherence to all other applicable federal, State, regional, and local laws and regulations, (3) incorporation of identified project design features, (4) implementation of all relevant mitigation measures from the prior FEIR, and (5) implementation of other uniformly applied development standards, the proposed project's impacts would be consistent with the impact conclusions set forth in the prior FEIR.

- There are no potentially significant impacts that were not analyzed as significant in the certified prior FEIR.
- There are no potentially significant off-site and/or cumulative impacts that were not discussed by the certified prior FEIR.
- None of the previously identified significant effects in the certified prior FEIR have been determined to have a more severe adverse impact as a result of substantial new information which was not known at the time of the prior FEIR was certified.

Therefore, the project is consistent with the development density established in the Contra Costa County 2045 General Plan and is within the scope of the prior FEIR and that no further CEQA review or documentation is required pursuant to CEQA Section 21083.3 and CEQA Guidelines Section 15183.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD24-09696

1. A Vesting Tentative Map is APPROVED for a 19 Residential-Lot Subdivision as generally based on the following documents:
 - Application and materials received on August 6, 2024;
 - Revised Project Description received on December 3, 2024, and revised project description received on July 15, 2026;
 - Revised Vesting Tentative Map for Subdivision CDSD24-09696, received on February 13, 2025, and revised Vesting Tentative Map sheets 9, 10 and 11 received on July 15, 2026;
 - Architectural Plans received December 3, 2024;
 - Geotechnical Report prepared by ENGEO dated July 24, 2024 and subsequent Geotechnical Report updated dated November 26, 2024, received December 3, 2024.
 - Storm Water Control Plan prepared by dk Engineering, dated July 2024.
 - North Gate Road Inclusionary Housing Plan submitted August 6, 2024;
 - North Gate Road Density Bonus Proposal submitted December 3, 2025.
 - Arborist Report prepared by Hort Science, Darya Barar, ISA Certified Arborist No. WE-6757A, date received December 3, 2024.
 - Biological Resources Report prepared by Mosaic Associates and Coast Range Biological, LLC, date received on December 3, 2024.

- Transportation Impact Study prepared by W-Trans, dated October 2, 2025.
2. Pursuant to Government Code 65915(d)(2)(F), this Subdivision permit includes approval of the following concessions:
 - The use of gross acreage 9.83 acres to calculate the base density for the development instead of using the net acreage, as required by the General Plan.
 - To allow the Affordable Units to be smaller in size by more than ten percent when compared to the average size of market rate units in the development that have the same number of bedrooms, as required by County Ordinance Code section 822-4.412(b)(1).
 - To allow the Affordable Units to be developed on smaller lots of more than ten percent when compared to the average lot size of market rate units in the development that have the same number of bedrooms, as required by County Ordinance Code section 822-4.412(b)(2).
 - To allow the Affordable Units to have alternative interior finishes that reduce interior construction costs by more than five percent when compared to the average interior construction cost of market rate units in the development that have the same number of bedrooms, as required by County Ordinance Code section 822-4.412(b)(3).
 3. Pursuant to Government Code 65915, this Subdivision permit includes approval of the following waivers to the below development standards to allow:
 - Waiver of the off-street parking requirements to allow four off-street parking spaces within the front setback area of lots 17-19.
 - Reduction in the 40,000 square foot minimum lot area requirement for Lots 1-8 and 10-19.
 - Reduction in the average lot width requirement of 140 feet for lots 1-8 and 10-19.
 - Reduction in the lot depth requirement of 140 feet.
 - Reduction to the minimum aggregate side yard requirement of at least 40 feet.
 - Reduction to the minimum side yard requirement of 20 feet.
 - Reduction to the minimum front yard setback requirement of 25 feet for Lots 17-19.
 - Reduction to the minimum rear yard setback requirement of 15 feet for Lot 19.
 - Reduction to the minimum setback requirements for retaining walls.
 - Waiver from the North Gate Specific Plan height requirement.
 - Waiver from the North Gate Specific Plan minimum lot size requirement.
 - Waiver from the North Gate Specific Plan maximum density requirement.
 - Waiver from the North Gate Specific Plan lot area requirement.
 - Waiver from the North Gate Specific Plan setback requirement.
 4. The maximum number of residential lots approved for this subdivision is 19 lots.
 5. A Tree Permit to allow removal of 34 code-protected trees, and work within the dripline of 13 code-protected trees is Approved, as shown on Sheet 4 of the Tree Removal & Demolition Plan on the approved plan set.

