

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS25-00003:
MICHAEL MILANI, MILANI & ASSOCIATES (APPLICANT) AND JEFF AND SHEILA
LANGON (OWNERS)**

I. Findings

A. Tentative Map Findings

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

Project Finding: The subject property is located within a Residential Very-Low Density (RVL) land use designation. What is found to be appropriate development in the RVL designation transitions between urban development and agricultural/rural areas and typically includes detached single-family units on lots 1 acre or larger and small-scale agricultural activities. The SL land use designation allows for a density of 1 unit per net acre. According to the County General Plan, net acreage is the area remaining within a project site after land is dedicated for rights-of-way, easements, and other public or common uses. As this project does not include any right-of-way dedication, and the access easement is private and only serves two properties, the net acreage is equivalent to the gross acreage, which is approximately 1.9-acres. This would allow for a maximum of two units (Parcel A: 42,899.4 square-feet and Parcel B: 40,028.3 square-feet). Therefore, the two-lot minor subdivision would result in a density within the range of units allowed under Chapter 4 - Land Use Element of the General Plan.

Other applicable General Plan policies are located in Chapter 3 -Stronger Communities Element and Chapter 9 – Health and Safety Element. The project site is located in the County community of Diablo, which has the following policies within their Community Profile:

1. Support efforts to maintain Diablo's mature trees, natural setting, and limited sidewalks and streetlights, all of which add to its rural character.
2. Coordinate with the community to increase opportunities for input into planning processes and projects, especially related to historic designations and regulations.

3. Discourage land uses that detract from Diablo's low-density residential character, such as large commercial and high-density residential projects.
4. Support efforts to improve wildfire safety through management of the Wildland-Urban Interface around Diablo

This project does not conflict with policy 1 as it is not removing any native trees and will be replanting trees to compensate for any necessary tree removal. It will also not be changing the rural and residential character for the area, and will not be adding any sidewalks for streetlights. It does not conflict with policy 2 as neither the existing buildings or property itself is a contributor to the Diablo Historic District, and therefore, its alteration would have no impact on the District. It does not conflict with policy 3 as development of one additional unit is consistent with the very-low density designation for the area and is not commercial. Lastly, it does not conflict with policy 4 as future development will be required to conform to the provisions of the California Building Code and California Fire Code related to construction in wildland urban interface fire areas. New residential construction on the site will be required to conform to California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure), California Fire Code Chapter 49 (Requirements for Wildland-Urban Interface Fire Areas), and Title 24 of the California Code of Regulations (California Building Standards).

The project site is also in a High Fire Hazard Severity Zone in a Locally Responsible Area (LRA), and therefore, is subject to Health and Safety Element Policy (HS-P) 7.1, "Deny entitlements for projects creating additional residential units (i.e., units not allowed by-right) in Very High Fire Hazard Severity Zones in the LRA or SRA. Discourage such projects in High Fire Hazard Severity Zones in the SRA and discourage them in the LRA unless adequate fire protection services are provided". As this is in an LRA, and as described above, there are adequate fire protection services that are provided by the San Ramon Valley Fire Protection District, this project is not prohibited under this policy. Fire protection at the project site would be provided by Fire Station 33 located at 1051 Diablo Road, Danville, approximately 2.4 miles driving distance to the east. If necessary, additional fire protection support would be provided by Fire Station 32 located at 2100 Stone Valley Road, Alamo, approximately 5.3 miles driving distance to the northwest. In correspondence from the Fire Protection District dated February 10, 2025, the Fire District indicated that the project is required to comply with applicable Contra

Costa County Ordinances that pertain to emergency access, fire suppression systems, and fire detection/warning systems. Furthermore, prior to the issuance of building permits, the construction drawings would be reviewed and approved by the Fire District.

The project site is also subject to County regulation with respect to seismic and geologic hazards. The area is fairly sloped, but the developable area for each resultant property is sloped less than 26%, and Parcel B's anticipated house site is outside the area sloped greater than 15%. The new private road is within an area whose slope is greater than 26%, but this is the existing access point for the site and retrofitting it to a private road will not require extensive grading. Therefore, future development will be compliant with Health and Safety policy 11.5, "Discourage development on slopes exceeding 15 percent, and prohibit development on slopes of 26 percent or greater, to avoid slope instability, unnecessary grading, and extensive land disturbance, and facilitate long term control of erosion and sedimentation. Exceptions may be considered for infrastructure projects and development on existing legal lots where no other feasible building sites exist".

