

Final Development

Plan CDDP91-03025

CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
APPROVED PERMIT

APPLICANT:	Hofmann Construction Co. P. O. Box 907 Concord, CA 94522	APPLICATION NO.	DP913025
		ASSESSOR'S PARCEL NO.	011-220-023, -024, -026 & -027
OWNER:		ZONING DISTRICT:	P-1
		APPROVED DATE:	12/5/97
		EFFECTIVE DATE:	12/26/97

This matter not having been appealed within the time prescribed by law, a permit

TO MODIFY THE FINAL DEVELOPMENT PLAN AND VESTING TENTATIVE MAP TO
RELOCATE THE INTERSECTION OF NEWPORT DRIVE AND BIXLER ROAD FARTHER TO THE
NORTH

is hereby GRANTED, subject to the attached conditions.

DENNIS M. BARRY, AICP
Interim Community Development Director

By: 
DEBBIE CHAMBERLAIN
Acting Zoning Administrator

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

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

P-1 FINDINGS FOR FINAL DEVELOPMENT PLAN 3025-91 AND SUBDIVISION 7686
(DISCOVERY BAY WEST DEVELOPMENT)

Findings

- A. With the imposition of the Conditions of Approval this proposed development is in conformance with the General Plan and the General Plan Amendment recently approved for the site and surrounding area.
- B. With proper conditioning the Hofmann property development will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the nearby community.
- C. In accordance with required findings of the P-1 district, the County finds that the development is of a harmonious, innovative plan and justifies exceptions from the normal application of the code, including variances and parcel configuration and design to provide a better conformity with existing terrain features and land use limitations in the area.
- D. The applicant has indicated that they intend to commence construction within two and one-half years of the effective date of the final project approval.

CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN 3025-91 AND SUB 7686 (DISCOVERY BAY WEST DEVELOPMENT) (As approved by the East County Regional Planning Commission on August 7, 1995 and as modified by the Zoning Administrator on December 15, 1997)

1. The development shall be based upon the following submitted exhibits except as modified by the conditions below. These Conditions of Approval incorporate and are in addition to all approved mitigation measures.
 - A. Revised Final Development Plan and Vesting Tentative Map, Discovery Bay West dated received March 20, 1995, as modified by the October 8, 1997 Amended Tentative Map and Development Plan for Subdivision 7686, Discovery Bay West Village I.
 - B. Streetscape - Bixler Road dated received January 11, 1995.
 - C. Cross-section - Bixler Road dated received January 11, 1995.
 - D. Geotechnical Investigation Report by Kleinfelder Associates dated February 1, 1990.
 - E. Preliminary landscaping plan for Point of Timber Road dated received March 23, 1995.
 - F. Exhibit "C" to the tentative map dated received March 23, 1995.
 - G. Mitigation Monitoring Program as approved by the Board of Supervisors on December 20, 1994 (this could change if the Board revised the Mitigation Monitoring Plan when they approve RZ912963).
2. The length of approval for the Final Development Plan 913025 and SUB 917686 for three years shall expire on August 7, 1998. One 3-year extension may be granted for the project subject to proper request and approval. This approval is contingent upon the Board's adoption of 2963-RZ.
3. The maximum number of primary residences allowed for this project is 277.

Project Phasing and Staff Costs:

4. The general phasing program for the development shall be acceptable to the Zoning Administrator and shall be submitted prior to any site development. A detailed phasing plan for Village I shall be submitted prior to any development in the village subject to Zoning Administrator review and approval. The applicant shall pay for all reasonable staff time

involved in administering the Mitigation Program after any leftover application fees have been exhausted. This may include payment of funds required for peer review of required reports review, field visits, and response comments or reports as determined by the Zoning Administrator.

5. The following actions shall take place during development of the project.
 - A. The park area in Village I shall be landscaped and provided with suitable amenities. The cost of construction of the park shall be applied toward required park dedication fees. The developer shall submit an acceptable landscaping/irrigation and phasing program for the park development before issuance of building permits for the 100th unit in Village I. The park improvement shall be complete with the completion of the school, the 250th unit in Village I or prior to issuance of building permits for Village II, which ever occurs first.
 - B. Dedicate development rights to the 13.4 acres of wetland at the southeast corner of the site to Contra Costa County prior to recording the Final Map for any portion of Village I.

Street Addressing

6. At least 30 days prior to filing the Final Map for any portion of this development, plans shall be submitted for review by the Community Development Department, Graphics Section, to obtain addresses and for street name approval (public and private). Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. The Final Map cannot be certified by the Community Development Department without the approved street names and the assignment of street addresses. Consideration of historical local areas and pioneers in East Contra Costa County shall be used for as many street names as possible.

Police Services Funding

7. 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 future subdivision approval. The tax shall be the 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 the filing of the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time that the election is requested by the owner. (MM 8.7 and MM 9.3) The police service district shall be established over the entire site under one election or if acceptable to the Zoning Administrator on a village by village basis.

Such provision shall include an additional initial level of police tax district funding of \$25.00 per non-open space parcel in the project area, over and above the standard initial level of \$200 per parcel normally applied to the vesting tentative map approval for residential subdivisions. The added level of funding is intended to be used for augmented marine patrol services, especially the enforcement of boat speed limits. In the event that the State determines to subvent the costs of marine patrol prior to the filing of a final map, this requirement for the additional \$25.00 shall be null and void.

EMF Notification

8. Where a lot/parcel is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following notice or other appropriate notice as approved by the Zoning Administrator:

"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 an hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public 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.

Farm Operation Notice

9. The following statement shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area (MM 4.5 and MM 7.2):

"This document shall serve as notification that you have purchased land near an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment and aerial crop dusting and certain animals and flies may exist on surrounding properties. This statement is, again, notification that this is part of the agricultural way of life near the open space areas of Contra Costa County and you should be fully aware of this at the time of purchase."

Archaeological Concerns

10. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary and subject to Zoning Administrator review and approval. (MM 11.1)
 - A. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 30 yards of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations. (MM 11.1)
 - B. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code. (MM 11.1)
 - C. Appropriate mitigation of the cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring or mitigation phases shall be properly conserved, catalogued, analyzed, evaluated and curated along with associated documentation in a professional manner consistent with current archaeological standards. (11.1)

Grading and Dust Control

11. Comply with the following construction, noise, dust and litter control requirements (MM 4.1 and 6.2.1.1):
 - A. Noise generating construction activities, including such things as power generators, shall be generally limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays. The restrictions on allowed working days and times may be modified by prior written approval by the Zoning Administrator.

- B. The project sponsor 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 and concrete pumbers as far away from existing residences as possible.
- C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the subject village notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity.

A copy of the notice shall be concurrently transmitted to the community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- D. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances may require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- E. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, all-weather access shall be provided to each lot. This shall include provision for an on-site area in which to park earth moving equipment.

TDM Plan

- 12. Prior to the issuance of building permits for future development of the site, the applicant shall submit a detailed TDM Plan for review and approval by the Zoning Administrator (unless otherwise required by a TDM Ordinance). The TDM plan shall include measures to encourage commuting such as park and ride lots, and fiber optic wiring of residences. The approved TDM Plan shall be operative prior to final inspection of the first residence by the Building Inspection Department. A telecommuting facility is encouraged and may be designed as part of the recreation center or other appropriate location subject to Zoning Administrator review and approval. (MM 6.2.2 and MM 6.2.4)

Child Care

13. Provision of a Child Care Facility or program is required for this development as required by the County's Child Care Ordinance. The program shall be submitted for the review and approval of the Zoning Administrator prior to the filing of the first Final Map. A suitable child care center should be developed in Village I in conjunction with the school site subject to review and approval of the Zoning Administrator and an agreement by the school district. The child care center location can be modified subject to Zoning Administrator approval. The child care center shall be in operation prior to occupancy of residences (other than senior housing) in Village II or when the school is operational. (MM 8.2)

Indemnification

14. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency 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.

Project Construction

15. The project applicant will be required to comply with all necessary permits, including but not limited to, the NPDES permit for Storm Water Discharges Associated with Construction Activity as well as applying for inclusion in the General Stormwater Permit issued by the State of California. The project applicant must also comply with all requirements of construction permits for Contra Costa County. The applicant must obtain C.W.A. Section 404 and Section 10 permits from the Army Corps of Engineers for construction in wetlands and navigable waterways for the marina as required by law. (MM 1.1.8)

Ground Water Hydrology

16. The developer shall participate in the establishment, prior to development of the site, of a long term water quality management program, comparable to a program recommended by Luhdorff & Scalmanini of the degradation of ground water quality. The appropriate monitoring program will be one that identifies changes in quantity and quality of water and provides for responses to these changes in a timely fashion. This can best be accomplished by establishing a multi-aquifer monitoring network in cooperation with local agencies such as the BBID, Delta Diablo Sanitation District (Sanitation District #19) and ECCID. Means acceptable to Sanitation District #19 to finance the long term monitoring program shall be

developed prior to site development. The long-term monitoring program shall include measures outlined in the Adopted Mitigation Monitoring Program acceptable to Sanitation District #19. (MM 1.2.1.)

17. As recommended in Condition #16, above in the mitigation of the degradation of groundwater quality and in the Luhdorff & Scalmanini reports, the developer shall participate in the establishment, prior to development of the site, of a long-term monitoring plan for the aquifer (regular monitoring of water supply wells currently in Discovery Bay, water supply wells outside of the developments, and monitoring wells capable of monitoring multiple aquifers) would identify changes in the quantity of water. Aquifer capacity and renewable resources should be documented and properly managed to prevent overdraft. If recoverable storage capacity of the aquifer is insufficient, an additional water supply source shall be investigated and developed. Means acceptable to Sanitation District #19 to finance the long term monitoring program shall be developed prior to site development. The long term monitoring plan shall include measures outlined in the mitigation monitoring program acceptable to Sanitation District #19. (MM 1.2.2)

Vegetation and Wetlands

18. The following measures are required for impacts to vegetation and wetlands. (MM 2.1.1)
 - A. Jurisdictional wetlands lost as a result of direct impacts of the project shall be compensated by the restoration or creation of wetlands at a minimum ratio of 1:1. Loss of significant natural wetland communities should be compensated for at a higher ratio to be determined by parties involved and the Corps of Engineers as part of the Section 404 permit process.
 - B. Compensation should be of the same habitat type as affected wetlands (i.e., in-kind replacement) whenever feasible, or with the approval of Corps of Engineers, shall be of habitats of higher botanical and wildlife value. Mitigation areas should be on-site, if practicable, or located off-site within reasonable proximity to the project site. County policy requires that the mitigation site be located within Contra Costa County.
 - C. Mitigation wetlands should be located in a large contiguous parcel with transitional zone and adjacent upland habitat to maximize the likelihood of success in creating habitat capable of maintaining viable populations of native plant and animal species. A buffer zone (preferably 50 ft. or greater in width) should be established and maintained around the edges of all wetland and terrestrial habitat used as mitigation for project impacts.
19. The following requirements are required for the mitigation of the damage to special status plant species. (MM 2.1.2)

A. The first choice in mitigation would be to alter the project plan to avoid direct impacts on both individuals and habitats of these species. If such action is to be taken, steps must also be taken to ensure that indirect impacts associated with the project throughout its life do not significantly impact these special-status plants and their habitat.

Alternatively, subject to measures outlined in the Mitigation Monitoring Program the project applicant shall establish replacement special status plant communities located either on-site or off-site within reasonable proximity of the project.

Advice on the mitigation project shall be sought from the California Department of Fish & Game.

A means to fund over-site, long term shall be developed for this condition prior to development of a site containing or causing such an impact.

Mosquito Abatement

20. Work with the Contra Costa Mosquito and Vector Abatement District staff to develop a mosquito source reduction and management plan. The developer shall cooperate with District staff in the development of a mosquito monitoring and source management plan. Applicant shall fund the development of the plan.

Impacts to Special Animals

21. Impacts to Delta Smelt. (MM 2.2.5)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to Delta Smelt shall be taken.

22. Impacts to Southwestern Pond Turtle. (MM 2.2.6)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to Southwestern Pond Turtle shall be taken.

23. Impacts to Swainson's Hawk. (MM 2.2.8)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the Swainson's Hawk shall be taken.

24. Impacts to Burrowing Owls. (MM 2.2.9)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the Burrowing Owls shall be taken.

25. Impacts to San Joaquin Kit Fox. (MM 2.2.10)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the San Joaquin Kit Fox shall be taken.

Noise Impacts

26. Noise impacts to wildlife. (MM 4.2)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to wildlife shall be taken.

27. Noise conflicts between proposed uses. (MM 4.8)

New residences must be constructed so that interior DNL is 45 dBA or less and so that indoor noise levels due to single noise events shall not exceed a maximum of 50 dBA in the bedroom and 55 dBA in other habitable rooms.

Geology, Soils and Seismic Hazards

28. The excavation of soil around the marina and lakes must be rigorously observed by trained professionals to identify any loose, clean sand and silt and peat in cut slopes; these should be excavated and replaced with compacted fill that includes a buttress that has been properly keyed into native soils and sediments and that has been properly constructed with engineered fill. A soils/Geotechnical professional site acceptable to the Zoning Administrator shall be employed to monitor this measure as needed. (MM 3.1)

A. The proposed mitigation for preventing groundwater flow from the brackish aquifer into surface water is to actively monitor excavation of the lakes. When flow from sands is identified, the sand should be excavated and replaced with buttress fills, keyed into less permeable clay-rich formations below the sand and constructed of compacted clay-rich soils to discourage active flow from the aquifer. (MM 1.2.4)

- B. The proposed mitigation for the flow of loose soil into the lakes is the same as for mixing of groundwater and surface water. Excavation should be actively monitored, and sands from which groundwater flows, which may erode the loose (heaving) sands, should be excavated and replaced with buttress fills, keyed into less permeable clay-rich layers below and constructed of less permeable material to discourage flow. (MM 1.2.5)
- C. At least 45 days prior to recording a Final Map, issuance of a grading permit, or installation of improvements or utilities, submit a preliminary geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Zoning Administrator. Improvement, grading, and building plans shall carry out the recommendations of the approved report.
- D. The report required above shall include evaluation of the potential for liquefaction and seismic settlement.
- E. Record a statement to run with deeds to the property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller and/or the County.
- F. At least 45 days prior to issuance of permits to grade and create the lakes on the site, a suitable Geotechnical report shall be submitted for the review and approval of the Zoning Administrator detailing means to stabilize the lake bank in case of earthquake and reduced possible liquefaction dangers in this area.

Impacts on Agricultural Lands

- 29. Suitable fencing shall be developed around projects perimeters to separate residential uses from surrounding agricultural lands and activities. (MM 7.3)

Equitable sharing of the cost of the initial (and any subsequent) fence constructed to deter trespassing, etc., is to be arranged between the primary developer and any other developer who is active in the project area and benefits from the fencing if possible to do so.

Impacts on School Districts

- 30. A. Prior to recording any final map for any phase of this project, written proof shall be submitted that compliance with the executed school mitigation agreement with the Liberty Union High School District has been achieved.
- B. Prior to obtaining any building permit for this project, the applicant and the Byron Union School District shall execute a new schools facility agreement to timely provide for new school needs generated by this project.

Increased Demand for Water and Sewer Systems

31. The site for Discovery Bay West shall be annexed into Contra Costa Sanitation District #19 prior to recording the final map on any portion of the development. (MM 8.3)
 - A. Completion of a water supply study and a water system master plan acceptable to CCCSD 19 for the area within the Urban Limit Line is required as a condition of project approval. The study must define a funding mechanism that ensures new development pays for improvements to serve it exclusively.
 - B. In the study of water supply, include consideration of how to reclaim water and reuse it. Reclaiming water and using reclaimed water are encouraged by the County General Plan.
32. Annexation of the proposed project area into Sanitation District 19, predicated on agreement by the district and The Hofmann Company on condition for annexation and fulfillment of such conditions within an agreed-on schedule. Conditions would include determination of technical standards and design of the expansion of the existing sanitary sewer system. (MM 8.4)

Police Protection

33. Measures to reduce or prevent crime incidents should be coordinated and include both physical design measures (including lighting for streets, parking areas, and entries; clear address signs; door and window security design and locks), social measures (including neighborhood crime watches, anti-violence support groups, and education programs), and legal measures (control in selected areas for selected types of water activities, e.g., swimming, jet skis, etc.).

Plans to accomplish the above shall be submitted to the Contra Costa County Sheriff's Department for comment prior to development of the site. (MM 8.7)

Fire Protection

34. Before recording any Final Map negotiate to design, construct, and equip a fire station for service to the project area as required by the East Diablo Fire Protection District or its representatives. The construction of the fire station can either fully or partially satisfy fire fees. Later nearby developments may be required to reimburse the developer on a pro-rata basis.

The primary developer must also design streets and other features in the project area to accommodate fire and other emergency vehicles. (MM 8.8)

Park and Recreation Facilities/Recreation Uses

35. General Plan standards for neighborhood park acreage and facilities are to be met by the proposed project through arrangements acceptable to the Community Development Department can be made by The Hofmann Company, such as the provision of "common area" acreage for recreational use. Suitable improvement of the public park may be used to partially meet park requirements.

Right of Farming Ordinance

36. If the County's right to farming ordinance has been adopted prior to the issuance of building permits on this site, the developer shall inform future owners of that ordinance informing them of the right to farm within the Contra Costa County area.

Removal of Existing Water Wells/Hazardous Chemicals on Site

37. Any hazardous chemical stored on the site shall be properly removed and disposed of under County Health Services Department regulations. Any existing water wells on the site shall be properly capped under County Health Services Department regulations. A Level I hazardous waste assessment shall be conducted on the site prior to filing of any Final Map that verifies that the site does not contain any hazardous waste.

Irrigation Districts

38. Prior to recording the final map for phases on this site, confirmation shall be received from the Byron-Bethany Irrigation District and East Contra Costa Irrigation District that any facilities they have on the site have been properly moved or removed as the case may be, or as an alternative a letter from the District may be submitted indicating that they have no facilities on the site that will be disturbed as a result of this development.

East Bay Municipal Utility District Chlorine Facility

39. At present the East Bay Municipal Utility District stores gaseous chlorine one-half mile north of the north end of the Discovery Bay West site. There may be plans to remove the gaseous chlorine from the facility in the future. However, this has not been decided yet. If, when development starts on this site, the gaseous chlorine facility is still in place then the developer shall accomplish the following prior to the issuance of the first final building permit for this project:

A. Give all residents, homeowners, and renters full disclosure regarding the presence of chlorine at the EBMUD Bixler site.

- B. The development shall support a proportionate share of the cost of the Community Alert Network System (CAN), the emergency notification system being installed throughout the County (which will include the installation of a siren system). The system is designed to warn the residents of the development if a large scale accidental release of hazardous materials occurs.
- C. The development shall ensure that the homes are as air tight as feasible by providing superior window seals, door seals, positive closure for fireplace dampers, etc. A periodic replacement program should be established as seals have a finite life. (To reduce indoor air pollution, the homes should be thoroughly ventilated prior to occupancy.)
- D. All homeowners shall be provided with sufficient information regarding shelter-in-place and the actions that should be taken in the event of an accidental chemical release.
- E. These instructional materials shall be written in plain language, and will be developed in consultation with the Hazardous Materials Division of the County Health Services Department, subject to the review and approval of the Zoning Administrator.

If the facility is removed or the process is changed then this requirement can be deleted subject to Zoning Administrator approval after review by the Hazardous Materials Division of the County Health Department.

If, upon further review by the Hazardous Materials Division of the County Health Services Department, it is determined by the Health Department that the chlorine facility could not have a significant effect on Village I, then the above condition can be modified subject to Zoning Administrator review and approval.

Design Revisions and Concerns

- 40. Guide for development and use provisions for this site shall be as follows:
 - A. Public Road Areas (Village I). Setback of residential units shall be varied between 15 and 20 feet. All garages shall have a setback of at least 17.5 feet provided automatic vertically opening garage doors are used otherwise a 20 foot garage setback is required. Frontyard setbacks may be reduced to 15 feet for covered porches. Sideyard minimum shall be 5 feet with an aggregate sideyard of 10 feet. Zero lot line residences or duets are acceptable. The R-6 zoning district shall be used as a guide for the residences height, lot use or lot coverage of the site as well as the location of any detached sheds or outbuildings except that sheds and outbuildings

shall be limited to a height of 12 feet. As an alternative, one sideyard may be reduced to 0 feet for a residence, as long as the aggregate sideyard remains 10 feet subject to the review and approval of the Zoning Administrator. Corner lots shall have a secondary setback of 7 feet minimum.

- B. Prior to the issuance of building permits, the applicant shall submit samples of color and exterior materials for the review and approval of the Zoning Administrator. The fences between lots shall be of solid wood and shall be at least 5-feet high. The residences of this development shall be finished in suitable color and shall be complimentary. Houses along Bixler Road shall have appropriate sound reduction measures built in acceptable to the Zoning Administrator. Residences along Bixler Road, Newport Drive and Point of Timber Road shall have architectural enhancement measures at the back of the unit and rearyard setbacks shall be varied.
- C. At least 15 days prior to issuance of building permits for any phase of project a residential fit plan showing the location of planned homes shall be submitted for the Zoning Administrator's review and approval. The plan shall include information on the number of stories planned for the residence for each lot and the proposed setbacks.
- D. Prior to issuance of building permits for any phase of the project, at least three significantly different plot plans and residential design for Village I shall be submitted for review and approval of the Zoning Administrator.
- E. Details of the design of the walls and landscaping proposed along Bixler Road, Point of timber Road, and Newport Drive shall be submitted for the review of the Zoning Administrator after review and approval of the Public Works Department. The walls may be built in phases. The plan shall be acceptable prior to issuance of building permits in any phase of the project. There shall be no exclusive project identification sign at the corner of Bixler and Point of Timber Roads.

The landscaping strip along the south side of Point of Timber Road and west of "D" Street shall be widened to the same width as that proposed on the vesting tentative/final development plan for the area east of "D" Street.

- 41. A community center shall be provided as part of the Discovery Bay West project. The location and size of the community center shall be determined prior to the filing of the Final Map for this development or any phase of this development. The Hofmann Company shall dedicate the site and pay 50% of the building construction cost, including landscaping and parking lot costs. The community center shall be constructed within 12 months of the issuance of the first building permit provided Discovery Bay community secures its 50% share of the building construction costs. If the Discovery Bay community has not secured their 50% share of the building construction costs prior to the issuance of the first building permit, the community center shall be constructed within one year of the community

securing said funds. The community center shall generally be located at the northwesterly corner of the intersection of "D" Street and Newport Drive as shown on the staff sketch dated March 24, 1995, located in the project file unless an alternative site is agreed upon prior to recording the final map for this area of Village I.

A site shall be designated in Village I. If a site is agreed upon in another area of Discovery Bay then the site may be developed subject to Zoning Administrator review and approval. The site upon which the Discovery Bay Community Center is to be built will be jointly determined by the Hofmann Company, Discovery Bay M.A.C. and Contra Costa County.

42. Prior to issuance of building permits for any phase in Village I, submit a landscape plan/irrigation, lighting plan, and a parking plan for the park and ride lot and recreational vehicle storage area at the southwest corner of Village I for the review and approval of the Zoning Administrator. The developer shall submit a copy of the easement document for Zoning Administrator review. If the recreational vehicle storage area and the park and ride lot cannot be located under the power lines the recreational lot can be eliminated but the park and ride lot shall be located elsewhere in Village I. The park and ride lot shall be installed prior to the issuance of the 200th building permit for residences in Village I.
43. The potential exists for increased risk of flooding over time due to the possible rise in sea level and/or site subsidence. The project property owners shall be informed by disclosure statement of the potential for future requirements for levees around this site and the potential associated costs if those levees should be needed as a result of sea level rise and/or site subsidence.
44. The garage area of each residence shall be wired for electric car recharging subject to the review and approval of the Zoning Administrator, and subject to the adoption of final Board policy mandating this.

Homeowners Association Formation

45. Covenants, Conditions and Restrictions or other appropriate vehicle as may be approved by the Zoning Administrator shall be submitted by the developer for review with the Final Subdivision Map, and shall be subject to review and approval of the Zoning Administrator as they pertain to the conditions of approval.