Indemnification

6. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County and its 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 for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Application Costs

7. The Major Subdivision application was subject to an initial deposit of \$10,000.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the approval 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 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

Compliance Report

Unless otherwise indicated, all of the conditions of this report will need to be met prior to filing the final map.

8. **At least 45 days prior to filing the Final Map or 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.

Project Phasing / Filing of Multiple Subdivision Maps

9. 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.

Vesting Tentative Map (VTM) Duration

10. If no Development Agreement is entered into, the VTM is granted for a period of three (3) years, which may be extended subject to proper request(s) for extension, and review and approval by CDD. If a Development Agreement is entered into for the project, then the duration of the VTM is as specific in the Development Agreement.

Development Standards

11. Future development of the lots shall be subject to the R-40 Single-Family Residential District and the approved building/structure setbacks as shown on the approved Lot Setback sheet prepared by Qualus, dated July 10, 2026.

Signs/Walls/Fencing

12. All signs shall be subject to the review and approval of CDD and shall conform to the sign ordinance Chapter 8-66.
13. **Prior to CDD stamp-approval of plans for issuance of a building permit**, for the entrance gate, details of the design, location, color and type of materials for the entrance gate shall be submitted for the review and approval of CDD.
14. **Prior to CDD stamp-approval of plans for issuance of a building permit**, a fencing plan program that complies with the fence design guidelines listed in the North Gate Specific Plan and the R-40 development standards and shall be submitted to CDD for the review and approval. The approved program shall be attached to the CC&Rs.
15. No grading or new fence posts are to be located on the Flood Control District property. The above fencing plan program shall provide a site plan that shows the exact location of the fence posts to ensure they are outside of the Flood Control District property.

Homeowners' Association (HOA)

16. **Prior to the filing of the Final Map**, a homeowner's association shall be formed for the ownership and maintenance (through homeowners' assessments) of the private streets (Parcel A and Parcel B) and the C3 basins.

CC&Rs

17. **Prior to filing of the Final Map**, Covenants, Conditions and Restrictions (CC&R's) shall be submitted to CDD for review and approval. This document shall provide for establishment, ownership and maintenance of Parcels A, B, drainage maintenance, open

space, landscaping in common areas, parking, fire protection, fencing and establishment of signs. The CC&R's shall require occupants to maintain garage spaces in a manner, which makes them available for off-street parking. The CC&R's shall also include the maintenance obligation requirements of Public Works condition(s) of approval. The CC&R's shall also provide language restricting development within the deed restrictive no development zone.

18. **Prior to the filing of the Final Map**, the applicant shall submit to CDD for review and approval proposed language for a deed disclosure to be recorded concurrently with the approved final map that states that lots 2-9 contain a 40-foot restricted development area that prohibits development within the area.

Park Impact Fee

19. **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

20. **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 Fee

21. **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 per lot upon which a residence is being built for childcare facility needs in the area as established by the Board of Supervisors.

Police Services District

22. **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 recording 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.

Landscaping

23. **Prior to CDD stamp-approval of plans for issuance of the first building permit**, the applicant shall submit a Final Landscaping Plan that complies with Chapter 82-26 – Water

Efficient Landscapes Ordinance. To the maximum extent feasible, the project proponent shall use drought tolerant vegetation for the development.