Lastly, Health and Safety policy 11.7 states, "Do not accept public road dedications or allow construction of private roads on unstable hillsides or in landslide hazard areas unless potential hazards have been mitigated to the County's satisfaction. All private roads constructed in such areas must be fully compliant with private road standards adopted by the County and fire protection district with jurisdiction". The private road is located in a landslide area, but it will be constructed per County Code, and the Public Works Department is not recommending any exceptions for private road design requirements. Furthermore, a site-specific geotechnical report will be prepared to guide appropriate structural design, while onsite inspections during construction will verify that all activities adhere to the approved structural drawings and the geotechnical engineer's recommendations.

Based on the above, the project is found to be consistent with all applicable County General Plan policies.

- 2. The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.**

Project Finding: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

B. Variance Findings

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

- 1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.**

Project Finding: The requested variances enable the creation of a two-lot minor subdivision, with both resulting parcels—Parcel A and Parcel B—having average lot widths below the minimum 140-feet required by the R-40 zoning district. Specifically, Parcel A will have an average lot width of 85-feet, while Parcel B will have an average width of 87-feet. This subdivision mirrors the development patterns of neighboring properties within the same RVL designation, most of which were established through two- or three-lot minor subdivisions in the 1970s and 1980s. The subject property itself was created as a result of a two-lot minor subdivision completed in 1972.

Unlike other subdivisions in the area, the subject property is configured as a flag lot, which affects its depth and the calculation of the average lot width. In contrast, other subdivisions either feature lots wide enough to be placed side by side or, in cases where rear lots are present, provide access through a private road easement. The flag lot configuration imposes constraints, requiring the depths of the new lots to closely match the depth of the original parcel. This results in average lot depths that are also substandard compared to the minimum requirements.

Most neighboring properties average one acre in size, while the subject property, at 1.9 acres, is larger than typical lots in the vicinity. Subdividing the subject property would yield two parcels that are more consistent in size with the surrounding area. Therefore, permitting variances for reduced average lot widths

does not constitute granting a special privilege that is inconsistent with the limitations applied to other properties in the vicinity or within the same land use district. Instead, it allows for land development that aligns with the established character and lot sizes of the area.

- 2. 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 the rights enjoyed by other properties in the vicinity and within the identical land use district.**

Project Finding: As stated above, the subject property is in a flag lot configuration. Due to this existing physical circumstance, a subdivision could only follow this lot configuration pattern. The development potential of the “pole” portion of the flag lot is restricted to vehicular access and could not accommodate for residential development, so another type of lot configuration is infeasible. Additionally, the body of each resultant lot has an average lot width that is not substandard, so the developable area of each resultant lot is not restrictive, allowing for future development to be able to be consistent with the surrounding area. Lastly, the lot areas for each new property meet the minimum requirement of 40,000 square-feet; it is only having a flag lot configuration that creates average lot widths at variance. As such, there are special circumstances applicable to the subject property’s shape making strict application of the respective zoning regulations to be found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.

- 3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.**

Project Finding: The intent and purpose of a R-40 Single-Family Residential District is to facilitate orderly development and maintenance of very-low density single-family residential neighborhoods. The R-40 zoning district allows for the development of single-family dwellings and the accessory structures, buildings, and uses normally auxiliary to them. The project is a subdivision resulting in the future construction of one additional single-family residence. The granting of these variances allows for routine development to occur on the subject property, in conformance with development standards for the R-40 district. Therefore, approval of the requested variances meets the intent and purpose of the R-40 district.

C. Tree Permit Findings

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

- 1. County Code Section 816-6.8010(2)(G):** A 2-lot subdivision with road and drainage improvements requires removal of 21 code-protected trees and work within the dripline of 22 code-protected trees, and could not be reasonably accommodated on another area of the lot.

The project Arborist Report prepared by certified arborist Bob Peralta (WE-7150A) dated February 19, 2025, provides an inventory and evaluation of all trees on the project site that may be impacted by the project. A total of 68 trees were surveyed, numbered, tagged, identified, measured, and evaluated. There were 8 different species inventoried onsite: 30 Raywood Ash trees, 13 California Pepper trees, 11 Coast Redwoods, 9 Incense Cedars, 2 Olive trees, 1 Blue Spruce, 1 Cottonwood, and 1 Pear tree. Only the Coast Redwood species is listed in the County Tree Ordinance under the indigenous species list, but all trees were planted when the property was developed.

The arborist report evaluated the trees to be in either, critical, poor or fair condition, so the report provides tree protection measures to be implemented during project improvements to ensure the trees to remain are preserved, and these tree protective measures are described in the attached conditions of approval, which will be required to be in place throughout the entire construction period.