The Covenants, Conditions and Restrictions (CC & Rs), or other appropriate vehicle developed for this project shall include the following restrictions:

- A. (Example) No recreational vehicle, boat, boat trailer or mobile home shall be stored in frontyard driveways on the street overnight. Exterior materials and colors shall not vary from the palette approved for the original homes.

B. If the home occupation meets County ordinance requirements, then the Zoning Administrator may administratively approve the request.

Road and Drainage

46. The following requirements pertaining to drainage, road, and utility improvements will require the review and approval of the Public Works Department.

A. ORDINANCE REQUIREMENTS:

The applicant shall be required to comply with the requirements of Title 9 of the County Ordinance Code which include, but are not limited to the following requirements:

- 1) 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 these conditions of approval. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are Vesting Tentative Map, Final Development Plan dated March, 1995, submitted to Public Works.

An exception to allow a 0.75% minimum grade is allowed subject to Public Works approval providing:

- a. The soil engineer recommends reduced grades and signs the improvement plans; and
- b. The applicant warrants the curb flow from ponding for five years following completion. The curb shall be inspected and repaired annually.

- 2) Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate storm drainage facility which conveys the storm waters to a natural watercourse. This project necessarily involves some diversions of watershed. However, since these diversions generally discharge to tidal bodies of water with adequate cross section and capacity, these diversions may be considered appropriate, subject to review and approval of Public Works.

- 3) Conveying storm waters in an adequate storm drain system to a: duly organized Homeowner Association; Municipal Improvement District; or Reclamation District drainage facility serving the area, is acceptable, provided the applicant obtains a letter from that entity accepting the drainage. Provide appropriate drainage releases where public waters enter private facilities.
- 4) Diversions resulting in discharge of storm waters into the Contra Costa Canal or any other water conveyance or impounding facility for domestic water consumption is prohibited by the Ordinance Code. It is acknowledged that Agricultural lands presently drain to the ECCID facility.

Landscaped areas, so long as they do not create diversions, may follow pre-existing drainage patterns, subject to review and approval of Public Works.

- 5) For anything in these conditions of approval, which is subject to the approval of Public Works, such approval shall not be unreasonably withheld.

B. TRAFFIC MITIGATION FEES:

The project traffic mitigation fees will be collected at the time of the Building Permit for each residential unit of this development. No mitigation fees will be collected from non-residential construction. The project traffic mitigation fee shall consist of:

- * The Eastern Contra Costa Subregional Transportation Mitigation Fee (ECCSRTMF). This fee is for construction of the State Highway 4 Bypass.
- * The East County Regional Area of Benefit fee (ECRAOB). This fee is to improve local roads identified on the Circulation Element of the County General Plan.
- * The Project Traffic Mitigation Fee. This fee is \$6,500 (revised annually, starting from August 7, 1995, to reflect inflation, using the State of California Construction Cost Index as published annually by Caltrans, as a reference) less the East County Regional Area of Benefit fee and is used to mitigate project impacts not covered by the above fees.

The difference between the adjusted \$6,500 Project Traffic Mitigation Fee and the ECRAOB fee shall be put into an interest earning Road Improvement Trust (Fund No. 819200-0800 or other project specific fund) to be used to mitigate off-site local road and intersection improvements as reasonably determined and approved by the Public Works Department, which are identified in the EIR or the Flexible Mitigation Monitoring Program, and are not included in an established area of benefit. These funds will not be used for on-site improvements; frontage improvements; the off-site

improvement of Bixler Road from the project to State Highway 4; improvement of Point of Timber Road from Bixler Road to Byron Highway; the project's 50% share of the signal at the Bixler Road-State Highway 4 intersection; signalization of the State Highway 4-Discovery Bay Boulevard intersection; or any necessary construction traffic mitigation along the specified project construction haul routes.

C. PUBLIC IMPROVEMENTS:

1) Construction Truck Traffic Mitigation:

- a. Prior to issuance of the first residential Building Permit, the applicant shall widen Bixler Road off-site to a minimum width of 28-feet from the limit of Permit 3031-91 and Subdivisions 7679 and 7881 obligations to the Phase 1 project entry. At the applicant's option, these widening improvements may be either an interim improvement or a portion of the ultimate improvements discussed in 3)c. below. If a 28-foot width has not been constructed from the southerly limit of the applicant's responsibility to State Highway 4, the applicant shall widen Bixler to a 28-foot minimum width all the way to Highway 4. Any permanent or "ultimate" improvement constructed by the applicant which is the obligation of the properties involved in the above noted developments shall be subject to reimbursement through reimbursement agreements administered by the County. The applicant shall direct construction related truck traffic to the site via Bixler Road from State Highway 4, restricting construction related damage essentially to only Bixler Road. (FINDING FOR IMPACT #68, MMB.c.) At the developers option, construction truck traffic may also use Point of Timber Road after it has been widened to 28 feet. Applicant shall submit improvement plans, pay inspection and plan review fees for these road improvements.

The applicant may use Newport Drive for no more than one month as a construction detour while Bixler Road is under construction. In no case will Newport Drive be used as a construction haul route.

In order to determine the pre-project road conditions the applicant shall, prior to project grading, provide a video road survey for the following roads: Balfour Road from Bixler Road to Byron Highway; Bixler Road north to Orwood Road; and Marsh Creek Road from Bixler Road to State Highway 4.

b. Construction Road Maintenance Agreement

The applicant shall execute a bonded construction road maintenance agreement, assuring the County that the specified project haul route(s) will be maintained in a convenient, passable condition throughout the construction period. The bond shall consist of a cash bond of \$15,000 together with additional security totaling the cost of upgrading of the specified project haul route(s). The bond shall be provided prior to the approval of the first phase subdivision improvement plan and shall remain in effect until the haul routes are improved to handle the traffic, or until upgraded construction is completed.

c. Construction truck traffic monitoring: If the applicant uses non-designated streets for construction truck traffic, he shall repair the roads to the pre-project condition prior to filing the next Final Map, subject to the review and approval of Public Works. If the maintenance is not completed in a timely manner, the County will activate the Construction Road Maintenance Agreement for funds to perform the maintenance.

d. Provide sufficient parking on-site for construction crews and associated personnel. The applicant shall not permit construction crews and equipment to park along currently existing public roads or interfere with neighborhood agricultural operations.

e. Applicant shall indicate on all subcontracts, bulk and custom lot sales contracts, homeowners association documents, et al, that construction truck traffic shall use State Highway 4 and Bixler Road as construction access to this development, unless other routes have been specifically designated by Applicant as outlined in 2)a. above.

2) Bixler Road Frontage Improvements:

a. Applicant shall construct Bixler Road pavement widening with the easterly curb face established by first assuring a minimum 5-foot clear distance from any ditches on the westerly side to the edge of any required paved shoulder and thereafter providing the required lane and shoulder widths, but not less than 32-feet from existing centerline.

- b. Existing Bixler Road shall be reconstructed, or overlayed if studies warrant. The pavement shall be striped to provide one 12-foot northbound lane with a 6-foot shoulder and one 12-foot wide southbound lane with a 6-foot shoulder plus necessary channelization at intersections from the southerly boundary of Village I to Balfour Road.
- c. Construct curb, 5-foot 6-inch sidewalk (width measured from curb face), street lighting, landscaping and irrigation (EIR Mitigation RMCir-22). (FINDING FOR IMPACT #51, MMC.c.)
- d. Pads for the proposed bus shelters, bicycle racks and/or lockers shall be clear of the sidewalk area at potential bus stops.
- e. Provide necessary longitudinal and transverse drainage along the east side only.
- f. The applicant may need to remove and replace the roadway if required by the grade, alignment analysis and determination of structural adequacy, subject to the review and approval of Public works.
- g. The applicant shall submit improvement plans and pay inspection and plan review fees prior to filing of the Final Map.

3) Bixler Road, Off-Site Improvements:

- a. State Highway 4 Signal at Bixler Road and at Discovery Bay Boulevard
 1. Arrange for Signalization of the State Highway 4 intersection at Bixler Road prior to issuance of 200 Building Permits in this development if not already assured or completed by others at that time. Fifty percent of the signalization cost of the Bixler Road signal is reimbursable from the property owners at the northwest and northeast quadrants of this intersection. One hundred percent of any widening costs for Bixler Road is reimbursable from the same parties.

Submit improvement plans, pay inspection and plan review fees, and apply for a Caltrans encroachment permit prior to improving the intersection.

2. If the Bixler Road traffic signal has been installed, the applicant shall contribute 50% of the cost of the traffic signal, prior to issuance of the 200th Building Permit, to a Road Improvement Fee Trust (Fund No. 819200-0800) designated for reimbursement for its installation.
3. If the Bixler Road traffic signal is not warranted prior to issuance of the 200th Building Permit, the need for the traffic signal at the State Highway 4 - Bixler Road intersection shall be analyzed by the Public Works Department prior to filing each Final Map, up until the 1800th lot when the applicant shall contribute a cash deposit, equal to 50% of the signal construction cost as determined by Public Works, to a County Road Improvement Trust (Fund No. 819200-0800).
4. The applicant shall bond for the State Highway 4-Discovery Bay Boulevard traffic signal prior to filing of the first Final Map. The traffic signal shall be installed and operational one year following the issuance of the first building permit, exclusive of model homes. If the traffic signal is not operational within the one year period, no further building permits will be issued.

4) Point of Timber Road, On-Site (Bixler Road to the east):

- a. Bixler Road to "D" Street:
 1. Applicant shall reconstruct Point of Timber Road to at least a 60-foot curb to curb pavement width within an 80-foot right of way from Bixler Road to "D" Street with Village I.
 2. Construct curb, 5-foot 6-inch sidewalks (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation.
 3. The right of way line shall be located at least 10-feet behind the curb face.
 4. Provide necessary longitudinal and transverse drainage.
 5. The applicant shall submit improvement plans and pay inspection and plan review fees prior to filing of the Final Map for this portion of Point of Timber with the improvement plans for the subdivision creating the 250th lot.

b. "D" Street to the Easterly Boundary of Village I:

1. Applicant shall install (on the south side) curb, 5-foot 6-inch sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation and grade the ultimate roadway with construction of Village I improvements abutting this segment. The location of the frontage improvements shall provide for: ultimate widening of the roadway to a 40-foot pavement width; widening to at least a 56-foot width at the D Street intersections; and necessary conforms.
2. The right of way line shall be located at least 10-feet behind the curb face (30' from centerline).
3. Provide necessary longitudinal and transverse drainage.

5) Point of Timber Road, Off-Site (west of Bixler Road):

a. Point of Timber Road from Bixler Road to Byron Highway:

1. Submit improvement plans, pay inspection and plan review fees prior to 200th Building Permit.
2. Prior to issuance of the 300th Building Permit, widen and reconstruct, if necessary, Point of Timber Road to a 28-foot pavement width (two 14-foot lanes with 2-foot compacted shoulder backing and maintain ditch capacities. This work is intended to divert project traffic away from Balfour Road (EIR Mitigation Measure RMCir-21) (FINDING FOR IMPACT #50, MM.B.c.)
3. The applicant with the cooperation and assistance of Public Works shall provide additional right of way, if necessary, for the roadway and the ditch system, subject to the review and approval of Public Works.

6) Project Improvements (Village I Public Improvements):

- a. Prior to issuance of the first Building Permit, approval of the first set of improvement plans or first Final Map, install signage along: Balfour Road, Point of Timber Road, and Marsh Creek Road westerly to State Highway 4; and along Bixler Road north of State

Highway 4, to warn project traffic of farm vehicles and provide farm vehicle crossings (EIR Mitigation Measure RMCir-23) (FINDING FOR IMPACT #52, MMD.c.)

7) Road Dedications and Reservations (for Public Roads):

- a. Bixler Road: Applicant shall convey to the County, by Offer of Dedication, the right of way necessary for at least the east half of the planned 84-foot right of way width along the frontage of Bixler Road. The eastern side of the right of way shall be increased at the project access points along Bixler Road to provide for channelization for turning movements to and from this development. The right of way line shall be located at least 10-feet from the curb face.

Off-site, the applicant shall provide for adequate rights of way or easements for the proposed road improvements including the ditch systems, however, the County will conduct the acquisitions of applicant's costs if applicant requests.

- b. Point of Timber Road: Applicant shall convey to the County, by Offer of Dedication, an 80-foot right of way between Bixler Road and "D" Street. East of "D" Street, the applicant shall convey to the County, by Offer of Dedication, a 60-foot right of way, plus additional right of way for left turn channelization and conforms along the project frontage, where this development fronts on both sides of the road. Where this development only fronts on one side of Point of Timber Road, the applicant shall dedicate at least a 30-foot right of way (measured from the centerline of the existing right of way) (EIR Mitigation Measure RMCir-32). The right of way line shall be located at least 10-feet from the curb face.

Off-site, the applicant shall provide for adequate right of way or easement for the proposed road improvements including the ditch systems, however, the County will conduct the acquisitions at applicant's cost if applicant requests.

- c. Access along the southeast side of the Fire Station/Park Property: Provide an offer of dedication for a 60-foot right of way between Newport Drive and the eastern boundary of this property along the southeast side of the "Fire Station/Park" property. The alignment shall be rough graded to approximate finish grades with Village I

grading, but no road improvements need be constructed with this project. Prior to the road being approved, the adjacent property owner shall expand the park site to compensate for the road right of way take.

- d. The applicant shall provide right of way for future bus turnouts on the Bixler Road, Newport Drive and Point of Timber Road frontage of this property at appropriate locations in consultation with the responsible transit authority. Adequate right of way shall be provided for the bus turnouts, and the future bus shelters, bicycle racks and/or bicycle lockers.

8) Abutter's Rights of Access (Public Roads):

- a. Relinquish abutter's rights of access along Bixler Road, Point of Timber Road and Newport Drive, including curb returns. Access shall be permitted at the access points specifically approved with this project. Access points shown on the Preliminary Development Plan and the following additional points shall be permitted:
- b. Prohibit all single family residential driveway access onto major collector or arterial roads that provide project-wide circulation (EIR Mitigation Measure RMCir-29) (FINDING FOR IMPACT #58, MMJ.c.).

9) Sight Distance (Public Roads):

- a. In accordance with Caltrans standards provide for adequate corner sight distance at:
 - * The project entrances to Bixler Road for a design speed of 55 miles per hour.
 - * Other intersections with Newport Drive for a design speed of 40 miles per hour.
 - * Other intersections with Point of Timber Road for a design speed of 40 miles per hour.
- b. Provide adequate corner sight distance, in accordance with County standards, for the following intersections:

* Village I: Newport Drive at "DDDD" Street, and at One Street; Two Street at One Street and at Three Street; Three Street at One Court; Four Street at Thirteen Court and at Nine Court; and at Six Street at Seven Street.

10) Street Lights (Public Roads):

a. Street lights shall be installed on the public roads, within this subdivision and fronting this property, and the entire property annexed to County Service Area L-100 for maintenance of the street lighting. The final number and location of the lights shall be determined by Public Works. Application for annexation to CSA L-100 Lighting District shall be submitted prior to filing of the Final Map.

11) Bicycle/Pedestrian Facilities (Public Roads):

a. The applicant shall construct 5-foot 6-inch sidewalks on Newport Drive from the southerly boundary of this property to Bixler Road.

b. The applicant shall construct 6-foot 6-inch sidewalks on "D" Street from Newport Drive to Point of Timber Road.

c. Construct a 6-foot meandering asphalt concrete sidewalk along the east side of Bixler Road from the project site to the sidewalk proposed in Permit 3031-91 (the Ujdur property) (FINDING FOR IMPACT #51, MMC.c.). Where the sidewalk is adjacent to a roadside ditch, it shall be located a minimum of 2-feet from the top of the roadside ditch.

OR, construct a new 5-foot 6-inch concrete sidewalk (width measured from back of curb, if adjacent to curb) along the west side of Newport Drive to Kellogg Creek, connecting with the proposed pathway location in Permit 3031-91. This improvement (either alternative) shall be constructed within six (6) months of the completion of the first commercial use in Permit 3031-91 or at request of Public Works.

d. Provide bike lanes with a minimum width of 5-feet on the following streets: Bixler Road; Point of Timber Road from Bixler Road to the east; Newport Drive; "F" Street and "D" Street.

Prohibit parking (EIR Mitigation Measure RMCir-36a) (FINDING FOR IMPACT #65, MMA.c.), or provide adequate additional pavement width.

12) Utilities/Undergrounding (Public Roads):

- a. All utility distribution facilities shall be installed underground, including the existing overhead distribution facilities along the frontage of Point of Timber Road and the easterly frontage of Bixler Road.
- b. Relocate and/or adjust utility distribution facilities, where necessary, for all other off-site improvements.

13) Parking (Public Roads):

- a. "No Parking" signs shall be installed along roads with inadequate width for parking, subject to the review and approval of the Public Works Department. For lots with less than a 50-foot wide frontage a parking study shall be provided for all roadways where less than 1 on-street parking spaces will be provided for each residence. On street parking requirements may be satisfied by providing parking bays, supplemental on-site parking, or other reasonable alternatives subject to the review of Public Works and the review and approval of the Zoning Administrator. Adequate parking shall be provided within an acceptable distance of each residence, subject to the approval of Public works.
- b. Prohibit parking on all project major collector or arterial roads including "D" Street and Newport Drive, except where the road is widened to accommodate parking. On the remaining roadways, provide adequate paved width for necessary parking (EIR Mitigation Measure RMCir-26) (FINDING FOR IMPACT #55, MMG.c.)
- c. "No Parking" signs shall be posted along the north side of "F" Street, unless the roadway is widened to at least a 40-foot curb to curb width within a 60-foot right of way.

14) Landscaping (Public Facilities):

- a. Prior to filing the final map, the applicant shall apply to the Public Works Department for annexation to the County Landscaping District AD 1979-3 (LL-2) for the future maintenance of public landscaping and irrigation facilities in median islands, parkways, and other public project areas .
- b. Prior to filing the final map, two sets of landscape and irrigation plans and cost estimates, prepared by a licensed landscape architect, shall be submitted to the Special District Section of the Public Works Department for review and recommendation and forwarded to the Zoning Administrator for review and approval. Plan submittal shall include plan review and inspection fees. Types and size of plant and irrigation materials within the public right of way shall be designed using reasonable standards provided by the Grounds Service Manager of the General Services Department. All landscaping and irrigation facilities shall be maintained by the applicant until funds become available for their maintenance by the County after final inspection is cleared.
- c. Permanent landscaping and automatic irrigation facilities shall be installed within the public road parkway and median areas, and interim landscaping features shall be installed within the future road areas, if any. All work shall be done in accordance with the guidelines and standards of the County. Funding of, and maintenance of, the new plantings shall be guaranteed by the developer until the plants have been established and until funds are available through a landscaping district. The plants shall be maintained for 90 days after installation.
- d. The County Landscaping District Administrator shall coordinate the landscaping program in Discovery Bay West with the Discovery Bay MAC by annually reviewing the district's program budget and providing budget information to the MAC on a regular basis.

15) Transit:

- a. Certain bus turnouts, bus shelters, bicycle racks and/or bicycle lockers shall be constructed by the applicant if transit service is established prior to recording of the last Final Map for this development. The location of these facilities shall be determined in cooperation with the responsible transit authority. Preliminary locations along the east side of Bixler Road are: south of Newport Drive and

south of Point of Timber Road. The installation of these facilities shall be assured prior to recording of the next Final Map after transit service is established to the project. The obligation to install these facilities shall terminate if public transit to the project is not assured at the time the last Final Map is recorded. Pads for the bus shelters, bicycle racks and/or lockers shall be clear of the sidewalk areas.

- b. Provide pedestrian connections from the transit stops to the internal project sidewalk system. Provide for installation of bus shelters at each pullout if transit service begins (EIR Mitigation Measure RMCir-34a) (FINDINGS FOR IMPACT #63, MM A.c.)

16) School Access:

- a. Coordinate with the school district on the design of the school site to accommodate a one-way circulation pattern with a large student loading/unloading area separated from the main collector streets (EIR Mitigation Measure RMCir-20) (FINDING FOR IMPACT #49, MM A.c.) The applicant shall coordinate with the school district to allow for a bus loading/unloading area separated from the automobile loading/unloading area.
- b. Extend Seven Street southerly to the school site if requested by the school district to provide better school access. Access to the school from "D" Street shall be designed to minimize traffic conflicts on "D" Street.

D. PRIVATE IMPROVEMENTS:

1) Pedestrian/Bicycle Improvements

- a. The design of community facilities, such as "park and ride" lots, clubhouses or community parks, shall provide for and encourage the use of bicycles. At a minimum this shall include bicycle racks and/or bicycle lockers at the primary gathering points in the project. The number of bicycle racks and/or lockers shall be subject to the review and approval of the Zoning Administrator.

E. GENERAL REQUIREMENTS:

1) Roads:

- a. Submit a preliminary sketch plan and profile and alignment analysis to Public Works for the following roads, showing the horizontal alignment and analyzing the roadway structural sections to determine the feasibility of salvaging the existing pavement. The analysis of the roadway structural section shall include appropriate cores, deflection tests, R-Value tests, and estimates of anticipated traffic with construction and ultimate development under the County General Plan.

* Bixler Road from the project to State Highway 4.

* Point of Timber Road from the project to State Highway 4.

The sketch plan shall extend a minimum of 150-feet beyond the limits of the proposed work. If the grade at the project's frontage is unacceptable, the applicant shall level, or remove and replace the pavement, as necessary. The sketch plan shall also show that adequate sight distance will be provided. An exception to allow a 0.75% minimum grade may be allowed subject to the review and approval of Public Works.

- b. Applicant shall provide deed notification to those parcels that abut roads that are to be extended in the future. The applicant shall install signage at the end of the roads to inform prospective property owners that the roads may be extended in the future.
- c. Applicant shall furnish proof that legal access to the property is available from Newport Drive in Discovery Bay to the south boundary of this property.
- d. Submit improvement plans and pay inspection fees and plan review fees prior to filing of the appropriate Final Map.

2) Drainage:

- a. Storm drainage facilities required by the Ordinance Code shall be designed and constructed in compliance with design standards of the Public Works Department.

- b. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets to a natural watercourse or an adequate man-made drainage facility.
- c. All storm water arriving at the outside of the levee system around Villages II, III and IV and the stormwater arriving at, and originating on Village I shall be collected, conveyed and directed in a storm drainage system dedicated to the County. The drainage facilities shall be designed to convey stormwater from the west in accordance with the Ordinance Code (FINDING FOR IMPACT #84, MM c). The applicant shall provide additional drainage facilities (per figure 4.1-4 of the EIR) to direct all existing drainage and irrigation west of Bixler Road through and/or around the project to compensate for the obstruction of flow to surface drainage created by the project and ensure that the area west of Bixler Road is not adversely impacted (FINDING FOR IMPACT #1, MM1.C.2.).

Prior to submitting the first Final Map, the applicant shall submit the proposed drainage plan to convey off-site drainage and irrigation west of Bixler Road through or around the project site along with supporting hydrology data subject to the approval of Public Works (EIR Mitigation Measure 4.1-7) (FINDING FOR IMPACT #1).

- d. Conveying storm waters in an adequate storm drain to an irrigation district facility is acceptable provided: the developer obtains a letter from the irrigation district accepting the storm waters; the irrigation district owns fee title to the drainage facility from the point of discharge to the natural watercourse; and, the drainage facility is shown to be adequate to handle the design storm, plus the district irrigation flows. The analysis shall consider the presence of low spots in the irrigation district canal which may affect the system's capacity.

The applicant shall provide substantiation that reasonable backup measures such as a diesel or gas fueled back up pumping system, are in place in case of pump failure and/or power failure. The back up pumps are only required if pumping is necessary to drain the canal flows.

The applicant shall submit written confirmation that the irrigation district will accept the additional stormwater flows from this property based on ultimate development of the watershed.

- e. Storm drainage originating on the property and conveyed in a concentrated manner shall be prevented from draining across the sidewalks and driveways.
- f. Utilize NPDES passive best management practices such as labeling the storm drains for no dumping. (EIR Mitigation Measure 4.1-10)

3) Floodplain Management:

- a. Finished floors in Village I shall be elevated to at least 10.90 ft. mean sea level. Homeowners shall be advised through a deed notification of the potential sea level rise. (FINDING FOR IMPACT #4, MM4.C.1.).