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

24. The applicant is required to plant the screening native Coast Live Oak/Valley Oak trees along the western perimeter of the subdivision as shown on the Preliminary Landscape Plan received on December 3, 2024. **Prior to final building inspection for lots 1-9**, the applicant shall submit a letter from a landscape architect or arborist confirming that the screening Oak trees along the western boundary have been planted according to the final landscaping plan.
25. **Prior to CDD stamp-approval of plans for issuance of the first building permit, or grading permit, whatever occurs first**, the applicant shall submit a Final Landscape Tree Protection Plan which shows the location and species of all screening native Coast Live Oak/Valley Oak trees along the western perimeter of the subdivision as indicated in condition of approval #23 and the location of all 34 restitution replanted trees as indicated in condition of approval #42. The trees identified on the Final Landscape Tree Protection Plan are considered code protected.

Off-Street Parking

26. Lots 1-16 shall have at least two off-street parking spaces on the same lot outside of the established setbacks. Lots 17-19 are allowed to provide off-street parking within the frontage pursuant to COA #27.
27. **Prior to final building inspection for Lots 17-19**, the applicant/developer shall provide CDD evidence that the uncovered off-street automobile parking spaces located within the frontage of each lot as shown on Sheet 16 Striping and Parking, have been established.

Exterior Lighting

28. **Prior to CDD stamp-approval of plans for issuance of a building permit**, a Lighting Plan shall be submitted for review and approval by the CDD. At a minimum, the lighting plan shall include the following measures:
 - a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.
 - b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.

Cultural Resources

29. In accordance with General Plan Policy COS-P11.6, prior to the initiation of construction activities, all construction personnel conducting ground disturbance at the site shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources "tailgate"

training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards (PQS) for archaeology.

30. Upon discovery of a burial, human remains, or suspected human remains, require immediate halt to ground-disturbing activities such as excavation and grading, protection of the area surrounding the find, notification of the County Coroner, and compliance with the provisions of California Health and Safety Code Section 7050.5, including California Public Resources Code Section 5097.98, if applicable. If human remains are determined to be Native American, require the applicant to consult with the Most Likely Descendants list to determine appropriate treatment, as prescribed in Public Resources Code Section 5097 et seq.

Geotechnical Report

31. **Prior to requesting a grading permit**, the project proponent shall submit a final Corrective Grading Plan for review and approval of CDD and the County Geologist. The Corrective Grading Plan shall have design-level grading recommendations map which shall be displayed on Grading plans for Calibr Ventures project where each of the geotechnical recommendations will be operative (e.g, identify the locations where keyways are required and their associated subdrains) which will be included on the Grading Plans. The recommendation map will be used by the developer's grading contractor, County grading inspector and CDD.
32. **Prior to CDD stamp-approval of plans for the issuance of building permits for the new residences**, the project geotechnical report and construction plans shall be reviewed by the geotechnical engineer. During construction related activities, a geotechnical engineer shall be present for monitoring services during construction. The geotechnical engineer shall monitor the following (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of underground utility improvements and drainage facilities, and any foundation related work. **A hard hold shall be placed on the final building inspection for each lot**, pending submittal of a report from the project geotechnical engineer that documents their observation and testing service throughout the construction period, including monitoring and testing of backfilling required for utility and drainage facilities. This report shall be submitted for review and approval by CDD and County Geologist.

Solid Waste

33. **Prior to CDD stamp-approval of plans for the issuance of building permits for the new**

residences, the applicant shall provide evidence to CDD, that demonstrates that access to the gated driveway has been provided to the solid waste collection hauler.

34. All new lots shall provide adequate storage for all three waste stream carts.

Transportation Demand Management

35. **Prior to CDD stamp-approval of plans for the issuance of a building permit for each new residence**, the applicant shall identify on the construction plans EV charging infrastructure in each residential unit. For each dwelling unit, a listed raceway to accommodate a dedicated 208/240-volt branch circuit is required to be installed in each single-family residential unit.