D. County Code Section 96-10 (Underground Utilities) Exception Findings

Chapter 96-10 of the County Ordinance Code requires all new and existing utility distribution facilities to be installed underground. This requirement applies to the existing overhead lines along the site's Caballo Ranchero Drive frontage. An exception request was submitted on March 25, 2025, from the requirement to underground existing overhead lines along Caballo Ranchero Drive in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

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

Project Finding: Diablo is a unique community and desires to maintain its rural setting. Diablo is an older community with overhead electric service provided by PG&E. The older electrical distribution system is not restricted to running within the public and private roadways serving the "Diablo" community but in many instances the overhead pole lines transit through rear yard and side yards of existing homesites. Undergrounding existing overhead electric lines within this portion of Caballo Ranchero Drive would not result in the reduction or elimination of existing poles in this immediate location, consequently the applicant/owner is seeking relief from the undergrounding of any existing poles within Caballo Ranchero Drive. The applicant will underground all new electric services within the subdivision.

2. That the exception is necessary for the preservation and enjoyment of the substantial property right.

Project Finding: As noted above the undergrounding of existing poles in Caballo Ranchero Drive will not result in reduction or elimination of any existing poles within the project frontage. The implementation of undergrounding requirement would 1) require a more extensive undergrounding program beyond projects frontage on Caballo Ranchero Drive, 2) require the conversation or other adjoining lots from overhead to underground service laterals as additional lots will be impacted by a more extensive undergrounding program. Such a program will create an undue financial hardship for the owner and applicant.

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: As indicated under items 1 and 2 above, no existing poles will be eliminated under an undergrounding program limited to the project's frontage on Caballo Ranchero Drive. The applicant is willing to underground all new electric service laterals within the project development. A determination can be made that "no material detrimental impact to the public welfare or injurious to other property" will occur since 1) all new electric services will be undergrounded within the subdivision and 2) the rural character of Caballo Ranchero Drive will be maintained.

E. County Code Section 96-14.002 (Improvement of County Streets) Exception Findings

Caballo Ranchero Drive is a 20-foot County maintained road within a 50-foot right of way. An exception request was submitted on March 25, 2025, from the requirement to construct frontage improvements in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

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

Project Finding: Diablo is a unique community and desires to maintain its rural setting. Diablo is an older community, served by privately maintained roadways, with the exception of Caballo Ranchero Drive which is maintained by Contra Costa County Public Works. As reflected on the submitted Tentative Padel Map the portion of Caballo Ranchero Drive fronting the project maintains a pavement width varying from 21.4-feet to 22.2-feet. The existing provides a “best fit alignment” to optimize road widths based upon the site topography in order to provide for a pavement width exceeding a nominal width of 20-feet. Widening Caballo Ranchero Drive, to meet the ultimate 36-foot pavement width, would require extensive grading and installation of retaining walls varying in height from three to six feet in many locations. The widening would change the rural characteristics of the Diablo area. The current pavement width, exceeding 20-feet, provides adequate access for both fire and neighborhood vehicular needs. Therefore, it is found that the “Diablo” neighborhood area would be better served by waiving the widening requirement along the project frontage.

2. That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

Project Finding: As stated above, widening Caballo Ranchero Drive along the project frontage would be 1) disruptive to the neighborhood, 2) damage the rural character of Caballo Ranchero Drive within the Diablo neighborhood and 3) would not result in an improvement in the circulation element of Caballo Ranchero Drive. The current pavement width, exceeding 20-feet provides adequate fire and vehicular access.

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: Granting exceptions to the requirements for frontage improvements would not be materially detrimental to the public welfare or injurious to other properties. Granting the exception will maintain the rural character of Caballo Ranchero Drive within the Diablo neighborhood.

F. County Code Division 914 (Drainage) Exception Findings

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. An exception request was submitted on May 12, 2025, from the collect and convey requirement pursuant to County Code 914-2.002 in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

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

Project Finding: The minor subdivision application under consideration consists of two-lot minor subdivision consisting of 1.9 acres within the historic Diablo development. The new property line that creates the dividing line between Parcels A and B has been set to preserve the existing occupied residential structure. Future land development improvements will lead to increased excess storm water runoff are limited to the proposed new single family residential structure and related improvements within proposed Parcel B. The historic Diablo development is an older development characterized by ranch style residential homes on large rural parcels. Drainage within the Diablo development mainly relies upon the use of historic drainage patterns characterized by maintaining historic drainage swales encumbered by drainage reserves. These are typically located conveyance capabilities of existing downstream drainages, the drainage collection system within Parcel to pre-development levels. The volume and character of pre-development storm discharge will be maintained. A determination can be made that the historic Diablo neighborhood and the goals of the neighborhood to maintain their historic, residential, large lot, rural design element presents an "Unusual Circumstance".