4) Creek Structure Setback:

- a. Applicant shall create "structure setback lines" over that portion of the site that is within the structure setback area of the watercourses traversing the northerly property line, Dredger Cut along the easterly property line, and any existing natural watercourses through this development. 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.
- b. If sections of roadways fall within the structure setback area as defined by the Ordinance Code, then the applicant shall submit a soils and geotechnical report verifying the stability of the creek bank in the vicinity of the public or private access roads.

5) Sanitation District 19 Requirements:

- a. Applicant shall complete and have fully operational the replacement for well #4 prior to issuance of the first Building Permit.
- b. Annex the project into Sanitation District No. 19 and execute a master service agreement calling for the applicant to provide or pay for its fair share of the expansion of facilities necessary for the additional wastewater and water facilities. (FINDING FOR IMPACT #83, MM.c.). Applicant shall comply with the requirements of Sanitation District No. 19 Ordinance and the Central Contra Costa Sanitary acceptable to the Public Works Department, which includes provisions for perpetual maintenance prior to filing a Final Map in Villages II, III or IV (EIR Mitigation Measure 4.1-7).

- c. Levees shall be elevated to at least elevation 11.9 feet mean sea level with provision for the ability to elevate the levees to at least 12.9 feet mean sea level around Villages II, III and IV and in accordance with FEMA regulations (assuming anticipated subsidence and sea level rise).
- d. The proposed levee system around Villages II, III & IV shall be constructed to FEMA, U.S. Army Corps of Engineers, Zoning Administrator and County standards. The levee system shall be maintained by the homeowner association.
- e. Landscaping of the levees shall be subject to the review of FEMA and the entity which will accept the levee for maintenance, and the review and approval of the Zoning Administrator.
- f. Provide deed notification and CC & Rs for elevation restrictions on applicable lots to prevent degradation or work which may adversely impact the levee system, and provide for raising levees.
- g. The developer shall be aware that the levees protecting a portion of this development are subject to failure if not properly maintained. The developer shall execute a mutually agreeable recordable document with the County which states that the developer (and the owner and District specifications prior to filing the Final Map.
- h. Sewage treatment and disposal for the project shall be provided by Contra Costa County Sanitation District No. 19. All sanitary sewer facilities serving the project shall be connected to the District's collection system. The applicant will be required to obtain a Sanitation District permit to discharge sewage into the sewage system. The applicant shall be required to pay for the fair share of any studies required to accommodate this project.
- i. Domestic water supply shall be provided by Contra Costa County Sanitation District 19. All domestic water facilities serving the property shall be connected to the District's distribution system. The applicant will be required to obtain a Contra Costa County Sanitation District 19 permit to connect to their existing well water system and comply with any District requirements relative to its fair share obligation to provide increased water supply.

- j. The applicant shall participate in Contra Costa County's Sanitation District #19 adoption and implementation of a water supply monitoring and management program (FINDING FOR CUMULATIVE IMPACTS ON WATER SUPPLY AND QUALITY, MM.c.).
- 6) Reimbursement:
 - a. Certain required road improvements may be eligible for credit or reimbursement against Area of Benefit fees. The developer shall contact the Public Works Department, Transportation Engineering Division, to verify the extent of any credit or reimbursement for which the applicant might be eligible. Prior to constructing any public improvements, or filing of any Final Map, the applicant shall execute a credit/reimbursement agreement with the County. No credit or reimbursement will be available for any improvements installed prior to execution of the credit/reimbursement agreement. Credit will only be given for monies that are programmed within the next three fiscal years. Any credit or reimbursement shall be based on the cost estimates included in the Area of Benefit Development Program Report only in proportion to each specific Area of Benefit improvement which the applicant is installing.
 - b. The applicant is also eligible for reimbursement from adjacent and nearby future developments as outlined in E.7)c. below. If the applicant requests reimbursement from the County from future development, the applicant shall be required to pay the County for administrative costs associated with these reimbursement agreements. The applicant shall pay the Public Works Department, Engineering Services Division, at least \$1,000 or as necessary to cover expenses as they are incurred, whichever is greater, for administration costs for each reimbursement agreement.
 - c. The applicant shall be eligible for the following reimbursement agreements:
 - * Should applicant install the State Highway 4/Bixler Road signalization and channelization improvements. The costs, above the applicant's 50% obligation towards the traffic signal, are subject to reimbursement. These funds may be deposited by property owners at the intersection.
 - * Installation of any frontage improvements along properties fronting on public roads.

- * Installation of off-site road improvements not covered by an area of benefit, but covered by the Project Traffic Mitigation Fee paid by the applicant and collected by the County, may be credited toward the applicant's Project Traffic Mitigation Fee, subject to the approval of Public Works.
- d. The County will also cooperate with the applicant to "call" certain Deferred Improvement Agreements (DIAs) which may exist on surrounding properties to facilitate and expedite the construction of facilities whose installation is now justified.

7) Miscellaneous:

- a. Prior to issuance of Building Permits, with the exception of model homes, file the Final Map for Subdivision 7686.
- b. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.
- c. An encroachment permit for construction within the State right of way shall be obtained from Caltrans through the Public Works Department, Engineering Services Division.
- d. Obtain an encroachment permit from the Application and Permit Center for construction of driveways, or other improvements within the right of way of public roads which are to be improved with minor improvements not requiring an improvement plan.
- e. Applicant shall comply with the County TDM Ordinance and the Growth Management Program regulations regarding transportation. TDM measures that could be used by the project applicant include the provision of maps showing available transit routes, and providing information to prospective home buyers on ride sharing and vanpool services.
- f. All public and private pedestrian facilities and access ways shall be designed in accordance with Title 24 (Handicap access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, trails, driveway depressions, as well as handicap ramps.

Provide a minimum clear width of 3.5 feet for all sidewalks. If a pole, utility facility, street sign or any other obstruction is located in a walkway, such that there is not a 3.5 foot clear width, then the walkway shall be widened as necessary. A note reflecting this condition shall appear on the typical section on the improvement plan.

- g. Applicant shall furnish proof of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of all temporary or permanent, road, drainage and marina improvements.
- h. Prior to filing of the first Final Map, the applicant shall pay the County for all Public Works and Community Development staff time for work reviewing and commenting on this project through the planning and approval process which has not been covered by the application fees previously paid by the developer for this purpose.
- i. The County Public Works Department is requiring that all first check submittals and accompanying calculations including subdivision grading plans, improvement plans, hydrology and hydraulic maps, final maps, right-of-way maps and descriptions shall be in metric units. Exceptions may be permitted, based on substantial reason, subject to the review and approval of the Public Works Department - Engineering Services Division.

8) The road widths in this project have not been reviewed separately except for those roads explicitly designated as to road and right of way width in these conditions of approval. The applicant shall be required to construct the roads in Village I as public roads with the following width requirements: roads serving less than 24 homes shall be constructed as 32-foot roads within 52-foot rights of way; roads serving 24 or more homes and less than 240 homes shall be constructed as 36-foot roads within 56-foot rights of way; Newport Drive shall be constructed as a 36-foot road within a 61-foot right of way. Analyze turning movements at the following locations, and if necessary subject to Public Works review and approval, widen the roads to a 46-foot road width to provide three 12-foot lanes and 5-foot bicycle lanes at Newport Drive at Bixler Road; "D" Street at Point of Timber and Newport Drive; and "F" Street at "D" Street. The street designated as One Street shall be widened to a 40-foot road width within a 60-foot right of way.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance (Ordinance No. 90-118) as they pertain to future construction of any structures on this property.
- B. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (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 or Central Valley - Region V). Prior to issuance of a grading permit, submit the Storm Water Pollution Prevention Plan (SWPPP) for the site to Public Works for review. Adequate/effective post construction BMP's must be implemented into the development.
- C. Applicant shall comply with the requirements of Sanitation District No. 19 and Delta-Diablo Sanitary District specifications and requirements.
- D. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- E. 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.
- F. The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index [CPI] adjustments). The annual fee is subject to modification by the Board of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting. The applicant is advised that the election process takes from 3 to 4 months and must be completed prior to recording the Final or Parcel Map. An additional tax may be required for marine patrol.
- G. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.

- H. Comply with the ordinance requirements of the Health Services Department, Environmental Health Division and Hazardous Materials Division.
- I. Comply with the ordinance requirements of the East Diablo Fire Protection District.

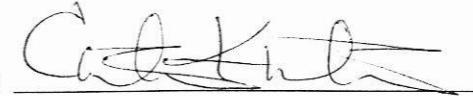
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**CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
REVISED APPROVED PERMIT**

APPLICANT:	Hofmann Construction P.O. Box 907 Concord, Ca 94522	APPLICATION NO.	DP913025 SD917686
		ASSESSOR'S PARCEL NO.	011-240-001
		ZONING DISTRICT:	P-1
OWNER:	same as applicant	APPROVED DATE:	08/07/1995
		EFFECTIVE DATE:	08/07/1995

This matter not having been appealed within the time prescribed by law, the subdivision and development plan are hereby granted, subject to the attached conditions FOR VILLAGE 1 ONLY On 4/23/2001 a revision to condition of approval number 42 was approved and became effective on 5/3/2001.

DENNIS M. BARRY, AICP
Community Development Director

By: 
CATHERINE KUTSURIS
Deputy Zoning Administrator

PLEASE NOTE THE APPROVAL DATE, as no further notification will be sent by this office. Unless otherwise provided, you have 36 months from the approval date to file the FINAL MAP.

P-1 FINDINGS FOR FINAL DEVELOPMENT PLAN 3025-91 AND SUBDIVISION 7686
(DISCOVERY BAY WEST DEVELOPMENT)

Findings

- A. With the imposition of the Conditions of Approval this proposed development is in conformance with the General Plan and the General Plan Amendment recently approved for the site and surrounding area.
- B. With proper conditioning the Hofmann property development will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the nearby community.
- C. In accordance with required findings of the P-1 district, the County finds that the development is of a harmonious, innovative plan and justifies exceptions from the normal application of the code, including variances and parcel configuration and design to provide a better conformity with existing terrain features and land use limitations in the area.
- D. The applicant has indicated that they intend to commence construction within two and one-half years of the effective date of the final project approval.

CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN 3025-91 AND SUB 7686 (DISCOVERY BAY WEST DEVELOPMENT) (As approved by the East County Regional Planning Commission on August 7, 1995 and as modified by the Zoning Administrator on December 15, 1997)

1. The development shall be based upon the following submitted exhibits except as modified by the conditions below. These Conditions of Approval incorporate and are in addition to all approved mitigation measures.
 - A. Revised Final Development Plan and Vesting Tentative Map, Discovery Bay West dated received March 20, 1995, as modified by the October 8, 1997 Amended Tentative Map and Development Plan for Subdivision 7686, Discovery Bay West Village I.
 - B. Streetscape - Bixler Road dated received January 11, 1995.
 - C. Cross-section - Bixler Road dated received January 11, 1995.
 - D. Geotechnical Investigation Report by Kleinfelder Associates dated February 1, 1990.
 - E. Preliminary landscaping plan for Point of Timber Road dated received March 23, 1995.
 - F. Exhibit "C" to the tentative map dated received March 23, 1995.
 - G. Mitigation Monitoring Program as approved by the Board of Supervisors on December 20, 1994 (this could change if the Board revised the Mitigation Monitoring Plan when they approve RZ912963).
2. The length of approval for the Final Development Plan 913025 and SUB 917686 for three years shall expire on August 7, 1998. One 3-year extension may be granted for the project subject to proper request and approval. This approval is contingent upon the Board's adoption of 2963-RZ.
3. The maximum number of primary residences allowed for this project is 277.

Project Phasing and Staff Costs:

4. The general phasing program for the development shall be acceptable to the Zoning Administrator and shall be submitted prior to any site development. A detailed phasing plan for Village I shall be submitted prior to any development in the village subject to Zoning Administrator review and approval. The applicant shall pay for all reasonable staff time

involved in administering the Mitigation Program after any leftover application fees have been exhausted. This may include payment of funds required for peer review of required reports review, field visits, and response comments or reports as determined by the Zoning Administrator.

5. The following actions shall take place during development of the project.
 - A. The park area in Village I shall be landscaped and provided with suitable amenities. The cost of construction of the park shall be applied toward required park dedication fees. The developer shall submit an acceptable landscaping/irrigation and phasing program for the park development before issuance of building permits for the 100th unit in Village I. The park improvement shall be complete with the completion of the school, the 250th unit in Village I or prior to issuance of building permits for Village II, which ever occurs first.
 - B. Dedicate development rights to the 13.4 acres of wetland at the southeast corner of the site to Contra Costa County prior to recording the Final Map for any portion of Village I.

Street Addressing

6. At least 30 days prior to filing the Final Map for any portion of this development, plans shall be submitted for review by the Community Development Department, Graphics Section, to obtain addresses and for street name approval (public and private). Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. The Final Map cannot be certified by the Community Development Department without the approved street names and the assignment of street addresses. Consideration of historical local areas and pioneers in East Contra Costa County shall be used for as many street names as possible.

Police Services Funding

7. 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 future subdivision approval. The tax shall be the 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 the filing of the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time that the election is requested by the owner. (MM 8.7 and MM 9.3) The police service district shall be established over the entire site under one election or if acceptable to the Zoning Administrator on a village by village basis.

Such provision shall include an additional initial level of police tax district funding of \$25.00 per non-open space parcel in the project area, over and above the standard initial level of \$200 per parcel normally applied to the vesting tentative map approval for residential subdivisions. The added level of funding is intended to be used for augmented marine patrol services, especially the enforcement of boat speed limits. In the event that the State determines to subvent the costs of marine patrol prior to the filing of a final map, this requirement for the additional \$25.00 shall be null and void.

EMF Notification

8. Where a lot/parcel is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following notice or other appropriate notice as approved by the Zoning Administrator:

"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 an hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public 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.

Farm Operation Notice

9. The following statement shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area (MM 4.5 and MM 7.2):

"This document shall serve as notification that you have purchased land near an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment and aerial crop dusting and certain animals and flies may exist on surrounding properties. This statement is, again, notification that this is part of the agricultural way of life near the open space areas of Contra Costa County and you should be fully aware of this at the time of purchase."

Archaeological Concerns

10. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary and subject to Zoning Administrator review and approval. (MM 11.1)
 - A. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 30 yards of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations. (MM 11.1)
 - B. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code. (MM 11.1)
 - C. Appropriate mitigation of the cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring or mitigation phases shall be properly conserved, catalogued, analyzed, evaluated and curated along with associated documentation in a professional manner consistent with current archaeological standards. (11.1)

Grading and Dust Control

11. Comply with the following construction, noise, dust and litter control requirements (MM 4.1 and 6.2.1.1):
 - A. Noise generating construction activities, including such things as power generators, shall be generally limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays. The restrictions on allowed working days and times may be modified by prior written approval by the Zoning Administrator.

- B. The project sponsor 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 and concrete pumper as far away from existing residences as possible.
- C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the subject village notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity.

A copy of the notice shall be concurrently transmitted to the community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- D. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances may require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- E. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, all-weather access shall be provided to each lot. This shall include provision for an on-site area in which to park earth moving equipment.

TDM Plan

- 12. Prior to the issuance of building permits for future development of the site, the applicant shall submit a detailed TDM Plan for review and approval by the Zoning Administrator (unless otherwise required by a TDM Ordinance). The TDM plan shall include measures to encourage commuting such as park and ride lots, and fiber optic wiring of residences. The approved TDM Plan shall be operative prior to final inspection of the first residence by the Building Inspection Department. A telecommuting facility is encouraged and may be designed as part of the recreation center or other appropriate location subject to Zoning Administrator review and approval. (MM 6.2.2 and MM 6.2.4)

Child Care

13. Provision of a Child Care Facility or program is required for this development as required by the County's Child Care Ordinance. The program shall be submitted for the review and approval of the Zoning Administrator prior to the filing of the first Final Map. A suitable child care center should be developed in Village I in conjunction with the school site subject to review and approval of the Zoning Administrator and an agreement by the school district. The child care center location can be modified subject to Zoning Administrator approval. The child care center shall be in operation prior to occupancy of residences (other than senior housing) in Village II or when the school is operational. (MM 8.2)

Indemnification

14. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency 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.

Project Construction

15. The project applicant will be required to comply with all necessary permits, including but not limited to, the NPDES permit for Storm Water Discharges Associated with Construction Activity as well as applying for inclusion in the General Stormwater Permit issued by the State of California. The project applicant must also comply with all requirements of construction permits for Contra Costa County. The applicant must obtain C.W.A. Section 404 and Section 10 permits from the Army Corps of Engineers for construction in wetlands and navigable waterways for the marina as required by law. (MM 1.1.8)

Ground Water Hydrology

16. The developer shall participate in the establishment, prior to development of the site, of a long term water quality management program, comparable to a program recommended by Luhdorff & Scalmanini of the degradation of ground water quality. The appropriate monitoring program will be one that identifies changes in quantity and quality of water and provides for responses to these changes in a timely fashion. This can best be accomplished by establishing a multi-aquifer monitoring network in cooperation with local agencies such as the BBID, Delta Diablo Sanitation District (Sanitation District #19) and ECCID. Means acceptable to Sanitation District #19 to finance the long term monitoring program shall be

developed prior to site development. The long-term monitoring program shall include measures outlined in the Adopted Mitigation Monitoring Program acceptable to Sanitation District #19. (MM 1.2.1.)

17. As recommended in Condition #16, above in the mitigation of the degradation of groundwater quality and in the Luhdorff & Scalmanini reports, the developer shall participate in the establishment, prior to development of the site, of a long-term monitoring plan for the aquifer (regular monitoring of water supply wells currently in Discovery Bay, water supply wells outside of the developments, and monitoring wells capable of monitoring multiple aquifers) would identify changes in the quantity of water. Aquifer capacity and renewable resources should be documented and properly managed to prevent overdraft. If recoverable storage capacity of the aquifer is insufficient, an additional water supply source shall be investigated and developed. Means acceptable to Sanitation District #19 to finance the long term monitoring program shall be developed prior to site development. The long term monitoring plan shall include measures outlined in the mitigation monitoring program acceptable to Sanitation District #19. (MM 1.2.2)

Vegetation and Wetlands

18. The following measures are required for impacts to vegetation and wetlands. (MM 2.1.1)
 - A. Jurisdictional wetlands lost as a result of direct impacts of the project shall be compensated by the restoration or creation of wetlands at a minimum ratio of 1:1. Loss of significant natural wetland communities should be compensated for at a higher ratio to be determined by parties involved and the Corps of Engineers as part of the Section 404 permit process.
 - B. Compensation should be of the same habitat type as affected wetlands (i.e., in-kind replacement) whenever feasible, or with the approval of Corps of Engineers, shall be of habitats of higher botanical and wildlife value. Mitigation areas should be on-site, if practicable, or located off-site within reasonable proximity to the project site. County policy requires that the mitigation site be located within Contra Costa County.
 - C. Mitigation wetlands should be located in a large contiguous parcel with transitional zone and adjacent upland habitat to maximize the likelihood of success in creating habitat capable of maintaining viable populations of native plant and animal species. A buffer zone (preferably 50 ft. or greater in width) should be established and maintained around the edges of all wetland and terrestrial habitat used as mitigation for project impacts.
19. The following requirements are required for the mitigation of the damage to special status plant species. (MM 2.1.2)

A. The first choice in mitigation would be to alter the project plan to avoid direct impacts on both individuals and habitats of these species. If such action is to be taken, steps must also be taken to ensure that indirect impacts associated with the project throughout its life do not significantly impact these special-status plants and their habitat.

Alternatively, subject to measures outlined in the Mitigation Monitoring Program the project applicant shall establish replacement special status plant communities located either on-site or off-site within reasonable proximity of the project.

Advice on the mitigation project shall be sought from the California Department of Fish & Game.

A means to fund over-site, long term shall be developed for this condition prior to development of a site containing or causing such an impact.

Mosquito Abatement

20. Work with the Contra Costa Mosquito and Vector Abatement District staff to develop a mosquito source reduction and management plan. The developer shall cooperate with District staff in the development of a mosquito monitoring and source management plan. Applicant shall fund the development of the plan.

Impacts to Special Animals

21. Impacts to Delta Smelt. (MM 2.2.5)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to Delta Smelt shall be taken.

22. Impacts to Southwestern Pond Turtle. (MM 2.2.6)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to Southwestern Pond Turtle shall be taken.

23. Impacts to Swainson's Hawk. (MM 2.2.8)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the Swainson's Hawk shall be taken.

24. Impacts to Burrowing Owls. (MM 2.2.9)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the Burrowing Owls shall be taken.

25. Impacts to San Joaquin Kit Fox. (MM 2.2.10)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the San Joaquin Kit Fox shall be taken.

Noise Impacts

26. Noise impacts to wildlife. (MM 4.2)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to wildlife shall be taken.

27. Noise conflicts between proposed uses. (MM 4.8)

New residences must be constructed so that interior DNL is 45 dBA or less and so that indoor noise levels due to single noise events shall not exceed a maximum of 50 dBA in the bedroom and 55 dBA in other habitable rooms.

Geology, Soils and Seismic Hazards

28. The excavation of soil around the marina and lakes must be rigorously observed by trained professionals to identify any loose, clean sand and silt and peat in cut slopes; these should be excavated and replaced with compacted fill that includes a buttress that has been properly keyed into native soils and sediments and that has been properly constructed with engineered fill. A soils/Geotechnical professional site acceptable to the Zoning Administrator shall be employed to monitor this measure as needed. (MM 3.1)

A. The proposed mitigation for preventing groundwater flow from the brackish aquifer into surface water is to actively monitor excavation of the lakes. When flow from sands is identified, the sand should be excavated and replaced with buttress fills, keyed into less permeable clay-rich formations below the sand and constructed of compacted clay-rich soils to discourage active flow from the aquifer. (MM 1.2.4)

B. The proposed mitigation for the flow of loose soil into the lakes is the same as for mixing of groundwater and surface water. Excavation should be actively monitored,

and sands from which groundwater flows, which may erode the loose (heaving) sands, should be excavated and replaced with buttress fills, keyed into less permeable clay-rich layers below and constructed of less permeable material to discourage flow. (MM 1.2.5)

- C. At least 45 days prior to recording a Final Map, issuance of a grading permit, or installation of improvements or utilities, submit a preliminary geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Zoning Administrator. Improvement, grading, and building plans shall carry out the recommendations of the approved report.
- D. The report required above shall include evaluation of the potential for liquefaction and seismic settlement.
- E. Record a statement to run with deeds to the property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller and/or the County.
- F. At least 45 days prior to issuance of permits to grade and create the lakes on the site, a suitable Geotechnical report shall be submitted for the review and approval of the Zoning Administrator detailing means to stabilize the lake bank in case of earthquake and reduced possible liquefaction dangers in this area.

Impacts on Agricultural Lands

29. Suitable fencing shall be developed around projects perimeters to separate residential uses from surrounding agricultural lands and activities. (MM 7.3)

Equitable sharing of the cost of the initial (and any subsequent) fence constructed to deter trespassing, etc., is to be arranged between the primary developer and any other developer who is active in the project area and benefits from the fencing if possible to do so.

Impacts on School Districts

30. A. Prior to recording any final map for any phase of this project, written proof shall be submitted that compliance with the executed school mitigation agreement with the Liberty Union High School District has been achieved.

B. Prior to obtaining any building permit for this project, the applicant and the Byron Union School District shall execute a new schools facility agreement to timely provide for new school needs generated by this project.

Increased Demand for Water and Sewer Systems

31. The site for Discovery Bay West shall be annexed into Contra Costa Sanitation District #19 prior to recording the final map on any portion of the development. (MM 8.3)
 - A. Completion of a water supply study and a water system master plan acceptable to CCCSD 19 for the area within the Urban Limit Line is required as a condition of project approval. The study must define a funding mechanism that ensures new development pays for improvements to serve it exclusively.
 - B. In the study of water supply, include consideration of how to reclaim water and reuse it. Reclaiming water and using reclaimed water are encouraged by the County General Plan.
32. Annexation of the proposed project area into Sanitation District 19, predicated on agreement by the district and The Hofmann Company on condition for annexation and fulfillment of such conditions within an agreed-on schedule. Conditions would include determination of technical standards and design of the expansion of the existing sanitary sewer system. (MM 8.4)

Police Protection

33. Measures to reduce or prevent crime incidents should be coordinated and include both physical design measures (including lighting for streets, parking areas, and entries; clear address signs; door and window security design and locks), social measures (including neighborhood crime watches, anti-violence support groups, and education programs), and legal measures (control in selected areas for selected types of water activities, e.g., swimming, jet skis, etc.).