36. Consistent with the County's Transportation Demand Management (TDM) Ordinance, which requires a residential project with 13 or more units to develop a TDM program, **prior to CDD stamp-approval of plans for the issuance of the first building permit/grading permit**, the applicant shall prepare and submit a Final Transportation Demand Management (TDM) to CDD Staff for review and approval. The TDM shall comply with County Code Chapter 82-32-Transportation Demand Management. The TDM program shall include at least the following:

- a. The TDM Program should include a site map/plan that identifies existing and proposed bicycle, pedestrian, and transit amenities and improvements. The TDM program should also include a map/plan identifying key destinations (e.g. schools, community facilities, parks, shopping areas, major pedestrian and bicycle facilities, transit stops) in proximity to the project that can be reached by walking, biking, or taking transit
- b. The TDM Program should identify the promotions, events, and incentives that would be marketed to residents as part of the program. A list of potential promotions, events, and incentives can be found on the 511 Contra Costa website.
- c. A sample of the virtual format (e.g. website) that would be used to display TDM information to residents.
- d. Within six months following the granting of a certificate of occupancy of the new development site, the project shall submit to the Director of the Department of Conservation and Development a TDM notice that confirms the installation of facilities and site amenities, as well as implementation of commute program features and events (if required).

Fire Protection Plan

37. **Prior to CDD stamp-approval of plans for the issuance of a building permit or grading permit**, whatever comes first, the applicant shall submit a site specific fire protection plan for review and approval to the Contra Costa County Fire Protection District. The fire protection

plan shall include measures for fire-resistant construction materials and modifying fuel loading, as well as a plan to maintain that protection over time. The fire protection plan shall include:

- a) A risk analysis
- b) Fire response capabilities
- c) Defensible space requirements
- d) Fire safety requirements for infrastructure
- e) Building ignition resistance
- f) Mitigation measures and design for non-conforming fuel modification
- g) Wildfire education
- h) Maintenance and limitations
- i) A plan for emergency preparedness, response, and evacuation

Construction Restrictions and Requirements

38. **Prior to CDD stamp-approval of plans for the issuance of a building or grading permit, whichever occurs first**, the project developer or contractor shall submit to CDD for review and approval a notice of construction that includes the planned hours of operation and who to contact if there are noise or dust concerns.
39. **Prior to construction and/or improvements of roadways, demolition of existing structures, and/or grading activities**, the project developer must provide advance notice, at least 2 weeks prior to any of these activities commencing. The developer shall mail a notice to each adjacent residential property providing them with the planned hours of operation and who to contact if there are noise concerns.
40. All construction activity shall comply with the following restrictions, which shall be included on the construction drawings. **These measures shall be included on construction drawings for grading and building permits.**
- a. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
 - b. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
 - c. A dust and litter control program shall be submitted for the review and approval of the CDD staff and shall be included on the construction drawings for grading and building permits. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to result until, if necessary an appropriate construction bond has been posted.

- d. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- e. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
- f. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:30 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)
Farmworkers 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 date the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov/policy-data-oversight/holidays-leave/)

California Holidays: [State Holidays \(ca.gov\)](https://www.ca.gov/holidays/)

- g. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

Extended Dust Control Measures

41. In accordance with Bay Area Air Quality Management District Best Management Practices, the following shall be included during any construction:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt trackout 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.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - 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.
 - All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 - 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.
 - Publicly visible signs shall be posted with the telephone number and name of the 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 number shall also be visible to ensure compliance with applicable regulations.

Restitution For Tree Removal

42. **The following measures are intended to provide restitution for the 34 code-protected trees that have been approved for removal:**
- 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 at least thirty-four (34), minimum 15-gallon in size, 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.
 - 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. Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.

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.