2. That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

Project Finding: As indicated above, only the proposed development of Parcel B introduces new improvements which contribute to increased excess storm related flows. As discussed above, given the historic and rural development characteristics of the Diablo neighborhood the implementation of collect and convey requirements places an undue financial hardship associated with the potential need to construct/rehabilitate offsite, downstream drainage improvements. The construction/rehabilitation of offsite drainage improvements will also be extremely disruptive to downstream homeowners, will most likely require the acquisition/dedication of additional drainage easements and most especially changes the rural character of the Diablo neighborhood. The excess storm flows to pre-development historic flows should be considered as an acceptable engineering alternative. A determination can be made that the implementation of the collect and convey requirement will create undue financial hardship for the project proponent since no offsite construction or enhancement/rehabilitation of downstream drainage improvements can be considered viable.

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: As indicated under items (1) and (2) above, the introduction of onsite private drainage facilities on Parcel B, will detain and meter post development flows to pre-development levels. The volume, discharge location and character of pre-development storm discharge will be maintained. With the application and implementation of onsite detention within the Parcel B any potential adverse impacts to existing downstream drainage facilities will be fully mitigated. A determination can be made that "no material detrimental impact to the public welfare or injurious to other property" since all new improvements within Parcel B which contribute to increased excess storm water runoff will be fully mitigated through the use of onsite detention facilities. Lastly, a Preliminary Hydrology and Hydraulic Report was prepared to demonstrate how the post development project flows will be mitigated to the pre-project conditions. With all of this, Public Works is not adverse to granting this exception to the collect and convey requirement, and a final Hydrology and Hydraulic Report will be required to verify the ultimate design.

G. County Code Division 914-12.010 (Detention Basins – Maintenance) Exception Findings

County Code Division 914-12.010 requires maintenance of a detention basin facility through either an existing public maintenance entity or by the creation of a public maintenance entity with an adequate revenue source to assure perpetual maintenance. An exception request was submitted on May 12, 2025, from the detention basin maintenance requirement pursuant to County Code 914-12.010 in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

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

Project Finding: The minor subdivision application under consideration consists of a 2-lot minor subdivision consisting of 1.9 acres within the historic Diablo development. The new property line that creates the dividing line between Parcels A and B has been set to preserve the existing occupied residential structure. Future land development improvements which lead to increased excess storm water runoff are limited to the future new single family residential structure and related improvements within Parcel B. The historic Diablo development is an older development characterized by ranch style residential homes on large rural parcels. Drainage within the Diablo development mainly relies upon the use of historic drainage patterns characterized by maintaining historic drainage swales encumbered by drainage reserves. These are typically located along the side yard and rear yard elements of adjoining lots. To maintain the character and the conveyance capabilities of existing downstream drainages, the drainage collection system within Parcel B will be designed to detain post development excess storm flows and meter post development flows to pre-development levels. The volume and character of pre-development storm discharge will be maintained. This design technique is flow control design elements covered within Title 10 – Public Works, Division 1014. Stormwater Management and Discharge Control. Section 1014.2.002 Intent and Purpose, paragraph (c)(4) addresses the subject issue of “Reducing stormwater runoff rates and volumes and nonpoint source pollution whenever possible through stormwater management control and ensuring that these management controls are properly maintained and pose no threat to public safety”. The proposed excess storm runoff retention cannot and should not be interpreted as a detention basin facility as defined under Section 914-12.010 but should be interpreted under the cited Title 10 – Public Works, Division 1014. Stormwater Management and Discharge Control. There will be a condition of approval placing all maintenance and operation costs of the excess stormwater flow control facilities on the project proponent and any future homeowner of Parcel B. A determination can be made that the historic Diablo neighborhood and the goals of the neighborhood to maintain their historic, residential, large lot, rural design element presents an “Unusual Circumstance”.

2. That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

Project Finding: As indicated above, only the future development of Parcel B introduces new improvements which contribute to increased excess storm related flows. Given the historic and rural development characteristics of the Diablo neighborhood the implementation of collect and convey requirements places an undue financial hardship associated with the potential need to construct/rehabilitate offsite, downstream drainage improvements. The construction/rehabilitation of offsite drainage improvements will also be extremely disruptive to downstream homeowners and will most likely require the acquisition/dedication of additional drainage easements and most especially changes the rural character of the Diablo neighborhood. The introduction of private, onsite detention facilities on Parcel B to regulated post development excess storm flows to pre-development historic flows should be considered as an acceptable engineering alternative and found to be compliant with Title 10 – Public Works, Division 1014. Stormwater Management and Discharge Control. A determination can be made that the implementation of the collect and convey requirement will create undue financial hardship for the project proponent since no offsite construction or enhancement/rehabilitation of downstream drainage improvements can be considered viable.