Plans to accomplish the above shall be submitted to the Contra Costa County Sheriff's Department for comment prior to development of the site. (MM 8.7)

Fire Protection

34. Before recording any Final Map negotiate to design, construct, and equip a fire station for service to the project area as required by the East Diablo Fire Protection District or its representatives. The construction of the fire station can either fully or partially satisfy fire fees. Later nearby developments may be required to reimburse the developer on a pro-rata basis.

The primary developer must also design streets and other features in the project area to accommodate fire and other emergency vehicles. (MM 8.8)

Park and Recreation Facilities/Recreation Uses

35. General Plan standards for neighborhood park acreage and facilities are to be met by the proposed project through arrangements acceptable to the Community Development Department can be made by The Hofmann Company, such as the provision of "common area" acreage for recreational use. Suitable improvement of the public park may be used to partially meet park requirements.

Right of Farming Ordinance

36. If the County's right to farming ordinance has been adopted prior to the issuance of building permits on this site, the developer shall inform future owners of that ordinance informing them of the right to farm within the Contra Costa County area.

Removal of Existing Water Wells/Hazardous Chemicals on Site

37. Any hazardous chemical stored on the site shall be properly removed and disposed of under County Health Services Department regulations. Any existing water wells on the site shall be properly capped under County Health Services Department regulations. A Level I hazardous waste assessment shall be conducted on the site prior to filing of any Final Map that verifies that the site does not contain any hazardous waste.

Irrigation Districts

38. Prior to recording the final map for phases on this site, confirmation shall be received from the Byron-Bethany Irrigation District and East Contra Costa Irrigation District that any facilities they have on the site have been properly moved or removed as the case may be, or as an alternative a letter from the District may be submitted indicating that they have no facilities on the site that will be disturbed as a result of this development.

East Bay Municipal Utility District Chlorine Facility

39. At present the East Bay Municipal Utility District stores gaseous chlorine one-half mile north of the north end of the Discovery Bay West site. There may be plans to remove the gaseous chlorine from the facility in the future. However, this has not been decided yet. If, when development starts on this site, the gaseous chlorine facility is still in place then the developer shall accomplish the following prior to the issuance of the first final building permit for this project:

- A. Give all residents, homeowners, and renters full disclosure regarding the presence of chlorine at the EBMUD Bixler site.
- B. The development shall support a proportionate share of the cost of the Community Alert Network System (CAN), the emergency notification system being installed throughout the County (which will include the installation of a siren system). The

system is designed to warn the residents of the development if a large scale accidental release of hazardous materials occurs.

- C. The development shall ensure that the homes are as air tight as feasible by providing superior window seals, door seals, positive closure for fireplace dampers, etc. A periodic replacement program should be established as seals have a finite life. (To reduce indoor air pollution, the homes should be thoroughly ventilated prior to occupancy.)
- D. All homeowners shall be provided with sufficient information regarding shelter-in-place and the actions that should be taken in the event of an accidental chemical release.
- E. These instructional materials shall be written in plain language, and will be developed in consultation with the Hazardous Materials Division of the County Health Services Department, subject to the review and approval of the Zoning Administrator.

If the facility is removed or the process is changed then this requirement can be deleted subject to Zoning Administrator approval after review by the Hazardous Materials Division of the County Health Department.

If, upon further review by the Hazardous Materials Division of the County Health Services Department, it is determined by the Health Department that the chlorine facility could not have a significant effect on Village I, then the above condition can be modified subject to Zoning Administrator review and approval.

Design Revisions and Concerns

40. Guide for development and use provisions for this site shall be as follows:

- A. Public Road Areas (Village I). Setback of residential units shall be varied between 15 and 20 feet. All garages shall have a setback of at least 17.5 feet provided automatic vertically opening garage doors are used otherwise a 20 foot garage setback is required. Frontyard setbacks may be reduced to 15 feet for covered porches. Sideyard minimum shall be 5 feet with an aggregate sideyard of 10 feet. Zero lot line residences or duets are acceptable. The R-6 zoning district shall be used as a guide for the residences height, lot use or lot coverage of the site as well as the location of any detached sheds or outbuildings except that sheds and outbuildings

shall be limited to a height of 12 feet. As an alternative, one sideyard may be reduced to 0 feet for a residence, as long as the aggregate sideyard remains 10 feet subject to the review and approval of the Zoning Administrator. Corner lots shall have a secondary setback of 7 feet minimum.

- B. Prior to the issuance of building permits, the applicant shall submit samples of color and exterior materials for the review and approval of the Zoning Administrator. The fences between lots shall be of solid wood and shall be at least 5-feet high. The residences of this development shall be finished in suitable color and shall be complimentary. Houses along Bixler Road shall have appropriate sound reduction measures built in acceptable to the Zoning Administrator. Residences along Bixler Road, Newport Drive and Point of Timber Road shall have architectural enhancement measures at the back of the unit and rearyard setbacks shall be varied.
- C. At least 15 days prior to issuance of building permits for any phase of project a residential fit plan showing the location of planned homes shall be submitted for the Zoning Administrator's review and approval. The plan shall include information on the number of stories planned for the residence for each lot and the proposed setbacks.
- D. Prior to issuance of building permits for any phase of the project, at least three significantly different plot plans and residential design for Village I shall be submitted for review and approval of the Zoning Administrator.
- E. Details of the design of the walls and landscaping proposed along Bixler Road, Point of timber Road, and Newport Drive shall be submitted for the review of the Zoning Administrator after review and approval of the Public Works Department. The walls may be built in phases. The plan shall be acceptable prior to issuance of building permits in any phase of the project. There shall be no exclusive project identification sign at the corner of Bixler and Point of Timber Roads.

The landscaping strip along the south side of Point of Timber Road and west of "D" Street shall be widened to the same width as that proposed on the vesting tentative/final development plan for the area east of "D" Street.

- 41. A community center shall be provided as part of the Discovery Bay West project. The location and size of the community center shall be determined prior to the filing of the Final Map for this development or any phase of this development. The Hofmann Company shall dedicate the site and pay 50% of the building construction cost, including landscaping and parking lot costs. The community center shall be constructed within 12 months of the issuance of the first building permit provided Discovery Bay community secures its 50% share of the building construction costs. If the Discovery Bay community has not secured their 50% share of the building construction costs prior to the issuance of the first building permit, the community center shall be constructed within one year of the community securing said funds. The community center shall generally be located at the northwesterly corner of the intersection of "D" Street and Newport Drive as shown on the staff sketch dated March 24, 1995, located in the project file unless an alternative site is agreed upon prior to recording the final map for this area of Village I.

A site shall be designated in Village I. If a site is agreed upon in another area of Discovery Bay then the site may be developed subject to Zoning Administrator review and approval. The site upon which the Discovery Bay Community Center is to be built will be jointly determined by the Hofmann Company, Discovery Bay M.A.C. and Contra Costa County.

42. Prior to issuance of building permits for any phase in Village I, submit a landscape plan/irrigation, lighting plan, and a parking plan for the park and ride lot and recreational vehicle storage area at the southwest corner of Village I for the review and approval of the Zoning Administrator. The developer shall submit a copy of the easement document for Zoning Administrator review. If the recreational vehicle storage area and the park and ride lot cannot be located under the power lines the recreational lot can be eliminated but the park and ride lot shall be located elsewhere in Village I. The park and ride lot shall be installed prior to the issuance of the 263rd building permit for residences in Village I.
43. The potential exists for increased risk of flooding over time due to the possible rise in sea level and/or site subsidence. The project property owners shall be informed by disclosure statement of the potential for future requirements for levees around this site and the potential associated costs if those levees should be needed as a result of sea level rise and/or site subsidence.
44. The garage area of each residence shall be wired for electric car recharging subject to the review and approval of the Zoning Administrator, and subject to the adoption of final Board policy mandating this.

Homeowners Association Formation

45. Covenants, Conditions and Restrictions or other appropriate vehicle as may be approved by the Zoning Administrator shall be submitted by the developer for review with the Final Subdivision Map, and shall be subject to review and approval of the Zoning Administrator as they pertain to the conditions of approval.

The Covenants, Conditions and Restrictions (CC & Rs), or other appropriate vehicle developed for this project shall include the following restrictions:

- A. (Example) No recreational vehicle, boat, boat trailer or mobile home shall be stored in frontyard driveways on the street overnight. Exterior materials and colors shall not vary from the palette approved for the original homes.
- B. If the home occupation meets County ordinance requirements, then the Zoning Administrator may administratively approve the request.

Road and Drainage

46. The following requirements pertaining to drainage, road, and utility improvements will require the review and approval of the Public Works Department.

A. ORDINANCE REQUIREMENTS:

The applicant shall be required to comply with the requirements of Title 9 of the County Ordinance Code which include, but are not limited to the following requirements:

- 1) 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 these conditions of approval. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are Vesting Tentative Map, Final Development Plan dated March, 1995, submitted to Public Works.

An exception to allow a 0.75% minimum grade is allowed subject to Public Works approval providing:

- a. The soil engineer recommends reduced grades and signs the improvement plans; and
- b. The applicant warrants the curb flow from ponding for five years following completion. The curb shall be inspected and repaired annually.

- 2) Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate storm drainage facility which conveys the storm waters to a natural watercourse. This project necessarily involves some diversions of watershed. However, since these diversions generally discharge to tidal bodies of water with adequate cross section and capacity, these diversions may be considered appropriate, subject to review and approval of Public Works.
- 3) Conveying storm waters in an adequate storm drain system to a: duly organized Homeowner Association; Municipal Improvement District; or Reclamation District drainage facility serving the area, is acceptable, provided the applicant obtains a letter from that entity accepting the drainage. Provide appropriate drainage releases where public waters enter private facilities.

- 4) Diversions resulting in discharge of storm waters into the Contra Costa Canal or any other water conveyance or impounding facility for domestic water consumption is prohibited by the Ordinance Code. It is acknowledged that Agricultural lands presently drain to the ECCID facility.

Landscaped areas, so long as they do not create diversions, may follow pre-existing drainage patterns, subject to review and approval of Public Works.

- 5) For anything in these conditions of approval, which is subject to the approval of Public Works, such approval shall not be unreasonably withheld.

B. TRAFFIC MITIGATION FEES:

The project traffic mitigation fees will be collected at the time of the Building Permit for each residential unit of this development. No mitigation fees will be collected from non-residential construction. The project traffic mitigation fee shall consist of:

- * The Eastern Contra Costa Subregional Transportation Mitigation Fee (ECCSRTMF). This fee is for construction of the State Highway 4 Bypass.
- * The East County Regional Area of Benefit fee (ECRAOB). This fee is to improve local roads identified on the Circulation Element of the County General Plan.
- * The Project Traffic Mitigation Fee. This fee is \$6,500 (revised annually, starting from August 7, 1995, to reflect inflation, using the State of California Construction Cost Index as published annually by Caltrans, as a reference) less the East County Regional Area of Benefit fee and is used to mitigate project impacts not covered by the above fees.

The difference between the adjusted \$6,500 Project Traffic Mitigation Fee and the ECRAOB fee shall be put into an interest earning Road Improvement Trust (Fund No. 819200-0800 or other project specific fund) to be used to mitigate off-site local road and intersection improvements as reasonably determined and approved by the Public Works Department, which are identified in the EIR or the Flexible Mitigation Monitoring Program, and are not included in an established area of benefit. These funds will not be used for on-site improvements; frontage improvements; the off-site improvement of Bixler Road from the project to State Highway 4; improvement of Point of Timber Road from Bixler Road to Byron Highway; the project's 50% share of the signal at the Bixler Road-State Highway 4 intersection; signalization of the State Highway 4-Discovery Bay Boulevard intersection; or any necessary construction traffic mitigation along the specified project construction haul routes.

C. PUBLIC IMPROVEMENTS:

1) Construction Truck Traffic Mitigation:

- a. Prior to issuance of the first residential Building Permit, the applicant shall widen Bixler Road off-site to a minimum width of 28-feet from the limit of Permit 3031-91 and Subdivisions 7679 and 7881 obligations to the Phase 1 project entry. At the applicant's option, these widening improvements may be either an interim improvement or a portion of the ultimate improvements discussed in 3)c. below. If a 28-foot width has not been constructed from the southerly limit of the applicant's responsibility to State Highway 4, the applicant shall widen Bixler to a 28-foot minimum width all the way to Highway 4. Any permanent or "ultimate" improvement constructed by the applicant which is the obligation of the properties involved in the above noted developments shall be subject to reimbursement through reimbursement agreements administered by the County. The applicant shall direct construction related truck traffic to the site via Bixler Road from State Highway 4, restricting construction related damage essentially to only Bixler Road. (FINDING FOR IMPACT #68, MMB.c.) At the developers option, construction truck traffic may also use Point of Timber Road after it has been widened to 28 feet. Applicant shall submit improvement plans, pay inspection and plan review fees for these road improvements.

The applicant may use Newport Drive for no more than one month as a construction detour while Bixler Road is under construction. In no case will Newport Drive be used as a construction haul route.

In order to determine the pre-project road conditions the applicant shall, prior to project grading, provide a video road survey for the following roads: Balfour Road from Bixler Road to Byron Highway; Bixler Road north to Orwood Road; and Marsh Creek Road from Bixler Road to State Highway 4.

b. Construction Road Maintenance Agreement

The applicant shall execute a bonded construction road maintenance agreement, assuring the County that the specified project haul route(s) will be maintained in a convenient, passable condition throughout the construction period. The bond shall consist of a cash bond of \$15,000 together with additional security totaling the cost of

upgrading of the specified project haul route(s). The bond shall be provided prior to the approval of the first phase subdivision improvement plan and shall remain in effect until the haul routes are improved to handle the traffic, or until upgraded construction is completed.

- c. Construction truck traffic monitoring: If the applicant uses non-designated streets for construction truck traffic, he shall repair the roads to the pre-project condition prior to filing the next Final Map, subject to the review and approval of Public Works. If the maintenance is not completed in a timely manner, the County will activate the Construction Road Maintenance Agreement for funds to perform the maintenance.
- d. Provide sufficient parking on-site for construction crews and associated personnel. The applicant shall not permit construction crews and equipment to park along currently existing public roads or interfere with neighborhood agricultural operations.
- e. Applicant shall indicate on all subcontracts, bulk and custom lot sales contracts, homeowners association documents, et al, that construction truck traffic shall use State Highway 4 and Bixler Road as construction access to this development, unless other routes have been specifically designated by Applicant as outlined in 2)a. above.

2) Bixler Road Frontage Improvements:

- a. Applicant shall construct Bixler Road pavement widening with the easterly curb face established by first assuring a minimum 5-foot clear distance from any ditches on the westerly side to the edge of any required paved shoulder and thereafter providing the required lane and shoulder widths, but not less than 32-feet from existing centerline.
- b. Existing Bixler Road shall be reconstructed, or overlayed if studies warrant. The pavement shall be striped to provide one 12-foot northbound lane with a 6-foot shoulder and one 12-foot wide southbound lane with a 6-foot shoulder plus necessary channelization at intersections from the southerly boundary of Village I to Balfour Road.

- c. Construct curb, 5-foot 6-inch sidewalk (width measured from curb face), street lighting, landscaping and irrigation (EIR Mitigation RMCir-22). (FINDING FOR IMPACT #51, MMC.c.)
- d. Pads for the proposed bus shelters, bicycle racks and/or lockers shall be clear of the sidewalk area at potential bus stops.
- e. Provide necessary longitudinal and transverse drainage along the east side only.
- f. The applicant may need to remove and replace the roadway if required by the grade, alignment analysis and determination of structural adequacy, subject to the review and approval of Public works.
- g. The applicant shall submit improvement plans and pay inspection and plan review fees prior to filing of the Final Map.

3) Bixler Road, Off-Site Improvements:

- a. State Highway 4 Signal at Bixler Road and at Discovery Bay Boulevard
 - 1. Arrange for Signalization of the State Highway 4 intersection at Bixler Road prior to issuance of 200 Building Permits in this development if not already assured or completed by others at that time. Fifty percent of the signalization cost of the Bixler Road signal is reimbursable from the property owners at the northwest and northeast quadrants of this intersection. One hundred percent of any widening costs for Bixler Road is reimbursable from the same parties.

Submit improvement plans, pay inspection and plan review fees, and apply for a Caltrans encroachment permit prior to improving the intersection.
 - 2. If the Bixler Road traffic signal has been installed, the applicant shall contribute 50% of the cost of the traffic signal, prior to issuance of the 200th Building Permit, to a Road Improvement Fee Trust (Fund No. 819200-0800) designated for reimbursement for its installation.
 - 3. If the Bixler Road traffic signal is not warranted prior to issuance of the 200th Building Permit, the need for the traffic

signal at the State Highway 4 - Bixler Road intersection shall be analyzed by the Public Works Department prior to filing each Final Map, up until the 1800th lot when the applicant shall contribute a cash deposit, equal to 50% of the signal construction cost as determined by Public Works, to a County Road Improvement Trust (Fund No. 819200-0800).

4. The applicant shall bond for the State Highway 4-Discovery Bay Boulevard traffic signal prior to filing of the first Final Map. The traffic signal shall be installed and operational one year following the issuance of the first building permit, exclusive of model homes. If the traffic signal is not operational within the one year period, no further building permits will be issued.
- 4) Point of Timber Road, On-Site (Bixler Road to the east):
 - a. Bixler Road to "D" Street:
 1. Applicant shall reconstruct Point of Timber Road to at least a 60-foot curb to curb pavement width within an 80-foot right of way from Bixler Road to "D" Street with Village I.
 2. Construct curb, 5-foot 6-inch sidewalks (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation.
 3. The right of way line shall be located at least 10-feet behind the curb face.
 4. Provide necessary longitudinal and transverse drainage.
 5. The applicant shall submit improvement plans and pay inspection and plan review fees prior to filing of the Final Map for this portion of Point of Timber with the improvement plans for the subdivision creating the 250th lot.
 - b. "D" Street to the Easterly Boundary of Village I:
 1. Applicant shall install (on the south side) curb, 5-foot 6-inch sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation and grade the ultimate roadway with construction of Village I improvements abutting this segment. The location of the frontage improvements shall provide for:

ultimate widening of the roadway to a 40-foot pavement width; widening to at least a 56-foot width at the D Street intersections; and necessary conforms.

2. The right of way line shall be located at least 10-feet behind the curb face (30' from centerline).
3. Provide necessary longitudinal and transverse drainage.

5) Point of Timber Road, Off-Site (west of Bixler Road):

a. Point of Timber Road from Bixler Road to Byron Highway:

1. Submit improvement plans, pay inspection and plan review fees prior to 200th Building Permit.
2. Prior to issuance of the 300th Building Permit, widen and reconstruct, if necessary. Point of Timber Road to a 28-foot pavement width (two 14-foot lanes with 2-foot compacted shoulder backing and maintain ditch capacities. This work is intended to divert project traffic away from Balfour Road (EIR Mitigation Measure RMCir-21) (FINDING FOR IMPACT #50, MM.B.c.)
3. The applicant with the cooperation and assistance of Public Works shall provide additional right of way, if necessary, for the roadway and the ditch system, subject to the review and approval of Public Works.

6) Project Improvements (Village I Public Improvements):

- a. Prior to issuance of the first Building Permit, approval of the first set of improvement plans or first Final Map, install signage along: Balfour Road, Point of Timber Road, and Marsh Creek Road westerly to State Highway 4; and along Bixler Road north of State Highway 4, to warn project traffic of farm vehicles and provide farm vehicle crossings (EIR Mitigation Measure RMCir-23) (FINDING FOR IMPACT #52, MMD.c.)

7) Road Dedications and Reservations (for Public Roads):

- a. Bixler Road: Applicant shall convey to the County, by Offer of Dedication, the right of way necessary for at least the east half of the planned 84-foot right of way width along the frontage of Bixler Road.

The eastern side of the right of way shall be increased at the project access points along Bixler Road to provide for channelization for turning movements to and from this development. The right of way line shall be located at least 10-feet from the curb face.

Off-site, the applicant shall provide for adequate rights of way or easements for the proposed road improvements including the ditch systems, however, the County will conduct the acquisitions of applicant's costs if applicant requests.

- b. Point of Timber Road: Applicant shall convey to the County, by Offer of Dedication, an 80-foot right of way between Bixler Road and "D" Street. East of "D" Street, the applicant shall convey to the County, by Offer of Dedication, a 60-foot right of way, plus additional right of way for left turn channelization and conforms along the project frontage, where this development fronts on both sides of the road. Where this development only fronts on one side of Point of Timber Road, the applicant shall dedicate at least a 30-foot right of way (measured from the centerline of the existing right of way) (EIR Mitigation Measure RMCir-32). The right of way line shall be located at least 10-feet from the curb face.

Off-site, the applicant shall provide for adequate right of way or easement for the proposed road improvements including the ditch systems, however, the County will conduct the acquisitions at applicant's cost if applicant requests.

- c. Access along the southeast side of the Fire Station/Park Property: Provide an offer of dedication for a 60-foot right of way between Newport Drive and the eastern boundary of this property along the southeast side of the "Fire Station/Park" property. The alignment shall be rough graded to approximate finish grades with Village I

grading, but no road improvements need be constructed with this project. Prior to the road being approved, the adjacent property owner shall expand the park site to compensate for the road right of way take.

- d. The applicant shall provide right of way for future bus turnouts on the Bixler Road, Newport Drive and Point of Timber Road frontage of this property at appropriate locations in consultation with the responsible transit authority. Adequate right of way shall be provided

for the bus turnouts, and the future bus shelters, bicycle racks and/or bicycle lockers.

8) Abutter's Rights of Access (Public Roads):

- a. Relinquish abutter's rights of access along Bixler Road, Point of Timber Road and Newport Drive, including curb returns. Access shall be permitted at the access points specifically approved with this project. Access points shown on the Preliminary Development Plan and the following additional points shall be permitted:
 - b. Prohibit all single family residential driveway access onto major collector or arterial roads that provide project-wide circulation (EIR Mitigation Measure RMCir-29) (FINDING FOR IMPACT #58, MMJ.c.).

9) Sight Distance (Public Roads):

- a. In accordance with Caltrans standards provide for adequate corner sight distance at:
 - * The project entrances to Bixler Road for a design speed of 55 miles per hour.
 - * Other intersections with Newport Drive for a design speed of 40 miles per hour.
 - * Other intersections with Point of Timber Road for a design speed of 40 miles per hour.

- b. Provide adequate corner sight distance, in accordance with County standards, for the following intersections:

- * Village I: Newport Drive at "DDDD" Street, and at One Street; Two Street at One Street and at Three Street; Three Street at One Court; Four Street at Thirteen Court and at Nine Court; and at Six Street at Seven Street.

10) Street Lights (Public Roads):

- a. Street lights shall be install on the public roads, within this subdivision and fronting this property, and the entire property

annexed to County Service Area L-100 for maintenance of the street lighting. The final number and location of the lights shall be determined by Public Works. Application for annexation to CSA L-100 Lighting District shall be submitted prior to filing of the Final Map.

11) Bicycle/Pedestrian Facilities (Public Roads):

- a. The applicant shall construct 5-foot 6-inch sidewalks on Newport Drive from the southerly boundary of this property to Bixler Road.
- b. The applicant shall construct 6-foot 6-inch sidewalks on "D" Street from Newport Drive to Point of Timber Road.
- c. Construct a 6-foot meandering asphalt concrete sidewalk along the east side of Bixler Road from the project site to the sidewalk proposed in Permit 3031-91 (the Ujdur property) (FINDING FOR IMPACT #51, MMC.c.). Where the sidewalk is adjacent to a roadside ditch, it shall be located a minimum of 2-feet from the top of the roadside ditch.