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

Contingency Restitution Should Altered Trees Be Damaged

- 44. Trees to be Preserved but Altered – Pursuant to the requirements of Section 816- 6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages these trees, the applicant shall provide the County with a security (e.g. bond, cash deposit) to be submitted prior to CDD stamp-approval of plans for issuance of a building permit (e.g. demolition, grading or building),

whichever occurs first, whichever occurs first, to allow for replacement of trees intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

- a. Extent of Possible Restitution Improvements – The planting of **13, 15-gallon trees, which shall include California native species.** in the vicinity of the affected trees, or equivalent planting contribution, and subject to prior review and approval of CDD.
- b. Determination of Security Amount: The security shall submitted for the 18 trees and provide for all of the following costs:
 - i. Preparation of landscape/irrigation plan by a licensed landscape architect or arborist, which shall comply with the County's Water Efficient Landscapes Ordinance;
 - ii. Labor and materials estimate for planting the potential number of trees and related irrigation improvements that may be required, prepared by a licensed landscape contractor; and
 - iii. An additional 20% of the total of the above amounts to address inflation costs.
- c. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of \$200 at time of submittal of a security.
- d. Duration of Security: The security for each lot 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 lot was approved. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.

Tree Protection – Arborist Report

45. The tree protection recommendations listed in the Arborist Report prepared by Horst Science, Darya Barar, ISA Certified Arborist No. WE-6757A dated July 2024, and date received August 6, 2024, shall be implemented during constriction activities and included on the construction drawings.
 - a. Any approved grading, construction, demolition or other work within the TREE PROTECTION ZONE should be monitored by the Project Arborist.

- b. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
 - c. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Project Arborist.
 - d. Construction trailers, traffic and storage areas must remain outside TREE PROTECTION ZONE at all times.
 - e. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist. Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2 inches in diameter should be avoided.
 - f. If roots 2 inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
 - g. Spoil from trench, footing, utility or other excavation shall not be placed within the TREE PROTECTION ZONE, neither temporarily nor permanently.
 - h. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the Project Arborist.
 - i. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
 - j. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
 - k. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel or certified tree climber.
46. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Debris Recovery

47. **At least 15 days prior to the issuance of a grading permit or building permit** the developer shall submit Construction Waste Management Plan, which identifies approved methods to comply with CalGreen requirement to recycle and/or salvage for reuse construction and demolition waste materials generated at the jobsite.

Prior to Final Inspection, developer shall submit a Final Report containing information and supporting documentation of the above-mentioned requirement.

Street Names

48. **Prior to the recordation of the Final Map**, proposed name(s) 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.

Will Serve Letters

49. **Prior to recordation of the Final Map**, a copy of a will-serve letter from Contra Costa Water District shall be submitted to CDD.
50. **Prior to recordation of the Final Map**, a copy of a will-serve letter from Central Contra Costa Sanitary District shall be submitted to CDD.

Community Benefits Agreement

51. The applicant has agreed to enter into a Community Benefits Agreement with the County to make two (2) Community Benefit Payments in the amount of Three Hundred Thousand Dollars (\$300,000) upon issuance of the first certificate of occupancy for a residential unit within the Project and shall pay Two Hundred and Fifty Thousand Dollars (\$250,000) upon issuance of the sixteenth (16th) certificate of occupancy for a residential unit within the Project. Funds may be used to, for and without limitation: funding studies and actions to permit, establish, improve and/or maintain public trail improvements. **Prior to recordation of the Final Map**, the permittee shall provide CDD staff with evidence that the permittee and County have entered into an agreement which details the terms and conditions of executing the permittee's planned Community Benefit initiative. The agreement shall be consistent with the draft Community Benefit Agreement attached to the August 17, 2026, Zoning Administrator Staff Report.