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: As indicated under items (1) and (2) above, the introduction of onsite private drainage facilities on Parcel B, will detain and meter post development flows to pre-development levels. The volume, discharge location and character of pre-development storm discharge will be maintained. With the application and implementation of onsite detention within Parcel B any potential adverse impacts to existing downstream drainage facilities will be fully mitigated. The introduction of private, onsite detention facilities on Parcel B to regulated post development excess storm flows to predevelopment historic flows should be considered as an acceptable engineering alternative and found to be compliant with Title 10 – Public Works, Division 1014. Stormwater Management and Discharge Control. There will be a condition of approval placing all maintenance and operation costs of the excess stormwater flow control facilities on the project proponent and any future homeowner of Parcel B. A determination can be made that “no material detrimental impact to the public

welfare or injurious to other property” since all new improvement within Parcel B which contribute to increased excess storm water runoff will be fully mitigated through the use of onsite detention facilities. Additionally, maintenance procedures, and responsibilities will be incorporated into the Stormwater Management Facilities Operation and Maintenance Plan and related Agreement prepared for compliance with the County’s Stormwater Management and Discharge Control Ordinance.

H. California Environmental Quality Act (CEQA) Findings

The following are the findings required pursuant to the California Environmental Quality Act (CEQA) to adopt a Mitigated Negative Declaration/Initial Study for the project, prior to the approval of a project.

1. A draft Mitigated Negative Declaration/Initial Study (MND), State Clearinghouse Number SCH 2026070410, was prepared for Minor Subdivision CDMS25-00003 on July 10, 2026. The State and public review period for the draft MND started on July 10, 2026, and ended on August 10, 2026. Comments were received from the Confederated Villages of Lisjan Nation (CVLN), the Department of Toxic Substances Control (DTSC), the East Bay Municipal Utility District (EBMUD), and public comments from neighboring property 2465 Caballo Ranchero Drive.
2. The CVLN verified that their recommended mitigation measures provided during tribal consultation were included in the draft MND. DTSC recommended all imported soil/fill material be tested to ensure all contaminants of concern (COCs) meet screening levels as outlined in DTSC's PEA Guidance Manual, and also advised referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing soil/fill is necessary. EBMUD advised water main extension and off-site pipeline improvements may be required, and that each parcel will be required to have its own service connection and meter, which will include all applicable water efficiency measures under Section 31 of EBMUD’s Water Regulations. Lastly, residents of 2465 Caballo Ranchero Drive voiced concerns about loss of privacy with the tree removal, the future development of Parcel B being out of character for the area, the new private road being properly developed, and if proper analysis was completed for the project’s potential impacts to traffic, air quality, animal habitat, and construction noise.

CVLN’s recommendations are mitigation measures under the Tribal Cultural Resources section of the initial study, which are in the final MND and are conditions of approval for this entitlement. County Grading Inspection will verify

that all engineered fill is properly sourced to ensure DTSC's recommendations are adhered to. Permits will be obtained from EBMUD prior to water service related improvements. Staff informed residents of 2465 Caballo Ranchero Drive that tree replacement will be required and having some trees planted along the shared property line is feasible, that the County Public Works Department will verify the new private road will be developed according to code, and directed them to the draft MND available online that included proper environmental analysis of the project's potential impacts to traffic, air quality, animal habitat, and construction noise, and this analysis resulted in mitigation measures related air quality during construction, potential loss of habitat for nesting raptors and roosting bats, and requiring construction hours to address construction noise.

These comments did not require any text changes to the final MND.

3. On the basis of the whole record before it, the Zoning Administrator finds that:
 - There is no substantial evidence that the project with the identified mitigation measures will have a significant effect on the environment;
 - MND SCH 2026070410, consisting of the final MND and Mitigation Monitoring and Reporting Program (MMRP), reflects the County's independent judgement and analysis; and
 - The final MND has been prepared in compliance with the California Environmental Quality Act and the State and County CEQA guidelines.
4. The final MMRP has been prepared, based on the identified significant environmental impacts and mitigation measures in MND SCH 2026070410. The mitigation measures in the final MMRP are included in the project Conditions of Approval.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS25-00003

DEPARTMENT OF CONSERVATION AND DEVELOPMENT, COMMUNITY DEVELOPMENT DIVISION (CDD), CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS25-00003

Project Approval

1. County File #CDMS25-00003 and its Tentative Parcel Map for a 2-lot minor subdivision, is APPROVED, by the Department of Conservation and Development, Community Development Division (CDD).