OR, construct a new 5-foot 6-inch concrete sidewalk (width measured from back of curb, if adjacent to curb) along the west side of Newport Drive to Kellogg Creek, connecting with the proposed pathway location in Permit 3031-91. This improvement (either alternative) shall be constructed within six (6) months of the completion of the first commercial use in Permit 3031-91 or at request of Public Works.

- d. Provide bike lanes with a minimum width of 5-feet on the following streets: Bixler Road; Point of Timber Road from Bixler Road to the east; Newport Drive; "F" Street and "D" Street.

Prohibit parking (EIR Mitigation Measure RMCir-36a) (FINDING FOR IMPACT #65, MMA.c.), or provide adequate additional pavement width.

12) Utilities/Undergrounding (Public Roads):

- a. All utility distribution facilities shall be installed underground, including the existing overhead distribution facilities along the frontage of Point of Timber Road and the easterly frontage of Bixler Road.

- b. Relocate and/or adjust utility distribution facilities, where necessary, for all other off-site improvements.

13) Parking (Public Roads):

- a. "No Parking" signs shall be installed along roads with inadequate width for parking, subject to the review and approval of the Public Works Department. For lots with less than a 50-foot wide frontage a parking study shall be provided for all roadways where less than 1 on-street parking spaces will be provided for each residence. On street parking requirements may be satisfied by providing parking bays, supplemental on-site parking, or other reasonable alternatives subject to the review of Public Works and the review and approval of the Zoning Administrator. Adequate parking shall be provided within an acceptable distance of each residence, subject to the approval of Public works.
- b. Prohibit parking on all project major collector or arterial roads including "D" Street and Newport Drive, except where the road is widened to accommodate parking. On the remaining roadways, provide adequate paved width for necessary parking (EIR Mitigation Measure RMCir-26) (FINDING FOR IMPACT #55, MMG.c.)
- c. "No Parking" signs shall be posted along the north side of "F" Street, unless the roadway is widened to at least a 40-foot curb to curb width within a 60-foot right of way.

14) Landscaping (Public Facilities):

- a. Prior to filing the final map, the applicant shall apply to the Public Works Department for annexation to the County Landscaping District AD 1979-3 (LL-2) for the future maintenance of public landscaping and irrigation facilities in median islands, parkways, and other public project areas .
- b. Prior to filing the final map, two sets of landscape and irrigation plans and cost estimates, prepared by a licensed landscape architect, shall be submitted to the Special District Section of the Public Works

Department for review and recommendation and forwarded to the Zoning Administrator for review and approval. Plan submittal shall include plan review and inspection fees. Types and size of plant and irrigation materials within the public right of way shall be designed using reasonable standards provided by the Grounds Service Manager of the General Services Department. All landscaping and irrigation facilities shall be maintained by the applicant until funds become available for their maintenance by the County after final inspection is cleared.

- c. Permanent landscaping and automatic irrigation facilities shall be installed within the public road parkway and median areas, and interim landscaping features shall be installed within the future road areas, if any. All work shall be done in accordance with the guidelines and standards of the County. Funding of, and maintenance of, the new plantings shall be guaranteed by the developer until the plants have been established and until funds are available through a landscaping district. The plants shall be maintained for 90 days after installation.
- d. The County Landscaping District Administrator shall coordinate the landscaping program in Discovery Bay West with the Discovery Bay MAC by annually reviewing the district's program budget and providing budget information to the MAC on a regular basis.

15) Transit:

- a. Certain bus turnouts, bus shelters, bicycle racks and/or bicycle lockers shall be constructed by the applicant if transit service is established prior to recording of the last Final Map for this development. The location of these facilities shall be determined in cooperation with the responsible transit authority. Preliminary locations along the east side of Bixler Road are: south of Newport Drive and south of Point of Timber Road. The installation of these facilities shall be assured prior to recording of the next Final Map after transit service is established to the project. The obligation to install these facilities shall terminate if public transit to the project is not assured at the time the last Final Map is recorded. Pads for the bus shelters, bicycle racks and/or lockers shall be clear of the sidewalk areas.
- b. Provide pedestrian connections from the transit stops to the internal project sidewalk system. Provide for installation of bus shelters at each pullout if transit service begins (EIR Mitigation Measure RMCir-34a) (FINDINGS FOR IMPACT #63, MM A.c.)

16) School Access:

- a. Coordinate with the school district on the design of the school site to accommodate a one-way circulation pattern with a large student loading/unloading area separated from the main collector streets (EIR Mitigation Measure RMCir-20) (FINDING FOR IMPACT #49, MM A.c.) The applicant shall coordinate with the school district to allow for a bus loading/unloading area separated from the automobile loading/unloading area.
- b. Extend Seven Street southerly to the school site if requested by the school district to provide better school access. Access to the school from "D" Street shall be designed to minimize traffic conflicts on "D" Street.

D. PRIVATE IMPROVEMENTS:

1) Pedestrian/Bicycle Improvements

- a. The design of community facilities, such as "park and ride" lots, clubhouses or community parks, shall provide for and encourage the use of bicycles. At a minimum this shall include bicycle racks and/or bicycle lockers at the primary gathering points in the project. The number of bicycle racks and/or lockers shall be subject to the review and approval of the Zoning Administrator.

E. GENERAL REQUIREMENTS:

1) Roads:

- a. Submit a preliminary sketch plan and profile and alignment analysis to Public Works for the following roads, showing the horizontal alignment and analyzing the roadway structural sections to determine the feasibility of salvaging the existing pavement. The analysis of the roadway structural section shall include appropriate cores, deflection tests, R-Value tests, and estimates of anticipated traffic with

construction and ultimate development under the County General Plan.

- * Bixler Road from the project to State Highway 4.
- * Point of Timber Road from the project to State Highway 4.

The sketch plan shall extend a minimum of 150-feet beyond the limits of the proposed work. If the grade at the project's frontage is unacceptable, the applicant shall level, or remove and replace the pavement, as necessary. The sketch plan shall also show that adequate sight distance will be provided. An exception to allow a 0.75% minimum grade may be allowed subject to the review and approval of Public Works.

- b. Applicant shall provide deed notification to those parcels that abut roads that are to be extended in the future. The applicant shall install signage at the end of the roads to inform prospective property owners that the roads may be extended in the future.
- c. Applicant shall furnish proof that legal access to the property is available from Newport Drive in Discovery Bay to the south boundary of this property.
- d. Submit improvement plans and pay inspection fees and plan review fees prior to filing of the appropriate Final Map.

2) Drainage:

- a. Storm drainage facilities required by the Ordinance Code shall be designed and constructed in compliance with design standards of the Public Works Department.
- b. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets to a natural watercourse or an adequate man-made drainage facility.
- c. All storm water arriving at the outside of the levee system around Villages II, III and IV and the stormwater arriving at, and originating on Village I shall be collected, conveyed and directed in a storm drainage system dedicated to the County. The drainage facilities shall be designed to convey stormwater from the west in accordance with the Ordinance Code (FINDING FOR IMPACT #84, MM c). The

applicant shall provide additional drainage facilities (per figure 4.1-4 of the EIR) to direct all existing drainage and irrigation west of Bixler Road through and/or around the project to compensate for the obstruction of flow to surface drainage created by the project and ensure that the area west of Bixler Road is not adversely impacted (FINDING FOR IMPACT #1, MM1.C.2.).

Prior to submitting the first Final Map, the applicant shall submit the proposed drainage plan to convey off-site drainage and irrigation west of Bixler Road through or around the project site along with supporting hydrology data subject to the approval of Public Works (EIR Mitigation Measure 4.1-7) (FINDING FOR IMPACT #1).

- d. Conveying storm waters in an adequate storm drain to an irrigation district facility is acceptable provided: the developer obtains a letter from the irrigation district accepting the storm waters; the irrigation district owns fee title to the drainage facility from the point of discharge to the natural watercourse; and, the drainage facility is shown to be adequate to handle the design storm, plus the district irrigation flows. The analysis shall consider the presence of low spots in the irrigation district canal which may affect the system's capacity.

The applicant shall provide substantiation that reasonable backup measures such as a diesel or gas fueled back up pumping system, are in place in case of pump failure and/or power failure. The back up pumps are only required if pumping is necessary to drain the canal flows.

The applicant shall submit written confirmation that the irrigation district will accept the additional stormwater flows from this property based on ultimate development of the watershed.

- e. Storm drainage originating on the property and conveyed in a concentrated manner shall be prevented from draining across the sidewalks and driveways.
- f. Utilize NPDES passive best management practices such as labeling the storm drains for no dumping. (EIR Mitigation Measure 4.1-10)

3) Floodplain Management:

- a. Finished floors in Village I shall be elevated to at least 10.90 ft. mean sea level. Homeowners shall be advised through a deed notification

of the potential sea level rise. (FINDING FOR IMPACT #4, MM4.C.1.).

4) Creek Structure Setback:

- a. Applicant shall create "structure setback lines" over that portion of the site that is within the structure setback area of the watercourses traversing the northerly property line, Dredger Cut along the easterly property line, and any existing natural watercourses through this development. 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.
- b. If sections of roadways fall within the structure setback area as defined by the Ordinance Code, then the applicant shall submit a soils and geotechnical report verifying the stability of the creek bank in the vicinity of the public or private access roads.

5) Sanitation District 19 Requirements:

- a. Applicant shall complete and have fully operational the replacement for well #4 prior to issuance of the first Building Permit.
- b. Annex the project into Sanitation District No. 19 and execute a master service agreement calling for the applicant to provide or pay for its fair share of the expansion of facilities necessary for the additional wastewater and water facilities. (FINDING FOR IMPACT #83, MM.c.). Applicant shall comply with the requirements of Sanitation District No. 19 Ordinance and the Central Contra Costa Sanitary acceptable to the Public Works Department, which includes provisions for perpetual maintenance prior to filing a Final Map in Villages II, III or IV (EIR Mitigation Measure 4.1-7).
- c. Levees shall be elevated to at least elevation 11.9 feet mean sea level with provision for the ability to elevate the levees to at least 12.9 feet mean sea level around Villages II, III and IV and in accordance with FEMA regulations (assuming anticipated subsidence and sea level rise).
- d. The proposed levee system around Villages II, III & IV shall be constructed to FEMA, U.S. Army Corps of Engineers, Zoning Administrator and County standards. The levee system shall be maintained by the homeowner association.

- e. Landscaping of the levees shall be subject to the review of FEMA and the entity which will accept the levee for maintenance, and the review and approval of the Zoning Administrator.
- f. Provide deed notification and CC & Rs for elevation restrictions on applicable lots to prevent degradation or work which may adversely impact the levee system, and provide for raising levees.
- g. The developer shall be aware that the levees protecting a portion of this development are subject to failure if not properly maintained. The developer shall execute a mutually agreeable recordable document with the County which states that the developer (and the owner and District specifications prior to filing the Final Map.
- h. Sewage treatment and disposal for the project shall be provided by Contra Costa County Sanitation District No. 19. All sanitary sewer facilities serving the project shall be connected to the District's collection system. The applicant will be required to obtain a Sanitation District permit to discharge sewage into the sewage system. The applicant shall be required to pay for the fair share of any studies required to accommodate this project.
- i. Domestic water supply shall be provided by Contra Costa County Sanitation District 19. All domestic water facilities serving the property shall be connected to the District's distribution system. The applicant will be required to obtain a Contra Costa County Sanitation District 19 permit to connect to their existing well water system and comply with any District requirements relative to its fair share obligation to provide increased water supply.
- j. The applicant shall participate in Contra Costa County's Sanitation District #19 adoption and implementation of a water supply monitoring and management program (FINDING FOR CUMULATIVE IMPACTS ON WATER SUPPLY AND QUALITY, MM.c.).

6) Reimbursement:

- a. Certain required road improvements may be eligible for credit or reimbursement against Area of Benefit fees. The developer shall contact the Public Works Department, Transportation Engineering Division, to verify the extent of any credit or reimbursement for which the applicant might be eligible. Prior to constructing any

public improvements, or filing of any Final Map, the applicant shall execute a credit/reimbursement agreement with the County. No credit or reimbursement will be available for any improvements installed prior to execution of the credit/reimbursement agreement. Credit will only be given for monies that are programmed within the next three fiscal years. Any credit or reimbursement shall be based on the cost estimates included in the Area of Benefit Development Program Report only in proportion to each specific Area of Benefit improvement which the applicant is installing.

- b. The applicant is also eligible for reimbursement from adjacent and nearby future developments as outlined in E.7)c. below. If the applicant requests reimbursement from the County from future development, the applicant shall be required to pay the County for administrative costs associated with these reimbursement agreements. The applicant shall pay the Public Works Department, Engineering Services Division, at least \$1,000 or as necessary to cover expenses as they are incurred, whichever is greater, for administration costs for each reimbursement agreement.
- c. The applicant shall be eligible for the following reimbursement agreements:
 - * Should applicant install the State Highway 4/Bixler Road signalization and channelization improvements. The costs, above the applicant's 50% obligation towards the traffic signal, are subject to reimbursement. These funds may be deposited by property owners at the intersection.
 - * Installation of any frontage improvements along properties fronting on public roads.
 - * Installation of off-site road improvements not covered by an area of benefit, but covered by the Project Traffic Mitigation Fee paid by the applicant and collected by the County, may be credited toward the applicant's Project Traffic Mitigation Fee, subject to the approval of Public Works.
- d. The County will also cooperate with the applicant to "call" certain Deferred Improvement Agreements (DIAs) which may exist on surrounding properties to facilitate and expedite the construction of facilities whose installation is now justified.

- 7) Miscellaneous:

- a. Prior to issuance of Building Permits, with the exception of model homes, file the Final Map for Subdivision 7686.
- b. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.
- c. An encroachment permit for construction within the State right of way shall be obtained from Caltrans through the Public Works Department, Engineering Services Division.
- d. Obtain an encroachment permit from the Application and Permit Center for construction of driveways, or other improvements within the right of way of public roads which are to be improved with minor improvements not requiring an improvement plan.
- e. Applicant shall comply with the County TDM Ordinance and the Growth Management Program regulations regarding transportation. TDM measures that could be used by the project applicant include the provision of maps showing available transit routes, and providing information to prospective home buyers on ride sharing and vanpool services.
- f. All public and private pedestrian facilities and access ways shall be designed in accordance with Title 24 (Handicap access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, trails, driveway depressions, as well as handicap ramps. Provide a minimum clear width of 3.5 feet for all sidewalks. If a pole, utility facility, street sign or any other obstruction is located in a walkway, such that there is not a 3.5 foot clear width, then the walkway shall be widened as necessary. A note reflecting this condition shall appear on the typical section on the improvement plan.
- g. Applicant shall furnish proof of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of all temporary or permanent, road, drainage and marina improvements.

- h. Prior to filing of the first Final Map, the applicant shall pay the County for all Public Works and Community Development staff time for work reviewing and commenting on this project through the planning and approval process which has not been covered by the application fees previously paid by the developer for this purpose.
- i. The County Public Works Department is requiring that all first check submittals and accompanying calculations including subdivision grading plans, improvement plans, hydrology and hydraulic maps, final maps, right-of-way maps and descriptions shall be in metric units. Exceptions may be permitted, based on substantial reason, subject to the review and approval of the Public Works Department - Engineering Services Division.

8) The road widths in this project have not been reviewed separately except for those roads explicitly designated as to road and right of way width in these conditions of approval. The applicant shall be required to construct the roads in Village I as public roads with the following width requirements: roads serving less than 24 homes shall be constructed as 32-foot roads within 52-foot rights of way; roads serving 24 or more homes and less than 240 homes shall be constructed as 36-foot roads within 56-foot rights of way; Newport Drive shall be constructed as a 36-foot road within a 61-foot right of way. Analyze turning movements at the following locations, and if necessary subject to Public Works review and approval, widen the roads to a 46-foot road width to provide three 12-foot lanes and 5-foot bicycle lanes at Newport Drive at Bixler Road; "D" Street at Point of Timber and Newport Drive; and "F" Street at "D" Street. The street designated as One Street shall be widened to a 40-foot road width within a 60-foot right of way.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

A. The project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance (Ordinance No. 90-118) as they pertain to future construction of any structures on this property.

- B. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (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 or Central Valley - Region V). Prior to issuance of a grading permit, submit the Storm Water Pollution Prevention Plan (SWPPP) for the site to Public Works for review. Adequate/effective post construction BMP's must be implemented into the development.
- C. Applicant shall comply with the requirements of Sanitation District No. 19 and Delta-Diablo Sanitary District specifications and requirements.
- D. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- E. 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.
- F. The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index [CPI] adjustments). The annual fee is subject to modification by the Board of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting. The applicant is advised that the election process takes from 3 to 4 months and must be completed prior to recording the Final or Parcel Map. An additional tax may be required for marine patrol.
- G. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- H. Comply with the ordinance requirements of the Health Services Department, Environmental Health Division and Hazardous Materials Division.
- I. Comply with the ordinance requirements of the East Diablo Fire Protection District.

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P-1 FINDINGS FOR FINAL DEVELOPMENT PLAN 3025-91 AND SUBDIVISION 7686
(DISCOVERY BAY WEST DEVELOPMENT)

Findings

- A. With the imposition of the Conditions of Approval this proposed development is in conformance with the General Plan and the General Plan Amendment recently approved for the site and surrounding area.
- B. With proper conditioning the Hofmann property development will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the nearby community.
- C. In accordance with required findings of the P-1 district, the County finds that the development is of a harmonious, innovative plan and justifies exceptions from the normal application of the code, including variances and parcel configuration and design to provide a better conformity with existing terrain features and land use limitations in the area.
- D. The applicant has indicated that they intend to commence construction within two and one-half years of the effective date of the final project approval.

CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN 3025-91 AND SUB 7686
(DISCOVERY BAY WEST DEVELOPMENT)

1. The development shall be based upon the following submitted exhibits except as modified by the conditions below. These Conditions of Approval incorporate and are in addition to all approved mitigation measures.
 - A. Revised Final Development Plan and Vesting Tentative Map, Discovery Bay West dated received May 31, 1995.
 - B. Streetscape - Bixler Road dated received January 11, 1995.
 - C. Cross-section - Bixler Road dated received January 11, 1995.
 - D. Typical play activity and soccer field area Discovery Bay West dated received January 11, 1995.
 - E. Preliminary development plan for proposed marina in Discovery Bay West - Villages III and IV dated received January 11, 1995.
 - F. Geotechnical Investigation Report by Kleinfelder Associates dated February 1, 1990.
 - G. Preliminary landscaping plan for Point of Timber Road dated received March 23, 1995.
 - H. Exhibit "C" to the tentative map dated received March 23, 1995.
 - I. Mitigation Monitoring Program as approved by the Board of Supervisors on December 20, 1994 (this could change if the Board revised the Mitigation Monitoring Plan when they approve RZ912963).
2. The length of approval for the Final Development Plan 913025 and SUB 917686 for three years. One 3-year extension ~~may be granted for the project subject to proper request and approval. This approval is contingent upon the Board's adoption of 2963-RZ.~~
3. The maximum number of primary residences allowed for this project is 2,000. Second residences may be approved subject to land use permit approval.
4. Further final development plan approvals will be required for the senior housing area, the recreation center, the marina, and if requested, an equestrian center. The final development plan for the recreation center shall be filed before development of Village II. The final development plan for the senior housing area shall be filed before issuance of the 300th building permit in Village II. The final development plan for the marina shall be filed before recording the final map for any part of Villages III or IV.

Project Phasing and Staff Costs:

5. The general phasing program for the development shall be acceptable to the Zoning Administrator and shall be submitted prior to any site development. A detailed phasing plan for each village shall be submitted prior to any development in a village subject to Zoning Administrator review and approval. The applicant shall pay for all reasonable staff time involved in administering the Mitigation Program after any leftover application fees have been exhausted. This may include payment of funds required for peer review of required reports review, field visits, and response comments or reports as determined by the Zoning Administrator.
6. The following actions shall take place before various phases of the project are developed or completely developed.
 - A. The park area in Village I shall be landscaped and provided with suitable amenities. The cost of construction of the park ~~may~~ shall be applied toward required park dedication fees. The developer shall submit an acceptable landscaping/irrigation and phasing program for the park development before issuance of building permits for the 100th unit in Village I. The park improvement shall be complete with the completion of the school, the 300th unit in Village I or prior to issuance of building permits for Village II, which ever occurs first. If private facilities meet ordinance requirements credit may be applied to park dedication fees subject to Zoning Administrator approval.
 - B. The recreation center may be phased subject to review and approval of the Zoning Administrator. The first phase of the center shall be constructed prior to the issuance of the 400th building permit in Village II.
 - C. ~~The segment of the park trail area and recreational areas around the lakes adjacent to Villages II, III and IV shall be landscaped and recreational amenities installed prior to occupancy of the residences in the vicinity of the nearby neighborhood cluster. Other recreational amenities such as trails, greenways paths shall be constructed in conjunction with the residential development in the neighborhood clusters subject to Zoning Administrator review and approval.~~
 - D. Prior to recording the Final Map for any phase in Village III allow for a trail acceptable to the East Bay Regional Park District or other suitable public agency, subject to final Zoning Administrator review and approval, along the alignment of the East Contra Costa Irrigation District Canal to the Delta (Dredger Cut - Indian Slough) area.

E. Dedicate development rights to the 200 acre Fallman Ranch east of Villages III and IV to Contra Costa County or another acceptable agency prior to recording the Final Map for any phase of Villages III or IV. Dedicate the development rights to the 13.4 acres of wetlands at the southeast corner of the site to Contra Costa County prior to recording the Final Map for any portion of Village I.

F. ~~The road reservation at the southeast corner of the site shall be located outside of the park area.~~

Street Addressing

7. At least 30 days prior to filing the Final Map for any portion of this development, plans shall be submitted for review by the Community Development Department, Graphics Section, to obtain addresses and for street name approval (public and private). Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. The Final Map cannot be certified by the Community Development Department without the approved street names and the assignment of street addresses. Consideration of historical local areas and pioneers in East Contra Costa County shall be used for as many street names as possible.

Police Services Funding

8. 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 future subdivision approval. The tax shall be the 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 the filing of the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time that the election is requested by the owner. (MM 8.7 and MM 9.3) The police service district shall be established over the entire site under one election or if acceptable to the Zoning Administrator on a village by village basis.

Such provision shall include an additional initial level of police tax district funding of \$25.00 per non-open space parcel in the project area, over and above the standard initial level of \$200 per parcel normally applied to the vesting tentative map approval for residential subdivisions. The added level of funding is intended to be used for augmented marine patrol services, especially the enforcement of boat speed limits. In the event that the State determines to subvent the costs of marine patrol prior to the filing of a final map, this requirement for the additional \$25.00 shall be null and void.

EMF Notification

9. Where a lot/parcel is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following notice or other appropriate notice as approved by the Zoning Administrator:

"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 an hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public 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.

Farm Operation Notice

10. The following statement shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area (MM 4.5 and MM 7.2):

"This document shall serve as notification that you have purchased land near an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment and aerial crop dusting and certain animals and flies may exist on surrounding properties. This statement is, again, notification that this is part of the agricultural way of life near the open space areas of Contra Costa County and you should be fully aware of this at the time of purchase."

Archaeological Concerns

11. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary and subject to Zoning Administrator review and approval. (MM 11.1)
 - A. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 30 yards of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations. (MM 11.1)

- B. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code. (MM 11.1)
- C. Appropriate mitigation of the cultural resources may include monitoring of further construction and/or systematic excavation of the resources. Any artifacts or samples collected as part of the initial discovery, monitoring or mitigation phases shall be properly conserved, catalogued, analyzed, evaluated and curated along with associated documentation in a professional manner consistent with current archaeological standards. (11.1)

Grading and Dust Control

- 13. Comply with the following construction, noise, dust and litter control requirements (MM 4.1 and 6.2.1.1):
 - A. Noise generating construction activities, including such things as power generators, shall be generally limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays. The restrictions on allowed working days and times may be modified by prior written approval by the Zoning Administrator.
 - B. The project sponsor 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 and concrete pumbers as far away from existing residences as possible.
 - C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the subject village notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity.

A copy of the notice shall be concurrently transmitted to the community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- D. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances may require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- E. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, all-weather access shall be provided to each lot. This shall include provision for an on-site area in which to park earth moving equipment.