DEPARTMENT OF CONSERVATION AND DEVELOPMENT, HOUSING AND COMMUNITY IMPROVEMENT (HCI) DIVISION, CONDITIONS OF APPROVAL FOR COUNTY FILE #CDSD24-09696

Inclusionary Housing Ordinance

52. This development is subject to County Ordinance Code, Chapter 822-4, Inclusionary Housing Ordinance. Terms and definitions regarding the Inclusionary Housing Ordinance are as set forth in Chapter 822-4, except as otherwise modified by these conditions of approval. Pursuant to Section 822-4.402(b) 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 affordable inclusionary units. At least twenty percent

of the inclusionary units shall be sold at an affordable price to lower-income households. The remaining inclusionary units shall be sold at an affordable price to moderate-income families.

53. The applicant, owner, and/or developer (Applicant) is required to construct 1.5 for-sale inclusionary units (10 total base units x 0.15 of total = 1.5 units) for the development pursuant to the County's inclusionary housing requirements. The Applicant submitted a revised density bonus request/inclusionary housing plan, dated December 3, 2024, (the "Revised DBR/IHP") proposing to construct three on-site, for-sale, affordable units, affordable to very low-income households with an income up to 50% of Area Median Income, on Lots 17, 18, and 19 of the proposed subdivision (the "Affordable Units"). The three Affordable Units satisfy the County's inclusionary housing requirements and are also density bonus target units. The Applicant shall construct the three Affordable Units in accordance with the Revised DBR/IHP, including that the Affordable Units will be four-bedroom, single-family detached units approximately 1,215 square feet in size with a one-car garage.

Density Bonus Request

54. The Applicant submitted the Revised DBP/IHP, proposing to construct the three Affordable Units, affordable to very low-income households with an income up to 50% of Area Median Income, as part of the development, and requesting a density bonus. Because 30% of the total base units (3 Affordable Units / 10 total base units) will be made affordable to very low-income households, the development qualifies for a density bonus pursuant to Government Code (GC) 65915(b)(1)(B).

Density Bonus – Increase Over the Maximum Allowable Gross Residential Density

A density bonus of nine units over the maximum allowable gross residential density for the property is approved for the development. Pursuant to GC 65915(f)(2), the development is entitled to a density bonus of 50 percent. Pursuant to GC 65915(v), the development is entitled to an additional density bonus of 38.75 percent.

The calculation of the density bonus for the development is as follows:

9.83 acres x 0.99 units per gross acreage = 9.88 or 10 total base units (rounded by the SDBL)

10 total base units x 50% density bonus = 5 units

10 total base units x 38.75% additional density bonus = 3.87 or 4 units

10 total base units + 5 density bonus units + 4 additional density bonus units = 19 units

Density Bonus – Concession or Incentive

Pursuant to Government Code 65915(d)(2)(F), the Applicant may receive four incentives or concessions for the proposed development. The four concessions approved for the development are as follows:

- a. The use of gross acreage to calculate the base density for the development instead of using the net acreage, as required by the General Plan.
- b. To allow the Affordable Units to be smaller in size by more than ten percent when compared to the average size of market rate units in the development that have the same number of bedrooms, as required by County Ordinance Code section 822-4.412(b)(1).
- c. To allow the Affordable Units to be developed on smaller lots of more than ten percent when compared to the average lot size of market rate units in the development that have the same number of bedrooms, as required by County Ordinance Code section 822-4.412(b)(2).
- d. To allow the Affordable Units to have alternative interior finishes that reduce interior construction costs by more than five percent when compared to the average interior construction cost of market rate units in the development that have the same number of bedrooms, as required by County Ordinance Code section 822-4.412(b)(3).

Density Bonus – Waiver Reduction in Development Standards

Pursuant to Government Code 65915(e), the Applicant may request waivers or reductions in development standards to allow for the proposed development at the allowed density and with the approved concessions or incentives. The waivers or reductions in development standards approved for the development are as follows:

- a. Waiver of the off-street parking requirements to allow four off-street parking within the front setback area of the three inclusionary units.
- b. Reduction in the 40,000 square foot minimum lot area requirement.
- c. Reduction in the average lot width requirement of 140 feet.
- d. Reduction in the lot depth requirement of 140 feet.
- e. Reduction to the minimum aggregate side yard requirement of at least 40 feet.
- f. Reduction to the minimum side yard requirement of 20 feet.
- g. Reduction to the minimum front yard setback requirement of 25 feet.
- h. Reduction to the minimum rear yard setback requirement of 15 feet.
- i. Reduction to the minimum setback requirements for retaining walls.
- j. Waiver from the North Gate Specific Plan height requirement.
- k. Waiver from the North Gate Specific Plan minimum lot size requirement.
- l. Waiver from the North Gate Specific Plan maximum density requirement.
- m. Waiver from the North Gate Specific Plan lot area requirement.
- n. Waiver from the North Gate Specific Plan setback requirement.

Inclusionary Housing and Density Bonus Developer Agreement

55. **Prior to the approval of the Final Map or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first**, the Applicant shall execute an Inclusionary Housing and Density Bonus Agreement (Agreement), in a form provided and approved by the County. The Agreement shall include all of the information required by, and shall comply with, the compliance with the Inclusionary Housing Ordinance and Government Code section 65915, including that the property will be deed restricted to require that the three Affordable Units be built, sold, and made affordable to very low-income households.

To initiate the County to prepare an Agreement for execution by the Applicant, the Applicant must file a condition of approval compliance review application accompanied by the appropriate fees, documents, and exhibits listed in the most recent Inclusionary Housing Plan Checklist and/or Density Bonus Plan Checklist. The Applicant should anticipate approximately 90 days from the date of filing the condition of approval compliance review application for the County to prepare and approve the Agreement.

56. The Applicant shall cause the Agreement to be recorded in the real property records of Contra Costa County, California. The Applicant shall pay fees incurred with any such recording. The recording of the Agreement shall occur after the acceptance of the document by the County and before the recordation of the Final Map, Parcel Map, or CDD stamp-approval of plans for issuance of building permits or grading permits for any portion of the residential development, whichever comes first.
57. The three Affordable Units in the development shall be available for sale to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units, except that the Affordable Units must be sold to a household with income no higher than 50% of the Area Median Income. There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of the units in the development nor shall the Applicant or any person claiming under or through the Applicant, establish or permit any such practice or practices of discrimination or segregation concerning the selection, location, number, use or occupancy of homeowners of any unit in connection with employment of persons for construction of the development.

Development Standards

58. The Affordable Units shall be constructed and finished in compliance with the Revised DBR/IHP. The development is subject to the development standards set forth in Section 822.4.412 of the County Ordinance, except as otherwise waived or conceded in these conditions of approval.

PUBLIC WORKS

CONDITIONS OF APPROVAL FOR SUBDIVISION CDSD24-09696

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the vesting tentative map submitted to the Department of Conservation and Development on December 3, 2024 and revised plans dated July 15, 2026.

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

General Requirements

59. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on July 10, 2026.
60. The Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The conditions of approval below are subject to the review and approval of the Public Works Department.

Roadway Improvements (North Gate Road Frontage)

61. The Applicant shall construct curb returns, five-foot wide sidewalk with pedestrian curb ramp on the north side of the private road connection to North Gate Road, necessary longitudinal and transverse drainage, pavement widening and transitions along the frontage of North Gate Road. The Applicant shall construct face of curb approximately 10 feet from the widened right-of-way line.
62. The Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at the North Gate Road intersection.
63. Pavement striping at the intersection with North Gate Road shall curve as much as practical to be perpendicular to North Gate Road.

Access to Adjoining Property

Proof of Access

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

drainage improvements.

Encroachment Permit

65. The Applicant shall obtain an encroachment permit from the Public Works Department, for construction of roadways, utilities or other improvements within the right-of-way of North Gate Road.

Intersection Design/Sight Distance

66. The Applicant shall provide sight distance at the private road and North Gate Road 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 Road

67. 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. Although the proposed on-site roadways are to remain private, the pavement structural section shall conform to County public road standards.
68. The on-site roadway system shall match the easement and pavement widths shown on the referenced vesting tentative map. A five-foot sidewalk shall be included along one side of the road as shown.
69. The Applicant shall construct a paved turnaround at the end of the proposed private road and at the entry gate.