2. Associated Variances to allow an average lot width of less than 140-feet (Parcel A: 85-feet and Parcel B: 87-feet), is APPROVED, by CDD.
3. Associated Tree Permit for the removal of twenty-one (21) code protected trees and work within the dripline of twenty-two (22) listed in the project arborist report for installation of private access roadway and drainage improvements, is APPROVED, by CDD.
4. The project approvals described above are granted based on the following documents:
 - Tentative Parcel Map - MS25-00003, Demolition and Tree Removal Plan, Grading and Utility Plan, and other associated plans prepared by Milani & Associates, dated May 08, 2025;
 - Stormwater Control Plan and Hydrology and Hydraulic Report prepared by Milani & Associates, accepted on May 12, 2025; and
 - Arborist Report, prepared by certified arborist Bob Peralta (WE-7150A), dated February 19, 2025.
5. A copy of the recorded Parcel Map shall be submitted to CDD upon recordation.
6. Any modification 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 CDD.
7. The maximum number of lots approved for this subdivision is 2 residential lots.

Application Fees

8. This application is subject to an initial application deposit of \$7,500, which 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 CDD approval of 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 application shall be charged interest at a rate of ten percent (10%) from the date of approval.

Indemnification

- 9.** Prior to recordation of the Parcel Map or submittal of a building permit, whichever occurs first, Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, 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 in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

- 10.** A permit compliance report shall be submitted to 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 to be taken to satisfy all relevant conditions. Unless otherwise indicated, the permit compliance report will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Parcel Map or CDD approval of a grading or building permit, whichever occurs first.

The permit compliance report will be filed and reviewed through a Condition of Approval Compliance Check application with an initial deposit of \$2,000 (subject to time and materials).

Grading and Building Permits

- 11.** This approval does not constitute a grading or building permit. No construction is approved with this permit. Please contact the Department of Conservation and Development, Building Inspection Division for information on how to apply for a grading or building permit.

Fencing

- 12.** Prior to CDD approval of a grading or building permit, whichever is applicable, a fencing plan program shall be submitted to CDD for the review and approval. The

approved plan set shall be present in the construction plan set for a grading or building permit.

Landscaping

- 13.** Any future landscaping shall comply with the County's Water Efficient Landscape Ordinance.

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

- 14.** Prior to recordation of the Parcel Map, Covenants, Conditions and Restrictions (CC&R's) shall be submitted to CDD for review and approval. This document shall include the maintenance obligation requirements of Public Works condition(s) of approval. The CC&Rs shall also require occupants to maintain garage spaces in a manner, which makes them available for off-street parking.

Signs/Walls

- 15.** Prior to CDD approval of a grading or building permit, whichever is applicable, the details of the design, location, color and type of materials for any proposed signs and/or masonry walls shall be submitted to CDD for review and approval.

Park Impact Fee

- 16.** Prior to issuance of a building permit for a new residence, the applicable park impact fee as established by the Board of Supervisors shall be paid.

Park Dedication Fee

- 17.** Prior to issuance of a building permit for a new residence, the applicable park dedication fee as established by the Board of Supervisors shall be paid.

Child Care

- 18.** Prior to issuance of a building permit for a new residence, a fee for childcare facility needs in the area, as established by the Board of Supervisors, shall be paid.

Police Services District

- 19.** Prior to issuance of a building permit for a new residence, a fee for police services in the area, as established by the Board of Supervisors, shall be paid.

Street Names

- 20.** Prior to the recordation of the Parcel 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 Parcel Map cannot be certified by CDD without the approved street names.

Power Lines

- 21.** Where a lot is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following as a deed disclosure:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

Will Serve Letters

- 22.** Prior to recordation of the Parcel Map, a copy of a will-serve letter from East Bay Municipal Utility District shall be submitted to CDD.
- 23.** Prior to recordation of the Parcel Map, a copy of a will-serve letter from Central Contra Costa Sanitary District shall be submitted to CDD.

Electric Vehicle

- 24.** In accordance with the County's Electric Vehicle (EV) Ordinance, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed for each new residence.