TDM Plan

- 14. Prior to the issuance of building permits for future development of the site, the applicant shall submit a detailed TDM Plan for review and approval by the Zoning Administrator (unless otherwise required by a TDM Ordinance). The TDM plan shall include measures to encourage commuting such as park and ride lots, and fiber optic wiring of residences. The approved TDM Plan shall be operative prior to final inspection of the first residence by the Building Inspection Department. A telecommuting facility is encouraged and may be designed as part of the recreation center or other appropriate location subject to Zoning Administrator review and approval. (MM 6.2.2 and MM 6.2.4)

Child Care

- 15. Provision of a Child Care Facility or program is required for this development as required by the County's Child Care Ordinance. The program shall be submitted for the review and approval of the Zoning Administrator prior to the filing of the first Final Map. A suitable child care center should be developed in Village I in conjunction with the school site subject to review and approval of the Zoning Administrator and an agreement by the school district. The child care center location can be modified subject to Zoning Administrator approval. The child care center shall be in operation prior to occupancy of residences (other than senior housing) in Village II or when the school is operational. (MM 8.2)

Indemnification

- 16. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency 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.

Wave Action from Boating and Bank Erosion

17. Prior to development of the marina the requirements regarding wave impacts from increased boating must be properly mitigated per the adopted Mitigation Monitoring Program. MM 1.1.7.

Project Construction

18. The project applicant will be required to comply with all necessary permits, including but not limited to, the NPDES permit for Storm Water Discharges Associated with Construction Activity as well as applying for inclusion in the General Stormwater Permit issued by the State of California. The project applicant must also comply with all requirements of construction permits for Contra Costa County. The applicant must obtain C.W.A. Section 404 and Section 10 permits from the Army Corps of Engineers for construction in wetlands and navigable waterways for the marina as required by law. (MM 1.1.8)

Ground Water Hydrology

19. The developer shall participate in the establishment, prior to development of the site, of a long term water quality management program, comparable to a program recommended by Luhdorff & Scalmanini of the degradation of ground water quality. The appropriate monitoring program will be one that identifies changes in quantity and quality of water and provides for responses to these changes in a timely fashion. This can best be accomplished by establishing a multi-aquifer monitoring network ~~and a cooperative in cooperation~~ with local agencies such as the BBID, Delta Diablo Sanitation District (Sanitation District #19) and ECCID. Means acceptable to Sanitation District #19 to finance the long term monitoring program shall be developed prior to site development. The long-term monitoring program shall include measures outlined in the Adopted Mitigation Monitoring Program acceptable to Sanitation District #19. (MM 1.2.1.)
20. As recommended in Condition #20 ~~19~~, above in the mitigation of the degradation of groundwater quality and in the Luhdorff & Scalmanini reports, the developer shall participate in the establishment, prior to development of the site, of a long-term monitoring plan for the aquifer (regular monitoring of water supply wells currently in Discovery Bay, water supply wells outside of the developments, and monitoring wells capable of monitoring multiple aquifers) would identify changes in the quantity of water. Aquifer capacity and renewable resources should be documented and properly managed to prevent overdraft. If recoverable storage capacity of the aquifer is insufficient, an additional water supply source shall be investigated and developed. Means acceptable to Sanitation District #19 to finance the long term monitoring program shall be developed prior to site development. The long term monitoring plan shall include measures outlined in the mitigation monitoring program acceptable to Sanitation District #19. (MM 1.2.2)

Vegetation and Wetlands

21. The following measures are required for impacts to vegetation and wetlands. (MM 2.1.1)
 - A. Jurisdictional wetlands lost as a result of direct impacts of the project shall be compensated by the restoration or creation of wetlands at a minimum ratio of 1:1. Loss of significant natural wetland communities should be compensated for at a higher ratio to be determined by parties involved and the Corps of Engineers as part of the Section 404 permit process.
 - B. Compensation should be of the same habitat type as affected wetlands (i.e., in-kind replacement) whenever feasible, or with the approval of Corps of Engineers, shall be of habitats of higher botanical and wildlife value. Mitigation areas should be on-site, if practicable, or located off-site within reasonable proximity to the project site. County policy requires that the mitigation site be located within Contra Costa County.
 - C. Mitigation wetlands should be located in a large contiguous parcel with transitional zone and adjacent upland habitat to maximize the likelihood of success in creating habitat capable of maintaining viable populations of native plant and animal species. A buffer zone (preferably 50 ft. or greater in width) should be established and maintained around the edges of all wetland and terrestrial habitat used as mitigation for project impacts.
22. The following requirements are required for the mitigation of the damage to special status plant species. (MM 2.1.2)
 - A. The first choice in mitigation would be to alter the project plan to avoid direct impacts on both individuals and habitats of these species. If such action is to be taken, steps must also be taken to ensure that indirect impacts associated with the project throughout its life do not significantly impact these special-status plants and their habitat.

Alternatively, subject to measures outlined in the Mitigation Monitoring Program the project applicant shall establish replacement special status plant communities located either on-site or off-site within reasonable proximity of the project.

Advice on the mitigation project shall be sought from the California Department of Fish & Game ~~and the California Native Plant Society~~.

A means to fund over-site, long term shall be developed for this condition prior to development of a site containing or causing such an impact.

Mosquito Abatement

23. Work with the Contra Costa Mosquito and Vector Abatement District staff to develop a mosquito source reduction and management plan. The developer shall cooperate with District staff in the development of a mosquito monitoring and source management plan. Applicant shall fund the development of the plan. ~~and pay his fair share of the ongoing costs.~~

Impacts to Special Animals

24. Impacts to Delta Smelt. (MM 2.2.5)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to Delta Smelt shall be taken.

25. Impacts to Southwestern Pond Turtle. (MM 2.2.6)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to Southwestern Pond Turtle shall be taken.

26. Impacts to Swainson's Hawk. (MM 2.2.8)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the Swainson's Hawk shall be taken.

27. Impacts to Burrowing Owls. (MM 2.2.9)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the Burrowing Owls shall be taken.

28. Impacts to San Joaquin Kit Fox. (MM 2.2.10)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to the San Joaquin Kit Fox shall be taken.

Noise Impacts

29. Noise impacts to wildlife. (MM 4.2)

Prior to site development in any phase of project proper steps to implement the provisions of the adopted Mitigation Monitoring Program in regards to wildlife shall be taken.

30. Noise conflicts between proposed uses. (MM 4.8)

New residences must be constructed so that interior DNL is 45 dBA or less and so that indoor noise levels due to single noise events shall not exceed a maximum of 50 dBA in the bedroom and 55 dBA in other habitable rooms.

Geology, Soils and Seismic Hazards

31. The excavation of soil around the marina and lakes must be rigorously observed by trained professionals to identify any loose, clean sand and silt and peat in cut slopes; these should be excavated and replaced with compacted fill that includes a buttress that has been properly keyed into native soils and sediments and that has been properly constructed with engineered fill. A soils/geotechnical professional site acceptable to the Zoning Administrator shall be employed to monitor this measure as needed. (MM 3.1)

- A. The proposed mitigation for preventing groundwater flow from the brackish aquifer into surface water is to actively monitor excavation of the lakes. When flow from sands is identified, the sand should be excavated and replaced with buttress fills, keyed into less permeable clay-rich formations below the sand and constructed of compacted clay-rich soils to discourage active flow from the aquifer. (MM 1.2.4)
- B. The proposed mitigation for the flow of loose soil into the lakes is the same as for mixing of groundwater and surface water. Excavation should be actively monitored, and sands from which groundwater flows, which may erode the loose (heaving) sands, should be excavated and replaced with buttress fills, keyed into less permeable clay-rich layers below and constructed of less permeable material to discourage flow. (MM 1.2.5)
- C. At least 45 days prior to recording a Final Map, issuance of a grading permit, or installation of improvements or utilities, submit a preliminary geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Zoning Administrator. Improvement, grading, and building plans shall carry out the recommendations of the approved report.
- D. The report required above shall include evaluation of the potential for liquefaction and seismic settlement.
- E. Record a statement to run with deeds to the property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller and/or the County.

F. At least 45 days prior to issuance of permits to grade and create the lakes on the site, a suitable geotechnical report shall be submitted for the review and approval of the Zoning Administrator detailing means to stabilize the lake bank in case of earthquake and reduced possible liquefaction dangers in this area.

Impacts on Agricultural Lands

32. Suitable fencing shall be developed around projects perimeters to separate residential uses from surrounding agricultural lands and activities. (MM 7.3)

Equitable sharing of the cost of the initial (and any subsequent) fence constructed to deter trespassing, etc., is to be arranged between the primary developer and any other developer who is active in the project area and benefits from the fencing if possible to do so.

Impacts on School Districts

33. Prior to recording the final map for any phase of this project, written proof shall be submitted that compliance with the school mitigation measures has been achieved.

Increased Demand for Water and Sewer Systems

34. The site for Discovery Bay West shall be annexed into Contra Costa Sanitation District #19 prior to recording the final map on any portion of the development. (MM 8.3)

A. Completion of a water supply study and a water system master plan acceptable to CCCSD 19 for the area within the Urban Limit Line is required as a condition of project approval. The study must define a funding mechanism that ensures new development pays for improvements to serve it exclusively.

B. In the study of water supply, include consideration of how to reclaim water and reuse it. Reclaiming water and using reclaimed water are encouraged by the County General Plan.

35. Annexation of the proposed project area into Sanitation District 19, predicated on agreement by the district and The Hofmann Company on condition for annexation and fulfillment of such conditions within an agreed-on schedule. Conditions would include determination of technical standards and design of the expansion of the existing sanitary sewer system. (MM 8.4)

Police Protection

36. Measures to reduce or prevent crime incidents should be coordinated and include both physical design measures (including lighting for streets, parking areas, and entries; clear address signs; door and window security design and locks), social measures (including neighborhood crime watches, anti-violence support groups, and education programs), and legal measures (control in selected areas for selected types of water activities, e.g., swimming, jet skis, etc.).

Plans to accomplish the above shall be submitted to the Contra Costa County Sheriff's Department for comment prior to development of the site. (MM 8.7)

Fire Protection

37. Before recording any Final Map negotiate to design, construct, and equip a fire station for service to the project area as required by the East Diablo Fire Protection District or its representatives. The construction of the fire station can either fully or partially satisfy fire fees. Later nearby developments may be required to reimburse the developer on a pro-rata basis.

The primary developer must also design streets and other features in the project area to accommodate fire and other emergency vehicles. (MM 8.8)

Park and Recreation Facilities/Recreation Uses

38. General Plan standards for neighborhood park acreage and facilities are to be met by the proposed project through arrangements acceptable to the Community Development Department can be made by The Hofmann Company, such as the provision of "common area" acreage for recreational use. Suitable improvement of the public park may be used to partially meet park requirements as can up to 50% of the private outdoor recreational area if large enough and high quality enough private outdoor recreational areas are provided within the gated community.
39. Transfer of responsibility for security and management of the ECCID canal from the Irrigation District to another entity such as the East Bay Regional Park District, which has expressed an interest in the canal easement for development as a regional trail shall be pursued. If an agreement cannot be made, The Hofmann Company may need to make other arrangements with the Irrigation District, such as the addition of a suitable security fence.

Removal of Any Rented Houses

40. The household of each existing residence, renting or living in the residences at the time of development, if not electing to purchase a unit when offered for sale, shall be provided with moving expense allowances equal to 150% of one month's rent for that unit and shall be provided with 60 days notice of the actual moving date. If no occupied residences exist this condition is moot.

Right of Farming Ordinance

41. If the County's right to farming ordinance has been adopted prior to the issuance of building permits on this site, the developer shall inform future owners of that ordinance informing them of the right to farm within the Contra Costa County area.

Removal of Existing Water Wells/Hazardous Chemicals on Site

42. Any hazardous chemical stored on the site shall be properly removed and disposed of under County Health Services Department regulations. Any existing water wells on the site shall be properly capped under County Health Services Department regulations. A Level I hazardous waste assessment shall be conducted on the site prior to filing of any Final Map that verifies that the site does not contain any hazardous waste.

Irrigation Districts

43. Prior to recording the final map for phases on this site, confirmation shall be received from the Byron-Bethany Irrigation District and East Contra Costa Irrigation District that any facilities they have on the site have been properly moved or removed as the case may be, or as an alternative a letter from the District may be submitted indicating that they have no facilities on the site that will be disturbed as a result of this development.

East Bay Municipal Utility District Chlorine Facility

44. At present the East Bay Municipal Utility District stores gaseous chlorine one-half mile north of the north end of the Discovery Bay West site. There may be plans to remove the gaseous chlorine from the facility in the future. However, this has not been decided yet. If, when development starts on this site, the gaseous chlorine facility is still in place then the developer shall accomplish the following prior to the issuance of the first final building permit for this project:

- A. Give all residents, homeowners, and renters full disclosure regarding the presence of chlorine at the EBMUD Bixler site.
- B. The development shall support a proportionate share of the cost of the Community Alert Network System (CAN), the emergency notification system being installed throughout the County (which will include the installation of a siren system). The system is designed to warn the residents of the development if a large scale accidental release of hazardous materials occurs.
- C. The development ~~should~~ shall ensure that the homes are as air tight as feasible by providing superior window seals, door seals, positive closure for fireplace dampers, etc. A periodic replacement program should be established as seals have a finite life. (To reduce indoor air pollution, the homes should be thoroughly ventilated prior to occupancy.)
- D. All homeowners ~~should~~ shall be provided with sufficient information regarding shelter-in-place and the actions that should be taken in the event of an accidental chemical release.
- E. These instructional materials shall be written in plain language, and will be developed in consultation with the Hazardous Materials Division of the County Health Services Department, subject to the review and approval of the Zoning Administrator.

If the facility is removed or the process is changed then this requirement can be deleted subject to Zoning Administrator approval after review by the Hazardous Materials Division of the County Health Department.

If, upon further review by the Hazardous Materials Division of the County Health Services Department, it is determined by the Health Department that the chlorine facility could not have a significant effect on Village I, then the above condition can be modified subject to Zoning Administrator review and approval.

Design Revisions and Concerns

45. Guide for development and use provisions for this site shall be as follows:

- A. Public Road Areas (Village I). Setback of residential units shall be varied between 15 and 20 feet. All garages shall have a setback of at least 17.5 feet provided vertically opening garage doors are used otherwise a 20 foot garage setback is required. Frontyard setbacks may be reduced to 15 feet for covered porches. Sideyard minimum shall be 5 feet with an aggregate sideyard of 10 feet. Zero lot line residences or duets are acceptable. The R-6 zoning district shall be used as a guide for the residences height, lot use or lot coverage of the site as well as the location of any detached sheds or outbuildings except that sheds and outbuildings shall be limited to a height of 12 feet. As an alternative, one sideyard may be reduced to 0 feet for a residence, as long as the aggregate sideyard remains 10 feet subject to the review and approval of the Zoning Administrator. Corner lots shall have a secondary setback of 7 feet minimum.
- B. Private Road Area. Setback of residential units may be varied from 10 feet minimum except that garages shall have a setback of at least 17.5 feet provided vertically opening garage doors are used otherwise a 20 foot garage setback is required. The R-6 zoning district shall be used as a guide for the residences height, lot use or lot coverage of the site. Detached sheds or outbuildings shall be limited to a height of 12 feet. Zero lot line or duet lots, including 0 ft. side or rearyard garage are acceptable. Minimum aggregate sideyard is to be 10 feet. Corner lots shall have a secondary setback of at least 5 feet.
- C. Prior to the issuance of building permits, the applicant shall submit samples of color and exterior materials for the review and approval of the Zoning Administrator. The fences between lots shall be of solid wood and shall be at least 5-feet high. The residences of this development shall be finished in suitable color and shall be complimentary. Houses along Bixler Road shall have appropriate sound reduction measures built in acceptable to the Zoning Administrator. Residences along Bixler Road, Newport Drive and Point of Timber Road shall have architectural enhancement measures at the back of the unit and rearyard setbacks shall be varied.

- D. At least 15 days prior to issuance of building permits for any phase of project a residential fit plan showing the location of planned homes shall be submitted for the Zoning Administrator's review and approval. The plan shall include information on the number of stories planned for the residence for each lot and the proposed setbacks.
- E. Prior to issuance of building permits for any phase of the project, at least three significantly different plot plans and residential design for Village I and at least four widely different plot plans for Villages II, III and IV shall be submitted for review and approval of the Zoning Administrator.
- F. Details of the design of the walls and landscaping proposed along Bixler Road, Point of timber Road, and Newport Drive shall be submitted for the review of the Zoning Administrator after review and approval of the Public Works Department. The walls may be built in phases. The plan shall be acceptable prior to issuance of building permits if any phase of the project. There shall be no exclusive project identification sign at the corner of Bixler and Point of Timber Roads.

The landscaping strip along the south side of Point of Timber Road and west of "D" Street shall be widened to the same width as that proposed on the vesting tentative/final development plan for the area east of "D" Street.

- 46. The community center shall be located on the northwesterly corner of the intersection of "D" Street and Newport Drive as shown on the staff sketch dated March 24, 1995, located in the project file unless an alternative site is agreed upon prior to recording the final map for this area of Village I. The developer shall dedicate the site and pay for 50% of all construction costs including landscaping and parking lots. The site shall contain at least 2.5 acres in area. If another site is found for the community center then the area can be developed as proposed on the vesting tentative map/final development plan dated received March 20, 1995. The size of the community center shall be determined before recording the Final Map for any phase of the development.

The community center shall be constructed within 12 months of the issuance of the first building permit or from the time the Discovery Bay community secures its 50% share of the building construction costs whichever occurs first.

- 47. Prior to recording final maps for any phase of Villages II, III and IV on a village by village basis, the developer shall submit detailed landscape plans and facilities plans for the recreation centers and other landscaped areas for the review and approval of the Zoning Administrator, and if maintained by a public agency, that public agency. Each recreational area shall include suitable and adequate active recreational facilities. Provide an additional recreational area west of proposed "OO" Street in Village IV and at least one recreational area on the island one near the marina. Suitable parking bays or lots shall be provided near the recreational centers.

48. At least one bridge connecting the island in Village IV to the main land shall be high enough above the normal water surface in the lake so that a small boat with seated operator or passengers can pass under the bridge with adequate and safe clearance for the occupants as long as if this does not adversely affect the maintenance or water quality of the lake.
49. Lots within the loop roads in the western portions of Villages II, III and IV shall be oriented toward the lake as shown on the staff plan dated March 24, 1994 detailing that plan located in the file.
50. Prior to issuance of building permits for any phase in Village I, submit a landscape plan/irrigation, lighting plan, and a parking plan for the park and ride lot and recreational vehicle storage area at the southwest corner of Village I for the review and approval of the Zoning Administrator. The developer shall submit a copy of the easement document for Zoning Administrator review. If the recreational vehicle storage area and the park and ride lot cannot be located under the power lines the recreational lot can be eliminated but the park and ride lot shall be located elsewhere in Village I. The park and ride lot shall be installed prior to the issuance of the 200th building permit for residences in Village I.
51. The potential exists for increased risk of flooding over time due to the possible rise in sea level and/or site subsidence. The project property owners shall be informed by disclosure statement of the potential for future requirements for levees around this site and the potential associated costs if those levees should be needed as a result of sea level rise and/or site subsidence.
52. The garage area of each residence shall be wired for electric car recharging subject to the review and approval of the Zoning Administrator, and subject to the adoption of final Board policy mandating this.

Homeowners Association Formation

53. Prior to filing the map, the applicant shall create a homeowners association or similar mechanism to provide for the continued maintenance of all private permanent open space, lakes, recreation centers, marina, trails and other landscaped areas.
54. Covenants, Conditions and Restrictions shall be submitted for review with the Final Subdivision Map, and shall be subject to review and approval of the Zoning Administrator as they pertain to the conditions of approval. This document shall provide for establishment, ownership and maintenance of the private common open space and parks, and parking area, fire protection, fencing, private streets and drainage maintenance, keeping of pets and establishment of signs.

The Covenants, Conditions and Restrictions (CC & Rs) developed for this project shall include the following deed restrictions:

- A. (Example) No recreational vehicle, boat, boat trailer or mobilehome shall be stored ~~on the site overnight in frontyard driveways on the street overnight.~~ Exterior materials and colors shall not vary from the palette approved for the original homes.
- B. ~~The homeowners may review requests for home occupations.~~ If the home occupation meets County ordinance requirements, then the Zoning Administrator may administratively approve the request.

Road and Drainage

- 55. The following requirements pertaining to drainage, road, and utility improvements will require the review and approval of the Public Works Department.

- A. **ORDINANCE REQUIREMENTS:**

The applicant shall be required to comply with the requirements of Title 9 of the County Ordinance Code which include, but are not limited to the following requirements:

- 1) 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 these conditions of approval. 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, Final Development Plan dated March, 1995, submitted to Public Works.

An exception to allow a 0.75% minimum grade is allowed subject to Public Works approval providing:

- a. The soil engineer recommends reduced grades and signs the improvement plans; and
 - b. The applicant warrants the curb flow from ponding for five years following completion.
- 2) Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate storm drainage facility which conveys the storm waters to a natural watercourse. This project necessarily involves some diversions of watershed. However, since these diversions generally discharge to

tidal bodies of water with adequate cross section and capacity, these diversions may be considered appropriate, subject to review and approval of Public Works.

- 3) Conveying storm waters in an adequate storm drain system to a: duly organized Homeowner Association; Municipal Improvement District; or Reclamation District drainage facility serving the area, is acceptable, provided the applicant obtains a letter from that entity accepting the drainage. Provide appropriate drainage releases where public waters enter private facilities.
- 4) Diversions resulting in discharge of storm waters into the Contra Costa Canal or any other water conveyance or impounding facility for domestic water consumption is prohibited by the Ordinance Code. It is acknowledged that Agricultural lands presently drain to the ECCID facility.

Landscaped areas, so long as they do not create diversions, may follow pre-existing drainage patterns, subject to review and approval of Public Works.
- 5) For anything in these conditions of approval, which is subject to the approval of Public Works, such approval shall not be unreasonably withheld.

B. TRAFFIC MITIGATION FEES:

The project traffic mitigation fees will be collected at the time of the Building Permit for each residential unit of this development. No mitigation fees will be collected from non-residential construction. The project traffic mitigation fee shall consist of:

- * The Eastern Contra Costa Subregional Transportation Mitigation Fee (ECCSRTMF). This fee is for construction of the State Highway 4 Bypass.
- * The East County Regional Area of Benefit fee (ECRAOB). This fee is to improve local roads identified on the Circulation Element of the County General Plan.
- * The Project Traffic Mitigation Fee. This fee is \$6,500 (revised annually to reflect inflation, using the State of California Construction Cost Index as published annually by Caltrans, as a reference) less the East County Regional Area of Benefit fee and is used to mitigate project impacts not covered by the above fees.

The difference between the adjusted \$6,500 Project Traffic Mitigation Fee and the ECRAOB fee shall be put into an interest earning Road Improvement Trust (Fund No. 819200-0800 or other project specific fund) to be used to mitigate off-site local road and intersection improvements as reasonably determined and approved by the Public Works Department, which are identified in the EIR or the Flexible Mitigation Monitoring Program, and are not included in an established area of benefit. These funds will not be used for on-site improvements; frontage improvements; the off-site improvement of Bixler Road from the project to State Highway 4; improvement of Point of Timber Road from Bixler Road to Byron Highway; the project's 50% share of the signal at the Bixler Road-State Highway 4 intersection; signalization of the State Highway 4-Discovery Bay Boulevard intersection; or any necessary construction traffic mitigation along the specified project construction haul routes.

If, after the 500th Building Permit, the Flexible Mitigation Monitoring Program determines that traffic assumptions have changed significantly and a modification to the mitigation is necessary, the adjusted \$6,500 traffic mitigation contribution shall be modified at the 501st Building Permit and/or the 1201st Building Permit to reflect the additional mitigation not identified in the ECCSRT-MF or the ECRAOB.

C. PUBLIC IMPROVEMENTS:

1) Flexible Mitigation Monitoring Program:

The applicant shall work with Public Works to set up a Flexible Mitigation Monitoring Program. The program shall allow the development of up to 500 units based on these conditions of approval, plus additional units subject to review of the traffic assumptions in the EIR.