Road Dedications:

70. Property owner(s) shall convey to the County, by Offer of Dedication, five feet of additional right-of-way along the frontage of North Gate Road to provide a total of thirty feet of road right of way from the centerline of the existing right of way.

Countywide Street Light Financing:

71. Prior to Final map approval, the applicant shall establish a funding mechanism to cover the ongoing financial impact the Project will have on the ongoing maintenance and operations of public streetlighting. Compliance with this requirement shall be to the satisfaction of the Public Works Director and may be met through the formation of a new Community Facilities District or annexation into the existing Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads. All costs associated with meeting this condition of approval shall be borne by the applicant.

Bicycle - Pedestrian Facilities:

Pedestrian Access

72. 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.

Parking

73. 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

74. The Applicant shall underground all new utility connections to the proposed homes within the subdivision. Applicant shall connect to the existing joint poles along North Gate Road and underground the utilities along the private road leading to the proposed homes. All existing overhead utility lines and joint poles (south of the property boundary) that become redundant and no longer serve the existing residence at 1125 North Gate Road shall be removed. 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.

Construction

75. Prior to the start of construction-related activities, the applicant shall prepare a Traffic Control Plan (TCP), including a haul route, for the review and approval of the Public Works Department.
76. The Applicant shall provide a pavement analysis for those roads along the proposed haul route or any alternate route(s) that are proposed to be utilized by the hauling operation. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts.
77. Prior to the commencement of any work on the project site, the Applicant shall survey the pavement condition on North Gate Road between the proposed private road intersection north to the County Limits with City of Walnut Creek near Arbolado Drive. The survey shall be approved by the Public Works Department and include photos/videos of the roadways.

Applicant shall complete any remedial work prior to initiation of use; or provide a bonded agreement assuring completion of the remedial work.

Maintenance of Facilities:

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

Drainage Improvements:

Collect and Convey

79. 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.
80. Discharge of concentrated storm water runoff to the Kubichek Basin will not be allowed. Proposed drainage improvements along with supporting design documents shall be subject to review by the Contra Costa County Flood Control and Water Conservation District to verify inflow to their detention basin will substantially simulate existing conditions.

Miscellaneous Drainage Requirements:

81. The Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
82. The Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
83. A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over the proposed storm drain line traversing the site.

Creek Banks and Creek Structure Setbacks:

84. The Property owner shall relinquish "development rights" over that portion of the site that is within the structure setback area of Walker Canyon Creek. The structure setback area shall be determined by using the criteria outlined in Chapter 914 14, "Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed.

Hold Harmless

85. The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion.

National Pollutant Discharge Elimination System (NPDES):

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

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

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- 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

87. 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.
88. 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).

89. 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.
90. 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.
91. Prior to the filing of the Final Map, the property owner(s) shall establish a funding mechanism to cover the ongoing financial impact of the development will have for ongoing maintenance and operations of the stormwater treatment facility. Compliance with this requirement shall be to the satisfaction of the Public Works Director and may be met through the formation of a new Community Facilities District or annexation of the subject property into existing 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. All costs associated with meeting this condition of approval shall be borne by the applicant.
92. 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.
93. All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

ADVISORY NOTES

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

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

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

- B. The Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central Contra Costa Areas of Benefit, as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- 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. Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the Stormwater C.3 Guidebook. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.
- F. This project is subject to the development fees in effect under County Ordinance as January 1, 2025, 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.
- G. Additional requirements may be imposed by the following agencies and departments:
 - Public Works Department
 - Building Inspection Division
 - Contra Costa Consolidated Fire Protection District
 - Health Services Department
 - Central Contra Costa Sanitary District
 - Contra Costa Water District
 - California Department of Fish and Wildlife

The Applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.