Tree Protection

- 25.** Storage or parking vehicles, building materials, refuse, excavated spoils, or dumping of paint or poisonous materials on or around trees and roots is prohibited.
- 26.** Prior to issuance of a grading or building permit, tree protective fencing shall be installed along the dripline perimeter for trees where work will be taking place within its dripline. Photographs of the installed fencing shall be submitted to CDD staff as evidence that this condition of approval has been satisfied.
- 27.** If the tree protective fencing needs to be temporarily moved for construction purposes, once the work is complete, the tree protective fencing shall be put back to its original state.
- 28.** The applicant shall immediately notify CDD staff of any damage that occurs to any tree during construction. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project 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 situation.
- 29.** Under the direction of a Certified Arborist, the applicant shall implement the tree protection measures from the approved Arborist Report for the protection of trees during construction activities and other measures required for this permit by the CDD. These measures shall be included on the construction drawings for a grading or building permit and shall be enforced during construction.
- 30.** The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Contingency Restitution for Work within the Dripline

31. 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 the tree(s) where work is within their dripline, photographs of the subject trees shall be provided to CDD post construction and prior to final building inspection, to ensure the trees intended to be preserved are not significantly damaged by construction activity, and the applicant shall provide the County with a security (e.g. bond, cash deposit) prior to planning approval of a grading or building permit, to allow for replacement of tree(s) 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 at least 22 trees, minimum 15-gallons in size, in the vicinity of the affected tree(s), or equivalent planting contribution, and subject to prior review and approval of CDD.
- B. Determination of Security Amount: The security shall be submitted for each lot and provide for all of the following costs:
 - A labor and materials estimate for planting 22 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - 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 bond shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. 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 tree(s) 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).

Restitution for Tree Removal

32. The following measures are intended to provide restitution for the removal of 21 code-protected trees:

- A. Tree Replacement Plan: Prior to planning approval of a grading or building permit, the applicant shall submit a Tree Replacement Plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The Plan shall provide for the planting of at least 21 trees, minimum 15-gallons in size, and be focused to the areas where trees were removed i.e. along the new private road and the shared property line of 2465 Caballo Ranchero Drive. The approved Tree Restitution plan shall be in the construction plan set for a grading or building permit. Photographs of the planted trees shall be submitted to CDD post construction and prior to final building inspection, to ensure that the restitution plan is implemented.
- B. Required Security to Assure Completion of Plan Improvements: Prior to issuance of a grading or building permit, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the Tree Replacement Plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the 21 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - 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 pay fees to cover all staff time and material costs of staff for

processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.

- D. Duration of Security: The security bond shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s).

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

MITIGATION MEASURES FROM THE MITIGATION MONITORING PROGRAM APPLIED AS CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS25-00003:

Mitigation Measure Aesthetics 1

- 34.** Prior to CDD approval of a building permit, a Lighting Plan shall be submitted for review and approval of CDD. At a minimum, the 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.

Mitigation Measure Air Quality 1

- 35.** The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:
- a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.

- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- c. All visible mud or dirt tracked 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 shall be prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure Air Quality 2

- 36.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:
- a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.
 - b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road

emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number47T47T.

Mitigation Measure Biological Resources 1

- 37.** If project-related activities that require tree removal take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist (with consultation of the California Department of Fish and Wildlife (CDFW)) to protect the nesting site. The distance shall be determined by a qualified Biologist. The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey, and any incidental materials, shall be reviewed and approved by the CDD.

Mitigation Measure Biological Resources 2

- 38.** If project construction-related activities, including tree removal, take place during seasonal periods of bat activity (April 15 through August 31 and October 15 through February 28), a bat habitat assessment shall be conducted by a qualified Biologist that has 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted no more than 14

days prior to the commencement of site clearing or project-related activities to determine presence of bat roosting or maternal colonies.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

If no roosting or maternal colonies are observed, a letter report confirming absence shall be prepared by a qualified Biologist, and no further avoidance measures should be required. If bat roosting sites and/or maternal colonies are found, then the bats shall not be disturbed without a pre-approved strategy prepared and implemented by a qualified bat Biologist (with consultation of the California Department of Fish and Wildlife (CDFW)). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment, and any incidental materials, shall be reviewed and approved by the CDD.

Mitigation Measure Cultural Resources 1-2

The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:

- 39.** All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the plans for grading permit(s) as construction notes to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the County concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.
- 40.** In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:
- a. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.

- b. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Mitigation Measures Tribal Cultural Resources 1-2

The following Mitigation Measures shall be implemented during project construction and shall be included in all construction plans:

- 41.** Inadvertent discovery of Tribal Cultural Resources: If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the entity shall retain a Tribal representative and, if applicable, a qualified archaeologist, at the applicant's expense, to prepare a mitigation plan, which shall be implemented in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe. Examples of appropriate mitigation for Tribal Cultural Resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.
- 42.** Inadvertent discovery of human remains: If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of

the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, until identified as not human, shall be treated as potential human remains and the appropriate protocols followed. The archaeologist shall record information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist's assessment, a report should be prepared documenting methods and results, as well as the MLD's recommendations regarding the treatment of the human remains and any associated funerary objects. The report should be submitted to the lead government agency, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the entity, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.