- a. The traffic assumption review shall take the form of a letter report summarizing the observed project development trip generation/distribution and the most current roadway improvement assumptions in East County. This new information will be compared with the EIR assumptions and a reasonable conclusion made as to whether or not traffic assumptions have changed which could result in new, or additional, significant project impacts to the surrounding road network not already identified in the EIR.
- b. The Flexible Mitigation Monitoring Program will review the traffic assumptions no sooner than at the 400th unit and the 1100th unit, and shall be completed respectively by the 500th unit and the 1200th unit to determine if the traffic assumptions in the Environmental Impact Report are still valid (scheduling of implementation of the State Route 4 Bypass shall be considered).

1. If the initial assumptions made are still valid, the mitigation measure will remain unchanged, and the applicant will be required to comply with the conditions of approval as stated, and continue to contribute \$6,500 per unit (revised annually to reflect inflation, using the State of California Construction Cost Index as published annually by Caltrans, as a reference) for additional off-site road improvements, after the first 500 units and the first 1200 units, respectively.
2. If the traffic assumptions have significantly changed for the worse and there could be new, or additional, significant project impacts not identified in the EIR, the applicant shall perform a more detailed traffic study to determine traffic impacts of the next phase of development (e.g., 501 to 1,200 or 1,200 to buildout) and recommend mitigation measures based on the new traffic assumptions. The traffic study, and the proposed traffic mitigation measures shall be subject to the review and approval of Public Works. The traffic mitigation measures, if different from those identified in the EIR, may be subject to review at a public hearing. Any significant project related traffic impact which cannot qualify for the ECR-AOB or other fee area will be the responsibility of the project applicant to mitigate on a fair share basis. Newly identified significant traffic impacts shall require mitigation only if the level of service does not meet the adopted traffic level of service standard. The project applicant shall arrange for mitigation of such newly identified significant and warranted traffic impacts prior to issuance of the 650th Building Permit, and again prior to issuance of the 1350th Building Permit, if necessary.
3. Impacts which were identified in the initial EIR project list will be considered satisfied for that increment of time if the initial or subsequent traffic assumption review shows impacts are insignificant (subject to the review at a public hearing if required by law), and the approval of the Zoning Administrator. (FINDINGS FOR IMPACT #36, MMA.C.)

c. The applicant shall submit a biannual Flexible Mitigation Monitoring Program update to review road intersections and the overall road system and to recommend potential expenditure of this project's mitigation funds commencing at the 650th Building Permit and continuing biannually with the last report issued at the 1900th Building Permit.

- d. The applicant shall pay for all reasonable and verifiable staff time involved in preparation of the traffic study, the Flexible Mitigation Monitoring Program, the proposed traffic mitigation measures, and monitoring of the project and review of these studies, program and monitoring.
- e. The project applicant shall pay its share of the costs of the future environmental review documentation required for: any necessary modification of the project EIR; new project traffic mitigation not identified with these project approvals; modification of the area of benefit to reflect additional projects as a result of Discovery Bay West; and modification of the County General Plan to accommodate the same purpose. The applicant shall only be required to pay a fair share of the cost of modification of the area of benefit program if projects are being added throughout the program areas. However, if the area of benefit is modified solely at the applicant's request to add mitigation measures from this project, then the applicant shall bear all costs.

2) Construction Truck Traffic Mitigation:

- a. Prior to issuance of the first residential Building Permit, the applicant shall widen Bixler Road off-site to a minimum width of 28-feet from the limit of Permit 3031-91 and Subdivisions 7679 and 7881 obligations to the Phase 1 project entry. At the applicant's option, these widening improvements may be either an interim improvement or a portion of the ultimate improvements discussed in 3)c. below. If a 28-foot width has not been constructed from the southerly limit of the applicant's responsibility to State Highway 4, the applicant shall widen Bixler to a 28-foot minimum width all the way to Highway 4. Any permanent or "ultimate" improvement constructed by the applicant which is the obligation of the properties involved in the above noted developments shall be subject to reimbursement through reimbursement agreements administered by the County. The applicant shall direct construction related truck traffic to the site via Bixler Road from State Highway 4, restricting construction related damage essentially to only Bixler Road. (FINDING FOR IMPACT #68, MMB.c.) At the developers option, construction truck traffic may also use Point of Timber Road after it has been widened to 28 feet. Applicant shall submit improvement plans, pay inspection and plan review fees for these road improvements.

The applicant may use Newport Drive for no more than one month as a construction detour while Bixler Road is under construction. In no case will Newport Drive be used as a construction haul route.

In order to determine the pre-project road conditions the applicant shall, prior to project grading, provide a video road survey for the following roads: Balfour Road from Bixler Road to Byron Highway; Bixler Road north to Orwood Road; and Marsh Creek Road from Bixler Road to State Highway 4.

b. **Construction Road Maintenance Agreement**

The applicant shall execute a bonded construction road maintenance agreement, assuring the County that the specified project haul route(s) will be maintained in a convenient, passable condition throughout the construction period. The bond shall consist of a cash bond of \$15,000 together with additional security totaling the cost of upgrading of the specified project haul route(s). The bond shall be provided prior to the approval of the first phase subdivision improvement plan and shall remain in effect until the haul routes are improved to handle the traffic, or until upgraded construction is completed.

c. **Construction truck traffic monitoring:** If the applicant uses non-designated streets for construction truck traffic, he shall repair the roads to the pre-project condition prior to filing the next Final Map, subject to the review and approval of Public Works. If the maintenance is not completed in a timely manner, the County will activate the Construction Road Maintenance Agreement for funds to perform the maintenance.

d. **Provide sufficient parking on-site for construction crews and associated personnel.** The applicant shall not permit construction crews and equipment to park along currently existing public roads or interfere with neighborhood agricultural operations.

e. **Applicant shall indicate on all subcontracts, bulk and custom lot sales contracts, homeowners association documents, et al, that construction truck traffic shall use State Highway 4 and Bixler Road as construction access to this development, unless other routes have been specifically designated by Applicant as outlined in 2a. above.**

3. **Bixler Road Frontage Improvements:**

a. **Applicant shall construct Bixler Road pavement widening with the easterly curb face established by first assuring a minimum 5-foot clear distance from any ditches on the westerly side to the edge of any required paved shoulder and thereafter providing the required lane and shoulder widths, but not less than 32-feet from existing centerline.**

- b. Existing Bixler Road shall be reconstructed, or overlayed if studies warrant. The pavement shall be striped to provide one 12-foot northbound lane with a 6-foot shoulder and one 12-foot wide southbound lane with a 6-foot shoulder plus necessary channelization at intersections from the southerly boundary of Village I to Balfour Road.
- c. Bixler Road shall be a 36-foot road width (2 - 12-foot lanes and 2 - 6-foot shoulders) from Balfour Road to the northerly boundary of Village IV. The easterly curb line shall be 32-feet from the existing centerline. The westerly portion of the existing roadway may be used as a separated southbound bike path/equestrian trail. However, delineation should not allow vehicle traffic to use this portion of the old roadway.
- d. Construct curb, 5-foot 6-inch sidewalk (width measured from curb face), street lighting, landscaping and irrigation (EIR Mitigation RMCir-22). (FINDING FOR IMPACT #51, MMC.c.)
- e. The applicant shall be required to construct safety improvements along the frontage of the Evan's property.
- f. Pads for the proposed bus shelters, bicycle racks and/or lockers shall be clear of the sidewalk area at potential bus stops.
- g. Provide necessary longitudinal and transverse drainage along the east side only.
- h. The applicant may need to remove and replace the roadway if required by the grade, alignment analysis and determination of structural adequacy, subject to the review and approval of Public works.
- i. The applicant shall submit improvement plans and pay inspection and plan review fees prior to filing of the Final Map.

4) Bixler Road, Off-Site Improvements:

a. Bixler Road:

- 1. The applicant shall widen and overlay Bixler Road from the project site to the northerly limit of the proposed Subdivision 7679, Subdivision 7881 and Permit 3031-91 obligations to a 34-foot pavement width (FINDING FOR IMPACT #51, MM.C.c.), and construct required modifications to the ditch system to maintain existing capacity if necessary. The applicant shall bond for these off-site improvements prior to issuance of the 400th Building

Permit or issuance of Building Permits in Villages III or IV and shall complete the improvements within one year thereafter. The applicant shall remove, replace and widen the roadway if required by the alignment analysis and/or determination of structural adequacy. If replacement of the pavement is not required, the applicant may be required to level, overlay and transition, subject to the approval of Public Works. If the developers of Subdivision 7679, Subdivision 7881 and/or Permit 3031-91 have not bonded and/or constructed Bixler Road to a 34-foot width all the way to State Highway 4 prior to issuance of the 400th Building Permit, the applicant will be responsible for bonding and constructing the additional pavement to provide a 34-foot width over any deficient segment of Bixler Road.

2. If Bixler Road is reconstructed the minimum road grades will be adhered to.
3. The off-site Bixler Road improvements shall be designed, prior to filing of the Final Map for Village II. The applicant shall submit improvement plans and pay inspection fees and plan review fees prior to filing of said Final Map.
4. The applicant shall provide additional right of way, if necessary for the roadway and portions of the ditch system conveying project storm waters, subject to the review and approval of Public Works. At applicant's request and expense, Public Works will obtain the necessary easements and rights of way.
5. It is understood and acknowledged that certain portions of these off-site Bixler improvements may be impossible or impractical to construct due to wetland regulation or policy requirements. If Public Works determines that such occasion should arise, the applicant may be permitted to reduce the shoulder requirements, but in no case shall less than 28 feet of pavement be provided.

b. State Highway 4 Signal at Bixler Road and at Discovery Bay Boulevard

1. Arrange for Signalization of the State Highway 4 intersection at Bixler Road prior to issuance of 200 Building Permits in this development if not already assured or completed by others at that time. Fifty percent of the signalization cost of the Bixler Road signal is reimbursable from the property owners at the northwest and northeast

quadrants of this intersection. One hundred percent of any widening costs for Bixler Road is reimbursable from the same parties.

Submit improvement plans, pay inspection and plan review fees, and apply for a Caltrans encroachment permit prior to improving the intersection.

2. If the Bixler Road traffic signal has been installed, the applicant shall contribute 50% of the cost of the traffic signal, prior to issuance of the 200th Building Permit, to a Road Improvement Fee Trust (Fund No. 819200-0800) designated for reimbursement for its installation.
3. If the Bixler Road traffic signal is not warranted prior to issuance of the 200th Building Permit, the need for the traffic signal at the State Highway 4 - Bixler Road intersection shall be analyzed by the Public Works Department prior to filing each Final Map, up until the 1800th lot when the applicant shall contribute a cash deposit, equal to 50% of the signal construction cost as determined by Public Works, to a County Road Improvement Trust (Fund No. 819200-0800).
4. The applicant shall bond for the State Highway 4-Discov-
ery Bay Boulevard traffic signal prior to filing of the first Final Map. The traffic signal shall be installed and operational one year following the issuance of the first building permit, exclusive of model homes. If the traffic signal is not operational within the one year period, no further building permits will be issued.

5) Point of Timber Road, On-Site (Bixler Road to the east):

- a. Bixler Road to "D" Street:
 1. Applicant shall reconstruct Point of Timber Road to at least a 60-foot curb to curb pavement width within an 80-foot right of way from Bixler Road to "D" Street with Village I.
 2. Construct curb, 5-foot 6-inch sidewalks (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation.
 3. The right of way line shall be located at least 10-feet behind the curb face.

4. Provide necessary longitudinal and transverse drainage.
5. The applicant shall submit improvement plans and pay inspection and plan review fees prior to filing of the Final Map for this portion of Point of Timber with the improvement plans for the subdivision creating the 250th lot.

b. "D" Street to the Easterly Boundary of Village I:

1. Applicant shall install (on the south side) curb, 5-foot 6-inch sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation and grade the ultimate roadway with construction of Village I improvements abutting this segment. The location of the frontage improvements shall provide for: ultimate widening of the roadway to a 40-foot pavement width; widening to at least a 56-foot width at the D Street intersections; and necessary conforms.
2. Construct curb, 5-foot 6-inch sidewalks (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation along the north side of the roadway, with construction of Village II improvements.
3. Construct road with Village II improvements.
4. The right of way line shall be located at least 10-feet behind the curb face (30' from centerline).
5. Provide necessary longitudinal and transverse drainage.

c. From the Easterly Boundary of Village I to the Easterly Boundary of Village II:

1. Applicant shall widen Point of Timber Road: to at least a 28-foot pavement width; and provide necessary conforms at the easterly boundary of Village I and the easterly boundary of Village II as part of the improvements in Village II. The curb face shall be located 20-feet north of the existing road centerline (east of Village I, the southerly widening, beyond 28-feet total width, shall be the responsibility of others).

2. Construct (on the north side) curb, 5-foot 6-inch sidewalks (width measured from curb face), necessary longitudinal and transverse drainage, street lighting, landscaping and irrigation with construction of the abutting portion of Village II.
3. The right of way line shall be located at least 10-feet behind the curb face (30' from centerline).
4. Provide necessary longitudinal and transverse drainage.

6) Point of Timber Road, Off-Site (west of Bixler Road):

- a. Point of Timber Road from Bixler Road to Byron Highway:
 1. Submit improvement plans, pay inspection and plan review fees prior to 200th Building Permit.
 2. Prior to issuance of the 300th Building Permit, widen and reconstruct, if necessary, Point of Timber Road to a 28-foot pavement width (two 14-foot lanes with 2-foot compacted shoulder backing and maintain ditch capacities. This work is intended to divert project traffic away from Balfour Road (EIR Mitigation Measure RMCir-21) (FINDING FOR IMPACT #50, MM.B.c.)
 3. The applicant with the cooperation and assistance of Public Works shall provide additional right of way, if necessary, for the roadway and the ditch system, subject to the review and approval of Public Works.
- b. Point of Timber Road/Byron Highway/State Highway 4 Intersection Modifications:
 1. Submit improvement plans, pay inspection and plan review fees and apply for a Caltrans encroachment permit prior to issuance of the 400th Building Permit.
 2. Prior to the filing of the first final map for Village III, the applicant shall realign the Point of Timber Road - Byron Highway intersection and the Byron Highway - State Highway 4 intersection and install a traffic signal, subject to the review of Caltrans and the review and approval of Public Works (the Byron Highway improvements shall include 5-foot shoulders and channelization).

3. The County at applicant's request shall acquire all additional right of way, if necessary for the roadway and the ditch system at applicant's expense.
4. One hundred percent of these intersection improvements and right of way acquisitions shall be eligible for reimbursement from the ECRAOB.

7) Project Improvements (Village I Public Improvements):

- a. Prior to issuance of the first Building Permit, approval of the first set of improvement plans or first Final Map, install signage along: Balfour Road, Point of Timber Road, and Marsh Creek Road westerly to State Highway 4; and along Bixler Road north of State Highway 4, to warn project traffic of farm vehicles and provide farm vehicle crossings (EIR Mitigation Measure RM**Cir-23**) (FINDING FOR IMPACT #52, MMD.c.)

8) Road Dedications and Reservations (for Public Roads):

- a. Bixler Road: Applicant shall convey to the County, by Offer of Dedication, the right of way necessary for at least the east half of the planned 84-foot right of way width along the frontage of Bixler Road. The eastern side of the right of way shall be increased at the project access points along Bixler Road to provide for channelization for turning movements to and from this development. The right of way line shall be located at least 10-feet from the curb face.

Off-site, the applicant shall provide for adequate rights of way or easements for the proposed road improvements including the ditch systems, however, the County will conduct the acquisitions of applicant's costs if applicant requests.
- b. Point of Timber Road: Applicant shall convey to the County, by Offer of Dedication, an 80-foot right of way between Bixler Road and "D" Street. East of "D" Street, the applicant shall convey to the County, by Offer of Dedication, a 60-foot right of way, plus additional right of way for left turn channelization and conforms along the project frontage, where this development fronts on both sides of the road. Where this development only fronts on one side of Point of Timber Road, the applicant shall dedicate at least a 30-foot right of way (measured from the centerline of the existing right of way) (EIR Mitigation Measure RM**Cir-32**). The right of way line shall be located at least 10-feet from the curb face.

Off-site, the applicant shall provide for adequate right of way or easement for the proposed road improvements including the ditch systems, however, the County will conduct the acquisitions at applicant's cost if applicant requests.

- c. Pantages access along west side of the lake: Applicant shall provide a 56' maximum revocable reservation for a public roadway for a possible future road along the westerly edge of the lake on the Pantages property (FINDING FOR IMPACT #61, MM.M.c.), if the owner/developer of the Pantages property can demonstrate that this road cannot feasibly be located on the Pantages property outside wetland and riparian areas within two years of applicant's filing first Final Map for Village II. Just prior to filing the first final map for Village II, the applicant shall mail to the owner of the Pantages property, by return receipt certified mail, a notice that they have two years to determine how much, if any, of the reservation is needed for their access. The notice shall be reviewed by Public Works prior to being mailed out and a copy of the mailed notice and return receipt shall be submitted to Public Works prior to filing the final map. The revocable reservation shall be for the purpose of allowing a future extension to the north to serve the northerly portion of the Pantages property, if this area can be proven to be feasibly developed, and all other portions of the roadway are located on the Pantages property.
- d. Access along the southeast side of the Fire Station/Park Property: Provide an offer of dedication for a 60-foot right of way between Newport Drive and the eastern boundary of this property along the southeast side of the "Fire Station/Park" property. The alignment shall be rough graded to approximate finish grades with Village I grading, but no road improvements need be constructed with this project. Prior to the road being approved, the adjacent property owner shall expand the park site to compensate for the road right of way take.
- e. The applicant shall provide right of way for future bus turnouts on the Bixler Road, Newport Drive and Point of Timber Road frontage of this property at appropriate locations in consultation with the responsible transit authority. Adequate right of way shall be provided for the bus turnouts, and the future bus shelters, bicycle racks and/or bicycle lockers.

9) Abutter's Rights of Access (Public Roads):

- a. Relinquish abutter's rights of access along Bixler Road, Point of Timber Road and Newport Drive, including curb returns. Access shall be permitted at the access points specifically approved with this project. Access points shown on the Preliminary Development Plan and the following additional points shall be permitted:
 - * Another Bixler Road access point either north or south of the ECCID Canal at least 800-feet from the other project access points.
 - * One or two Point of Timber Road access points each at the community center and multiple family areas.
 - * Emergency vehicular access locations, park and ride lots, pedestrian access points, and at the proposed RV storage area.
- b. Prohibit all single family residential driveway access onto major collector or arterial roads that provide project-wide circulation (EIR Mitigation Measure RMCir-29) (FINDING FOR IMPACT #58, MMJ.c.).

10) Sight Distance (Public Roads):

- a. In accordance with Caltrans standards provide for adequate corner sight distance at:
 - * The project entrances to Bixler Road for a design speed of 55 miles per hour.
 - * Other intersections with Newport Drive for a design speed of 40 miles per hour.
 - * Other intersections with Point of Timber Road for a design speed of 40 miles per hour.
- b. Provide adequate corner sight distance, in accordance with County standards, for the following intersections:
 - * Village I: Newport Drive at "DDDD" Street, and at "ZZZ" Street; "AAAA" Street at "BBBB" Street; "UUU" Street at "RRR" Street; and "VVV" Street at "RRR" Street.

11) Street Lights (Public Roads):

- a. Street lights shall be installed on the public roads, within this subdivision and fronting this property, and the entire property annexed to County Service Area L-100 for maintenance of the street lighting. The final number and location of the lights shall be determined by Public Works. Application for annexation to CSA L-100 Lighting District shall be submitted prior to filing of the Final Map.

12) Bicycle/Pedestrian Facilities (Public Roads):

- a. The applicant shall construct 5-foot 6-inch sidewalks on Newport Drive from the southerly boundary of this property to Bixler Road.
- b. The applicant shall construct 6-foot 6-inch sidewalks on "D" Street from Newport Drive to Point of Timber Road.
- c. Construct a 6-foot meandering asphalt concrete sidewalk along the east side of Bixler Road from the project site to the sidewalk proposed in Permit 3031-91 (the Ujdur property) (FINDING FOR IMPACT #51, MMC.c.). Where the sidewalk is adjacent to a roadside ditch, it shall be located a minimum of 2-feet from the top of the roadside ditch.

OR, construct a new 5-foot 6-inch concrete sidewalk (width measured from back of curb, if adjacent to curb) along the west side of Newport Drive to Kellogg Creek, connecting with the proposed pathway location in Permit 3031-91. This improvement (either alternative) shall be constructed within six (6) months of the completion of the first commercial use in Permit 3031-91 or at request of Public Works.

- d. Provide bike lanes with a minimum width of 5-feet on the following streets: Bixler Road; Point of Timber Road from Bixler Road to the east; Newport Drive; "F" Street and "D" Street.

Prohibit parking (EIR Mitigation Measure RMCir-36a) (FINDING FOR IMPACT #65, MMA.c.), or provide adequate additional pavement width.

13) Utilities/Undergrounding (Public Roads):

- a. All utility distribution facilities shall be installed underground, including the existing overhead distribution facilities along the frontage of Point of Timber Road and the easterly frontage of Bixler Road.

- b. Relocate and/or adjust utility distribution facilities, where necessary, for all other off-site improvements.

14) Parking (Public Roads):

- a. "No Parking" signs shall be installed along roads with inadequate width for parking, subject to the review and approval of the Public Works Department. For lots with less than a 50-foot wide frontage a parking study shall be provided for all roadways where less than 1 on-street parking spaces will be provided for each residence. On street parking requirements may be satisfied by providing parking bays, supplemental on-site parking, or other reasonable alternatives subject to the review of Public Works and the review and approval of the Zoning Administrator. Adequate parking shall be provided within an acceptable distance of each residence, subject to the approval of Public works.
- b. Prohibit parking on all project major collector or arterial roads including "D" Street and Newport Drive, except where the road is widened to accommodate parking. On the remaining roadways, provide adequate paved width for necessary parking (EIR Mitigation Measure RMCir-26) (FINDING FOR IMPACT #55, MMG.c.)
- c. "No Parking" signs shall be posted along the north side of "F" Street, unless the roadway is widened to at least a 40-foot curb to curb width within a 60-foot right of way.

15. Landscaping (Public Facilities):

- a. Prior to filing each final map, the applicant shall apply to the Public Works Department for annexation to the County Landscaping District AD 1979-3 (LL-2) for the future maintenance of public landscaping and irrigation facilities in median islands, parkways, and other public project areas not within the gated areas of Villages II, III and IV. (~~"open space" is specifically excluded~~).
- b. Prior to filing each final map, two sets of landscape and irrigation plans and cost estimates, prepared by a licensed landscape architect, shall be submitted to the Special District Section of the Public Works Department for review and recommendation and forwarded to the Zoning Administrator for review and approval. Plan submittal shall include plan review and inspection fees. Types and size of plant and irrigation materials within the public right of way shall be designed using reasonable standards provided by the Grounds Service Manager of the General Services Department. All landscaping and irrigation facilities

shall be maintained by the applicant until funds become available for their maintenance by the County after final inspection is cleared.

- c. Permanent landscaping and automatic irrigation facilities shall be installed within the public road parkway and median areas, and interim landscaping features shall be installed within the future road areas, if any. All work shall be done in accordance with the guidelines and standards of the County. Funding of, and maintenance of, the new plantings shall be guaranteed by the developer until the plants have been established and until funds are available through a landscaping district. The plants shall be maintained for 90 days after installation.
- d. The County Landscaping District Administrator shall coordinate the landscaping program in Discovery Bay West with the Discovery Bay MAC by annually reviewing the district's program budget and providing budget information to the MAC on a regular basis.

16. Transit:

- a. Certain bus turnouts, bus shelters, bicycle racks and/or bicycle lockers shall be constructed by the applicant if transit service is established prior to recording of the last Final Map for this development. The location of these facilities shall be determined in cooperation with the responsible transit authority. Preliminary locations along the east side of Bixler Road are: south of Newport Drive; south of Fallman Boulevard; north of Point of Timber Road; and north of the access at the boundary of Villages II and III. The installation of these facilities shall be assured prior to recording of the next Final Map after transit service is established to the project. The obligation to install these facilities shall terminate if public transit to the project is not assured at the time the last Final Map is recorded. Pads for the bus shelters, bicycle racks and/or lockers shall be clear of the sidewalk areas.
- b. Provide pedestrian connections from the transit stops to the internal project sidewalk system. Provide for installation of bus shelters at each pullout if transit service begins (EIR Mitigation Measure RMCir-34a) (FINDINGS FOR IMPACT #63, MM A.c.)

17. School Access:

- a. Coordinate with the school district on the design of the school site to accommodate a one-way circulation pattern with a large student loading/unloading area separated from the main collector

streets (EIR Mitigation Measure RMCir-20) (FINDING FOR IMPACT #49, MM A.c.) The applicant shall coordinate with the school district to allow for a bus loading/unloading area separated from the ~~automatice~~ ~~automobile~~ loading/unloading area.

- b. Extend "MMM" Street easterly to the school site if requested by the school district to provide better school access. Access to the school from "D" Street shall be designed to minimize traffic conflicts on "D" Street.

D. PRIVATE IMPROVEMENTS:

1) Private Road Improvements (Villages II, III & IV):

Applicant shall construct the private roads within this development to County private road standards in accordance with the typical sections on the Tentative Map, to serve all parcels in this proposed subdivision, except as noted as follows:

- a. There shall be no 28-foot wide private roadways (EIR Mitigation Measure RMCir-25 and 26), unless the road serves less than 14 residences, adequate parking has been assured and the street has roll curb.
- b. 32-foot private roadways within 37-foot private road easements with a 5-foot public utilities easement, and with roll curb, shall serve no more than 50 units. Additional off-street parking may be required where lot frontages less than 50 feet result in less than one on-street and two off-street parking spaces for each residence subject to the approval of Public Works.
- c. 32-foot private roadways within 37-foot private road easements with a 5-foot public utilities easement, which have a standard vertical curb, shall serve no more than 24 units. Additional off-street parking may be required where lot frontages less than 50 feet result in less than one on-street and two off-street parking spaces for each residence subject to the approval of Public Works. The use of standard vertical curb may be desirable where the greater stormwater capacity is needed.
- d. "B" Street shall be at least a 36-foot roadway within at least a 41-foot access easement with at least a 5-foot public utilities easement. Additional public utilities easements and easement width shall be provided for required sidewalk areas. ~~This width can be decreased at bridges.~~

- e. "A" Street and "C" Street shall not be less than 36-foot roadways within 41-foot access easements with at least 5-foot public utility easements, and without on-street parking, subject to the approval of Public Works. The roadway may be reduced to a 34-foot roadway within a 39-foot access easement provided there is a convenient, two way bicycle path which minimizes the need for a bicycle path on one side of the roadway.

Parking shall be allowed on "A" Street and "C" Street where the road is widened to allow parking.

- f. Divided portion of Fallman Boulevard and "I" Street shall be designed with at least 18-foot lanes in each direction. The applicant may widen all or a portion of these roadways to 30-foot roadways in each direction to provide for two lanes in each direction.
- g. The corner setback requirement for the "U" shaped roads, except for "JJ" Street, shall be designed with the area where no obstructions are allowed (see exhibit) based on the extrapolated distance of 10 feet from curb face instead of the right of way line. The "JJ" Street "U" shaped roadway shall be designed with at least 30-foot minimum curb return radii. The other "U" shaped streets shall be designed with at least 25-foot minimum curb return radii.
- h. The applicant shall eliminate the "S" Street - "A" Street intersection because of its close proximity to "H" Street and it's location on the inside of the "A" Street curve. The applicant may relocate the access to these lots opposite "R" Street, or another intersection subject to the approval of Public Works. The cul-de-sac must be limited to a maximum length of 700-feet. (The attached study by the applicant satisfies this requirement.)
- i. The applicant shall eliminate the northerly "T" Street - "A" Street intersection because of its close proximity to "H" Street and it's location on the inside of the "A" Street curve. The applicant may: relocate the access to those lots opposite "AA" Street, or another intersection; or cul-de-sac "T" Street at "A" Street with an emergency vehicle access through "T" Street to "A" Street. The cul-de-sac must be limited to a maximum length of 700-feet unless emergency access is provided at the east end of "T" Street. (The attached study by the applicant satisfies this requirement.)

j. The applicant shall provide adequate vehicle storage at entry gates and design provisions into the site plan to expand ingress capacity, by installing a third entry gate north or south of the ECCID Canal (FINDING FOR IMPACT #53, MM E.c.)

The present design of "C" Street access to Bixler Road shown in the vicinity of Lot K is unacceptable. This intersection must be redesigned to provide adequate stacking length and enable vehicles mistakenly entering this access to turnaround. The redesign shall be subject to the approval of Public Works, OR, AS AN ALTERNATE,

The applicant shall relocate this Bixler Road access to the north side of the ECCID Canal off of "A" Street near Lot "S". The design shall be subject to the review of Public works and the review and approval of the Zoning Administrator.

However, a temporary secondary access may be allowed at "C" Street based on redesign, subject to the review and approval of Public Works.

k. Provide traffic control signage at the easterly "A" Street - "G" Street intersection (EIR Mitigation Measure RMCir-27) (FINDING FOR IMPACT #56, MM H.c.)

l. Prohibit all single family residential driveway access onto collector or arterial roads that provide project-wide circulation, subject to the approval of Public Works (Mitigation Measure RMCir-29) (FINDING FOR IMPACT #58, MMJ.c.). Single family residential driveway access will be permitted along the south side of "F" Street, provided that the north side is signed for "No Parking".

m. Provide additional detail on the Fallman Boulevard entry feature, subject to Public Works review and approval.

n. Vertical rise garage doors with automatic garage door openers shall be installed where garages are 20-feet or less from the road easement.

o. The applicant shall construct the "B" Street bridge to accommodate potential trail uses within the ECCID Canal.

2) Sight Distance (Private Streets):

a. In accordance with Caltrans standards provide for adequate stopping sight distance at:

- * Village II: "C" Street at "I" Street and at "KKK" Street.
- * Village III: "A" Street at "QQ" Street, at the relocated "T" Street, at "BB" Street, and at "FF" Street; "BB" Street at "DD" Street; and "U" Street at "T" Street.
- * Village IV: "A" Street at the relocated "S" Street, at "O" Street, at "M" Street, at "J" Street, and at "NN" Street.

- b. In accordance with Caltrans standards provide for adequate stopping sight distance along "A" Street and "C" Street for a design speed of 45 miles per hour where feasible, and not less than a 35 mile per hour design speed, subject to the review and approval of Public Works. The CC & Rs shall include specific provisions to maintain the area outside of the road easement, needed to provide this design speed, so that sight distance will not be obstructed.

3) Pedestrian/Bicycle Improvements

- a. The design of community facilities, such as "park and ride" lots, clubhouses or community parks, shall provide for and encourage the use of bicycles. At a minimum this shall include bicycle racks and/or bicycle lockers at the primary gathering points in the project. The number of bicycle racks and/or lockers shall be subject to the review and approval of the Zoning Administrator.
- b. Provide bike paths or lanes with a minimum width of 5-feet on "A" Street, "B" Street, "C" Street, "G" Street, Fallman Boulevard and "I" Street throughout the project. Prohibit parking on these streets to ensure adequate bike lane widths, or provide adequate additional width for on-street parking.
- c. Construct a 10-foot pedestrian/bicycle path within sidewalk easements adjacent to "B" Street from "C" Street to "A" Street; and along "I" Street to provide for adequate bicycle and pedestrian access. Where a 10-foot pedestrian/bicycle path is provided adjacent to "A" Street or "C" Street which are proposed to have a bicycle path or lane, the roadway width may be reduced from a 36-foot road width to a 34-foot road width.
- d. The applicant shall construct 6-foot 6-inch sidewalks on: Fallman Boulevard from Bixler Road to the easterly portion of "A" Street; and "G" Street from the easterly portion of "A" Street to the marina.

- e. Two way bike/pedestrian paths shall have at least a 10-foot paved width with two foot clear zones on each side (FINDING FOR IMPACT #65, MM a.c.).
- f. All sidewalk shall match County standard widths in effect at the time of filing the Final Map.

4) Storm Water (Private Drainage Facilities):

- a. All storm waters entering or originating within the subject property (including the outside slopes of the levee) shall be conveyed, within an adequate storm drainage facility, to an adequate man-made drainage system or to a natural watercourse. The pump station location and design shall be subject to the review of the Public Works Department, and the proposed maintenance entity, such as a homeowners association, subject to the review and approval of the Zoning Administrator.
- b. Stormwater from the lake system in Villages II, III and IV shall be collected and conveyed in a private storm drainage system. Where pumping is required at high tide to discharge stormwater from the leveed area to Dredger Cut or from the outside of the levee to Dredger Cut, the pump system shall have an emergency pumping system subject to the review and approval of the Zoning Administrator, OR, the storm drainage system shall be designed as a passive weir system for gravity flow drainage which will not result in flooding of homes based on the 100-year storm. If a pump system is utilized to discharge stormwater into Dredger Cut, it shall be designed to operate considering anticipated sedimentation of the lake system and an emergency pumping system.

5) Agriculture Access (From Private Roads):

- a. Provide at least a 12-foot private road in a 20' minimum access easement to Lot GG and Lot HH from the southerly portion of Village III and the northerly portion of Village IV (EIR Mitigation Measure RMCIr-32). The access shall be improved as a 12-foot graveled roadway (FINDING FOR IMPACT #61, MMM M.c.). The applicant shall grant rights to the property owner to the east to allow access from Bixler Road for at least a 12-foot minimum width access road through the project site, subject to the approval of Public Works. The access shall be along feasible alignments, outside of wetland areas (e.g., along subdivision streets).

6) Lake Management (Private Facility):

- a. Submit a Lake Management Program prepared by a professional in the field which clearly specifies the following: the design parameters for the lake system; anticipated problems and proposed methods of maintenance. The anticipated problems shall include, but not be limited to, control of undesirable algae and plants; control of high nutrient levels; maintenance of adequate oxygen levels; need for periodic dredging; and potential need for cleaning up roadway contaminants and household contaminants which may drain into the Lake prior to discharging the stormwater into Dredger Cut. Provide a maintenance entity, such as a homeowners association, which includes provisions to assure perpetual maintenance (EIR Mitigation 4.1-7).
- b. The lakes shall incorporate a water circulation system capable of pumping the quantity of flow necessary to sustain water quality and accommodate the 100-year storm based on the proposed lake configuration (FINDING FOR IMPACT #1, MM c.).
- c. Downstream drainage facilities shall be designed to collect and convey the stormwater flow based on the design storm. If the lakes are to function as detention basins with this development, they must be sized in accordance with Title 9 of the Ordinance Code (FINDING FOR IMPACT #84, Mmc.). The lake/detention basin will be maintained by a homeowners association and will not be publicly maintained.
- d. Provide screens on the lake circulation system and provide catch basins for run-off into the marina to screen floating trash from entering the lakes and the Delta, and implement passive "best management practices" such as the labeling of storm drains to reduce dumping (EIR Mitigation Measure 4.1 - 10) (FINDING FOR IMPACT #5, MM5.c.).
- e. Prior to recording Final Maps for each of the Villages II, III and IV, the applicant shall complete a bank scouring and erosion study of impacted segments of Dredger Cut and Kellogg Creek analyzing project impacts resulting from marine traffic and lake circulation. The study will be subject to the review and approval of Public Works. The applicant shall implement ~~mitigation corrective~~ measures before approving the second Final Map for each of the Villages II, III and IV if any significant impacts are identified.

- f. The applicant shall submit the final groundwater monitoring plan for review by a Reclamation District and the review and approval of the Zoning Administrator prior to beginning any construction that require dewatering to commence.

7) **Marina (Private Facility):**

Provide catch basins for run-off to the marina to screen out floating trash (EIR Mitigation Measure 4.1-10).

8) **Emergency Access (Private Roads):**

Provide emergency access points at or near the following points in coordination with the fire district, subject to the review and approval of Public Works. The emergency access points shall be gated and locked unless they are combined with a regular project access. The emergency access roads shall be at least 20-feet wide, capable of supporting loads of at least 20 tons in all weather conditions, and, if gated and locked, the fire district shall be provided a master key (EIR Mitigation Measure RMCir-33).

- a. From Bixler Road to "C" Street near the northwest corner of Village II (EIR Mitigation Measure RMCir-33) (FINDING FOR IMPACT #62, MM O.c), and also near the southwest corner of Village II.

- b. From Bixler Road to "A" Street at:

- * The southwest corner of Village III (EIR Mitigation Measure RMCir-33) (FINDING FOR IMPACT #62, MM O.c.).
- * The northwest corner of Village IV (EIR Mitigation Measure RMCir-33) (FINDING FOR IMPACT #62, MM O.c.).

9) **Maintenance (Private Facilities):**

- a. Applicant shall establish covenants, conditions and restrictions for the development that clarifies the management of all lake improvements, private road, private storm drainage, levees, certain lighting, landscaping and marina facilities within the private portion of the development will be maintained, through a maintenance agreement, by the homeowners within the development via the homeowners association, or another entity, subject to the review of the Zoning Administrator.

- b. Prior to filing the first final map, the applicant shall provide a list of facilities proposed to be maintained by either a public or private entity. This list shall be subject to the review of Public Works.

E. GENERAL REQUIREMENTS:

1) Roads:

- a. Submit a preliminary sketch plan and profile and alignment analysis to Public Works for the following roads, showing the horizontal alignment and analyzing the roadway structural sections to determine the feasibility of salvaging the existing pavement. The analysis of the roadway structural section shall include appropriate cores, deflection tests, R-Value tests, and estimates of anticipated traffic with construction and ultimate development under the County General Plan.
 - * Bixler Road from the project to State Highway 4.
 - * Point of Timber Road from the project to State Highway 4.

The sketch plan shall extend a minimum of 150-feet beyond the limits of the proposed work. If the grade at the project's frontage is unacceptable, the applicant shall level, or remove and replace the pavement, as necessary. The sketch plan shall also show that adequate sight distance will be provided. An exception to allow a 0.75% minimum grade may be allowed subject to the review and approval of Public Works.

- b. Applicant shall provide deed notification to those parcels that abut roads that are to be extended in the future. The applicant shall install signage at the end of the roads to inform prospective property owners that the roads may be extended in the future.
- c. Applicant shall furnish proof that legal access to the property is available from Newport Drive in Discovery Bay to the south boundary of this property.
- d. Submit improvement plans and pay inspection fees and plan review fees prior to filing of the appropriate Final Map.

2) Drainage:

- a. Storm drainage facilities required by the Ordinance Code shall be designed and constructed in compliance with design standards of the Public Works Department.

- b. The applicant shall install within a dedicated drainage easement any portion of the drainage system which conveys run-off from public streets to a natural watercourse or an adequate man-made drainage facility.
- c. All storm water arriving at the outside of the levee system around Villages II, III and IV and the stormwater arriving at, and originating on Village I shall be collected, conveyed and directed in a storm drainage system dedicated to the County. The drainage facilities shall be designed to convey stormwater from the west in accordance with the Ordinance Code (FINDING FOR IMPACT #84, MM c). The applicant shall provide additional drainage facilities (per figure 4.1-4 of the EIR) to direct all existing drainage and irrigation west of Bixler Road through and/or around the project to compensate for the obstruction of flow to surface drainage created by the project and ensure that the area west of Bixler Road is not adversely impacted (FINDING FOR IMPACT #1, MM1.C.2.).

Prior to submitting the first Final Map, the applicant shall submit the proposed drainage plan to convey off-site drainage and irrigation west of Bixler Road through or around the project site along with supporting hydrology data subject to the approval of Public Works (EIR Mitigation Measure 4.1-7) (FINDING FOR IMPACT #1).

- d. Conveying storm waters in an adequate storm drain to an irrigation district facility is acceptable provided: the developer obtains a letter from the irrigation district accepting the storm waters; the irrigation district owns fee title to the drainage facility from the point of discharge to the natural watercourse; and, the drainage facility is shown to be adequate to handle the design storm, plus the district irrigation flows. The analysis shall consider the presence of low spots in the irrigation district canal which may affect the system's capacity. The applicant shall provide substantiation that reasonable backup measures such as a diesel or gas fueled back up pumping system, are in place in case of pump failure and/or power failure. The back up pumps are only required if pumping is necessary to drain the canal flows.

The applicant shall submit written confirmation that the irrigation district will accept the additional stormwater flows from this property based on ultimate development of the watershed.

- e. Storm drainage originating on the property and conveyed in a concentrated manner shall be prevented from draining across the sidewalks and driveways.

- f. Utilize NPDES passive best management practices such as labeling the storm drains for no dumping. (EIR Mitigation Measure 4.1-10)

3) Project Levees (Private Facilities):

- a. The applicant shall provide a plan for maintenance of the levees and identify a maintenance entity, such as a homeowners association, acceptable to the Public Works Department, which includes provisions for perpetual maintenance prior to filing a Final Map in Villages II, III or IV (EIR Mitigation Measure 4.1-7).
- b. Levees shall be elevated to at least elevation 11.9 feet mean sea level with provision for the ability to elevate the levees to at least 12.9 feet mean sea level around Villages II, III and IV and in accordance with FEMA regulations (assuming anticipated subsidence and sea level rise).
- c. The proposed levee system around Villages II, III & IV shall be constructed to FEMA, U.S. Army Corps of Engineers, Zoning Administrator and County standards. The levee system shall be maintained by the homeowner association.
- d. Landscaping of the levees shall be subject to the review of FEMA and the entity which will accept the levee for maintenance, and the review and approval of the Zoning Administrator.
- e. Provide deed notification and CC & Rs for elevation restrictions on applicable lots to prevent degradation or work which may adversely impact the levee system, and provide for raising levees.
- f. The developer shall be aware that the levees protecting a portion of this development are subject to failure if not properly maintained. The developer shall execute a mutually agreeable recordable document with the County which states that the developer (and the owner and the future owners of the property) 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 improvements as a result of levee failure.

4) Floodplain Management:

- a. Finished floors in Village I shall be elevated to at least 10.90 ft. mean sea level. Villages II, III and IV shall be protected by a levee constructed to at least elevation 11.9 ft. mean sea level with the ability to elevate to 12.9 feet mean sea level and

elevated further in accordance with the County Floodplain Management Ordinance. Homeowners shall be advised through a deed notification of the potential sea level rise. (FINDING FOR IMPACT #4, MM4.C.1.).

5) Creek Structure Setback:

- a. Applicant shall create "structure setback lines" over that portion of the site that is within the structure setback area of the watercourses traversing the northerly property line, Dredger Cut along the easterly property line, and any existing natural watercourses through this development. 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.
- b. If sections of roadways fall within the structure setback area as defined by the Ordinance Code, then the applicant shall submit a soils and geotechnical report verifying the stability of the creek bank in the vicinity of the public or private access roads.

6) Sanitation District 19 Requirements:

- a. Applicant shall complete and have fully operational the replacement for well #4 prior to issuance of the first Building Permit.
- b. Annex the project into Sanitation District No. 19 and execute a master service agreement calling for the applicant to provide or pay for its fair share of the expansion of facilities necessary for the additional wastewater and water facilities. (FINDING FOR IMPACT #83, MM.c.). Applicant shall comply with the requirements of Sanitation District No. 19 Ordinance and the Central Contra Costa Sanitary District specifications prior to filing the Final Map.
- c. Sewage treatment and disposal for the project shall be provided by Contra Costa County Sanitation District No. 19. All sanitary sewer facilities serving the project shall be connected to the District's collection system. The applicant will be required to obtain a Sanitation District permit to discharge sewage into the sewage system. The applicant shall be required to pay for the fair share of any studies required to accommodate this project.
- d. Domestic water supply shall be provided by Contra Costa County Sanitation District 19. All domestic water facilities serving the property shall be connected to the District's distribution system. The applicant will be required to obtain a Contra Costa County

Sanitation District 19 permit to connect to their existing well water system and comply with any District requirements relative to its fair share obligation to provide increased water supply.

- e. The applicant shall participate in Contra Costa County's Sanitation District #19 adoption and implementation of a water supply monitoring and management program (FINDING FOR CUMULATIVE IMPACTS ON WATER SUPPLY AND QUALITY, MM.c.).

7) Reimbursement:

- a. Certain required road improvements may be eligible for credit or reimbursement against Area of Benefit fees. The developer shall contact the Public Works Department, Transportation Engineering Division, to verify the extent of any credit or reimbursement for which the applicant might be eligible. Prior to constructing any public improvements, or filing of any Final Map, the applicant shall execute a credit/reimbursement agreement with the County. No credit or reimbursement will be available for any improvements installed prior to execution of the credit/reimbursement agreement. Credit will only be given for monies that are programmed within the next three fiscal years. Any credit or reimbursement shall be based on the cost estimates included in the Area of Benefit Development Program Report only in proportion to each specific Area of Benefit improvement which the applicant is installing.
- b. The applicant is also eligible for reimbursement from adjacent and nearby future developments as outlined in E.7)c. below. If the applicant requests reimbursement from the County from future development, the applicant shall be required to pay the County for administrative costs associated with these reimbursement agreements. The applicant shall pay the Public Works Department, Engineering Services Division, at least \$1,000 or as necessary to cover expenses as they are incurred, whichever is greater, for administration costs for each reimbursement agreement.
- c. The applicant shall be eligible for the following reimbursement agreements:
 - * Should applicant install the State Highway 4/Bixler Road signalization and channelization improvements. The costs, above the applicant's 50% obligation towards the traffic signal, are subject to reimbursement. These funds may be deposited by property owners at the intersection.

- * Installation of any frontage improvements along the frontage of the Evan's or other properties fronting on public roads.
- * Installation of off-site road improvements not covered by an area of benefit, but covered by the Project Traffic Mitigation Fee paid by the applicant and collected by the County, may be credited toward the applicant's Project Traffic Mitigation Fee, subject to the approval of Public Works.

d. The County will also cooperate with the applicant to "call" certain Deferred Improvement Agreements (DIAs) which may exist on surrounding properties to facilitate and expedite the construction of facilities whose installation is now justified.

8) Miscellaneous:

- a. Prior to issuance of Building Permits, with the exception of model homes, file the Final Map for Subdivision 7686.
- b. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.
- c. An encroachment permit for construction within the State right of way shall be obtained from Caltrans through the Public Works Department, Engineering Services Division.
- d. Obtain an encroachment permit from the Applicant and Permit Center for construction of driveways, or other improvements within the right of way of public roads which are to be improved with minor improvements not requiring an improvement plan.
- e. Applicant shall comply with the County TDM Ordinance and the Growth Management Program regulations regarding transportation. TDM measures that could be used by the project applicant include the provision of maps showing available transit routes, and providing information to prospective home buyers on ride sharing and vanpool services.

- f. All public and private pedestrian facilities and access ways shall be designed in accordance with Title 24 (Handicap access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, trails, driveway depressions, as well as handicap ramps. Provide a minimum clear width of 3.5 feet for all sidewalks. If a pole, utility facility, street sign or any other obstruction is located in a walkway, such that there is not a 3.5 foot clear width, then the walkway shall be widened as necessary. A note reflecting this condition shall appear on the typical section on the improvement plan.
- g. Applicant shall furnish proof of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of all temporary or permanent, road, drainage and marina improvements.
- h. Prior to filing of the first Final Map, the applicant shall pay the County for all Public Works and Community Development staff time for work reviewing and commenting on this project through the planning and approval process which has not been covered by the application fees previously paid by the developer for this purpose.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL, ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance (Ordinance No. 90-118) as they pertain to future construction of any structures on this property.
- B. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (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 or Central Valley - Region V).
- C. Applicant shall comply with the requirements of Sanitation District No. 19 and Delta-Diablo Sanitary District specifications and requirements.

- D. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- E. 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.
- F. The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index [CPI] adjustments). The annual fee is subject to modification by the Board of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting. The applicant is advised that the election process takes from 3 to 4 months and must be completed prior to recording the Final or Parcel Map. An additional tax may be required for marine patrol.
- G. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- H. Comply with the ordinance requirements of the Health Services Department, Environmental Health Division and Hazardous Materials Division.
- I. Comply with the ordinance requirements of the East Diablo Fire Protection District.

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