Mitigation Measure Noise 1

- 43.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:
- 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 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.

- d. Unless specifically approved otherwise by the CDD, 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)
 - 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 day the State and Federal holidays occur, please visit the following websites:
- Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp
 - California: <http://www.ftb.ca.gov/aboutFTB/holidays.shtml>
- e. Transportation of large trucks and heavy equipment is 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.

PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES DIVISION, CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS25-00003

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE PARCEL MAP:

General Requirements

- 44.** In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval

statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on May 12, 2025.

45. 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 (Caballo Ranchero Drive)

46. The applicant shall construct pavement widening and transitions along the frontage of Caballo Ranchero Drive. The applicant shall construct face of curb 18 feet from the road centerline.

Exception (Subject to Advisory Agency findings and approval):

The applicant shall be permitted an exception from the pavement widening requirements of the County Ordinance Code as the property fronts a narrow portion of Caballo Ranchero Drive and the exception would be in character with other subdivisions in the project vicinity.

47. The applicant shall construct a street type connection with 20-foot radii curb returns in lieu of standard driveway depressions at Caballo Ranchero Drive.
48. The applicant shall locate any vehicular entrance gates a minimum of 20 feet from the edge of pavement to allow vehicles to queue without obstructing through traffic. Sufficient area shall be provided outside any gate to allow a vehicle to turn around and re-enter Caballo Ranchero Drive in a forward direction.

Access to Adjoining Property

49. Proof of Access: 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

- 50.** The 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 Caballo Ranchero Drive.

Abutter's Rights

- 51.** The applicant shall relinquish abutter's rights of access along Caballo Ranchero Drive with the exception of the proposed private road intersection.

Road Alignment/Intersection Design/Sight Distance

- 52.** The applicant shall provide sight distance at the intersection of the private driveway with Caballo Ranchero Drive 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

- 53.** The shall construct a paved turnaround at the end of the proposed private road.
- 54.** The applicant shall construct an on-site roadway system to current County private road standards with a minimum traveled width of 16 feet, with 2 feet shoulders, within a minimum 25-foot access easement.
- 55.** Any proposed roadway over 15.9% in grade shall be surfaced with grooved concrete or open-graded asphalt.

Parking

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

Countywide Street Lights Financing

- 57.** Property owner(s) shall annex to the County 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.

Utilities/Undergrounding

- 58.** The Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Caballo Ranchero Drive. The 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.

Exceptions (Subject to Advisory Agency findings and approval):

The applicant shall be granted an exception from the undergrounding requirements of the Ordinance Code as this would be in character with other subdivisions processed in this area.

Drainage Improvements

- 59.** Collect and Convey: 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.

Exception (Subject to Advisory Agency findings and approval):

The applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code provided that the existing drainage pattern is maintained, peak runoff rates are mitigated to or below existing runoff rates, and concentrated storm water is not discharged onto adjacent property.

The applicant shall be permitted an exception from the public entity maintenance requirement of the County Ordinance Code. The maintenance obligation relative to the detention/stormwater management basin will be satisfied in the Stormwater Management Facilities Operation and Maintenance Agreement and Plan.

Miscellaneous Drainage Requirements

- 60.** The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- 61.** The applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
- 62.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain lines that serves or traverses more than one parcel.

Miscellaneous Drainage Requirements

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

- 65.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any storm drain lines serving or traversing more than one parcel.
- 66.** To reduce the impact of additional stormwater runoff from this development on San Ramon Creek, one cubic yard of channel excavation material will be removed from the inadequate portion of San Ramon 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)

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

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

- Minimize the amount of directly connected impervious surface area.

- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- 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.
- Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

- 68.** 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.
- 69.** 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).

70. 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.
71. 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.
72. Prior to filing of 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.
73. 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

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. This project is subject to the development fees in effect under County Ordinance as December 18, 2025, the date the tentative parcel 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.
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Southern Contra Costa Regional and Tri-Valley Areas of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- D. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 stormwater requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- E. The applicant shall comply with the requirements of the following agencies:
 - Contra Costa County Public Works Department
 - Contra Costa County, Department of Conservation and Development, Building and Grading Inspection Divisions
 - San Ramon Valley Fire Protection District
 - Central Contra Costa Sanitary District
 - East Bay Municipal Utility District
 - Contra Costa County Health